

law may be kept as it was in Bajee Rao's time, till there shall be full time to gather good opinions as to the Hindoo law; the present practice [*i.e.* the prohibition of posthumous adoptions by widows] seems most consistent with reason." Appendix, No. 1.

37. Again, Mr. Warden, in describing (Q. 6060) the utility and the benevolence of the course followed by Mr. Elphinstone in circulating to all subordinate officers and others inquiries regarding the usages and laws of the country, omitted all mention of the replies on the subject of adoption. I will briefly notice them. The Poona Collector stated, "The sanction of Government was always indispensable to render adopted children the legal inheritors of their adoptive parents." The political agent in Khandeish replied, that "the sanction of Government was required for the adoption of children when any property was pending;" and the Collector of Nuggur (Captain, afterwards Sir Henry Pottinger), reported the sanction of Government to have been always necessary, not only to adoptions, but also to successions, "where the persons concerned were of importance, such as jageerdars, inamdars, zemindars, or great sowcars." These, and opinions from all other quarters in which it was possible to obtain information of value were, according to Mr. Elphinstone's instructions, gathered and embodied in a summary of "the law and custom of Hindoo castes within the Deccan provinces subject to the Presidency of Bombay." This is the title of the work which, according (Q. 6060) to Mr. Warden, "has no more dignified appellation in the country than 'Steele's Book.'" It was in 1826, by order of Mr. Elphinstone's Government, "circulated for a certain time as a book of information, though not of authority," to be ultimately improved "by the decision of all doubtful questions, the removal of all glaring blemishes, and the filling up of all great deficiencies, until it forms a complete code of laws, sanctioned by Government, and accessible in their vernacular language to all classes of its subjects." In this work will be found the following distinct definition of the practice in regard to adoptions, as conveying a title to inherit grants of public revenue:—

"Lands given in inam, on failure of heirs revert to the grantor, whether government or any individual jagheerदार" (page 235). "Widows may also adopt, with the consent of the representatives of the grantors of the inam" (page 185). "The consent of the sirkar (government) is necessary to adoptions by wuttundars" (page 185). "Inamdars, exclusive of dancing-girls, in making adoptions, must obtain the consent of the representatives of the grantors, or, if the inam land were granted by Government, of the sirkar. Nuzzurs were paid to the native government on occasions of granting permission to adopt" (page 185).

38. On this point, Mr. Warden's opinions have fluctuated strangely; for, as a member of Government, he recorded in 1854 minutes wholly inconsistent with statements previously made by him, and equally so with those since made to the Committee. On one occasion, Mr. Warden minuted, "In the case of inams, it is not necessary to the validity of an adoption that it be sanctioned;" on another, he declared that to decline to allow sons to whose adoption Government had refused recognition to inherit inams, would be at variance with "the principles on which we settled the Deccan," and "a violation of the terms conceded to the people of the Deccan at the conquest;" and on several other occasions he recorded similar opinions.

39. Yet a few years before (in 1845), Mr. Warden had, as agent for sirdars, in reply to a Government reference, specially drawn their attention to an order (below transcribed) of the Deccan Commissioner regarding an inam village, and had told them that he knew it to be but one of several which he recollected to have been issued, but could not just then trace:—

"The lady has adopted a son, but the whole of the above grants are only to be held by the widow for life, and at her death to lapse to Government, the adopted son having no claim to inheritance of this description."

40. Thus Mr. Warden has asserted,—

<i>As Agent for Sirdars, in 1845,</i>	<i>As Member of Government, in 1854,</i>	<i>Before the House of Com- mons Committee in 1858,</i>
"An adopted son can have no claim to inherit an inam."	"In the case of inams, it is not necessary to the validity of an adoption that it be sanctioned."	"An inamdar under the Peshwa's government had only to ask permission to adopt a son to succeed him."

41. For further information regarding the former practice with regard to adoptions by inamdars, I solicit a perusal of the memorandum placed by me before Government on the 26th May 1855, accompanied by statements, prepared from the State Records of the Peshwa's Government, containing a number of selected cases, forming, however, but a small fraction of those on record. One of these statements shows not merely that transfers of inams by gift or sale acquired validity only when sanctioned by Government, but proves the control of the Government to have been so fully exercised as to have extended to the transfer of a small portion of inam land by the powerful minister, Nana Furnavees, and to another by the Chief of Vinchoor, one of the Peshwa's greatest feudatories. Another statement contains instances in which the Peshwa sanctioned adoptions on the payment of a nuzzur or relief, and others in which adoptions were disallowed, and inams resumed by him, on the specifically recorded grounds of such adoptions not having been made with the sanction of the Government. I would likewise solicit a reference to No. XXVIII. of the published selections from the records of the Bombay Government, which contains valuable

Appendix, No. 1. evidence recorded a few years earlier by the Inam Commissioner, Mr. Hart, who stated : —“The records of the Hindoo Government, to which ours has succeeded, show that the sovereign carried his interference with adoptions so far as not only to withhold his sanction from adoptions which he was not disposed to recognise, but to forbid the very ceremony, and even to order the repudiation of a child unauthorisedly adopted ;” and, in the same selection, it is shown that reference made in 1845 to all then existing Native States, proved “that, as a general rule, among the existing Governments of India, no adoption is looked on as valid, unless previously sanctioned by the Sirkar, and that the same restriction exists with regard to transfer of inams by gift or sale.”

42. Mr. Warden informed the Committee that by the law (Act XI.) enacted in 1852, “females were altogether deprived of their inheritance” (Q. 6069); that by the native usages, they had antecedently a right to succession (Q. 6070); and that “the natives, our predecessors, allowed female succession to inams without question, as a matter of right” (Q. 6247). These statements are really extraordinary. Had the question been a doubtful one,—had the point during previous years been mooted and left undecided,—had the practice of the Native Government been subsequently in any way questioned or departed from,—Mr. Warden’s replies might have admitted of some explanation; but as regards female succession, how does the case really stand? Just as it has stood from time immemorial, from which period, inheritance of land by a Hindoo female has never been heard of.

43. The State Records of the Peshwa’s Government, which are forthcoming, and very complete, from A. D. 1750, do not contain a single instance in which a Hindoo female inherited an inam. Indeed, it could not be otherwise, when the very deed of grant expressly forbade it. An inam was always granted to sons and grandsons, and their posterity, and on failure of male heirs, a family became, for all purposes of inheriting land, extinct, and was so described in the State Records, which contain the registry of sunnuds to this effect.

44. With regard to widows, the case was different; they were allowed to hold, but during life only. Their right to do so has been upheld by the British Government, and the Inam Act expressly provides (Provision 1 of Rule 9, of Schedule B) that no inam shall be held to have lapsed during the life-time of the widow of the last holder. Mr. Warden’s “female Patel” (Q. 6071) may have been a widow; otherwise, supposing her to have been a Hindoo, it is certain that, if she really ever held at all, she must have done so unauthorisedly, and contrary to universal usage.

45. The Mahomedan practice differed. Mahomedan grants were specifically made to sons and daughters, and to their descendants. This practice has been respected, equally with the Hindoo one, by the British Government.

46. On the 16th October 1854, I inquired whether throughout the Presidency it had been the practice since the introduction of British rule to record or notice the existence of females, when adjudicating claims to inams or other property held from the State. I found that in not a single collectorate had such a practice ever been heard of.

47. I next ascertained the practice in Sattara, from 1819, when the State was created by the British Government, to 1848, when it lapsed, and found that female inheritance had been there equally unheard of.

48. Later still, I ascertained that no other practice had ever obtained under the Baroda Government.

49. Four years ago, when commencing these inquiries, I obtained the attendance of two shastrees and one sirdar, all Hindoos, and all above seventy years of age, who were able to describe, from personal knowledge, the practice of the Peshwa’s Government. Each stated on oath that he could neither instance nor recollect having ever heard of a single case of succession by a Hindoo female to inams or other grants held from the State.

50. I have hitherto stated only the practice as affecting property (inam, &c.) granted by the State. But in this matter the same rule applies, and has always applied, to property generally; and not only has this been ruled by the highest court of judicature (the Sudder Adawlut), but the judge of that court by whom, on the 16th February 1849, the judgment (below transcribed) was pronounced,* was Mr. Warden himself:—

“Appellant pleads that the zillah judge’s decree is opposed to the shastru, in being founded on the principle that where a division of property takes place, an instrument, stating the share of each sharer, is invariably passed, and that, in fact, no division of property can be said to have taken place unless such document is passed. The respondent answers that even if such a document exists, the real property and religious perquisites, the proprietary right in which forms the subject in dispute in this case, cannot descend to representatives of a female of a family; and that, failing a male heir, the alienated share reverts to the family to which it originally belonged; and, therefore, admitting the separation, on the proof of which the reversal of the judge’s decree is sought, his decree will still be in conformity to the shastru, seeing that appellant is only alive to his family in right of his (appellant’s) mother. If the statement of respondent be correct, it will not be necessary to go into the evidence, which the appellant

appellant urges as sufficient, and the judge considered insufficient, proof of a separation without a formal deed. Appellant objects to the manner in which respondent meets the appeal, as not being one of the modes in which he urged his original claim; but he claimed the property of his ancestors, which he said had never been alienated; and as the precise question that the court has to decide is, whether the decree of the judge is or is not opposed to the shastru, it appears to be bound to determine this very important point: and a question having been put to the shastree of the court, he says that the answer of the respondent has the sanction of the law. The decree of the zillah judge must, therefore, be deemed conformable to the shastru, and it is accordingly affirmed, with costs on appellant."

The Nature of an Inam.

51. Mr. Warden described an inam as "a grant of land in fee simple." (Q. 6137.) So far from correct is this statement, that of the tens of thousands of genuine inam sunnuds granted by Hindoo sovereigns which are in existence, and the registries of which are to be found at length in the Peshwa's State Records, there are, probably, not half a dozen which do not specifically define the grant as one made to the grantee and to his heirs male, and the same records clearly prove that on default of male issue the inam reverted to the Government.*

52. Mr. Warden informed (Q. 6075) the Committee that "in the title deeds to an inam, language is exhausted, in order to express that all proprietary right is thereby transferred from the Government to the inamdar." The following is from a minute recorded on the 16th January 1823, by Sir Thomas Munro, whose character for justice and generosity was a sufficient guarantee. Mr. Warden elsewhere (Q. 6075) stated to the Committee, that under his administration all due respect would be shown to the rights of the natives of India. Sir Thomas Munro recorded his minute after he had effected the reduction and settlement of the Southern Maratha country, the district in which Mr. Warden considers the Inam Commissioner's inquiries to have been specially mischievous and oppressive:—

"In this country, under the native governments, all grants whatever are resumable at pleasure; official grants are permanent while the office continues, but not always in the same family; grants for religious and charitable purposes, to individuals or bodies of men, though often granted for ever, or while the sun and moon endure, were frequently resumed at short intervals. Grants of jagheers or inam lands from favour or affection, or as rewards for services, were scarcely ever perpetual. It was rare that any term was specified, and never one or more lives; but it made usually little difference whether the grant was for no particular period or perpetual. The (Altumgha) perpetual grant was as liable to resumption as any common grant containing no specification of time; it was resumed because it was too large, or because the reigning sovereign disliked the adherents of his predecessors, and wished to reward his own at their expense, and for various other causes. There was no rule for the continuance of grants but his pleasure; they might be resumed in two or three years, or they might be continued during two, three, or more lives; but when they escaped so long, it was never without a revision and renewal. I believe that the term of their lives is a longer period than grants for services were generally permitted by the native princes to run."

53. This minute was specially brought to Mr. Warden's notice just before he left India, in a letter of mine, which he took great pains and wrote at length (though unsuccessfully) to prove incorrect, as it exposed the erroneousness of lists prepared by him as agent for Deccan Sirdars, on the authority of which the continuance of the Deccan surinjams had been ordered by the Home Government. On that occasion, too, I explained how completely Mr. Warden's assertions were at variance with the evidence afforded by the Peshwa's State Records.

Mr. Warden's connexion with past Educational Proceedings.

54. With regard to education in Bombay, the acquirements of the native students, and the state of the educational establishments, Mr. Warden told (Q. 6264) the Committee, "I am aware that there was formerly a good deal of cramming." Yet these are the very institutions described in a public address written by Mr. Warden, as President of the Board of Education, and read on the 2d April 1853, as sending "forth into the world, to take part in the administration of India, a number of native youths who need not fear to challenge the Haileybury boys to a contest in any branch of education except the study of Greek and Latin, which has never been introduced here."

Qualifications of Public Servants in the Native Languages.

55. On the subject of the native languages, Mr. Warden's evidence is equally open to correction, the simplest and best method of affording which is the use of parallel columns:

There is the Hindoostanee, which is the political and colloquial language. (Q. 6061-82.)

1. What is meant by this it is hard to say, but certain is it, that out of the few large towns and camps, Hindoostanee is throughout the Bombay Presidency an unknown tongue.

When

2. Had

* See also the evidence to this effect collected from every quarter, described in paragraph 41.

† See page 21 of No. XXXI. of the published "Selections from the Records of Government."

Appendix, No. 1.

When I first went to India, I was stationed at Dharwar, on the frontier between the Presidencies of Madras and Bombay, and whenever I went to the kutcheree I was liable to have persons appear before me, speaking, one Canarese, a second Murathee, and a third Telingee. This difficulty was readily overcome by the native officials, who, as they read either of these languages, turned it so rapidly into Hindoostanee that it was difficult to believe this last language was not before them. (Q. 6083.)

In Her Majesty's Supreme Court, where justice is administered in English, the business is admirably done. There are attached to that court English and native interpreters in each language. The latter, watched by the former, is for the most part employed; but the instant a difficulty arises, the Englishman, who has a critical knowledge of the language of the witness, steps in, and satisfies the mind of the judge as to the correct interpretation of the expressions used. (Q. 6083.)

The native's opinion of the Sudder Court is the very opposite. It is considered as "unstable as water," and this because (receiving, as it does, appeals from all parts of the country) justice is there every day administered to persons speaking three or four different languages (all foreign to the judges), without the intervention of English. (Q. 6083.)

I think that the gentlemen who practise at the bar of Her Majesty's Supreme Court, and who know the language of the country, are the most fit persons to sit on the bench in India. It was usual for them to plead at the bar of the Sudder Court. (Q. 6087.)

Were English made the language of all courts of justice, and were interpreters employed accordingly, there would be those capable of detecting a false translation by the interpreter, as there would be on both sides pleaders acquainted with both languages watching the interpreters. (Q. 6104.)

There is a section of the Bombay regulations which makes it penal for a sheristedar to abuse his influence, which is a presumption that he has some influence. (Q. 6110.)

2. Had Mr. Warden added that, having no knowledge whatever of any one of the languages thus rapidly turned over, he was unable to know whether the Hindoostanee rendering bore any reference to the original speech, he would have described fairly to the Committee an operation which sufficiently accounts for any amount of misapprehension and consequent error on the part of Mr. Warden, or any officer similarly circumstanced.

3. On the civil side of the Supreme Court there is not a single European now employed as interpreter—all are natives; and for some time there was not a single European interpreter employed on either side of the Court, in which under no circumstances whatever does the practice described by Mr. Warden prevail.

The following opinion of an intelligent and well-educated native, employed in the Supreme Court, I believe to be correct: "The European interpreter is more liable to commit blunders; first, in understanding the native testimony, and secondly, in translating the English questions into the vernacular. He is unnatural in his accents, mechanical in his renderings, more pedantic than idiomatic, thinking, as it were, of his grammar and dictionary when speaking, and therefore he often goes far beyond the poor understanding of the native witness."

4. In 1853, when Mr. Warden sat on the Sudder Bench, the removal by Government of his two colleagues was connected with a painfully notorious correspondence, in which he described the Sudder Court as "unstable as water" (the same set phrase now again made use of), but attributed the defect to causes irreconcilable with this statement to the Committee.

5. Inquiry would prove, beyond doubt, that of these gentlemen not one has ever known a word of any language save Hindoostanee, which for all judicial purposes is useless; and that scarcely one has ever had any other than a most superficial colloquial knowledge even of Hindoostanee, or rather the corrupt *lingua franca* which in the Bombay Presidency bears that name.

6. The pleaders now can watch, and always have watched, the sheristedars, in precisely the same manner.

7. There is no such section, and there never has been any such section in existence. Sheristedars have always been, in common with all native officers on the establishment, liable to punishment for "all acts of abuse, or misapplication of authority," (not "influence.") or "neglect of duty," under Section XXXVI. of Regulation II. of A.D. 1827, and under no other regulation or law.

Where

8. Not

Where the Queen's system of justice is adopted, whether a judge is acute or stupid he is, at all events, always known to be exercising his own judgment. (Q. 6111.)

The people feel satisfied that the case is brought home to the Queen's judge, and that he gives an independent opinion; but the case does not come home in the same way to the Company's judge. (Q. 6113.)

One does not hear the conduct of the Company's judges impugned, or of any other fault being found with them, except that they are liable to be misled by other people who know the language. (Q. 6116.)

Were two interpreters appointed to each mofussil court on the salaries now allowed to the sheristedar and his deputy, the sheristedar would, under this system, disappear. (Q. 6124.)

I think that, with competent English officers as judges, a sheristedar has influence. I think that the mere tone of voice, or the manner in which he reads a paper, has an effect. They are extremely quick in discovering the bias of a man's mind. (Q. 6272-73-74.)

56. I have now arrived at the close of a letter in which I have endeavoured, not to demonstrate the perfection of the measures adopted since the fall of the Peshwa for the adjudication of claims to hold land exempt from assessment, but to correct the many errors and omissions in Mr. Warden's statements regarding the Inam Commission.

57. Government will, I trust, see fit to secure for this letter publicity equal to that which Mr. Warden's evidence has obtained.

I have, &c.
(signed) T. A. Cowper, Captain,
Revenue Commissioner for Alienations.

MINUTE by the Right Honourable the Governor, dated 17th December 1858.

I THINK that Captain Cowper should either incorporate the substance of his letters of the 20th ultimo and 7th instant (Nos. 3646 and 3834) with his previous letter (No. 3310 of 1858)* on the subject of Mr. Warden's evidence before the Select Committee of the House of Commons on Colonisation and Settlement (India), or he should append the information contained in these separate letters to the original one in the shape of notes.

It appears to me that the letter, with these additions, will contain a very complete vindication of the objects of the Inam Commission, and of the Act of the Legislature (No. XI. of 1852), which have been so incorrectly described by Mr. Warden.

Captain Cowper's letter will, of course, be sent to the Secretary of State, and to the Government of India, and a sufficient number of copies should be printed and sent home to allow of a copy being sent to every member of the Select Committee before which Mr. Warden's evidence was taken, if Lord Stanley should think fit to distribute them.

As this evidence has been published in the newspapers in this country, and as it is certainly calculated to do great mischief, impugning, as it does, the honesty and justice of the Legislature, and of the Executive Government, I think it is extremely desirable that the contradiction should also be read by the public. In all countries, accusations of this kind against the Government are more eagerly read and more readily believed than they ought to be, and it is only reasonable to suppose that, in a country where the rulers are foreigners, aliens in blood, language, and religion, where insurrection is still smouldering in many quarters, and rebels in others are actually in arms against their foreign rulers, they will be greedily laid hold of as a justification of rebellion, and as a means of keeping alive those passions and animosities which it is our first object to allay and to quench. If the publication of Captain Cowper's letter produce no other effect, it may, at least, undeceive some of our own countrymen, who, under the influence of a misconception of the bearings of

* This was subsequently done.

Appendix, No. 1. — of the question, and from a generous sympathy with the supposed victims of a grasping and dishonest policy, are doing their utmost, and, it may be feared, with too much success, to widen the breach between the people of this country and the Government. If this view is concurred in by the Board, I think a copy of the letter should be placed in the editor's room.

17 December 1858.

(signed) *Elphinstone.*

MINUTE by the Honourable Mr. *Malet*, dated 23d December 1858.

I concur.

23 December 1858.

(signed) *A. Malet.*

MINUTE by the Honourable Mr. *Reeves*, dated 20th December 1858.

I concur in these views.

20 December 1858.

(signed) *H. W. Reeves.*

Appendix, No. 2.

Appendix, No. 2.

From Major *G. Wingate* to the Secretary of the Colonization and Settlement (of *India*)
Committee of the House of Commons.

Sir,

CAPTAIN COWPER, the Revenue Commissioner for Alienations in the Bombay Presidency, has, in a report to the government of Bombay, dated the 22d October 1858, on the subject of the Evidence given last Session by Mr. John Warden, before the Colonization and Settlement Committee, mentioned me (*vide* p. 23 and para. 21, of Captain Cowper's printed report,) as possibly being the officer referred to by Mr. Warden, when stating in his evidence, that, "After what has been said, it will not surprise anyone to hear, that on a proposal to extend this Enam Commission Act, from the patient and submissive inhabitants of the Deccan to the more warlike and independent people of Guzerat, the officer conducting the survey in this province declared his opinion that the measure would produce a rebellion."

As Captain Cowper's report, from which this quotation is taken, has been laid before the Colonization and Settlement Committee, and as the revenue survey operations in Guzerat were prosecuted under my general supervision and control, as Revenue Survey Commissioner for the Bombay Presidency, until I left India in 1853, I am desirous of stating, for the information of the Committee, that I never expressed or entertained an opinion to the above effect. Shortly before leaving India, I strongly advocated the policy of subjecting the Enam lands of Guzerat to a partial assessment, on the principle of a compromise, with a view to confirming the titles of such lands, without requiring proof of their validity on the part of the enamdars; and, in submitting for the consideration of the government of Bombay, a plan for effecting this object in the course of the revenue survey operations, I referred to the possibility of discontent being thereby excited among the people, in the following terms:—"As to any discontent or disturbance arising from taxing the alienated lands (of Guzerat) in the manner proposed, I do not entertain the slightest apprehension on the subject."

I entertain a hope that the Committee will permit this letter to be recorded in their proceedings, along with Captain Cowper's report, to obviate risk of misconception through his allusion to me, as being possibly the officer referred to by Mr. John Warden in his Evidence.

I have, &c.

(signed) *G. Wingate*, Major,
Late Revenue Survey Commissioner for the
Bombay Presidency.

Crofton House, near Fareham, Hants,
1 March, 1859.

Appendix, No. 3.

Appendix, No. 3.

To *William Ewart, Esq., M.P.*, Chairman of the Select Committee of the House of Commons on Colonization and Settlement in *India*.

Sir,

10, Wilton-street, Belgrave-square, 4 March 1859.

I YESTERDAY received your permission to address you in vindication of the evidence I had the honour to give last Session, from the imputations which Captain Cowper has cast upon it; and, in compliance with your desire, I will make my statement as short as possible.

The tone of Captain Cowper's paper suggests that I must be at enmity with the Enam Commissioners; but I have no such feeling, and on my first examination I requested I might not be required to mention names; I came before you to discuss principles, not persons, and it is quite beneath me to allow public discussion on important questions to degenerate into personalities. My only object was to place before the Committee, with accuracy and impartiality, the premises from which their conclusions are to be drawn, as to whether, on considerations of political expediency as well as of intrinsic justice, we are to hand down to our posterity the aristocracy and middle classes of India in the state in which we found them, or whether, by a gradual but certain process, we shall grind them down to the level of those who cultivate the soil.

Captain Cowper has written his paper surrounded by the records of the Mahratta and British Governments. From the time I left India I ceased to read Indian records, and have not even inquired the result of discussions in which I "took a prominent part," and I came before the Committee, at short notice and unsought by me, to speak from memory of events which happened 40 years ago; and yet, I think, I can now go to book and prove, by reference to authorities, that I understated the case against the Enam Commission.

I will first refer to the main points at issue between Captain Cowper and myself (*viz.*, whether a law of prescription and a right of adoption did exist in the Deccan previous to the Enam Commission?) before I advert to those of his statements which are personal to myself. There seems to have been a misunderstanding of a portion of my former evidence on cross-examination with regard to the first point: the law of prescription. I have been mistakenly supposed to admit that this law was not introduced into the Deccan. I will explain how I was misunderstood on this point.

In Answer 6066, I told the Committee that "in the Peishwa's country some modifications in the general system of laws were made, the most important of which, as affecting the rights of the people, was the provision by which it was enacted that claims against the Government, on account of enams, should not be cognisable in the courts of justice."

This answer was strictly accurate; but in answer to a question of Mr. Willoughby, as to whether Mr. Elphinstone himself excluded the Deccan from "the code of 1827," I said, "Yes"; and in answer to the Question 7468, as to whether the law of prescription was ever introduced into the Deccan, I answered, "No; what I say is that, when they came to legislate for the Deccan, they should have extended to the Deccan the laws of prescription which had been given to Guzerat." There is an apparent contradiction here in favour of the Enam Act; but it is so notorious that "the code" itself was introduced into the Deccan on the 1st August 1827 (when Mr. Elphinstone was still in India), "with certain modifications," that I understood Mr. Willoughby to allude, as I have no doubt he did allude, not to "the code" bodily, but to that modification of it to which I had drawn attention, *viz.*, that "claims against Government on account of enams should not be cognisable by the civil courts": the law of prescription was introduced into the Deccan, and, to the best of my recollection, even before the promulgation of the code as law, it was sent to the Deccan that the civil officers might be guided by its spirit; but the power of enforcing the law of prescription, as regarded rent-free tenures, through the instrumentality of the civil courts, was withheld.

The Elphinstone Code was promulgated to the whole Presidency, with a preamble that it is essential to good government that the rules by which the administration of the country is conducted should be publicly known; that all regulations affecting in any respect the rights, persons, or property of its subjects, should be formed into a regular code; and that such regulations should be of paramount authority on the points which they determine to all other acts, orders, or measures of Government. Of this code, the Regulation which affects the "rights, persons, and property of the subjects" is Regulation XVII., which contains the law of prescription, the preamble of which announces that it is expedient, with a view to the protection of the rights of the State and individuals, that the titles held to confer a right, except in times of exigency, to entire or partial exemption from the payment of revenue, should be declared. By this regulation, whenever land has been enjoyed exempt

Appendix, No. 3. from the payment of public revenue for more than 60 years (which 60 years were reduced to 30 years by Regulation VI. of A.D. 1833) in succession by any person, his heirs, or others deriving right from him, such enjoyment shall be considered a sufficient title to exemption.

This, then, is the general law of prescription of the Elphinstone Code, promulgated to the whole Presidency of Bombay by Regulations translated into the native language, in order that "the rules by which the administration of the country is conducted should be publicly known." The enactments of this code are often based on the laws of the mother country, and it is accordingly enacted, in the 26th section of the IV. Regulation, that the rule to be observed in the trial of suits shall be, 1st, Acts of Parliament and regulations of Government applicable to the case. In this instance, if I am correctly informed, the law of prescription in England and by the Elphinstone Code are identical, the 9 of Geo. 3, c. 16, limiting the right of the Crown to sue, to 60 years after the right accrues; so that, even on the principle which has been urged before the Committee, of *nullum tempus occurrit Regi*, the Enam Act of 1852 was an infraction of the law of prescription. The Government, at the conquest of the country, exercising the *nullum tempus* privilege, had published to the people, in the most solemn manner, that 60 years and (afterwards) 30 years' possession should constitute a prescriptive title; and therefore it only remains to show that the prescriptive law was not modified in respect to the provinces governed by the Peishwa. The code was extended to that province by a Regulation, the preamble of which announces that it has been judged expedient to bring the territories in the Deccan and Candeish under the revised regulations, being the first XXVI. Regulation of 1827 (including, therefore, Regulation XVII., the law of prescription), with certain modifications, the modification of Regulation XVII. of 1827 having reference to its 49th section, which enacts that the holder of land shall be at liberty to institute an original suit in the Zillah Court against the Collector. With this exception, Regulation XVII. of 1827 was promulgated in the Deccan as law, and my answers to Mr. Willoughby are therefore an example of my having understated the case against the Act XI. of 1852, by which the proceedings of the Enam Commission are governed.

On the right of prescription and the privilege of succession by adoption, the continued existence of the enamdars depends. I have shown that the right of prescription has been invaded in regard to the privilege of succession by adoption. I told the Committee that this privilege of succession by adoption had been taken away in breach of a promise of Mr. Elphinstone. Here again, I understated the case against the Enam Commission; as I should have said, that this privilege was taken away in breach of a promise made by Mr. Elphinstone, confirmed by Sir John Malcolm, a second time promulgated by Lord Clare, and ratified by the Court of Directors.

Since I had the honour of appearing before the Committee, I have seen, for the first time, a volume entitled, "Selections from the Records of the Bombay Government, No. 28, New Series;" and have had an opportunity of referring to a work entitled, "The Government of India," by Sir John Malcolm, from which I proceed to lay before the Committee the following information:

In December 1824, the Collector of Poonah submitted two petitions from two women, claiming the privilege of adopting a son; and as the continuance of some enam grants was dependent upon the permission granted to either, the decision of Mr. Chaplin, the Commissioner in the Deccan, on the question, was asked. The correspondence between these two officers, on this case, was submitted for the consideration and orders of Mr. Elphinstone's government, who answered, that enam lands, being private property, it is desirable that the owner should be enabled to dispose of them as he pleases; but as there might be danger in hastily altering an established practice, as to disposing of enams by will, and as to adoption in such cases by widows, the Commissioner was requested to ascertain the established practice throughout the country, both before and during the reign of the late Peishwa; the result of which inquiry was, a decision by Mr. Elphinstone's government, that it should be admitted "as a general rule in the Deccan, that children, adopted with such forms and sanctions as may have been usual, should succeed to enam lands, or whatever should be considered private property." In two years and a half from this time, Mr. Elphinstone left India; and I learn from a minute by his successor, Sir John Malcolm, that "this question of adoption by enamdars came again under discussion, in consequence" (says Sir John Malcolm) "of two widows of a deceased enamdar in the northern concan having agreed about the adoption, by one of them, of a boy, who at once entered upon the enjoyment of the enam; a question arose as to the validity of an enam, by an adoption to which the sanction of Government had not been previously obtained." In the instance alluded to, Sir John Malcolm goes on: "The adoption had not received such sanction, and the Collector therefore thought the enam escheated to the Government. Permission however had never been refused, having never been applied for; and I was of a different opinion from the Collector, in whose view of the case one of my colleagues, Mr. Warden,* coincided. The result of inquiries that were instituted confirmed the conclusions I had drawn from my observations in different parts of India; which were, that though adoption was, as regarded surinjams and jaghier lands, vitiated by the want

* Francis Warden, esq., who was a member of Sir John Malcolm's government.

"of permission from the ruling authority, the same consequences did not follow in respect to enams, which are often subject to nuzzur, but on discharge of specific obligations stated in the sunnud or established by long usage, are confirmed as property in inheritance; and that when an enam is so held, the right exists to transfer by adoption, according to the Hindoo law. Upon this principle the right of inheritance to the enam was not disputed, and the adopted son continued in possession. It may be added, that there is no right which, among Hindoos, is held more sacred than that of adoption. It is a sin not to adopt; and among other obligations of duty, when there is no direct heir, the adopted son lights the funeral pile of his deceased father."

It is impossible to overstate the importance of this decision on the question before me; it is the result of inquiries instituted on the spot, only 13 years after the conquest of the Deccan, and confirms the conclusion at which Mr. Elphinstone had arrived five years before, as well as the conclusions which Sir John Malcolm said he himself had drawn from observations in different parts of India.

The following year, however, I find Lord Clare (Sir John Malcolm's successor), recording that, "from several papers which had come before him, it appeared that the collectors did not exactly know in what case Government allowed adoptions; misconceptions having again arisen from discussions respecting a tax on succession;" and once more to remove all doubt, his Lordship promulgated, word for word, the decision of Mr. Elphinstone's government; once more publicly pledging the faith of the British Government that, "children adopted with such forms and sanctions as may have been usual, should succeed to enam lands;" and if the Committee will turn to Question 7433, put to me by Mr. Willoughby, they will observe that, 15 years afterwards, the Court of Directors ratified the pledges given by Mr. Elphinstone and Lord Clare, that "enams should pass to heirs as of right, without need of assent of a paramount power, provided the adoption be regular according to Hindoo law." This decision, in the last resort, by the paramount authority in the government of India, is invaluable, not only for its finality, but as interpreting the word "sanctions" in the circulars of Mr. Elphinstone and Lord Clare to mean, not the assent of the Government, but the sanctions of Hindoo law; and this decision is in strict conformity with the exposition of Hindoo law by the most eminent jurists, such as Sir Thomas Strange, Colebrooke, and Ellis, and the precedents cited by Steele and Borrodaile.

In A.D. 1851, I succeeded to a place in the Government of Bombay for about three months; and if the Committee will turn to pages from 19 to 23 of the "Selections" to which I have referred, they will find that, during these three months, I recorded no less than five times my dissent from an expressed or even implied violation of these pledges of Mr. Elphinstone and Lord Clare, ratified by the Home Government, Appendix (A.).

Turning over two pages, I find the Secretary to Government in the Revenue Department telling the Government, in June 1852, on the authority of the Enam Commission, that the proceedings of "this Government and the Honourable Court of Directors, whenever they have involved this question in any case, appeared to have been invariably based on the principle that the sanction of Government, declared previous to adoption, has ever been requisite to give an adopted son any right to inherit an enam;" this statement being, as the Committee will observe, the most direct contradiction of the decision of the Court of Directors already quoted, and misrepresenting the proceedings of the governments of Mr. Elphinstone, Sir John Malcolm, and Lord Clare, to which I have invited your attention. This officer, reviewing the proceedings of Mr. Elphinstone's government, based on the information of Mr. Chaplin, adds that those of 1825 were, neither on the part of the Commissioner nor the Government, so deliberate and well-considered as the rule that, the sanction of Government is essential to give an adopted son a claim for the continuance of an enam.

It is said by the author of "Thoughts on the Policy of the Crown towards India," just published, that Mr. Elphinstone is a man who "weighs out his words like gold; whose most hesitating beliefs are worth more than most men's confident assertions;" and yet of this man we are called upon to believe that he granted to the people of the Deccan the great boon of inheritance to private property by adoption without due deliberation and consideration. But even if he did so, the faith of Government was twice pledged and formally ratified in England, to carry out this measure; which is, therefore, on the principles on which India is governed, perfectly irrevocable.

How, then, was this law of prescription, and this privilege to inherit by adoption, displaced, in order to make way for the "rules" for adjudicating on enams, and ultimately for the Enam Act of 1852? It was done in this way: on the 12th March 1840, the Government issued a circular order that the law of prescription had been declared inapplicable to the zillah of Poonah; and although the Revenue Commissioner, in reference to this circular, expressed his presumption that no circular letter could control an Act of the Legislature, as the proceedings of the revenue authorities could not be corrected by an appeal to the "civil courts," this illegal assumption of power on the part of the Government to interpret the law could not be disturbed; and accordingly I find the Enam Commissioner telling the Government that he had in vain sought for a single instance of a claim to exempt lands in the Deccan from rent having been adjudicated according to the law of prescription; in other words, the Government declared the law set aside, and when their servants acted on that declaration, the Enam Commission adduced this departure from the existing law as a proof that the law had been set aside. Whereas, although the Government retained in its own hands the interpretation of the code for one year after its promulgation, the interpretation of the law thereafter was vested in the Sudder, or Supreme Court, and the circular of Government was therefore as waste paper; and of this the Enam

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Commissioner was so well aware that, in preparing the preamble and first section of the Enam Act, he did it (to employ his own words), "in such a manner as to prevent its terms from contradicting the opinions of either those who may agree, or those who may disagree with him;" that the law of prescription did not apply to the new provinces. His arguments on this point will be found in page 140 of the "Selections," Appendix B. Had his interpretation been the interpretation of the Sudder Court, it would have been law; but, as it is, it is as much waste paper as the Government circular; and accordingly the remembrancer of legal affairs at Bombay told the Government that, as the office of Enam Commissioner was not one recognised by the regulations, it was better that the Government should "keep him out of sight."

The Government having, as they supposed, thus set aside the law of prescription, proceeded to legalise the Enam Commission by passing the Enam Act. The privilege of inheritance to adoption was set aside in this way.

The Enam Commissioner told the Government that I, as a member of the Government, had asserted that the general practice under the Bombay Presidency had been to allow the holders of enams to dispose of them without any restriction, and had positively asserted such a practice to have prevailed during the period which, of all others, afforded the best and strongest evidence that had been found in existence, at the termination of the Peishwa's rule; and therefore it seemed to be of great importance that the Government of India and the Honourable Court should have the real facts of the case before them; and he added that, "the principles on which the Deccan was settled were, in point of fact, precisely the reverse of those described by the Honourable Mr. Warden:" the result of which was, that the Court of Directors, revoking the ratification they had given in 1848, on the 2d January 1855, wrote as follows to the Government of Bombay: "We are decidedly of opinion that in no case should the alienation of an enam be recognised for any term exceeding that for which the present holder and his heirs may possess an interest, and that the eventual right of Government to resume the revenue on the extinction of the family of the original grantor should be carefully maintained;" "from which it results," says the Enam Commissioner, "that no adoption tending to the perpetuation of alienations of public revenue of this description can hereafter be recognised."

I have shown the Committee that the description questioned by the Enam Commissioner, on which this unfortunate order was based, was not my description, but the description of Mr. Elphinstone, founded on inquiry at an early period after the conquest of the Deccan; the description of Sir John Malcolm, based also on local inquiry and the most extensive experience of any of those statesmen who settled the Peishwa's country; the description of Lord Clare; and, lastly and above all, the description of the Home Government itself. However erroneous their description may be, it was the foundation on which the faith of the British Government was pledged to its Indian subjects, and—irrevocable at any time—to revoke it after 30 years, was calculated to shake their confidence in the justice of that Government. "The cruelty of the process," to adopt the language of Mr. Mangles (Question 1899), before the Committee, while speaking of resumptions, "has resulted from the delay in carrying it out; it ought to have been done shortly, sharply, and decisively." I feel that I need add nothing to such a concession by such high authority in confirmation of my own opinion, expressed in the words: "The objection I take to the Enam Commission is, that time alone had established prescriptive titles, and what was done was done too late; that is my objection to the Enam Commission."

Having thus shown how much I had understated the case against the Enam Commission, I proceed to advert, *seriatim*, to Captain Cowper's paragraphs.

Captain Cowper opens para. 3 with reference to a volume of Selections, No. XXXI., as showing that I took a prominent part in India in discussions relating to alienated revenue; on referring to this volume, which I had never seen, I found it to relate entirely to surinjams, or life grants, intended to uphold the personal dignity of feudal chiefs, as distinguished from grants of land in fee simple (see my Answers 6136, 6137 before the Committee last Session). The Committee will remember that, on your putting your first question to me regarding the Enam Commission, some doubt was expressed as to whether the question was relevant to the subject of colonization; and most certainly I could not have been examined regarding surinjams. As, however, Captain Cowper has interspersed his paper with allusions to "errors" of mine about surinjams, the only object of which is my depreciation in the estimation of the Committee, I annex, as Appendix (C.), a short review of that volume, from an article in the "Quarterly Review," ascribed to a distinguished oriental antiquarian and author, who went to India to obtain information on the spot; to which I will only add that, having from my earliest years in India belonged to "that school" of Indian politicians, who have always maintained the importance of keeping up the "independence and dignity of native states, whose view the whole course of recent events has confirmed, as against the modern theory of annexation,"* as early as about 1832 I remonstrated with the Bombay Government against an order they sent me to resume all surinjams as the holders died. This remonstrance led to a reference to Mr. Elphinstone, according to whose liberal views, as contained in his answer, the surinjam lists were remodelled; it fell to me to prepare one set of lists, but as this arduous task was executed during the intervals I could snatch from the labours of a political and judicial office, I told the Government it must needs be that it contained errors, and, accordingly, they made my successor revise and

* Lord Stanley. See Times, 12 February 1859.

and verify my work. As a rule, this gentleman (Mr. Brown) confirmed my recommendations; but the Enam Commission, professing to detect frauds and errors, after some years, reopened the subject. I had reason to believe that the native officials had withheld information, and misrepresented some of the cases, and thereby deliberately deceived, first, myself, and two years afterwards my successor; and I advised the Government to confront our chief native official with the chief native official of the Enam Commission. The death of the former prevented his offering any explanation on the points brought forward; and, although it may be doubtful whether lists prepared in 1844 and confirmed in 1847 should have been disturbed in 1855, I recommended the Government to inquire into all cases in respect to which fraud was imputed, though I differed altogether from the Enam Commission, in respect to some decisions which they would have disturbed, on other grounds. With this one remark, I dismiss this volume about surinjams.

I will not waste your time and mine by answering the statement in Captain Cowper's 7th para., that most of the proceedings of the Bombay Government, connected with exemption from assessment, were those of Mr. Elphinstone himself; the foregoing paragraphs have answered this imputation on an illustrious man, whom Sir John Malcolm, in his minute from which I have already largely quoted, says, "The privileged classes in the Deccan were instituted by Mr. Elphinstone. This order was regarded by him with anxious solicitude till the day of his embarkation, and he went to his native country accompanied by the strongest testimonies of their regard and gratitude."

Para. 11 ascribes to Mr. Elphinstone the distinction in respect to prescription between the older provinces and those conquered from the Peishwa, and "to no one else." I have shown that he made no distinction except the one so often referred to, viz., the power of appealing to the civil courts against the revenue authorities; which distinction should, as recent events have shown, and as I told the Committee, have ceased when Mr. Elphinstone ceased to be at the helm.

In para 12, Captain Cowper questions my historical accuracy in saying that the Peishwa "abdicated." I beg him to read the 6th chapter of the 2d volume of the Memoirs of Sir John Malcolm, entitled "The Surrender of the Peishwa," in which he will find the author describing Sir John Malcolm as ignorant whether the Peishwa was advancing intent on war or peace, making his military dispositions and writing to the Government that the voluntary abdication of his power were objects far more desirable than either his captivity or death; and the first article proposed to him was that he should resign, for himself and successors, all right, title, and claims over the government of Poonah, or to any other sovereign power whatever.

These negotiations were four months later than the date of Mr. Elphinstone's proclamation, but this proclamation was written as an accompaniment to that pressure of the army on the Peishwa which led to his abdication.

In para. 13, Captain Cowper quotes the proclamation where it promises that "enams will be protected;" which absolute promise, Captain Cowper seems to consider, qualified by the expression "as far as is just and reasonable," which I do not believe to be the correct construction of the passage. The words, "as far as is just and reasonable," belong to the last member of the sentence, viz., "and all religious sects will be tolerated, and their customs maintained, as far as is just and reasonable;" and I find Mr. Elphinstone interpreting this part of his own proclamation in a despatch which he wrote on the 25th October 1819, as follows: "It having been promised by the proclamation of Sattarah that all enams were to be continued, all collectors were authorised to confirm those of all persons who should make their submission before a certain day fixed by proclamation, and subsequently all enams were confirmed, even those of persons who had failed to make their submission; although it is probable that many lands are held without authority under this denomination, it did not seem expedient to excite alarm by a scrutiny of the tenure before the inhabitants had acquired confidence in our justice and moderation. I, however, fixed rules for determining on all claims that might be questioned, and those rules may hereafter be applied more extensively when a survey should have been commenced. The principle of those rules is to confirm all enams held up to the war, if granted by the Peishwa, or those of his officers whom he intrusted with powers; to resume all granted by inferior officers since 1803, and all granted by patals within the last 30 years, unless authorised or admitted in accounts with the Peishwa, and to restore all resumed in the same manner since 1803."*

In contrast with the foregoing words of Mr. Elphinstone, Captain Cowper, in his 15th para. (his 14th requires no remarks), tells the Government that one of Mr. Elphinstone's first acts was to impress upon his subordinates that no enam, not held at the breaking out of the war, was to be restored, and that I left the Committee to understand that Mr. Elphinstone confirmed each holder of alienated land or recipient of an allowance found in possession; my words are, "my impression is, that if he found the right recognised, and the person actually in possession, he confirmed the grant;" being, in other words, what Mr. Elphinstone said of his own rules, viz., "that they confirmed all enams held up to the war, if granted by the Peishwa or his officers intrusted with power."

Passing

* I have not succeeded in obtaining an entire copy of the despatch from which I have quoted, but I have reason, from my own recollection and otherwise, to believe it genuine, and the Committee may readily verify it by moving in the House for a copy. I quote it from a Bombay newspaper.

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Passing over para. 16, I come to para. 17, in which Captain Cowper objects to my assertion as most erroneous, that a great number of hereditary rights to land were confirmed, and that these confirmed rights were fast disappearing in the Bombay Presidency. On the first point I have just quoted Mr. Elphinstone himself, in confirmation of which I may add, that I find his successor, Sir John Malcolm, telling his readers, on the authority of Mr. Nesbit, a distinguished member of the Madras civil service, and brother (as I believe) of an Honourable Member of the Committee, that upwards of 20 lacs, or 200,000*l.* per annum had "been alienated for ever." As regards the second point, it is not disputed by Captain Cowper that inheritance by adoption is, as a rule, at an end; and when I was asked (6154) whether, as the grantee is not allowed to sell enams, and as the power of adoption is not allowed, does it not follow that in time all enamdars will disappear from the Bombay Presidency? I answered that they would disappear, fortifying my assertion by what has already happened in respect to surinjams, to which adoptions do not take place, although otherwise made "hereditary in the fullest sense of the word." It follows, therefore, that if no fresh enams, as a principle, be made, and no succession to them by adoption be allowed, the enamdars, like the surinjamdars, will in time disappear; and what I told the Committee was strictly accurate.

In para. 18, Captain Cowper says that the inquiry, the necessity of which had been at the conquest of the country recognised by Mr. Elphinstone, did not take place "for many years afterwards." These four words are conclusive against Act XI. 1852 (the Enam Act); for, by the efflux of these "many years" alone, all defects in titles to enams, situated in the country conquered in 1817, had been cured. The Government had neglected their own interests to their own wrong, and other means of taxation should have been sought than those which violated the law and the pledges deliberately given by Mr. Elphinstone, Sir John Malcolm, Lord Clare, and the Court of Directors.

In para. 19, Captain Cowper says that the Enam Commission was established to confirm all *bonâ fide* alienations. I have just shown that time alone had done that which was committed to this Commission, and that the infraction of the previously acknowledged right of adoption must lead to the extinction of every single enam.

In para. 20, entitled, "The real character of Act XI. of 1852," Captain Cowper tells the Government that "throughout the old provinces, in which titles to enams have been and are still are adjudicated by the ordinary courts, proof has always been thrown on the alleged 'enamdar.'" The first Enam Commissioner knew better than that; and if the Committee will turn to page 139 of the "Selections," they will find him telling the Government that the application of the law of prescription to the Deccan would be unjust, as "the proof of realisation of revenue (which realisation is the only bar to exemption) is to be thrown upon Government, and that it would be utterly impossible to prove such realisation." The words I have quoted are part of a despatch from that officer, advising the Government as to the necessary provisions of the Enam Act, and warning them against throwing the *onus probandi* on the Government, as he found it in the old provinces. Captain Cowper concludes this para. by reiterating that the Enam Act throws the *onus probandi* on the Government. On my examination, this Act and especially the provisions relating to the *onus probandi* were fully discussed; it is a question of construction, on which the Committee is fully competent to pass a judgment; but I have lately met with the opinion of a barrister-at-law on my construction of the Act in this respect,* and I place, in the Appendix (D.), a review of this Act by Mr. Dickenson, of whose qualifications I told the Committee. He practised for several years at the bar of the Queen's and Company's Supreme Courts, with distinction to himself and benefit to India. I beseech the Committee to read his pungent remarks, compared to which what I have said of the Enam Commission Act and the *onus probandi* is mere milk and water. In respect to the authenticity of this paper, Mr. Dickenson writes me, that he has a very indistinct remembrance of the enam cases that came before him; but, as regards the substance of the remarks, he does not doubt they are correct in the main, and even if used, *qua* advocate, he confesses he entertains the same feelings now that he has put off his gown.

In para. 27 Captain Cowper tells the Government that Act XI. of 1852 is less stringent than the "rules" for 12 years previously in force; but these "rules," so often alluded to, were those administered by an Enam Commissioner, who was "not recognised by the Regulations," and of whom the Remembrancer of legal affairs at Bombay told the Government it was better that "he should be kept out of sight." Page 127 of the Selections.

In para. 28 Captain Cowper informs the Government that what I call the only liberal provisions in the Act were guaranteed by Mr. Elphinstone's proclamation, and scrupulously observed from that day. I can only regret that all his other liberal provisions have not been equally scrupulously observed. He adds, that throughout my evidence I ignore the fact that Act XI. of 1852 was passed to secure the continuance, not the resumption, of every real enam. But I have endeavoured to show the Committee that a "real enam,"

according

* The amount of badgering which Mr. Warden underwent in his second examination before the Colonization Committee (Fourth Report, pages 29 and 46), at the hands of the director members of the Committee, Messrs. Mangles and Willoughby, for this simple assertion, is almost incredible. The process is, that the holder is called upon to prove his title; he rests it, in the first instance, on possession, and to the appeal to the district officer's accounts, *i. e.*, to evidence in the Government's own hands, to show that he, or those he claims from, have held free of rent for the required space of time. If there is no evidence to the contrary his title is confirmed. Of course this is an *onus probandi* laid upon him; his only privilege being, that his possessory title is to be deemed *prima facie* sufficient, without proving the origin of it. Messrs. Mangles and Willoughby are both new members of the Council for India.—"Thoughts on the Policy of the Crown towards India," page 267.

according to the existing law of prescription, is one that had been in possession of an enamdar 30 years; while a real enam, according to the Enam Act, is one that has been in possession of the enamdar 102 years; and accordingly, in the return of the results of the operation of the Commission, of 6,913 decisions 2,948 only declare enams hereditary; and even this hereditary right will prove ultimately useless from the non-recognition of heirs by adoption.

In para. 29 Captain Cowper says that two-thirds of the enam cases "must and will be dealt with summarily;" pleasant process for the enamdars; and to this he adds, in reference to my having said the Enam Commission moved at a snail's pace, that nothing was said of the working of the ordinary courts, to which the enam inquiry ought, according to me, to be made over. But in answer (6097) to the question "Do you think it is desirable that a more simple and a cheaper course should be introduced?" (into the courts of justice) I answered, "I do; and that I was impressed with the idea that the mode of proceeding under Regulations was burdensome to the natives;" and referred from memory to a report of mine to the same effect, my accurate recollection of which Captain Cowper has confirmed by kindly quoting the part of it to which I referred.

In para. 31 Captain Cowper objects to my having talked of the impolicy, injustice, and ill effects of depriving men of their landed estates, and says I ought to have known that occupancy had never been interfered with, as I was a member of the Government which issued a circular to the effect that occupancy was not to be disturbed. The boon alluded to is about the same as telling the Duke of Bedford to pay his rents into the Treasury; but his right of occupancy as a tenant for life should not be interfered with, and his ejection, however intrinsically unjust, to adopt the words of Captain Cowper in respect to the ejection of the enamdars, "would affect but a very small portion of the community."

I have now reached that part of Captain Cowper's paper in which he places in juxtaposition my remaining statement, which he calls "open to question," and "the real facts." I feel that I have already wearied the Committee, at the same time that I have, I hope, defended successfully the ground on which I took my stand, viz., that the Enam Commission is based on a rigorous and partial law, and supported by a system, in respect to adoptions, which involves a violation of British faith, pledged by Mr. Elphinstone, Sir John Malcolm, and Lord Clare, and ratified by the Court of Directors; and although this mass of details has for its object my depreciation in the estimation of the Committee, rather than follow him *seriatim* any further, I will now request the Committee to peruse this portion of Captain Cowper's paper, and if it appears to shake my statements on the real points at issue, to permit me, by cross-examination, to fortify that, in respect to which Captain Cowper has made an impression on their minds.

On one or two points only will I speak. Inheritance by females is denied. I explained to the Committee, on the authority of Mr. Elphinstone, that by the laws of Menu, in default of male heirs, "the widow steps in and adopts," and so continues the male line; but of course no mention of females is, as a rule, found in Hindoo title-deeds, though they are sometimes mentioned. Captain Cowper acknowledges, para. 45, that Mahomedan grants are specifically made to sons and daughters; why, then, are Mahomedan daughters' rights ignored by the Enam Act? The first Enam Commissioner was, however, quite familiar with the mode of female inheritance; and at page 154 of the "Selections" the Committee will find him advising the Government to alter the phrase in the Draft Act, "a grandson, or male heir of the body of a grandson of the original grantee," into the words "a grandson in male descent;" "otherwise, should the grandson in possession at the introduction of the present Government be a daughter's son," the prescriptive title would be transferred from the family of the grantee to that of his daughter's husband.

Captain Cowper says in one place that orders or decisions of the Government have never been questioned in any court of law. This is true as regards enams in the Deccan, and untrue as regards those in Guzerat; and it is the making "fish of one and flesh of another" that I so much complain of. Captain Cowper is also, I believe, mistaken in supposing that the Privy Council cannot receive an appeal in any case, however trivial, if it think proper to exercise that power. In respect to the qualifications of the Enam Commissioners and their assistants, I have nothing to say, except that they are wanting in that essential qualification, judicial training. I say essential, because the Committee heard how Mr. Mangles deprecated the idea that the enam judges in appeal in Bengal were other than judicial officers of long and uninterrupted experience on the bench; and within the last month we have seen a gentleman wanting in this qualification placed on the judgment-seat in England, and displaced by the public voice, expressed through the House of Commons, in 24 hours.

I did not refer to Major Wingate (6075) with respect to the danger of extending the Enam Commission to Guzerat; but I find the "Quarterly Review" telling its readers, in the article extracted in the Appendix, that when the rebellion broke out, its introduction into Guzerat, which had been previously contemplated, was at once abandoned, and some of the confiscated estates given back, and Major Wingate did not advocate even the principle of compromise with the landholders of Guzerat without referring to the possibility of discontentment thereby excited, of which, under a compromise, he had not the slightest apprehension. We were talking, however, not of compromise, but of carrying the Enam Commission in its integrity into Guzerat.

We come now to what Captain Cowper calls "the former and existing practice of succession by adoption;" but, even if Mr. Elphinstone and Sir John Malcolm had described the practice as inaccurately as Captain Cowper supposes, the faith of the British Govern-

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ment had, as I have shown, been pledged by them to a particular course, from which, in justice, we could not swerve.

At page 36 Captain Cowper has placed, in three parallel columns, what he calls three assertions of mine; the first, viz., "an adopted son can have no claim to inherit an enam," was, the Committee will observe from the preceding paragraph 39, not my assertion, but the assertion of the Deccan Commissioner, Mr. Chaplin, whose records were under my charge, and from which I was bound faithfully to report to the Government. The second assertion is an echo of Mr. Elphinstone's decision as to the practice to be followed by the British Government. The third is an echo of Sir John Malcolm's account of the practice under the Peishwa, who, exacting a succession duty, was obliged to that end to require at least notice of proposed adoption; and, being a priest as well as a king, he could interfere even in respect to the rite.

At page 39 Captain Cowper quotes me as an authority against inheritance by females, in a judgment delivered by me as a judge of the Sudder Court; the judgment seems sound, but not relevant to the point now in hand; the claim, to which the judgment refers, related to real property and religious perquisites, the perquisites of course following religious rites, which could not be solemnised by a female.

In respect to the saleable value of a ryot's land held of the Government, Major Wingate has spoken authoritatively (7974, &c.)

Lastly, Captain Cowper quotes Sir Thomas Munro in refutation of my description of a title-deed to an enam, but the two descriptions are in convertible terms. I say "language" is exhausted to express the fulness of the conveyance, but that an Indian monarch will "resume to-day that which he granted yesterday;" and Sir Thomas Munro says, "though granted while the sun and moon endure, they are frequently resumed at short intervals." The number of old grants, however, that we find in existence, show that resumption was not so much the rule as the exception.

I have now reached Captain Cowper's review of what he calls my connexion with past educational proceedings. At page 238 of the "Quarterly Review," No. 207, the Committee will find my assertions confirmed; and if Captain Cowper had been educated at Haileybury, he would have known that there, as everywhere, the diligent study, and the idle "cram."

Captain Cowper next takes exception to my calling Hindostanee a political and colloquial language, and says it is an unknown tongue. In contradiction of this last assertion, I beg to refer the Committee to Major Wingate's evidence, Answer 7845. I called it political, being the language spoken by distinguished Indian statesmen in their intercourse with the native princes, and colloquial, in contradistinction to the written Hindostanee of Northern India.

In the 42d page Captain Cowper descends to a personality. I am most unwilling to speak of myself, but if he had added to the assertion that I had no knowledge of any one of the languages, the fact that I was president of the examination committee, before which he passed in Mahratta; and that Sir John Malcolm, in his "Administration of India," speaks of me as having conducted all his intercourse with princes and chiefs, and having translated and disposed of upwards of 1,700 native petitions for him, he would have given the Government a more accurate notion of my qualifications in this respect.

His assertion, at page 43, on so simple a matter as the relevancy of my remark on the Sudder Court is incorrect; it was first made in a minute as a member of the Government, dated 5th May 1852, in a comparison instituted between the Queen's and Company's courts.

The Government of Bombay, in sending home this paper, speaks of my description of the objects of the Enam Commission and of the Enam Act as incorrect. A perusal of the foregoing and of the many able and lucid articles which have appeared in the public journals in support of what I told the Committee, will, I trust, induce his Lordship the Governor of Bombay to alter his opinion.

Lord Elphinstone adds, that I have impugned the honesty and justice of the Legislature and of the executive Government. I disclaim both. That the executive Government had been led away from the path prescribed by the code, and the pledges of Mr. Elphinstone and his successors, there can be no doubt; but it is equally certain that, if the case had been placed before the Government and the Legislature in all its bearings, Act XI. of 1852 would never have become law. I am as much interested as his Lordship in upholding the reputation of a Government to which I twice belonged, and under whom I took a prominent part in carrying out the principles on which the territories of the Peishwa were settled. Lord Elphinstone is no more responsible than I am for Act XI. of 1852, and I will venture to say that, if the draft of it had been proposed to the Government, of which he was president and I was a member, it would have been rejected; and if the Government of 1851 had listened to my remonstrances in Council against setting aside the privilege of adoption, so solemnly granted, the life of the Enam Commissioner, Mr. Manson, would have been spared to his country and his family, and his murderer, the chief of Nurgood, secure in the continuance of his line by adoption,* and strong in his allegiance to the Government which had kept faith with him, would not have suffered an ignominious death.

In respect to the great mischief which my evidence was calculated to do in a country where

* The Nurgood estate was called a suwasthen, or a grant in perpetuity; see Elphinstone's Report on the Deccan. Appendix, page 35.

where insurrection was still smouldering, I have to say that the season of my evidence was not of my choosing. The same thing was said by political opponents of Mr. Disraeli's brilliant speech, to which I referred in my evidence. But it was the duty, as it appears to me, of every one, who had the power and the opportunity of doing so, to speak at so awful a crisis what he believed to be the truth; and as to the mischief done, I will be judged by the result. No sooner had my evidence been thoroughly discussed than the Secretary of State for India announced to the House of Commons, even before the information had reached him officially, that something in the nature of compromise between the Government and the holders of enams, by which the title to the lands would be confirmed on the payment of a moderate yearly sum, was in progress of arrangement at Bombay; and, as regards Madras, his Lordship enunciated the general principles to be adopted, in his apprehension, by Her Majesty's Government as follows:—"To respect absolutely undisturbed succession for a certain period of years, not in any case as a rule totally to resume any enam, even where the title is found to have been originally acquired by fraud, unless the holder has been a party to that fraud; where the title is invalid, not by any acts of the holder, that fact to form the basis of a compromise between the holder and the Government; and, on the condition of a moderate payment, he could receive what would be in the future a title which could not be disturbed; and in regard to limited tenure, held subject to a contingent of remainder to Government on failure of heirs male, to commute this claim for money."*

Beneficial results such as these are the surest tokens of the character and tendency of the evidence I had the honour to lay before you last session.

I have, &c.
(signed) John Warden.

Appendix (A.).

THE Revenue Commissioner "endeavoured to show that under the Peishwa's government the existing native governments of Western India and the British Government, the right of the supreme power to permit or to prevent adoptions, as regards inheritance of official rights of every description, has always been asserted, and never questioned."

42. The Right Honourable the Governor (with whom the Honourable Mr. Bell has concurred) has observed, that "if the rules are made generally known, and the Revenue Commissioners should see that they are, by the collector, the publication of any special notification would appear to be unnecessary."

But the Honourable Mr. Warden has given it as his opinion, that "until the Government receives the final orders of the Honourable Court of Directors, to be issued after hearing from the Government of India, it cannot be even said to be the rule that adoptions to the inheritance of the enams (the power to sell which proves them to be private property) require sanction."

"On the 3d June 1825, this Government, in a letter to the Commissioner in the Deccan, admits as a general rule in the Deccan, that children adopted with such forms and sanctions as may have been usual, should succeed to enams, or whatever may be considered private property."

"The letter from which I quote, and which was always familiar to me, as containing the principles on which we settled the Deccan, the previous proclamation of a principal collector, notwithstanding, has just been sent to this Government by the Honourable Court, and I certainly consider that it will be a violation of the terms conceded to the people of the Deccan at the conquest to lower the standard of enams to that of jagheers, and resume them from sons adopted without sanction."

43. With his letter of the 4th March 1852, the agent for sirdars has submitted a memorandum from Ambabae and Geerzabae, widows of Sheoram Gopal Raja Bahadoor, of Malligaum, soliciting the continuance of certain wutuns, enams, and babs to their adopted son Gopal Rao.

45. In a minute (concurred in by the Honourable Mr. Bell) recorded in this case under date the 13th March 1852, the Right Honourable the Governor stated it as his opinion, that "the adoption not having been recognised, the pecuniary allowance of 7,000 rupees cannot be continued to the son."

46. In his minute, dated the 18th March 1852, the Honourable Mr. Warden has observed, that "the confirmation or otherwise of the adoption, affects the question of the continuance or otherwise of the surinjam only."

"The pecuniary payment is distinctly stated in the title-deed to be an hereditary grant in lieu of wutuns ceded in exchange, and must, I apprehend, descend, as a matter of course, to the adopted child."

47. Upon

* Times, 15th February 1859.

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47. Upon this, the following minute has been recorded by the Right Honourable the President, under date the 22d March 1852, subscribed to by the Honourable Mr. Bell :—
 “ Assuming that the right as wutnoree is clearly established, it by no means follows we
 “ need recognise the adoption. The permission of Government is necessary before an
 “ adopted son can succeed to property held from the State.”

48. In a further minute, dated 25th March 1852, the Honourable Mr. Warden has remarked : “ Some correspondence between the government (when Mr. Elphinstone presided)
 “ and the Commissioner in the Deccan has been received by the last mail from the Honour-
 “ able Court of Directors on this very point, and to which it might be well to refer before
 “ disposing of this case.”

51. The Honourable Mr. Warden has stated his opinion (minute, dated 25th March 1852), “ that in the case of enams it is not necessary to the validity of an adoption that it
 “ be sanctioned.”

53. The following minute has been recorded on this letter by the Right Honourable the Governor, with whom the Honourable Mr. Bell has concurred : “ Inheritance of the
 “ deceased Myput Raos’ share by the nephew, whom his widow proposes adopting as a
 “ son, allowed.” The above minute has been subscribed to also by the Honourable Mr.
 Warden, who has, however, remarked : “ She was, I imagine, entitled to adopt to the
 “ inheritance of an enam without permission.”

54. In a report, made under date the 22d March 1852, on a petition presented to Govern-
 ment on the 27th February 1851, by one Huree Anunt Hurdukur, the Collector of Tanna
 stated : “ The land claimed by petitioner was enjoyed by Anunt Bhut-bin Gunesh Bhut
 “ Hurdukur, who having died on the 4th of June 1850, it was ordered by the late Collector,
 “ Mr. Law, to be resumed, which has been done.

“ 2. It is true, as stated by the petitioner, that Anunt Bhut, previous to his death, had
 “ petitioned for the continuance of the land in question to his adopted son, the petitioner ;
 “ but his request was negatived by Mr. Law, on the ground of the adoption not having
 “ been sanctioned by the ruling power.

“ 3. The Collector sees no cause to recommend interference with the above decision.”

55. The Right Honourable the Governor has proposed that the petitioner be informed
 that his application cannot be complied with ;* but the Honourable Mr. Warden has, in a
 minute dated 6th April 1852, stated : “ I am not aware that the adoption to inheritance to
 “ enams requires sanction ; to require such sanction is contrary to established usage, as
 “ recognised in the Deccan by Mr. Elphinstone.”

Appendix (B.).

9. HAVING thus stated my reasons for thinking that the rules of Chapters IX. and X.,
 of Regulation XVII., ought not to be applied in the new provinces, I shall try to explain
 why I consider that they do not ; but before doing so I would mention, in anticipation of
 my exposition of this result, that though my own opinion is what I have just stated, I have
 considered it right, in preparing the preamble and first section of the amended draft Act
 now submitted, to endeavour to do so in such a manner as to prevent its terms from con-
 tradicting the opinion of either those who may agree, or those who may disagree with me
 in this matter.

10. My first reason for supposing that the rules of Chapters IX. and X. do not apply to
 the new provinces is, that the only mode of enforcing them was purposely withheld by
 Regulation XXIX. of 1827, section 7, and Regulation VII. of 1830, section 2, &c. It
 may of course be said, that as the law was not suspended in terms, though the means of
 enforcing it were, it is still as much law as if it could be enforced ; but I cannot think so
 lowly of the framers of Regulation XXIX. of 1827, and VII. of 1830, as to imagine that
 they intended by those Regulations to introduce a law with the intention of its remaining
 law, while they expressly enacted a reservation which must make it practically null. I
 would rather think that they intended, by taking steps for preventing the enforcement of
 the law in question (when generally introducing the Regulations into the new provinces),
 to make the whole of the law inapplicable in practice, as it is in equity.

11. My next reason for supposing that this was the intention of Government is, that I
 have in vain sought for a single instance of a claim to exempt lands having been adjudicated
 according to the rules of chapter IX. and X. of Regulation XVII. of 1827. This is of
 itself a strong fact, and I think it greatly corroborates the argument stated in the preceding
 paragraph ; for it must be supposed that Government, who framed Regulation XXIX. of
 1827 and VII. of 1830, if they had thereby intended to introduce the procedure, &c. of
 Regulation

* Government circular, dated 19th November 1842, No. 3368.

Regulation XVII. into the new provinces, would have adhered to it; whereas every decision I have been able to find (and they are very many) is made not only without reference to the rules in question, but in a manner irreconcilable with their provisions; and this has been the case from the time of the introduction of the regulations generally into this province until the present hour.

12. Again, there are many declarations by Government, both express and implied, which show that the rules in question were never looked upon by their framers as law in the new territories.

Appendix (C.).

"IN the Bombay Presidency, especially in the Deccan, the alienations amounted to a considerable portion of the revenue; and a Commission, called the "Inam Commission,"* was appointed to inquire into them. The principles laid down for its guidance were—1. That a surinjam (alienated revenue), granted before A.D. 1751, or held in commutation for anything so granted, should be considered hereditary; 2. that those granted between A.D. 1751 and 1796 should be continued to the holder at the introduction of the British rule in 1817, and for one generation further, with a pension of half the net proceeds of the surinjam to the third generation; and, 3. that all surinjams granted after 1796 should be continued to the holder at the introduction of the British rule, after his death a pension of half the net proceeds being paid to the next generation. The Inam Commission commenced its inquiries in 1851, 34 years after we had taken possession of the Deccan, certain investigations by other officers having, however, previously taken place; it has not yet concluded them; consequently proofs of possession and of title for above 100 years are required to establish an hereditary right, and that in a country which has been over and over again swept by war and civil commotion, and notwithstanding the assurances to the contrary implied by Mr. Elphinstone's proclamation on the annexation of the territories of the Peishwa! Moreover, uninterrupted enjoyment for far shorter periods had established a prescriptive right, which we believe, in the opinion of some of our ablest English lawyers, was complete as against the Company. Powers such as have scarcely ever been conferred on any tribunal, or any body of men, are given to the Commissioners; they can send their agents with the police, at any time of the night or day, into the houses of those who are in the receipt of alienated revenue, to search for and seize documents, for which neither a receipt nor a list need be given. There is even no reliance to be placed upon the decision of previous authorities. Surinjams admitted by Mr. Brown in 1847 were subsequently re-inquired into, and disallowed by Capt. Cowper in 1855.†

"Contrary to every rule and principle of law and equity, the East India Company, the plaintiff, constituted itself judge in its own cause; young men utterly wanting in judicial training and experience, captains in the army or boy civilians, were appointed to the Commission: the greater the ingenuity they displayed in upsetting claims, the greater their chance of future advancement; every surinjam disallowed was so much revenue gained; appeals to higher authorities were only answered by a reference to those who had decided in the first instance, and were ready to insist upon their first decision; redress was consequently hopeless; such appeals as were made to the Privy Council in England against decisions of their resumption commission, ended generally in their reversal.

"The traveller in the Deccan will find the proceedings of the Enam Commission the first and gravest cause of complaint against the Government. So general and alarming had become the spirit of disaffection it had engendered, that it was brought suddenly to a close when the rebellion broke out; its introduction into Guzerat, which had been previously contemplated, was at once abandoned, and some of the confiscated estates have been given back. But the mischief has been done; and it will take a century, if we remain so long in India, before confidence in our good faith and justice will be restored. The feeling against us has been increased by the fact, that in villages belonging jointly to the Company and native princes, as, for instance, on Holkar's frontier, we have confiscated the surinjams of those who hold land under us, while they have been respected on the other side of the boundary line.

"There can be no doubt that many frauds had been committed, and the Government had been deprived of much revenue to which it was justly entitled; but the inquiries into titles should have been instituted at once on our taking possession of the Peishwa's territories, and should have been confided, not to inexperienced servants of the Company, whose claims to promotion depended on success in confiscation, but to a tribunal whose legal knowledge was unquestioned, and whose independence was beyond suspicion. It would, however, have been far more politic, and more advantageous to the State, if, instead of forfeiting rights which had been established by long enjoyment, we had proposed a tax of some kind upon them, either in the form of a yearly payment or of a succession duty. A proposal to this effect had been urged upon the Government by several of its ablest servants; and such a tax was by no means unknown under native sovereigns."

Appendix

* The term "Inam" applies strictly to an endowment for religious, charitable or educational purposes.

† See correspondence relating to the scrutiny of the revised surinjam and pension lists, Bombay, 1856 (printed for Government).

I. *Concerning the Inam Act itself.*

"Government have obtained an Act quite contrary to the spirit of all regulations and statutes for quieting long possessions. They are the judges in appeal in their own cases; they are the framers of their own law; and, instead of appearing as plaintiffs in a court of law, to oust rights of long standing, and possessions which all the usual limitations of time would cover, they force the actual possessors of land into the unfavourable position of plaintiffs. The law is quite unilateral; it is very arbitrary as regards the owners of land, who have been in undisturbed possession for years."

II. *Concerning the Commission and its Procedure.*

"Not only is the court instituted for the trial of the case interested in deciding it against one party, the enamdar (for the first tribunal is an officer subject to Government, and the ultimate tribunal on appeal is Government itself, the other party in the cause), but no distinct and acknowledged grounds are put forward on the part of Government which the enamdar, whose possession is to be disturbed, has to meet. In all judicial inquiries it is of the very essence of justice that certain distinct issues should be raised between the litigant parties, so that evidence and argument may be applied to those, and those alone. The very reverse of this occurs in this species of inquiry. No defence or pleas are set up by Government for seeking to dispossess an enamdar of his long enjoyed possessions, and thus the Enam Commissioner, instead of being in the position of an impartial judge, is almost necessarily forced into the position of an advocate attacking the weak parts of the opposite party's case, and yet putting forward no distinct case of his own. Thus, if it is implied that Mr. Reeves' letter is not binding on Government, if Government were on the record, as they are in reality, and interested parties to the suit, they could not put forward such a defence without subjecting themselves to all the odium which attaches to a repudiation of authority exercised with their knowledge, and acquiesced in for years without observation, and only repudiated to advance their own interests. And if a defendant should escape observation from the judge for urging such a plea, he would still feel the restraint of public comment."

III. *Concerning its Operation in a case under review.*

"The Government found the Swamee in possession as enamdar in 1827, and leave him in undisturbed possession until 1839. In 1839 Annaje purchases the title, and still the Government make no objection. Further, in 1842, Annaje's title, as a purchaser from the Swamee, and as the owner in enam of the villages, is formally brought to the notice of Government, and not only not objected to, but Government deal with him as the owner, and effect an exchange of villages. There is nothing concealed in this.

"Yet now, in 1852, a person who can show an undisturbed possession for at least a quarter of a century; who, with the tacit sanction of Government authority, has purchased the property for a large sum of money; who has actually submitted his title to Government, and Government have accepted it, and taken the property so purchased in exchange for Government villages—is to be ousted out of his position at the suit of Government, who now for the first time discover their long unknown rights."

IV. *The case under review.*

"This is surely a grievous injustice; and were the rights of Government clear, they could not with any propriety be enforced at such a private sacrifice. But it is confidently hoped that the Enam Commissioner will not now confiscate rights consecrated by long and undisturbed possession, and acknowledged by Government, and which cannot be disregarded without subverting those principles of justice on which the laws of property are founded."

V. *Mr. Dickenson's Opinion of the Commissioner's Decision.*

"The consequences of an adverse decision are so serious to the holder, who has been brought up on the faith of a certain inheritance being his, and has been confirmed in that faith by the conduct of Government, and of such little consequence to the Government, who have never been influenced by the idea that the property now claimed belonged to them, that the judgment should incline to the former. There can be no doubt how a court of law would decide if this were a case between individuals; and Government is certainly not entitled to greater consideration than private individuals. The principles of law and justice are universal."

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I N D E X.

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ABKAREE TAX Anxiety of Government to increase the Abkaree tax or revenue from spirits and opium ; illustration of this anxiety in the Dacca district, *Forbes* 2231-2239 —During the last thirteen years the abkaree tax has very much increased, *ib.* 2239-2242.

Inaccuracy of a certain statement, that the Government officers were exhorted to do everything in their power to encourage the sale of spirituous liquors and intoxicating drugs, *Mangles* 1535, 1536. 1862.

See also *Opium*.

ADMINISTRATION OF JUSTICE :

1. *Defence of the present System, and its Operation.*
2. *Evidence to a contrary Purport ; sundry Evils complained of.*
3. *As to Legal Training in the European Judges.*
4. *As to an Introduction of the English Language.*
5. *Disapproval of an Extension of the Queen's Courts.*
6. *Importance of a Summary System of Procedure.*
7. *Objection to the foregoing Proposition.*
8. *Want of Precedents in Law.*

1. *Defence of the present System, and its Operation :*

As regards the hindrance to colonisation through imperfect administration of justice, witness believes that there has been much less corruption of late years, and that the system is slowly but surely working itself pure, *Mangles* 1080, 1081—Advantage in the employment of European judges as superintendents of the native judges, that is as Appellate Courts freed from the labour of primary jurisdiction, *ib.* 1080, 1081. 1514. 1765-1767—Greater honesty and efficiency of the native judges than when the system was first introduced, *ib.* 1081—Belief that corruption in the native courts does not exist nearly to such an extent as has been represented to the Committee, *ib.*

Belief, that upon the whole, the business of the country is so administered by the civil servants, that no hindrance results therefrom to the settlement of Europeans, *Mangles* 1119—Witness most earnestly deprecates any considerably larger employment of Englishmen in the administration of justice, *ib.* 1123, 1124—Enormous proportion of the civil justice in India which is administered by native judges, *ib.* 1607-1610—The native judges officiate very satisfactorily, and there are comparatively few appeals from their decisions, *ib.* 1611-1613.

Doubt as to life and property in Bengal having been, until late years, insecure, *Mangles* 1732-1734—As regards the evidence in 1858, about the insecurity of person and property through the state of the courts and of the police, &c., witness directly contradicts such evidence as a great exaggeration, *ib.* 1761-1765.

2. *Evidence to a contrary Purport ; sundry Evils complained of :*

Civil suits in Bengal last about fourteen years, and often much longer, *Forbes* 1987, 1988—Witness was once nonsuited at the end of fourteen years' litigation, and had to begin the case over again, *ib.* 2080—The worst civil servants are generally made judges, *ib.* 2174—Mention of two civil servants, who having failed as revenue commissioners were afterwards appointed as judgeships, *ib.* 2175, 2176.

Witness would not advise any friend of his to settle in India, on account of the law courts, and the evil practices connected therewith, *Forbes* 2243, 2244—For about 3,000 rupees-witness could procure the murder of any person in the Mofussil, in Lower Bengal, *ib.* 2413-2415—Through the want of a proper government and police, the planters and zemindars are obliged to take measures for their own protection ; hence the employment of lateels or bludgeon-men, *ib.* 2416-2418. 2430. 2442-2454—One of witness's suits in the Moonsiff court has been going on for twenty-one years, *ib.* 2520—Inaccuracy as regards Bengal, of certain official returns as to the duration of civil cases in the courts, *ib.* 2521-2525—For natives, but not for Europeans, there is the very greatest insecurity to property and life, *ib.* 2548-2550.

ADMINISTRATION OF JUSTICE—continued.**2. Evidence to a contrary Purport; sundry Evils complained of—continued.**

Entire unsuitableness of the training of the civil servants before they are made judges, *Forbes* 2584-2589—Lateels are kept for self-defence, and not for the coercion of the ryots, *ib.* 2603, 2604—Witness dissents from the evidence of Mr. Mangles as to the administration of the law, and states, that there is no law in India, *ib.* 2624.

Illustration of the corrupt practices of native suitors in the courts of law, *Saunders* 3546, 3547—The administration is necessarily imperfect through the small number of civil servants, *Underhill* 4719—Great want of check upon the decisions of Government servants; instance of this, *ib.* 4739-4741—The courts are not, in many cases, within the reach of the ryots, and do not generally give satisfaction, *ib.* 4867-4877.

3. As to Legal Training in the European Judges:

Eminent legal men could not be procured from this country to supply the bench in India, *Mangles* 1119, 1269-1272—Illustration of the unwillingness of barristers in this country to accept judgeships in India, *ib.* 1119—Advantage of obtaining, if possible, well qualified barristers for the Mofussil courts, who would be thoroughly conversant with the character and customs of the people; this is most difficult, *ib.* 1124—Without depreciating the importance of legal training, witness contends that it is much more important that the judges should be thoroughly acquainted with the people, *ib.* 1124-1131, 1262-1268, 1771-1784.

Importance of the judges having filled revenue offices, and having been collectors, &c., *Mangles* 1124, 1775-1782—Objections to provincial judges being obtained from barristers at the Calcutta bar, *ib.* 1273-1282—A barrister practising in the Presidency towns has a very slight knowledge of the state of things in the Mofussil, *ib.* 1492, 1493—Unfitness of barristers versed in the civil or criminal law in this country to preside over the courts in India, which are mainly courts of equity; considerable time necessary in order to master the regulations, *ib.* 1866-1869, 1891-1897.

It is very important that the judge should have a legal training; great uncertainty of decisions otherwise, *Forbes* 2022-2028—Magistrates should undergo a practical training in the courts before appointment to the higher offices, *ib.* 2083, 2084—Evidence in favour of the appointment of trained lawyers, conversant with the languages, to all places now filled by Englishmen in a judicial capacity, *ib.* 2182-2196, 2526-2534—Probability of well qualified English barristers being anxious to accept Mofussil judgeships, *ib.* 2187-2194—Necessity of properly qualifying the large number of Europeans that would be required in lieu of natives as judges, &c., *Saunders* 3592-3600.

4. As to an Introduction of the English Language:

The natives would strongly object to the administration of justice, in the provincial towns, in a language unintelligible to themselves, *Mangles* 1311, 1312.

Neither the judges nor the magistrates properly understand the Bengali language used in the courts in Bengal; instances in support of this statement, *Forbes* 2029-2045, 2051-2060—The people themselves do not understand the language as used in the courts, *ib.* 2030, 2032, 2033—Advantage in the introduction of the English language into the courts; the decisions would be more just, *ib.* 2032-2034, 2046-2048, 2060—Circumstance of all petitions to the Board of Revenue in Bengal being necessarily in English, *ib.* 2049, 2050—The system of interpreters, as in the civil courts, should be adopted in criminal cases, *ib.* 2046, 2047.

Mixed language now used; it is Bengalee studded with Persian and English phrases, *Forbes* 2030, 2044, 2045—Advantages if the English language were introduced, from the practice of English barristers from Calcutta in the Mofussil Courts, *ib.* 2075-2081—The use of the English language in the courts would not create any discontent among the natives, *ib.* 2267-2270—The ryots now get their cases sometimes translated into English, *ib.* 2270.

The use of the English language in the courts is very desirable, *Saunders* 3701.—The natives would soon learn the English language, if used in the courts, *ib.* 3702.

5. Disapproval of an Extension of the Queen's Courts:

Evidence in disapproval of the proposition for establishing English courts at the provincial capitals, throughout India, *Mangles* 1123, 1124, 1259-1261—Belief that the question of the extension of the Queen's Courts throughout the country is not popular with the natives; the petitions on the subject have in a great measure been got up by the attorneys, *ib.* 1283-1288.

6. Importance of a Summary System of Procedure:

If instead of the English law and the complicated procedure attending it, a far more simple and summary system, as in the Punjab, had been introduced it would have been far more suited to the native character, *Mangles* 1081—A very simple system is required, *ib.* 1124—Advantages anticipated from the simplification of the procedure of the courts, which is on the eve of adoption, *ib.* 1768, 1769.

7. Objection

ADMINISTRATION OF JUSTICE—continued.

7. *Objection to the foregoing Proposition :*

Disapproval of a summary mode of proceeding being applied in the courts of Bengal, where interests of great magnitude are constantly at stake, *Forbes* 2020-2022—A summary system acts very well where there are only small interests involved, *ib.* 2020.

8. *Want of Precedents in Law :*

Great want of precedents in law in Bengal ; there is not a single precedent in the whole of the decisions of the Sudder, *Forbes* 2020-2026.

See also *Affrays (Bengal)*. *Assam*, 2. *Civil Service*. *Magistrates*. *Malabar*. *Native Officials*. *Police*. *Ryots*.

Advances to Cultivators. See *Cotton*. *Indigo and Indigo Planters*. *Profitable Settlement*.

Affrays (Bengal). Affrays seldom occur between European owners of factories, *Forbes* 2408-2410—Fights attended with loss of life sometimes take place between European and native factory owners, *ib.* 2410-2412—Statement as to witness having on several occasions been obliged in self-defence to take the law into his own hands, *ib.* 2442. 2538-2547—The ryots do not generally suffer in the fights between the zemindars or planters, *ib.* 2443-2447—Rate of pay of the lateeals ; this is according to their fighting powers, *ib.* 2453, 2454.

Evidence relative to the frequent conflicts between the indigo planters and the ryots, showing that they are mainly due to the state of the law, and to the want of legal facilities of redress on either side, *Underhill* 4755-4777—Employment of lateeals adverted to ; they would be dispensed with if there were an efficient police, *ib.* 4764. 4772-4775—Considerable evil arising from the law of mutual affray ; instances in illustration, *ib.* 4782, 4783.

Agriculture. One great cause of the comparative poverty of India lies in the fact, that almost the whole population are engaged in raising the produce of the soil, and for their own consumption ; the smallness of the tenures is another cause, *Mangles* 1083. 1346. 1400-1403—There is a larger proportion of the people of India engaged in agriculture, than is the case in any other country, *Moore* 3819. 3874.

See also *Assam*. *Coffee*. *Cotton*. *European Capital and Skill*. *Flax*. *Indigo, and Indigo Planters*. *Irrigation*. *Jute*. *Labour*. *Land Revenue Settlement, and Tenure and Sale of Land*. *Ryots*. *Tea*. *Wheat*.

Annexations. As regards the discountenance in the Queen's proclamation of the policy of annexation, witness doubts not but the proclamation will be faithfully observed, *Mangles* 1853-1855—Great dissatisfaction among the natives, and great prejudice to our reputation, by our rapacity of late years in annexation, &c., *Moore* 4059-4066. 4069-4072.

See also *Oude*.

Artesian Wells. Great benefits to be derived from a system of tanks or wells on the Artesian principle ; only one Artesian well has been tried, *Moore* 4033-4038. 4100-4106—Doubt as to the expediency of expenditure on Artesian wells, as a means of providing irrigation, *Haig* 4327-4329.

ASSAM :

1. *Former Administration of the Country, and Result of its Abolition.*
2. *Administration of Justice under British rule.*
3. *Government Schools and Missionary Operations.*
4. *Means of acquiring Land, and System of Assessment.*
5. *Scarcity of Labour.*
6. *Goodness of the Climate.*
7. *Tea ; its Cultivation hitherto, and Means of extending it.*
8. *Products other than Tea.*
9. *Obstacle to the Cultivation of Coffee or Cotton.*
10. *Population.*
11. *Exports and Imports.*
12. *Other Evidence generally.*

1. *Former Administration of the Country, and Result of its Abolition :*

The Burmese usurped Assam, but were expelled by the British in 1825, *Vetch* 2653—British rule has effected great improvement, and the peasantry are now much better off, *ib.* 2654-2656. 2670. 2771—Abolition of slavery and vassalage, so that the upper classes have become very much impoverished, *ib.* 2656. 2671, 2672—There are now no Zemindars, *ib.* 2657.

Explanation of the Khel-wurree or feudal service system in force in Assam previously to British rule ; principle upon which abolished, *Vetch* 2659-2665—Evidence existing of the populous and prosperous character of the country in former times ; since

ASSAM—continued.

1. *Former Administration of the Country, and Result of its Abolition*—continued.

1790, up to the expulsion of the Burmese in 1825, great anarchy prevailed and considerable decay took place, *Vetch* 3077-3086. 3126, 3127—There is now no rajah of Assam; explanation hereon, *ib.* 3132-3137—The old feudal families, in consequence of the abolition of slavery are not well affected towards the British, but the people generally are well affected, *ib.* 3140-3143.

2. *Administration of Justice under British Rule :*

System of administration of justice according to a code of rules founded on the regulations, the latter being followed when the rules do not meet the case, *Vetch* 2673-2677. 2698—Beneficial operation of the code of rules; the practice is more satisfactory than in Bengal, *ib.* 2698-2700—Use of the Assamese language in the Courts; difference between it and Bengali, *ib.* 2701-2705—The European judges are acquainted with the language, *ib.* 2706, 2707—On the whole, justice is well done, *ib.* 2721—Jurisdiction exercised respectively by the Moonsiffs, Sudder Ameens, and principal Sudder Ameens, and form of appeal therefrom, *ib.* 3011-3015—Very great improvement as regards the duration of suits, &c. through the practice of confronting the plaintiff and defendant in each case; particulars hereon, *ib.* 3016-3026—Political, military and judicial duties, which were confided to witness, *ib.* 3024.

3. *Government Schools and Missionary Operations :*

Establishment of several Government schools in Assam, English being taught at them; fair amount of success attending these schools, *Vetch* 2722-2725. 2737, 2738—The missionaries have also established schools, *ib.* 2726. 2737, 2738—The missionaries are not nearly so numerous as they used to be, *ib.* 2727. 2729, 2730—Beneficial operation of American missionaries; newspapers established by them, *ib.* 2729-2736.

4. *Means of acquiring Land, and System of Assessment :*

Impression that the Assam Tea Company have got titles from government, *Forbes* 2314, 2315.

Possession of land secured by government to the ryots at a certain assessment, for periods from three to ten years, when it may be raised, *Vetch* 2658-2669—The assessment has been increased as the lands have become more valuable, but it is exceedingly light; its uniformity, however, presses unequally in different localities, *ib.* 2666. 2682, 2683—Liberal terms upon which land is granted in Assam to European settlers; certain conditions required, *ib.* 2685-2694—Advantage if the land could be held in fee, *ib.* 2695-2697. *Saunders* 3422, 3423.

Further evidence on the question of giving settlers a better title to land; advantage if it were permissible to redeem the land-tax at 25 years purchase, *Vetch* 2986. 3027-3030—Practice of assessment further adverted to, in the case of waste lands when taken up by the ryots, *ib.* 2996. 3003—Practice in enforcing the payment of the land-tax, *ib.* 2997-3000—Encouragement alike to Europeans, and natives to take up waste land, *ib.* 3000, 3001—Power of natives and Europeans to sell or mortgage their holdings, *ib.* 3004, 3005.

System of registration of titles; its advantage, *Vetch* 3006-3010—Lower tax upon land where tea is cultivated than upon rice land; the crops are not distinguished, *ib.* 3031-3033—Belief that neither in the mode of disposing of the land, nor the administering justice, is there anything which should deter European settlement, *ib.* 3122.

Course necessary in applying for and obtaining land; undue delay through the intervention of the Board of Revenue at Calcutta, *Saunders* 3415-3420. 3574-3579—Importance of the local authorities in Assam having power to give grants of land, *ib.* 3417-3421.

5. *Scarcity of Labour :*

Great want of labour in Assam; difficulty in obtaining a proper supply, *Vetch* 2822-2825. 2830-2836—Native labour may in time be profitably employed in other things in conjunction with the cultivation of tea, *ib.* 2940—No interest is charged on advances to native labourers, *ib.* 3051-3054—No Chinese have immigrated as labourers, *ib.* 3075. 3076—Great want of labour further adverted to and explained; failure of certain measures for supplying foreign labour, *ib.* 3088-3099—Increased wages paid of late years, *ib.* 3094-3096—Slight extent to which labour has been economised by machinery, *ib.* 3119.

Large cost at which the tea planters have imported labour, *Barry* 3228—Limited operations of the Assam Company through the want of labour, *ib.* 3229-3232.

Ample supply of labour if the tea planters offer sufficient wages, which they can afford to do, to the hill tribes and the coolies that now go to the Mauritius and the West Indies, *Saunders* 3429-3437. 3629-3634. 3638-3640—Ill success of the Assam Company's arrangements for importing labour, *ib.* 3516—The planters could afford to give as much as six rupees a month for native labour, and might then obtain it, *ib.* 3629-

3634—

ASSAM—continued.

5. *Scarcity of Labour*—continued.

3634—Government have not interfered in any way with the immigration of labour, *Saunders* 3638, 3639.

6. *Goodness of the Climate* :

The temperature is not so bad as that of many other parts of India ; it is superior to that of Bengal, *Vetch* 2647—Healthiness of the climate on the hill districts, *ib.* 2982, 2983. 3045-3047—During more than 30 years in Assam witness had on the whole very good health, *ib.* 3138, 3139—Very healthy character of the hill districts in Assam and of the cleared districts now under cultivation ; Europeans may be perpetuated there, *Barry* 3191-3198. 3201-3206—Favorable result as regards duration of life shown by some statistics, *ib.* 3201-3203—Witness considers Assam a very healthy country, *Saunders* 3428.

7. *Tea ; its Cultivation hitherto, and Means of extending it* :

To the extent to which labour and seed can be procured there is a most favourable opening in Assam for European tea planters, *Vetch* 2637, 2638. 2684—Tea is considered to be of indigenous growth, *ib.* 2739—Information as to the commencement and progress of the cultivation of tea ; more especially as regards the Assam company, *ib.* 2740-2749—In 1841 the Assam company's produce was 29,000 lbs., in 1850 it was 251,633 lbs., and in 1858 it had increased to 770,000 lbs. *ib.* 2743-2745.

Statement in explanation of the outlay, produce and profit attending the cultivation of tea ; calculation that individual settlers may in time realise large profits, much more indeed than nine per cent., the amount now paid by the Assam Company, *Vetch* 2748. *et seq.*—Large introduction of the China tea plant, *ib.* 2749. 2768—Anticipation that the exports will in five years reach 2,000,000 lbs., *ib.* 2749—Qualities respectively of the China plant and the Assam plant ; the latter is stronger, and has more body, *ib.* 2749. 2766, 2767. 2800, 2801—Witness does not own any tea plantations, but has shares in the Assam Company, *ib.* 2758—The Government tea nurseries were at first partly under witness's superintendence, *ib.* 2759.

Higher price of the Assam tea in this country than of the Chinese tea, *Vetch* 2769-2775. 3131—There are about 20 factories, exclusive of those of the Assam Company, and the number of settlers is increasing every year, *ib.* 2782-2786—Long duration of the Assam tea plant, if properly attended to ; advantage hereon over the China plant, *ib.* 2792-2799—There is more waste land suitable for the cultivation of tea than would supply the whole of the wants of England, *ib.* 2818, 2819—Scarcity at present of the Assam plant, *ib.* 2820, 2821.

Explanation as to none of the Assam tea now being sent north towards Central Asia ; probability of its going there in course of time, when the demand in this country shall be supplied, *Vetch* 2966-2972—Considerable extent of land suitable for tea plantations within 20 or 30 miles of the more healthy districts, *ib.* 2984, 2985. 3145—There are some tea lands within 30 miles of the hills, but the general mass of the tea grounds is some 300 miles distant, *ib.* 2987-2990. 3144—Extent to which the plantations in the low districts may, without injury to health, be superintended by Europeans, *ib.* 2991-2995.

The tea crop does not fluctuate through any effect of the climate, *Vetch* 3048, 3049—The first outlays by tea planters are expended, directly, in wages, and indirectly in advances to natives for clearing and planting, *ib.* 3050—For about 120 *l.* a year a European superintendent may live in Assam, *ib.* 3055-3057—The planters in Assam are attracted from other parts of India, and a few have gone from this country, *ib.* 3065-3067—The property of the Assam Company is almost entirely in Upper Assam, *ib.* 3123—Means suggested by witness for remedying the scarcity of the Assam tea seed, which scarcity was a great check to extended cultivation, *ib.* 3128-3130.

Capitalists having plantations in the plains might reside in the hills, *Barry* 3205, 3206—The Assam Company is highly prosperous, *Barry* 3364, *Saunders* 3465—The tea plantations at Gowahatty and Debrooghur are the finest witness ever saw, *Saunders* 3401-3404—The Assam tea plant is different from the China plant, but produces very excellent tea, *ib.* 3405, 3406—Analysis of the tea soil in Assam and in China ; similarity of the two, *ib.* 3408-3412—Immense quantity of waste land in Assam, admirably adapted for tea cultivation, *ib.* 3413—Tea is produced in Assam, &c. for from 6 *d.* to 9 *d.* a pound, *ib.* 3625. 3703.

8. *Products other than Tea* :

Particulars as to the production of caoutchouc in Assam, and the mode of tapping the trees for the gum or juice ; exclusive grant of the trade to two persons on the condition that they should plant young trees every year, which condition they have not fulfilled, *Vetch* 2895-2910—Considerable quantities of good coal and iron which may be procured, *ib.* 2911-2922—There is not a stream in Upper Assam that does yield gold dust, *ib.* 2930—Particulars relative to three different kinds of silk produced in Assam ;

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ASSAM—continued.8. *Products other than Tea*—continued.

large production of the Eria silk and the Moogah silk, both for export to adjoining countries and for home consumption, *Vetch* 2936-2939. 2941-2948.

Excellent descriptions of fibres produced in Assam; immense labour required hereon, *Vetch* 2949-2957—Besides tea, caoutchouc and lac dye may profitably be produced by capitalists, *ib.* 3068—The country is wonderfully favourable for all tropical productions, *ib.* 3098—The caoutchouc forests in Assam are very extensive, and the caoutchouc is of exceedingly fine quality, *Saunders* 3424-3426—Very fine trees and vegetable products in Assam, *ib.* 3427—Flax grows in Assam, but witness has not seen it, *ib.* 3550, 3551.

9. *Obstacle to the Cultivation of Coffee or Cotton*:

Sufficient labour could not be procured to render coffee cultivation profitable, *Vetch* 2639—Cotton of good quality may be grown successfully, but the scarcity of labour is a bar to its cultivation, *ib.* 2640-2645.

10. *Population*:

The population of Assam is about one million, the great majority being Hindoos, *Vetch* 2646. 2649-2651—Intermixture of races through the Sepoys and the Assamese women, *ib.* 2893—By the census about five years ago, the population was about a million; there is an increase going on, but not from immigration, *ib.* 3069-3074—Different races in Assam and in Silhet, *Saunders* 3565.

11. *Exports and Imports*:

No account is kept of the exports or imports, *Vetch* 3112-3114—Mention of the chief imports, *ib.* 3115-3118—About 60,000 maunds of salt are imported every year, *ib.* 3115—Cotton and woollen goods are among the imports, *ib.* 3116, 3117—Increased imports as the means of the people improve, *ib.* 3120, 3121—Mention of the principal articles exported, *Barry* 3172.

12. *Other Evidence generally*:

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Nature of the communication over the hills from Assam, and of the trade with Tibet and Central Asia, *Vetch* 2923-2931—Chinese goods find their way to Assam, *ib.* 2931—The native rate of interest is about 50 per cent., *ib.* 2980. 3052—The hills are not suited to cereal cultivation, *ib.* 3041. 3044—The natives live better than the Bengalees, *ib.* 3097—Lower Assam is most largely cultivated, and produces most revenue, *ib.* 3124, 3125.

Illustration of the benefit conferred by settlement upon the natives, *Barry* 3215—Means of opening up a communication between Assam and Burmah and China; *ib.* 3266-3270. 3387-3392—Advantage if the electric telegraph were extended from Dacca to Upper Assam, *ib.* 3273, 3274—Actual communication in former times between Assam and Tibet, across Bhotan, *ib.* 3387-3392—There are scarcely any roads in Assam, but rivers supply the want, *Saunders* 3558. 3619-3621.

See also *Bramahpootra River*. *Land Revenue Settlement and Tenure and Sale of Land*.

Atkinson Charles (Mayor of Sheffield) and Robert Jackson (Master Cutler of Sheffield).—(Analysis of their Evidence). (*Mr. Jackson*.) The trade of Sheffield with India might be made much more important than it now is, 3718-3720—Several productions of India largely used in Sheffield, 3721—Indian ivory is largely used, and its consumption would be much greater if it were cheaper, 3722-3724—Import of ivory, iron, &c. at a cheaper rate if the internal means of communication in India were better, 3725, 3734, 3745.

Small quantity of Indian iron now used in Sheffield, 3726-3728—Very good quality of this iron; particulars hereon, 3729-3733. 3736, 3737—An immense quantity of this iron could be used in Sheffield if it were cheaper, 3733—Great importance of British capital and skill in developing the iron mines, &c. in India, and in the manufacture of iron rails there, 3734, 3735. 3745. 3777-3787. 3801, 3802—Principal articles exported from Sheffield to India; great increase since 1834, 3738-3744.

Advantage if some of the Government servants in India were to furnish this country with samples of the tools used by the natives, 3746, 3747. 3758-3761. 3768-3776—Check to a proper increase of the Sheffield export trade, on account of the heavy import duties in many foreign countries, 3747-3757. 3788-3791—Large increase of trade anticipated through the increased facilities of settlement, 3768-3772—Witness does not fear any competition from American or German cutlery in India, 3792-3800.

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Atkinson, Charles, and Robert Jackson. (Analysis of their Evidence)—continued.

(*Mr. Atkinson.*)—Statement as to iron having been manufactured in India, in 1833, by a Mr. Heath, a servant of the Company, 3803—Subsequent manufacture by Mr. Heath of what is termed a puddle steel, *ib.*—Eventually, a company which was formed to work the iron at Porto Novo, in Madras, failed in the undertaking; the failure was not through want of fuel for smelting, 3803-3805—If imported at a moderate price the Indian iron might supersede the Swedish iron in Sheffield, 3804.

Atkinson, Thomas W. (Analysis of his Evidence.)—Spent several years in travelling in Siberia and Central Asia; limits of his travels, 155-162—Considerable increase since 1821 in the Russian trade with Central Asia, more especially in calicoes, copper, hardware and leather, 164-166. 184, 185—Witness saw some English calicoes in Central Asia; probable means by which they got there, 167-171—Different routes by which the Russian caravans go to the Chinese frontiers and to Central Asia, 172-174.

With certain facilities of transit, British calicoes and woollen cloths, if dyed in very bright colours, may find a large consumption in Kokan, Yarkand, Bokhara, &c., and may successfully compete with Russian goods, 175-183. 197-204. 212. 239-247. 272-274—The export of gunpowder or fire-arms from Russia to Central Asia is prohibited, 185. 213, 214. 230, 231—Very large consumption of tea throughout Central Asia; great difference in the quality and price, 186-194. 262—Tea grown in the Himalayas might successfully compete with the Chinese tea in Central Asia, 190-196. 270, 271—Doubt as to English goods with the Russian mark upon them finding their way into Central Asia, 197-203. 261.

Measures being taken by Russia to make the countries of Central Asia a part of the Russian empire, 205-208. 292-300. 318-322. 329—Predatory character of some of the tribes of Central Asia, 208, 209. 236-238. 275-277—Immense number of horses, camels, oxen and sheep owned by some of the Khirgis; their value, 210, 211. 217-220—The population of the countries is probably 5,000,000, 212—Means of importing goods by the Amoor, 215, 216—Horses, &c. are exported in payment for imports, 217. 248, 249—Skins are not manufactured into leather in the country, 221-223—Large quantities of gold are procured from the soil, 224-229—Flax and madder grow very abundantly, 232-235.

Favourable feeling in Central Asia towards the English, of whom however but very little is known there, 253. 258. 323-335—Extent of witness's travels further adverted to, 254, 255. 259, 260—Principal articles of food; there is no grain of any kind, 262, 263—Importance of opening up Central Asia to British commerce further adverted to; facilities of doing so by the Indus route, 264 *et seq.*

Particulars as to witness having been provided by the Russian government with an escort of three cossacks, and as to the circumstances under which he got a passport from the Emperor of Russia, 284. 305-318. 342, 343—English goods can only be distributed by native merchants, 286-288—Witness encountered some personal risks, but was never robbed; he had no merchandise with him, 336-341.

[Second Examination.]—Further information as to the commercial and political influence already exercised or likely to be exercised by Russia over the countries of Central Asia; in Khiva and Bokhara she possesses great influence, and in time the whole of Central Asia must fall into her hands, 1043-1077.

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Baillie, Henry James. (Analysis of his Evidence.)—Secretary to the Indian Government, 1137—Delivers in a statement transmitted from Bombay by Lord Elphinstone, in contradiction of the accuracy of certain evidence given before the Committee in 1858; 1138-1140.

Barracks. Government have gone to a great expense of late years in the erection of barracks, *Mungles* 1146—The barrack accommodation in the plains is now excellent, *Saunders* 3654, 3655.

Barry, John Boyle. (Analysis of his Evidence.)—Spent about 15 years in Cachar, Assam, &c., 3150-3155—Has a large capital in tea plantations in Cachar, 3156, 3157—Range of hills between Cachar and Assam; they are accessible by passes, 3158-3161—Witness was the first to take up tea lands in Cachar about 2½ years ago, and there are now not less than 12 different companies there, 3162-3165. 3290-3292.

Opinion that the tea of Cachar is superior to that of Assam, 3166, 3167. 3305—Large area in Cachar available for tea plantations, 3168-3171—There are scarcely any exports from Cachar, 3172—Principal articles exported from Assam, *ib.*—Difficulty in procuring labour in Cachar as well as Assam, 3173, 3174. 3217. 3293-3295—Opium is not cultivated in Cachar as in Assam, 3175—Evidence to the effect that the general and excessive use of opium by the people of Assam, both old and young, is most prejudicial to health, and is the main cause of the want of labour there, 3176-3188. 3218. 3287. 3312-3341. 3359-3361. 3378-3381. 3385, 3386.

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Barry, John Boyle. (Analysis of his Evidence)—continued.

Proposition that the cultivation of opium in Assam be prohibited, but that its import be still allowed; 3181. 3278-3289. 3341. 3359-3363. 3394—The tenure upon which lands are held in Assam and Cachar are most liberal, but nevertheless are unsatisfactory, 3189. 3254, 3255—Great importance of a right to hold the land in fee; how this might be arranged, 3190. 3254-3265—Very healthy character of the hill districts in Assam and Cachar, and of the cleared districts now under cultivation; Europeans may be perpetuated there, 3191-3206.

Capitalists having plantations in the plains might reside in the hills, 3205, 3206—Want of roads in both Assam and Cachar; duty of Government to make the public roads, 3207-3212—Tendency of settlement to strengthen the hands of Government, 3213, 3214—Illustration of the benefit conferred by settlement in Assam upon the natives, 3215—Probability of the soil in Assam and Cachar being suitable for the extended growth of cotton, 3216.

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Different class of natives in Cachar and Assam, 3296-3299—Small quantity of tea as yet produced in Cachar, 3306, 3307—Indisposition of the natives in Cachar to grow tea, or otherwise to develop the soil, 3308-3311—European labourers could not compete in the fields with native labourers, 3342-3344—The want of labour is hardly felt as yet, but is sure to injure the province before long, 3345—The Assam Company are doing very well, 3364—Witness has an interest in four companies in Cachar, and expects they will all do well, 3365, 3366. 3382-3384.

In Cachar opium is not consumed as in Assam, 3367-3369—The population of Cachar is increasing, 3370—Profitable but limited production of caoutchouc in Cachar, 3370-3377—Actual communication in former times between Assam and Tibet, 3387-3392—As regards the high mortality among European soldiers in India, it has been mainly owing to intemperance and the want of proper care in housing them, 3393.

Bengal. See *Administration of Justice.* *Affrays.* *Assam.* *Climate.* *Cotton.*
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Bentinck, Lord William. Several important public benefits through the government of Lord William Bentinck, *Moore* 3853. 3877. 3922.

Bombay. In Bombay there are no independent Europeans to tell us what the state of the country is, *Forbes* 2578, 2579.

See also *Administration of Justice.* *Civil Service.* *Enam Commission.* *Land*
Revenue Settlement and Tenure and Sale of Land, II. IV.-VI. *Resumption of*
Rent-free Tenures. *Ryots.*

Bombay Chamber of Commerce. With regard to a certain report by the Chamber of Commerce of Bombay, some of the statements therein relative to the influence of the land revenue system are not very wise, *Mangles* 1160, 1161.

Boyle, Mr. Approval of the grant of certain lands to Mr. Boyle for his defence of Arrah, *Forbes* 2570-2576.

Brahmins. Bad character of many of the Brahmins, *Underhill* 4826—Even the Brahmins cannot always read, *ib.* 4857-4859—Friendly discussions between the missionaries and Brahmins; interest of the latter in opposing the former, *ib.* 4860, 4861.

Bramahpootra River. Particulars as to the steam navigation of the Bramahpootra, and the communication between Assam and Calcutta, *Vetch* 2826-2829. 2869-2876. 3100-3111—Great advantage if steamers were again put on the Bramahpootra, they having been suspended during the mutiny, *Barry* 3249-3253.

British Manufactures. See *Central Asia,* 5. *Manufacture.* *Sheffield.* *Tibet.*

Bundelcund. Explanation as to the over-assessment many years ago in the province of Bundelcund, *Mangles* 1666—An enormous quantity of cotton used to be produced in Bundelcund, *ib.* 1710.

Burdwan,

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Burdwan, Rajah of. With regard to the recent decision of the Privy Council in favour of the Rajah of Burdwan under the law of limitations, witness believes that the origin of the cause of the action was within the time of limitation, and that, if such were proved, the decision should have been different, *Mangles* 1200-1221, 1474-1476.

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Cachar. Witness has a large capital in tea plantations in Cachar, *Barry* 3156, 3157—Range of hills between Cachar and Assam; they are accessible by passes, *ib.* 3158-3161—Witness was the first to take up tea lands in Cachar about two years and a half ago, and there are now not less than twelve different companies there, *ib.* 3162-3165. 3290-3292—Opinion that the tea of Cachar is superior to that of Assam, *ib.* 3166, 3167. 3305—Large area available for tea plantations, *ib.* 3168-3171—There are scarcely any exports from Cachar, *ib.* 3172.

Difficulty in procuring labour in Cachar as well as Assam, *Barry* 3173, 3174. 3217. 3293-3295—Cachar is, in witness's opinion, still more healthy than Assam, *ib.* 3199 3200—Import of some good coolie labour from Calcutta; cost of transit, *ib.* 3239-3242. 3275-3277—Different class of natives in Cachar and Assam; Hindoos as well as Mahomedans among the Assamese, *ib.* 3296-3299—Small quantity of tea as yet produced in Cachar, *ib.* 3306, 3307—Indisposition of the natives to grow tea, or otherwise to develop the soil, *ib.* 3308-3311.

European labourers could not compete in the fields with native labourers, *Barry* 3342-3344—The want of labour is hardly felt as yet, but is sure to injure the province before long, *ib.* 3345—Witness has an interest in four companies in Cachar, and expects they will all do well, *ib.* 3365. 3382-3384. 3666—The population is increasing, *ib.* 3370—Profitable but limited production of caoutchouc in Cachar; the supply is likely to become deficient, *ib.* 3370-3377.

See also *Laul Revenue Settlement and Tenure and Sale of Land*, III.

Canals. Impracticability of canals from the cotton districts to the coast, *Mangles* 1103—Besides the Ganges Canal, which is 900 miles long, the canals in the North West Provinces have been very great, *ib.* 1104—Canals of navigation as well as of irrigation are essential, *Moore* 3820, 3821.

Fundamental consideration upon which witness contends that a cheap communication by means of canals, is that most suited to the circumstances and wants of India, *Haig* 4330 *et seq.* 4652-4662—In support of the conclusion as to the decided advantage of water communication in India, as compared with railways, witness gives certain particulars relative to the railway and water communication in the United States, and shows that even there, the latter is by far the most resorted to, *ib.* 4343-4347. 4354-4369—Exceedingly extensive and successful operation of the Great Erie Canal, as constructed by the State of New York; great advantage if the Indian legislature had raised loans for similar works, *ib.* 4558-4577—Large and increasing traffic on the canal from Rajahmundry to Cocanadah; there is no toll on this canal, an abundant return being derived from the water supplied from it for irrigation, *ib.* 4590-4596.

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Capital. See *European Capital and Skill.*

CENTRAL ASIA :

1. *Character and Number of the Population.*
2. *Articles of Produce.*
3. *Climate.*
4. *Russian Trade and Influence.*
5. *British Trade; Means of extending it.*
6. *Travels of Mr. Atkinson.*

1. *Character and Number of the Population :*

Predatory character of some of the tribes of Central Asia; they are a nomadic race, *Atkinson* 208, 209. 236-238. 275-277—The population of the countries is probably 5,000,000, *ib.* 212.

2. *Articles of Produce :*

Immense number of horses, camels, oxen and sheep owned by some of the Khirgis; their value, *Atkinson* 210, 211. 217-220—Horses, &c. are exported in payment for imports, *ib.* 217. 248, 249—Skins are not manufactured into leather in the country, *ib.* 221-223—Large quantities of gold are procured from the soil, *ib.* 224-229—Flax and madder grow very abundantly, *ib.* 232-235—Principal articles of food; there is no grain of any kind, *ib.* 262, 263.

3. *Climate :*

The climate is very good, but is very hot in summer on the plains, *Atkinson* 266-268.

CENTRAL ASIA—continued.**4. Russian Trade and Influence :**

Considerable increase since 1821 in the Russian trade with Central Asia, more especially in calicoes, copper, hardware and leather, *Atkinson* 164-166. 184, 185—Diff rent routes by which the Russian caravans go to the Chinese frontiers, and to Central Asia, *ib.* 172-174—Measures taken by Russia to make the countries of Central Asia a part of the Russian empire, *ib.* 205-208—The export of gunpowder or fire-arms from Russia to Central Asia is prohibited, *ib.* 213, 214. 230, 231—Means of importing goods by the Amoor, *ib.* 215, 216—Fear of Russia among the people of Central Asia; grounds for this fear in the steps being taken by Russia to push her influence in this quarter of the globe, *ib.* 292-300. 318-322. 329.

Further information as to the commercial and political influence already exercised or likely to be exercised by Russia over the countries of Central Asia; in Khiva and Bokhara she possesses great influence, and in time the whole of Central Asia must fall into her hands, *Atkinson* 1043-1075—Of three hordes of the Kirghees, two are completely under the control of Russia, and the third is partially so, *ib.* 1043—System of caravans by which Russian goods are distributed throughout Central Asia, *ib.* 1043-1046—Several steamers of Russia on the Aral Lake, mainly for political purposes, *ib.* 1047-1054—Russia has a line of Cossack posts extending beyond the Chinese frontier, and has consuls in the Chinese towns of Kuldja and Tchoubachack, *ib.* 1056-1063. 1075-1077.

5. British Trade; Means of extending it :

Witness saw some English calicoes in Central Asia; probable means by which they got there, *Atkinson* 167-171—Importance of opening up Central Asia to British commerce; facilities of doing so by the Indus route, *ib.* 175 *et seq.*, 264, 265. 272-282—With certain facilities of transit, British calicoes and woollen cloths, if dyed in very bright colours, may find a large consumption in Kokan, Yarkand, Bokhara, &c., and may successfully compete with Russian goods, *ib.* 175-183. 197-204. 212. 239-247. 272-274—Doubt as to English goods with the Russian mark upon them finding their way into Central Asia, *ib.* 197-230. 261—Favourable feeling in Central Asia towards the English, of whom, however, but very little is known there, *ib.* 253. 258. 323-335—Several important articles, which may be exchanged for British commodities, *ib.* 269. 281, 282. 291—English goods can only be distributed by native merchants, *ib.* 286-288.

Facilities of transit from Kurrachee to the countries north of the Bholan and Gundava passes are greatly required; British goods may thereby successfully compete with Russian goods in those countries, *Turner* 368-376. 427, 428—Large quantities of Russian goods to be had at Shikarpoor; with proper facilities British goods may replace them, *ib.* 417-429. 465—English goods now go to the countries north of the Bholan and Gundava passes, *ib.* 427. 462.

6. Travels of Mr. Atkinson :

Witness spent several years in travelling in Siberia and Central Asia; limits of his travels, *Atkinson* 155-162. 254, 255. 259, 260—Particulars as to witness having been provided by the Russian government with an escort of three Cossacks, and as to the circumstance under which he got a passport from the Emperor of Russia, *ib.* 284. 305-318. 342, 343—Witness encountered some personal risks, but was never robbed; he had no merchandise with him, *ib.* 336-341.

See also *Sikkim. Tea. Tibet.*

Cheerapoongee. At Cheerapoongee there are sometimes 650 inches of rainfall in the year, *Saunders* 3443, 3444. 3548, 3549.

Children of European Soldiers. Decided approval of institutions on the hills for the children of European soldiers, *Moore* 3825. 3855. 3885. 4075—Doubt as to the propriety of removing soldiers' children compulsorily to the hills, *ib.* 3887-3889.

Children of Missionaries. Circumstances which induce the missionaries to send their children to this country for education, *Underhill* 4704-4707.

China. The mountains and forests are an almost insurmountable obstacle to a means of communication from Assam to Burmah and China, *Veitch* 2958-2962—Two ways which might possibly be opened between Burmah and China, *ib.* 2962—Circumstance of the Chinese sometimes coming into Assam and the Burmah territories for the sake of serpentine and amber, the former of which is in great demand in China, *ib.* 2963-2965. 3076—Labourers might be procured from China, and that country brought very near to Calcutta, if the communication were properly established, *Barry* 3271, 3272.

Chittagong. Explanation as to there having been several towfeer cases in Chittagong; the revenue in this district is collected most punctually, and the district is very prosperous, *Mangles* 1740-1742—The resumption is now finished in Chittagong, *Forbes* 1980.

Christianity.

Christianity. Government should not discourage Christianity, nor should they interfere with the religion of the natives, *Mangles* 1527—The zemindar is not likely to use his power over the ryot to prevent his becoming Christian, *Forbes* 2458, 2459—Good conduct generally of the converts, *Moore* 3867, 3868. 3870, 3871—Every facility should be given to the missionaries, without any interference with, or encouragement of the native religions, *ib.* 3869—A great number of respectable Hindoos have become Christians, *ib.* 4053—The Roman Catholics have made a great many converts, *ib.* 4056—Number of converts of different classes in southern India and Ceylon, *ib.* 4083—Great confidence of the natives in Mr. Montgomery when he openly advocated Christianity, *ib.* 4086.

More chaste character and better physical condition of native Christians than of other natives, *Underhill* 4706-4708. 4889-4892—The converts include the converted Hindoos, and in most instances their children, *ib.* 4795—There are many hundreds of instances of adult and intelligent Hindoos embracing Christianity after due reflection, *ib.* 4805, 4806—Satisfactory effect of conversion upon the subsequent conduct of the converts themselves, *ib.* 4807-4810—The converts very rarely return to Hindooism, *ib.* 4810—Two classes of native Christians so termed; many of those born of Christian parents have not become sincerely devoted to the gospel, *ib.* 4810, 4811.

Converts now do not generally meet with much reproach among the natives, *Underhill* 4812, 4813—Humble class in life of the converts; explanation that this class is more truthful and honest than the higher class, *ib.* 4814-4817. 4826-4829. 4889-4892—In Jessore nearly half the converts are Mahomedans, *ib.* 4824. 4825—The Mahomedans generally are strenuous opponents of Christianity, *ib.* 4826—The women are not more easily converted than the men, *ib.* 4847, 4848—Loyalty of those converted to Christianity, *ib.* 4883, 4884—Opinion that there are altogether about 120,000 Protestant Christians, *ib.* 4887, 4888.

See also *Civil Jurisdiction.* *Administration of Justice.* *Missionaries.*

CIVIL SERVICE:

1. *System of Public Competition.*
2. *Facility of Nomination.*
3. *Age of Entry.*
4. *Strong Approval of the Seniority System.*
5. *Unduly Small Number of Civil Servants.*
6. *Whether Conversant with the Native Languages.*
7. *Good Character and Conduct generally.*
8. *Instances of Incapacity or Misconduct.*
9. *Non-dismissal for Misconduct; Impropriety thereof.*
10. *Relations between the Civil Servants and the Settlers.*
11. *Inability of the Civil Servants to hold Land; Propriety thereof.*
12. *Case of an Uncovenanted Servant, as cited in 1858.*

1. *System of Public Competition:*

Approval of the alteration from patronage to public competition on admission to the Civil Service; witness has not, however, any strong faith in the result of the experiment, *Mangles* 1109-1119—Impression that under the system of competition, no first class men from Oxford or Cambridge have come forward, *ib.* 1114.

Further reference to the class of persons who have come forward as candidates for the Civil Service under the competitive system; witness is glad to find he was mistaken in supposing that distinguished University men did not compete, *Mangles* 1379-1385.

2. *Facility of Nomination:*

Great facility of nomination to the Civil Service, *Mangles* 1113, 1114.

3. *Age of Entry:*

Mistake in raising the age of entry to the Civil Service to twenty-four; twenty should be the maximum age, *Mangles* 1114-1119.

4. *Strong Approval of the Seniority System:*

Great wisdom in the service being fed exclusively from the bottom, *Mangles* 1109-1111. 1114—Jobbing if the service were not supplied from the bottom, *ib.* 1109. 1114—Strong objection to the appointment of barristers from England, or of any men of middle age to the Civil Service, *ib.* 1109-1119—Bar to jobbery in cases of departure from the exclusiveness of the Civil Service, if certain conditions were required before appointment, *ib.* 1250-1254—Greater opportunities of the Government for forming a knowledge of the civil servants under the present system than under a system of selection by competition, *ib.* 1255-1257.

Prejudice to the prospects of the civil servants, and injury to the service, if men of middle age were directly appointed from this country to the more valuable offices, *Mangles* 1257, 1258—Approval of the Civil Service being a seniority service, largely affected

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affected by comparative merit, *Mangles* 1351-1353—Witness has no desire to keep up the distinction in name between the covenanted and the uncovenanted services, but insists on the advantage of a service fed from the bottom, *ib.* 1728. 1924, 1925—Further objection to the Civil Service being fed save from the bottom; it is not, however, an exclusive service, as natives or any other persons below a certain age may compete for it, *ib.* 1913-1918. 1925.

5. *Unduly Small Number of Civil Servants:*

Necessarily inadequate administration of the laws when there are less than 1,000 civil servants to a population of 120,000,000, *Underhill* 4719.

6. *Whether Conversant with the Native Languages:*

Extremely exaggerated character of the statements in 1858 about the ignorance of the civil servants of the native languages, *Mangles* 1119—Reference to the examinations now in force in India as showing that the civil servants must have a competent knowledge of the languages, *ib.* 1119-1122—As regards the selection for the Enam Court of men specially conversant with the Murathee language, it does not prove that the judges of the ordinary courts are deficient in the languages, *ib.* 1289-1295—In Bombay and Madras the civil servants are, under the present system of examinations, becoming still more conversant with the languages, *ib.* 1307. 1310—Greater difficulty as regards the languages in Bombay and Madras than in Bengal, *ib.* 1307. 1310.

As regards the examinations in Bengali, many who undergo them are not good Bengali scholars, *Forbes* 2061-2065. 2082-2085—It is one of the complaints of Europeans in India that the civil servants are not properly acquainted with the languages, *Saunders* 3600. 3700.

The European military and civil servants have a very considerable knowledge of the native language, *Moore* 4019, 4020—The examinations in India are very fair and very searching, *ib.* 4019—A public servant cannot get on at all unless he is well qualified in the languages, *ib.* 4021—The languages are easily acquired by men of ability and education, *ib.* 4022.

7. *Good Character and Conduct generally:*

Favourable opinion entertained by witness of the character and conduct of the civil servants, as a body, *Moore* 3936-3938.

8. *Instances of Incapacity or Misconduct:*

Witness knows many cases of official misconduct, or incapacity, and cites one or two, *Forbes* 2166-2171—Witness knows a magistrate who is often drunk by 12 o'clock in the day, *ib.* 2166. 2168, 2169.

9. *Non-dismissal for Misconduct; Impropropriety thereof:*

Evidence in condemnation of the practice of retaining in the service men who have been guilty of misconduct, *Forbes* 2166-2173. 2278-2281. 2289-2291. 2598-2601—Practice of late years not always to suspend mis-conducted civil servants, *Moore* 3939, 3940.

10. *Relations between the Civil Servants and the Settlers:*

Disapproval of intimate relations between the civil servants and the planters, *Mangles* 1314. 1504-1511. 1811-1815—Dissent from Captain Ouchterlony's statement, that a sort of "cold shade" is thrown over European settlers, *ib.* 1336.

Illustration of the antagonism displayed towards witness by civil servants, *Forbes* 2153-2156—Mention of several occurrences strongly illustrating the partial and antagonistic conduct of the magistrates towards the non-official European community in the Mofussil, *ib.* 2156-2160. 2164, 2165—Instance of improper proceedings on the part of a magistrate towards a European settler at Pubna, which resulted in the murder of a darogah by lateeals, *ib.* 2156-2160. 2537—Prejudicial feelings of the natives towards any settler who is treated coldly or hostilely by the civil servants, *ib.* 2161-2163—The exclusiveness of the covenanted civil servants is such that all other classes are jealous of them, *ib.* 2282-2284—Feeling of antagonism on the part of civil servants towards the planters further adverted to; probable origin of this in the latter acting as some check upon the former, *ib.* 2348-2368. 2631.

11. *Inability of the Civil Servants to hold Land; Propriety thereof:*

Witness rejoices beyond measure that the civil servants have been debarred from holding land or property in India, *Mangles* 1131, 1313-1316—Although many indigo planters, as honorary magistrates, may have much local influence, it is not desirable to allow the civil servants, as magistrates, to become planters, *ib.* 1504-1511. 1811-1815—Witness, as being in the Company's service in Assam, was precluded from growing tea, &c., *Vetch* 3060-3064.

12. *Case*

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12. *Case of an uncovenanted Servant, as cited in 1818:*

Inaccuracy of Captain Ouchterleny's statement in 1858, of the circumstances under which a relative of his was suspended by the Court of Directors, in a certain appointment, *Mangles* 1337-1339.

See also *Administration of Justice. Magistrates. Salaries.*

Climate. Although, on account of the climate of India, colonization as in Australia may not be practicable, the risk to human life is much exaggerated in the public estimation, *Mangles* 1712.

Opinion that the European race may be healthily propagated in India, although this has not resulted in the case of the Portuguese and other foreign settlers, *Moore* 3810-3814. 3983-3993—There are at present in Calcutta many Europeans of the third generation whose physical condition is excellent, *ib.* 3811-3813—Certain peculiar constitutions are best suited to the climate, *ib.* 3816, 3817. 3895, 3896. 3905—If proper care be observed, men of any habits of body may have good health in India, *ib.* 4094—Witness does not consider the planters less healthy than the farmers in this country, *ib.*

See also *Assam, 6. Darjeeling. Degeneracy of Europeans. Hill Districts. Mortality of Europeans.*

Cochin. Advantages of Cochin over Beypoor, as the terminus for the Madras Railway, *Fenwick* 825-833.

Coffee. On the low levels coffee cultivation does not succeed, *Fenwick* 709.

See also *Assam, 9.*

Coimbatore. Witness does not know much about Coimbatore; there is a great scarcity of water there, and the irrigation is chiefly by wells, *Fenwick* 723-727.

Communication, Means of. Main importance of cheapness of conveyance for the development of Scinde and of the country generally, *Turner* 524. 547-558—An improvement in the means of communication is most expedient, *Fenwick*, 901, 902. 1018-1021; *Underhill* 4792, 4793—With regard to the question of roads, bridges and canals, witness has always regretted that sufficient was not done in former years for the internal communication of the country, *Mangles* 1102—The case against Government in reference to public works has, however, been overstated, *ib.* 1102. 1108—Import of ivory, iron, &c. into this country at a cheaper rate if the internal means of communication in India were better, *Jackson* 3725. 3734. 3745—Dis-repair into which several of the former means of communication have fallen, *Underhill* 4791.

See also *Canals. Navigation. Railways. Rivers. Roads. Tramways.*

Contract Law. Want of a proper law of contract in India, *Underhill* 4763.

Coolie Emigration. Prejudice to the supply of labour through the system under which the emigration of coolies to the Mauritius and the West Indies is encouraged by Government; examination as to the precise ground of complaint on this score, and as to the planters not having succeeded in importing such labour into Cachar and Assam, *Barry* 3219-3253. 3300-3304. 3345-3358—Light in which the same Government protection is not afforded to coolies going to Assam or Cachar as to the West Indies, *ib.* 3302-3304. 3347-3358—The natives would rather labour at home than in the Mauritius, &c., if they were paid as well, *Saunders* 3523—The coolies or labourers who go to the Mauritius are for the most part Santals and men from the Rajmahal hills, &c., *ib.* 3657-3659.

Coonoor (Madras). Fertile character of the land in Coonoor, *Fenwick* 716-720.

Coringa (Madras). Facilities for making an excellent harbour of Coringa, the port of the Rajahmundry district, *Haig* 4251-4259.

Cossya Hills. Suitableness of the Cossya hills for the European constitution; heavy rains on the hills, but not so much on the Assam side, *Vetch* 2884-2892—Iron-producing character of the Cossya hills, *ib.* 3118—Particulars relative to the Cossya hills; Cherapoonjee is the rainiest place in the world, but parts of the hills are exceedingly healthy and perfectly suitable for the residence of European tea-planters, *Saunders* 3442-3458. 3548, 3549—The height of the hills is generally from 3,000 to 4,000 feet, and they are about 70 miles broad, *ib.* 3456.

Costs (Law-suits). Injurious operation of the requirement that zemindars must deposit money as security for costs in every law-suit in which engaged, *Forbes* 2207-2213.

Cotton. Statement as to the East India Company having been unjustly vilified on the score of the cultivation of cotton; evidence showing that they have gone to very considerable expense in order to promote cultivation, *Mangles* 1081, 1082. 1648. 1657-1663. 1743-1745—Reference to the circumstance of representations having been made to the Court of Directors that land should be held free of revenue as an encouragement to cotton.

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cotton cultivation, *Mangles* 1081, 1082. 1638-1641—Argument that the system of land revenue and of land tenure is no more a hindrance to the profitable cultivation of cotton than it is to that of indigo, jute, oil seeds, &c., *ib.* 1081-1083—European agency has never been properly supplied, although its want is most unquestionable, for the encouragement of cotton cultivation, and for seeing to the packing or screwing, and transit, *ib.* 1082. 1517, 1518—The permanent settlement does not hinder the profitable cultivation of cotton, *ib.* 1082, 1083.

The cotton may in time be conveyed to the coast along the railways now being formed, *Mangles* 1103—By the system of advances to the ryots, settlers may succeed at least as well in the production of cotton as of indigo or sugar; there are, in fact, greater facilities of operation in the case of cotton, *ib.* 1169-1184. 1702-1709. 1745-1747—Grounds for doubting the use of irrigation in the cultivation of cotton, *ib.* 1180. 1654-1656.

Witness further argues that most of the obstacles to the development of the cotton cultivation might have been overcome by energetic settlers, *Mangles* 1344. 1345. 1642-1652. 1662, 1663. 1745-1747—The want of roads is the only point on which Government are responsible as regards the supply of cotton, *ib.* 1344, 1345. 1645-1648—Cotton has been grown from time immemorial in India, *ib.* 1520—Impediment to a large cultivation of cotton on account of the probability of its not being profitable to the ryot as compared with other crops, *ib.* 1656. 1708. 1746, 1747. 1882.

Witness further advises that Europeans wishing to procure cotton should not hold land, but should buy the cotton from the natives, and should press it and probably clean it themselves, *Mangles* 1701. 1703—Particular districts in Bengal, Bombay, and Madras, in which the growth of cotton is or may be most largely produced, *ib.* 1708. 1710, 1711—Possibility of the growth of cotton being successfully revived in the eastern parts of Bengal, *ib.* 1708—Obstacle to profitable cultivation in the demand not being continuous, but regulated by the American crop, *ib.* 1746—Belief that cotton equal to the American cotton cannot be produced in India, *ib.* 1748-1753.

Natural facilities in Dacca for the growth of a very fine description of cotton; there is not, however, any demand for it, *Forbes* 2551-2561—Probability of the soil in Assam and Cachar being suitable for the extended growth of cotton, *Barry* 3216—Cotton, as well as wheat, may be produced more cheaply in India than America, *Moore* 3875, 3876—Very small expense of the conveyance of cotton down the Mississippi, *ib.* 4023—Circumstance of cotton being now brought down the river by Messrs. Livingstone & Company, *Haig* 4387. 4525-4528—Reasons why the firm of Messrs. Palmer ceased bringing cotton down the Godavery, *ib.* 4522-4524—Estimate that for the eighth of a penny per pound cotton may in time be brought by river from the neighbourhood of Nagpore to Coringa, *ib.* 4530-4535.

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Courts of Law. See *Administration of Justice*.

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Cowper, Captain, T. A. Statement by Captain Cowper, Revenue Commissioner for Alienations, Bombay, dated 22 October 1858, in refutation of the evidence given in 1858 by Mr. Warden, and in defence of the proceedings of the Enam Commissioners, *App.* p. 347-365.

Statement by Mr. Warden, dated 4 March 1859, in reply to the foregoing statement of Captain Cowper, and with a view to the refutation of the same, *App.* p. 367-378.

Criminal Jurisdiction (Mofussil Courts). Strong disapproval of the contemplated Black Act, *Sanders* 3494.—See also *Administration of Justice*.

Crown, The. See *Government*.

Cultivation of the Soil. See *Agriculture*.

Currency. Great importance of increased monetary facilities for the remedy of local wants; how Government may provide such facilities, *Forbes* 2221-2224—Advantage of an improved circulation of paper money in the Mofussil, *ib.* 2222. 2371-2382—Increased facilities of circulation accordingly as European settlement increases, *ib.* 2225, 2226—The use of gold, if merely as a token, would be a great convenience; reason for its not being a legal tender, *ib.* 2227-2230. 2364-2371.—See also *Silver*.

Cuttack. Statement showing the want of improvement and prosperity in Cuttack, where there are no irrigation works as compared with Tanjore or Rajahmundry, *Haig* 4303-4324—Cuttack, or the Delta of the Mahanuddy, is about the same extent as Tanjore, and the soil is much the same, *ib.* 4307. 4313—The bad state of Cuttack is attributable to the inundations as well as to the want of drainage and of irrigation, *ib.* 4308-4321—Probability of the unhealthiness of Cuttack being mainly owing to the want of drainage, *ib.* 4309-4312—Views expressed by Colonel Cotton as to the ill effects arising in
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Cuttack from the want of drainage and irrigation, *Haig* 4321-4324—Frequent and large remissions of revenue, *ib.* 4321-4323.

Further statement in reference to the climate and soil of Cuttack or Orissa, as compared with Tanjore, *Haig* 4455-4468.

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Dacca. Largely increased cultivation of waste land in Dacca, &c., by increased European settlement, *Forbes* 2102-2105—Great want of roads in Dacca; insufficient local funds for their formation, *ib.* 2120-2126—Devious route likely to be taken by the railway from Calcutta to Dacca; belief that goods will never be sent from Dacca by this line, *ib.* 2127-2130—Improving condition of Dacca since the increased demand for jute, oil-seeds, &c. since the Russian war, *ib.* 2131-2137—Witness was in Dacca for nine years, and was in very good health; he believes that European families might be brought up in health there, but could not be educated, *ib.* 2138-2141—Insufficient pay of the magistrates of Dacca, *ib.* 2247—Bad state of the roads between Calcutta and Dacca, *Underhill* 4784-4790. 4878-4880—Advantage in forming a good canal rather than a road between Calcutta and Dacca, *ib.* 4788-4791.

“*Dacca News*,” *The*. Circumstance of witness, as editor of the “*Dacca News*,” having received a warning under the Press Act for an article in which he drew some inferences unfavourable to the courts, *Forbes* 2214-2220—As editor of the “*Dacca News*,” witness advocated the interests of the natives as well as of Europeans, *ib.* 2562-2567.

Darjeeling. In the Darjeeling territory all the cereals and common vegetables of India may be cultivated successfully in the lower elevations, and European grains in the higher elevations, *Hooker* 1-5—If the projected railway from Darjeeling to Calcutta be carried out, potatoes, &c., grown in the former place, would find a ready market in the latter, *ib.* 4-6. 77—The distance from Calcutta to Darjeeling is between 400 and 500 miles, the only access being by boat, *ib.* 75, 76—European settlement has largely increased in Darjeeling, and may be extended with great advantage, *ib.* 96-106. 119-124—Land may be readily procured; there is a large extent cultivable, *ib.* 99-101. 127-135—Large barracks are about being built, *ib.* 103. 120—The climate is excellent, *ib.* 104, 105. 136-142—Mixed population in Darjeeling, *ib.* 116-118. 123—Productive character of the soil, *ib.* 121-123.

Degeneracy of Europeans. We have hardly held India long enough to test the point whether a third generation of Europeans can survive there, *Saunders* 3656. 3711—Grounds for concluding that the European race cannot be continued in India, with occasional visits to Europe, *Moore* 3810-3814. 3916. 3983-3993.

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Deviation of Land. Complaints of the practice of Government, through its collectors, in dealing with land washed away by the immense deviations of the Ganges and other rivers; constant resumptions on this score; instances of injustice in the case of witness and others, *Forbes* 1981-1991. 2000-2010—The Ganges deviates about twelve miles every twenty or thirty years, *ib.* 1983, 1984. 1990, 1991—Witness at the present moment is paying land-tax for land which the collector cannot point out, *ib.* 2003.

Dewar, James. (Analysis of his Evidence.)—Is engaged in the linen trade at Dunfermline, 4110. 4112, 4113—Great dearth of flax for the mills in Scotland, 4111—Statement showing the imports of flax during each of the last ten years, 4114—The only places whence the flax comes are Ireland and the Continent, 4115—With a plentiful and cheap supply of flax the linen trade might be doubled, 4116. 4154-4158.

Illustration of the facilities with which flax may be produced in the Punjab; price at which it may be produced, and large profit to be realised, 4117 *et seq.*—Improper way in which the flax is prepared by the natives; importance of European superintendence, 4120, 4121. 4150. 4173-4175. 4190-4192—Particulars relative to the flax supply Association, recently formed for procuring supplies from India, 4121. 4125. 4146-4149.

Very high price of flax at the present time, 4122. 4186—Impression that flax is grown all over India, 4137—Peculiar facilities offered by the Punjab, 4138-4145—Although the outlets for trade have increased the supply from Russia or Ireland has not increased, and hence the resort to India, 4159-4170.

Willingness of Lord Stanley to promote cultivation in India, 4171, 4172—Several fibres produced in India, and of great strength, which might be made available in this country, 4178, 4179—Lower freight from Russia than from Kurrachee; advantage in the latter port being open throughout the year, 4180-4183. 4193-4195—Importance of irrigation in the cultivation of flax, 4184, 4185—When wheat is cheap there is more flax grown, 4187, 4188—A crop of flax once in ten years is beneficial to the soil, 4189.

Deyrah Doon. The tea produced in the Deyrah Doon is very good, but the cultivation is expensive, *Saunders* 3467—Much better condition of the tea gardens of Colonel Elwall than of Government in the Deyrah Doon, *ib.* 3468, 3469—Particulars relative to the

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land, climate, &c., of the Deyrah Doon valley; peculiar fitness of this valley for European settlement, *Saunders* 3663-3679.

Discouragement of Settlement. See *Government*.

Dispensaries. Useful operation of dispensaries in all the more important places, *Moore* 3854-3860—The dispensaries are mostly established by Government, *ib.* 4005—Liberal donations by natives in aid of dispensaries, *ib.* 4005, 4006—Considerable medical acquirements of the native medical officers in the Government dispensaries, *ib.* 4007-4009, 4014—Control of each dispensary by a civil or military surgeon, *ib.* 4010, 4011—The dispensaries are largely resorted to by the natives, *ib.* 4012, 4013.

Dissolution of Parliament. The sudden dissolution of Parliament has prevented the Committee from concluding its inquiries, *Rep. p.* iii.

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East India Company. See *Government*.

Education of Natives. Steps taken to educate the natives as civil engineers, &c.; disappointment felt by the natives in their educational career not having hitherto led to such employment as they had anticipated, *Turner* 577-581, 588-592—Advantage if the natives were fitted for responsible offices by a system of sound and moral education in this country, *Mangles* 1354-1358; *Saunders* 3541-3545, 3562-3564, 3660-3662—In Assam a few private schools have been started with a view chiefly to qualifying for Government schoolmasters, *Vetch* 2728—Natives would readily come to colleges in England for education, and such education would do more good than missionary efforts, *Saunders* 3614-3618.

Considerable progress of the natives in the medical studies, *Moore* 3853, 3854—As regards educational measures, a great portion of the money has gone in large salaries, *ib.* 3977, 3978—Illustration of the great acquirements of natives in astronomy, *ib.* 4016-4018—Dissent from the opinion that the progress of education had anything to do with the mutiny, *ib.* 4081—Illiterate character of the great mass of the natives, *Underhill* 4854-4856—Prejudices against the education of native females are giving way, *ib.* 4886.

Enam Commission (Bombay). Inaccuracy of Mr. Warden in citing the opinions of certain distinguished men as having been opposed to an investigation of the titles of enams, or rent-free tenures, with a view to their resumption; quotation hereon of the opinions of Lord Hastings, Lord Metcalfe, and Sir Thomas Munro, *Mangles* 1089—Witness shows that Mr. Elphinstone never intended to confirm the exemption of enams, &c. without due investigation, *ib.* 1095-1097, 1566-1568—Reference to the Enam Commission as not being any prevention to settlements, *ib.* 1123—Belief that Mr. Elphinstone, after he had succeeded to the government of Bombay, declined either to confirm or to dispute any titles at that time, *ib.* 1465-1468.

Inaccuracy of the statement that under the Enam Commission the *onus probandi* is thrown on the enamdar, *Mangles* 1479, 1480—Captain Cowper, of the Enam Commission, is a man of very high ability; instead of being under thirty years of age, as stated by Mr. Warden, he is thirty-nine, *ib.* 1481-1483—The special Commissioners for appeals from the enam courts were picked men out of a large service, *ib.* 1487, 1488—Where the holder of an enam is the proprietor of the soil, resumption does not extend to his dispossession of the land, *ib.* 1528, 1529—Difference between a jaghir, a surinjam, and an enam, *ib.* 1564, 1565—An enam was a free gift without any return; it was given subject to the despotic power of the sovereign to take it back, *ib.* 1564, 1565.

Although the long delay before investigation is much to be regretted, it should not obviate the right of resumption, *Mangles* 1569-1572—Very liberal manner in which enamdars have been dealt with by the Enam Commission; any loss or destruction of records is favourable to the enamdars, *ib.* 1572-1575—The enamdar merely asserts his title, and it is the part of the Commissioner to prove from the Peishwa's records that the claim is not valid, *ib.* 1572-1575—Witness cannot say how much the revenue has gained by the Enam Commission, *ib.* 1685, 1686.

Statement in detail, by Captain Cowper, dated Bombay, 22 October 1858, in refutation of certain evidence of Mr. Warden, and in explanation and defence of the proceedings of the Enam Commissioners, *App. p.* 347-365.

Minute by Lord Elphinstone, which is concurred in by Mr. Malet and Mr. Reeves, dated 17 December 1858, in approval of the statement of Captain Cowper, *App. p.* 365, 366.

Statement by Mr. Warden, dated 4 March 1859, in reply to the foregoing statement of Captain Cowper, and with a view to the confirmation of the evidence given in 1858, *App. p.* 367-378.

See also *Guzerat. Resumption of Rentfree Tenures.*

Engineers.

Engineers. There is a great want of more engineers in India, but whether civil or military engineers is a matter of little moment, *Turner* 493-503. 594-599—Equal efficiency, on the whole, of the military engineers in India as of civil engineers from this country, for the public works required, *ib.* 495. 496. 499-502. 594. 597. 598—Approval of the plan of giving the military and the civil engineers the same prospect of promotion in the department of public works, *ib.* 497—Evidence in approval of the education of natives as civil engineers, and of their gradual employment upon public works; at present, however, the natives are not fit for such employment, *ib.* 572-593. 607-616—Civil engineers are much wanted, *Fenwick* 1024, 1025.

English Language. Witness has always been favourable to an extended knowledge of the English language among the natives, *Mangles* 1531.

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Eurasians, or Half-Castes. Witness formed a very favourable opinion of some half-castes whom he knew as planters, *Forbes* 2602—Information relative to the Eurasians or "half-castes," as they are sometimes offensively termed; they have done the state good service, although they probably may not generally possess the energy or stamina of the pure Englishman, *Moore* 3831-3841—Particulars relative to the Eurasians as Christians; fitness of these for public employment, *Underhill* 4832-4846.

European Capital and Skill. Immense field in India for the colonization of capitalists, whereby the numerous and valuable productions of the country may be greatly developed, *Mangles* 1080—In the opening of railways, the introduction of steam navigation on the rivers, the improvement of the harbours, and similar works, colonization is not by most beneficial, *ib.* 1080—Much the best way for the capitalist to operate is not by cultivating, but by buying the produce of the cultivation, *ib.* 1168. 1181. 1185—With all the concomitant evils, European settlement is on the whole desirable, *ib.* 1818. 1823, 1824—Commerce cannot be extended without the people being enriched and benefited, *ib.* 1824.

Colonization is not practicable with respect to the labouring classes, *Forbes* 1937—The settlement of capitalists or skilled labourers is, however, very practicable and profitable, *ib.* 1937-1939—Tendency of settlement to strengthen the hands of Government; instances of this during the mutiny, *Barry* 3213, 3214; *Saunders* 3481-3487. 3539. 3540—The labours of this Committee have excited the liveliest interest and the greatest satisfaction in India, *Saunders* 3473, 3474; *Moore* 4107-4109—European settlement and capital are essential to the development of the country, *Saunders* 3474, 3475; *Jackson* 3734. 3735. 3745—India is a much better country than Australia for European settlers, *Saunders* 3476-3478.

Wherever Europeans have settled, they have benefited the natives and the country, *Moore* 3818. 3824—If European settlement had not been interfered with, the mutiny would have been impossible; illustration of the way in which it used to be interfered with, *ib.* 3941, 3942. 3952-3957—Advantage both to England and India if boys from the refuges, &c., in London, were sent out to institutions on the hills, *ib.* 3885—Beneficial results anticipated from the labours of the Committee, *ib.* 3958-3960—Outline of the measures necessary to induce the spread of settlement, *ib.* 4094—The Queen has no better subjects than the settlers in India, *ib.* 4108.

Numerous respects in which the settlement of Europeans in India is most important and beneficial, *Underhill* 4708, 4709. 4716, 4717—The obstacles to European settlement are various, *ib.* 4719 *et seq.*—The settlements of Europeans in India cannot be properly called colonization, *ib.* 4881.

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European Troops. In Gwalior and other independent states, European troops will probably be retained at the cost of the native princes, *Mangles* 1365, 1366—As regards the high mortality among European soldiers in India, it has been mainly owing to intemperance and the want of proper care in housing them, *Barry* 3393—Causes other than the climate to which the large per centage of military mortality in India is attributable, *Saunders* 3652, 3653—Every soldier going to India should take a wife with him, *Moore* 3889-3891. 3961, 3962—By an increase of settlement, together with a good police, the European army may be greatly reduced, *ib.* 4077.

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Exchange (Monetary) Operations. Explanation in defence of the practice of the Court of Directors with respect to the rates at which they have regulated their exchanges; practice more especially in the early part of 1855 in drawing bills upon India, *Mangles* 1369-1378.

Exports and Imports. Anticipated continuance of the increase in the imports and exports of India, *Mangles* 1349, 1350.—See also *Taxation*.

F.

Famines. Illustrations of the good economy of irrigation works as a means of preventing famines, *Haig* 4246, 4247. 4608-4610—Prevention of famine by means of the Godavery irrigation, such being one of the main objects of its projector, Colonel Cotton, *ib.* 4246, 4247.

Fee Simple of Land. See *Land Revenue Settlement and Tenure and Sale of Land*, IV.

Fenwick, George Howard. (Analysis of his Evidence.)—Was for about four and a half years resident engineer on the Madras Railway in the Malabar district, 659-662—Information relative to the heights of the principal hill districts in the south of India, 663-679. 934—There is a great deal of fever in these districts in the hot season, 680, 681—All the European products are cultivated in the Neilgherries, 682—In the district of Nellambool the rajah carries on a good deal of gold washing, 683.

Considerable quantity of iron existing on the surface of the laterite formation in Malabar, Mysore, &c.; specimens produced, 684-695. 935—Ample supplies of wood fuel and of shell lime for smelting the iron, 692, 693. 696-704—There are iron works near Beypoor, but all the railway iron has hitherto been had from England, 705-707. 984—Coffee may be considered the staple commodity of the Neilgherries, 708—On the low levels coffee cultivation does not succeed, 709.

The Mysore country is very suitable for the cultivation of coffee, 710, 711—Mysore is on the whole very healthy, and offers peculiar facilities for European colonization, 712-715. 728-733—Fertile character of the land in Coonoor, 716-720—Very good sheep walks in the Neilgherries, 721, 722—In Coimbatore there is a great scarcity of water there, and the irrigation is chiefly by wells, 723-727.

Very good roads in Mysore; vehicles of transit there, 733. 749-752—Very bad roads in Malabar, 734-748—Difficulty as regards canals of irrigation or navigation in Malabar; with a proper outlay permanent means of irrigation may be provided, 753-768. 936-941. 1008, 1009.

Opinion that railways in India have been constructed on too expensive a principle, 769-783. 1034-1042—Native unskilled labour is very plentiful and very good, but there is a great want of skilled labour, 784-786. 966-968—Principal food of the natives in the Malabar district, 787, 788. 910. 918—Caste is not very strictly observed in Malabar, 789-791—Efficiency of the Portuguese half-castes employed on the railway, 792-798—The English workmen did not turn out very well, 799, 800. 1031-1033.

Information on the subject of forced labour on behalf of Government; abuses on this score, 801-812. 887-896. 923-925. 999-1002—State of the harbours or roadsteads on the western coast, 813-825—Advantages of Cochin over Beypoor as the terminus for the Madras Railway, 825-833—Bad administration of justice in Malabar; grounds for complaint hereon against the decision of an European judge in a case in which witness was interested, 834-854. 942-957. 985-989. 995-998. 1003-1007. 1016, 1017. 1022, 1023.

Corrupt and inefficient character of the police in Malabar, 855-865. 897-900. 952-957—Very defective postal arrangements in the Malabar district, 866-877—Advantage of communication by means of canals between the backwaters from the sea on the Malabar coast, 878-882—Witness attributes the prosperous condition of Mysore to the system of administration there, 883-886—Improved means of transit are greatly wanted, 901, 902. 1018-1021—The Madras line will probably be completed in 1860; 903-905.

Favourable feelings of the natives in Malabar towards the railways, 906-908—Enhanced price of labour through the railways, 908. 919-922. 929-933. 969-972—Natives of the Moplah caste are generally very well off; they make very good labourers, 909-921—Payment of the native labourers through native agency, 926-928—An English labourer would do about four times as much as a native, except that in the plains the heat would be too great for European labourers, 932, 933. 961-968.

Importance of an increased settlement of Europeans. 958-960—Success attending the letting of some small contracts on the Madras line to native contractors, 973-978 The population in Madras are for the most part very poor, 979-983—Further reference to several hill districts in which European colonization may take place; Government do not interpose any obstacles, 989-993.

During the rainy season in Malabar, some crops, such as flax, may be cultivated to advantage, 1010, 1011. 1014—Rice is the principal product in Malabar, 1012—In Mysore a good deal of flax is produced, 1013—Witness never saw cotton in Malabar, 1015—Civil engineers are much wanted in India, 1024, 1025—Railway construction would be better carried out if Government did not interfere through military engineers, 1026-1030.

Fibres.

- *Fibres.* Several fibres produced in India, and of great strength, which might be made available in this country, *Dewar* 4178, 4179.

Finances of India. Bad management of the finances by the Government in Calcutta, *Moore* 4048.

Flax. Favourable experiments in flax-growing in Scinde; reason why it was given up, *Turner* 389-391—Flax has been grown from time immemorial in India, *Mangles* 1520—The climate and soil of India are very suitable for the growth of flax, *Moore* 3878-3880.

Many mills throughout Scotland are either closed or going upon short time through the great dearth of flax, *Dewar* 4111—Statement showing the imports of flax to Great Britain during each of the last ten years, *ib.* 4114—The only places whence flax comes is Ireland and the Continent, *ib.* 4115—With a plentiful supply of flax the linen trade might be doubled, or greatly increased, *ib.* 4116. 4154-4158—Illustration of the facilities with which flax may be produced in the Punjaub; large cultivation in 1855 through the offer of premiums by the Government, *ib.* 4117-4119. 4171-4174—Particulars relative to some Punjaub flax which at the price of 45*l.* in this country gave a profit of about fifty per cent, *ib.* 4117-4119. 4123. 4124. 4126. 4143. 4144. 4151-4153—Improper way in which the flax is prepared by the natives; importance of European superintendence on this point, *ib.* 4120. 4921. 4150. 4173-4175. 4190-4192.

Particulars relative to the Flax Supply Association, recently formed for procuring supplies from India, *Dewar* 4121. 4125. 4146-4149—Consideration of the cost of produce in the Punjaub, the cost of conveyance to Kurrachee, and the cost of freight to England; large margin for profit, *ib.* 4121, *et seq.*—Very high price at the present time, *ib.* 4122. 4186—Impression that flax is grown all over India, *ib.* 4137—Peculiar facilities offered by the Punjaub, *ib.* 4138-4140—There is no reason why flax of the first quality may not with care be raised, *ib.* 4144. 4145.

Although the outlets for trade have increased, the supply from Russia or Ireland has not increased, and hence the resort to India, *Dewar* 4159-4170—Willingness of Lord Stanley to promote cultivation in India, *ib.* 4171. 4172—Lower freight from Russia than from Kurrachee; advantage of the latter port being open throughout the year, *ib.* 4180-4182. 4193-4195—Importance of irrigation in the cultivation of flax, *ib.* 4184. 4185—When wheat is cheap there is more flax grown, *ib.* 4187. 4188—A crop of flax once in ten years is beneficial to the soil, *ib.* 4189.

Large quantities of flax are cultivated along the Godavery, *Haig* 4669-4673.

Forbes, Alexander. (Analysis of his Evidence.)—Went out to India with the late Dwarknath Tagore; subsequently became an indigo planter, a manager of zemindaries, proprietor and editor of the "Dacca News," and had in these and other capacities sixteen years' experience in Lower Bengal, 1926-1936—Returned to England in December last, 1931.

Considers that colonisation is not practicable with respect to the labouring classes, 1937—The settlement of capitalists or skilled labourers is, however, very practicable and profitable, 1937-1939—Respects in which the present tenure of land in Bengal is very insecure, and is a very great obstacle to settlement, 1940-1944—Obstacle to the tenure of land by settlers on account of their liability thereby to become involved in law suits, 1945—Statement relative to a tea estate upon which witness has expended large sums of money, but the title deeds of which he is not yet in possession of through the fault of the Government of Bengal, 1948-1958.

Theory of the Government officials that the property in the soil in Bengal vests in the khodkhasht ryot or actual cultivator; prejudicial impediment thereby to the operations of the zemindars for the better cultivation of the land, 1959-1968—Witness considers that the property in the soil vests in the zemindar, 1959—Advantage to the ryot as well as to the capitalist if the real proprietorship were inquired into and determined; present position of the ryot in relation to the zemindar adverted to hereon, 1964-1979.

The land-tax should be redeemed, 1970. 1990—Inaccuracy of Mr. Mangles in stating that Government paper might be deposited with the collector, the interest on which should be equivalent to the land-tax, 1970-1972—As regards resumptions they are now finished in Chittagong, 1980—Lahkiraj resumptions have ceased in Bengal; it was said they would not pay, 1981. 1992, 1993—Complaint of the practice of Government, through its collectors, in dealing with land washed away by the immense deviations of the Ganges and other rivers, 1981-1991. 2000-2010.

Civil suits in Bengal last about fourteen years, and very often much longer, 1987, 1988—General distrust produced in the minds of the zemindars in Bengal through the Government interference in regard to land, 1994-1999—Evidence strongly opposed to the union of the offices of collector and magistrate in Bengal, 2011-2019.

Witness would like to see the collectors made magistrates on larger salaries, 2013—The magistrates upon smaller salaries would do the work of collectors very well, *ib.*—Injustice consequent upon the magistrate having the complete control of the police, 2013. 2017-2019.

Forbes, Alexander. (Analysis of his Evidence)—continued.

Objection to a summary mode of proceeding being applied in the courts of Bengal where interests of great magnitude are constantly at stake, 2020-2022 — Great want of precedents in law, 2020-2026 — It is very important that the judges should have a legal training, 2022-2028.

Neither the judges nor the magistrates properly understand the Bengali language used in the court in Bengal, 2029-2045. 2051-2060 — The people themselves do not understand the language as used in the courts, 2030. 2032, 2033 — Advantage in the introduction of the English language into the courts; the decisions would be more just, 2032-2034. 2046-2048. 2060.

The magistrates should, if the English language be introduced, still understand as much as possible of the native language, 2047, 2048 — Circumstance of all petitions to the Board of Revenue being necessarily in English, 2049, 2050 — As regards the examinations in Bengali many who undergo them are not good Bengali scholars, 2061-2065. 2082-2085 — Great evil through the want of integrity and of proper legal education in the native barristers and attorneys in the Mofussil courts, 2066-2074.

Advantages, if the English language were introduced, from the practice of English barristers from Calcutta in the Mofussil courts, 2075-2081 — Magistrates should undergo a practical training in the courts before appointment to the higher offices, 2083, 2084 — Necessity of the non-official classes being represented in the Legislative Council, 2086-2088 — Illustration of the importance of a representation of the natives in the Legislative Council, 2089, 2090.

Belief that the ryots in Bengal are in a very prosperous condition, and live very comfortable, 2091. 2119 — Occasional oppression of the ryots by the landlords, 2091. 2106-2118 — Necessity of the zemindars sometimes requiring the attendance of the ryots many miles away from their homes, 2092, 2093 — Advantage to the ryot and also the zemindar in the reduction of the assessment of the ryot's holding where the assessment is too high, 2094-2097. 2100, 2101 — In consequence of strict management European zemindars get more from the ryots than native zemindars do, 2098, 2099.

Largely increased cultivation of waste land in Dacca, &c., by increased European settlement, 2102-2105 — The money-lending zemindars, or new proprietors, are better landlords than the old zemindars, 2106 — Oppression on the part of the old zemindars in exacting money from the ryots for religious ceremonies, &c., 2106-2118 — Great want of roads in Dacca; insufficient local funds for their formation, 2120-2126 — Devious and objectionable route likely to be taken by the railway from Calcutta to Dacca, 2127-2130.

Improving condition of Dacca since the increased demand for jute, oil-seeds, &c., since the Russian war, 2131-2137 — Healthiness of Dacca, 2138-2141 — Complaint in regard to the practice of Government in forcing labour in Dacca, 2142-2152 — Mention of several occurrences strongly illustrating the partial and antagonistic conduct of the civil servants towards the non-official European community in the Mofussil, 2153-2160. 2164, 2165 — Instance of improper proceedings against a settler at Pubna, which resulted in the murder of a darogah, 2156-2160 — Prejudicial feelings of the natives towards any settler who is treated coldly or hostilely by the civil servants, 2161-2163.

Impropriety of the non-dismissal of civil servants guilty of misconduct, 2166-2173 — Witness knows many cases of official misconduct or incapacity, and cites one or two, 2166-2171 — The worst men are generally made judges, 2174-2176 — As regards a paper by Mr. Schurr, a missionary, in which the conduct of the planters towards the ryots is much condemned, it does not profess to express the views of the missionaries generally, 2177-2181.

Further evidence in favour of the employment of English barristers as judges in the Mofussil, 2182-2196 — Great mistake in trying to raise the natives too suddenly; they should act as honorary magistrates, &c., before appointment as moonsiffs, 2195-2199 — The moonsiffs should be better paid, 2200, 2201 — Alterations suggested in the mode of transmission of the revenue from Dacca, &c., to Calcutta, 2202-2206 — Exception taken to the law requiring the deposit by Europeans, on leaving India, of security for costs in every lawsuit in which they may be engaged, 2207.

[Second Examination.] — Further statement as to the injurious operation of the requirement that zemindars must deposit money as security for costs in every lawsuit in which engaged, 2208-2213 — Circumstance of witness, as editor of the "Dacca News," having received a warning, under the Press Act, for an article in which he drew some inference unfavourable to the courts, 2214-2220.

Causes of the increased consumption of silver in India, 2221 — The natives hoard gold, but not silver, *ib.* — Great importance of increased monetary facilities for the remedy of local wants; how Government may provide such facilities, 2221-2224 — Increased facilities of circulation accordingly as European settlement increases, 2225, 2226 — Considerable improvement if gold were introduced into India, if merely as a token, 2227-2230.

Anxiety

Report, 1859—continued.

Forbes, Alexander. (Analysis of his Evidence)—continued.

Anxiety of Government to increase the abkaree tax or revenue from spirits and opium, 2231-2239—During the last thirteen years the abkaree tax has very much increased, 2239-2242—Witness would not advise any friend of his to settle in India, on account of the law courts and the evil practices connected therewith, 2243, 2244—There should be a great increase of magistrates, both European and native, 2245, 2246. 2248—Insufficient pay of the magistrate of Dacca, 2247.

Evidence as to the importance of a system of municipal institutions, or local self-government, 2249-2266—Success of the appointment of some zemindars as honorary magistrates, which scheme was first proposed by witness about five years ago, 2257-2259—In the zemindary courts the nahib, or head collector, decides the cases in the first instance, 2263-2265.

The use of the English language in the courts would not create any discontent among the natives, 2267-2270—Approval of the suggestion for introducing the Roman letters in India instead of the various alphabets now in use, 2271-2274—Witness has the very highest opinion of the commercial character of the natives, 2275-2277.

Further statement as to the practice of retaining in the service men who have been guilty of misconduct, 2278-2281. 2289-2291—The exclusiveness of the covenanted civil servants is such that all other classes are jealous of them, 2282-2284—Natives should hardly yet be admitted to the Supreme Council, 2285—Approval of such a council in India as that in Ceylon, 2286-2288.

Obstacle to settlement, through the want of a safe title to land, further adverted to, 2292-2297—A power to deposit Government paper, in order to meet the land-tax, would be a great boon, but no such power existed up to the 23d November last, 2298-2302. 2320. 2323. 2326—Further statement of witness's grounds of complaint in regard to the difficulty in procuring a title to a tea plantation, 2303-2312—Instance of large expenditure upon a tea plantation which afterwards sold for a very small sum, 2313—Impression that the Assam Tea Company have got titles from Government, 2314, 2315.

Witness objects to the land-tax mainly on the ground of its being, as at present, incompatible with security of tenure, 2316-2320—Opinion that the assessment of property under the perpetual settlement was pretty fairly carried out, 2317—Witness reads a letter recently addressed by him to Lord Stanley as explanatory of his proposal for a redemption of the land-tax, 2320-2322—The Sale of Land Bill of Mr. Grant was approved by many of the civilians, 2323-2326.

Under a proper administration of the country, as leading to the increased introduction of capital, the revenue might very largely be increased, 2327-2332. 2613-2615—Further statement as to the difficulty to capitalists in procuring plots of land on account of the claims of the khodkhas ryots, 2333-2340—Abuse connected with the process by which ryots are ousted by zemindars or planters under distraints for rents, 2341, 2342—Denial that the planters oppress the ryots; misrepresentation on this score on the part of missionaries and civil servants, 2343-2345. 2439.

Variance between the planter and zemindar, because of the general dishonesty of the latter, at least in Jessore and Kishnagur, 2346-2348—Feeling of antagonism on the part of the civil servants towards the planters further adverted to, 2348-2363. 2631—The planters in Bengal are decreasing, 2355-2357—Better class of persons as planters than was the case some years ago, 2357. 2393-2397.

Further statement that the use of gold would be a great convenience; reason for its not being a legal tender, 2364-2371—Advantage of an improved circulation of paper money in the mofussil further adverted to, 2372-2382—Means by which, independently of the land-tax, the revenue might be increased, 2381-2392—Very large stamp duties; they are much complained of, 2386-2389—Much higher price obtained by non-tax-paying land than by land under the perpetual settlement, 2398, 2399.

Separate bargains between the planter and each individual ryot, 2400—System of advances to the ryots for indigo growing; absence of hardship thereby to the ryots, 2400-2406—Affrays seldom occur between European owners of factories, 2408-2410—Fights attended with loss of life sometimes take place between European and native factory owners, 2410-2412.

For about 3,000 rupees witness could procure the murder of any person in the Mofussil in Lower Bengal, 2413-2415—Through the want of a proper government and police the planters and zemindars are obliged to take measures for their own protection, 2416-2418. 2430. 2442-2454—The ryots sometimes become very rich, 2419-2424—Obstacles to the ryots obtaining legal redress against the zemindars, 2425-2429.

Corruptness generally of the police, 2430—The village police are mostly ryots; they get about three rupees a month, 2431-2433—Torture was often resorted to by the police, 2434-2438—Rare instances of zemindars getting into arrears so as to get rid of under tenures, 2455, 2456—Litigation and expense through the system of secret trusts resorted to by zemindars, 2457—The zemindar is not likely to use his power over the ryot to prevent his becoming Christian, 2458, 2459—Witness cordially approves of the mission and operation of the missionaries, 2460-2462.

Forbes, Alexander. (Analysis of his Evidence)—continued:

Different ways in which the several estates were acquired, of which witness was agent, 2463-2469—The insecurity of tenure in Bengal mainly arises from the necessity of the land-tax being paid on particular days, four times a year, 2470-2474—The property sold for arrears of revenue is freed from all incumbrances, except those it bore at the time of the perpetual settlement, 2475-2477.

Witness has obtained titles from the revenue collector, and under decree of the courts, but not in any case from the cultivator, 2478-2482—Instance of a sale for arrears of revenue having been upset after nearly twelve years' possession by the purchaser, 2483. 2626-2630—Upon the whole, the planters have not been a successful body, 2484-2486—The amount of the land-tax is not an obstacle to the success of the planters, 2487-2489—Varying rents paid by the planters for different descriptions of land, 2490-2497.

Position of the khodkhas ryot, as distinguished from other ryots, further adverted to; importance of investigation hereon, 2498-2505. 2568—The meeras ryot or pottahdar cannot have his rent raised, 2505—Circumstance of witness having often granted meeras pottahs, 2506-2509—As regards sixty-two law suits which witness had, they were all with natives, 2510, 2511—Different courts in which the suits were tried, 2512, 2513—Difficulty in appealing to the law on account of the amount of the stamps, 2514-2519—One of witness's suits in the moonsiff court has been going on for twenty-one years, 2520—Inaccuracy, as regards Bengal, of certain official returns as to the duration of civil cases in the courts, 2521-2525.

Further evidence in favour of the appointment of trained lawyers, conversant with the languages, to all places now filled by Englishmen in a judicial capacity, 2526-2534—Witness does not recommend that the native judges should be superseded, 2528-2530—There is no necessity whatever for a poor-law in India, 2535, 2536—Further reference to the outrage at Pubpa, which resulted in the murder of a darogah, 2537—Statement as to witness having on several occasions been obliged in self defence to take the law into his own hands, 2538-2547—For natives, but not for Europeans, there is the very greatest insecurity to property and life, 2548-2550.

Natural facilities in Dacca for the growth of a very fine description of cotton; there is not however any demand for it, 2551-2561—As editor of the "Dacca News," witness advocated the interests of the natives as well as of Europeans, 2562-2567—Many of the zemindars would contrive to raise money for redeeming the land-tax if it were allowed, 2569—Approval of the grant of certain lands to Mr. Boyle for his defence of Arrah, 2570-2576.

Further objection to the union of the offices of magistrate and collector, 2577-2583—Entire unsuitableness of the training of the civil servants before they are made judges, 2584-2589—Reference to the circumstance of Mr. Freeman having cleared more than 50 per cent. on an estate which he bought and sold in the Hooghly district, 2590-2594—Dissent from much of the evidence of Mr. Mackenzie in 1858; 2595-2597—Further reference to the non-suspension of civil servants guilty of misconduct, 2598-2601.

Witness formed a very favourable opinion of some half-castes, whom he knew as planters, 2602—Lateeals are kept for self-defence, and not for the coercion of the ryots, 2603, 2604—Dissent from the statement of Major-General Tremenhare as to the profit with which, and the extent to which, indigo and other produce may be obtained through advances to the natives, 2605, 2606.

The duty on indigo might be raised, 2607-2609—India should be allowed to impose such duties as she pleases, 2610—A poll-tax might probably be levied without causing much discontent, 2611, 2612—In the absence of statistics, witness is of opinion that imports equally with exports might be taxed, 2616-2620.

Dissent from the evidence of Mr. Mangles as to the facilities of communication in Bengal, 2621-2623—Witness also dissents from the evidence of Mr. Mangles as to the administration of the law, and states that there is no law in India, 2624—The several matters complained of by witness have militated against European settlement, 2625.

Foreign Settlers. Foreign planters in Bengal have been at least as successful as Englishmen, *Mangles* 1736.

G.

Ganges Canal. The Ganges canal has in a great degree failed as a canal of navigation, *Moore* 3820. 3917.

Ganges River. The improvement of the navigation of the Ganges is more favourable to communication than the construction of railways along its banks, *Haig* 4365-4369.

Godavery

Report, 1859—continued.

Godavery River. Particular works and expenditure required, in order to make the Godavery navigable for a distance of 500 miles, *Haig* 4371-4374—The Godavery leads into a most important cotton district, *ib.* 4371. 4375, 4376—For about 600 l. a mile, the river might be made navigable for eight months in the year *ib.* 4372—Obstacle hitherto to the use of the Godavery on account of the tolls exacted by some zemidars on the banks who are tributaries to the Nizam; measures have been taken for stopping these exactions, and they will cease altogether as soon as any Europeans are employed on the river *ib.* 4377-4383.

Further evidence relative to the interruptions to the navigation of the Godavery and its branches, and the works required for their removal, *Haig* 4401-4405. 4408-4411. 4483-4499—For about 450,000 l., 900 miles of the Godavery and its tributaries may be opened, *ib.* 4406—Large production of cotton, wheat, rice, flax, &c. in the country watered by the Godavery and its branches, *ib.* 4407, 4412-4414. 4580, 4581—Witness has personally examined the obstructions to the navigation, and adheres to his original statement of the outlay required, *ib.* 4492, 4493. 4500-4507.

By means of reservoirs for supplying the Godavery in the dry season, it may be kept open all the year round: the cost of all the works would then be about 1,200 l. a mile, *Haig* 4537-4545—Doubt as to the expediency of a toll on the Godavery for the use of the navigation, *ib.* 4546—There is now no irrigation along the Godavery, *ib.* 4551—There are now no exactions on the Godavery, *ib.* 4624—The river is mostly used in the colder months, *ib.* 4666-4668—In the Godavery valley any amount of water power is available for driving machinery, *ib.* 4674, 4675.

Gold. See *Currency*.

Government. Witness has always held the opinion that the settlement of Englishmen in India was very expedient and should be encouraged; the majority of the Court of Directors were of late years of the same opinion, *Mangles* 1147-1157. 1333. 1340—Witness has good hopes, as regards colonization, of the effect of government by the Crown, *ib.* 1359—The evidence of the planters and of the civil servants, must alike be taken *cum grano*, *ib.* 1532-1534—There is not, and has not been for many years, any feeling among the Government or its officers against English settlement, *ib.* 1802-1810.

Examination in denial of the accuracy of the assumption that all the chief legislative Acts for the improvement of India have emanated from the British Government, in opposition to the East India Company, *Mungles* 1825-1839. 1856-1860—On the score of increased facilities to commerce, and of improvements generally, the opinions of the Court of Directors have gone on progressively with the times, *ib.* 1827-1832. 1861—Opinion expressed by the late Mr. James Mill, that no Government had ever done so much for a people, or in so disinterested a manner, as the East India Company, *ib.* 1843—Admission that there is under the present government by the Crown at least as good a prospect to settlers as there ever was, *ib.* 1844, 1845—Belief that the instructions sent out by the Court of Directors during the last twenty years cannot be surpassed by any state papers in the world, *ib.* 1860—The more light is thrown upon the past government of India the more will honour redound to the government of the Company, *ib.* 1864, 1865.

Absence of encouragement to settlement under the late East India Company; public documents in 1813 and 1829 adverted to hereon, *Saunders* 3479, 3480—Reluctance formerly of the East India Company to employ Europeans, *Moore* 3824—Witness urged upon Sir Charles Wood when at the Board of Control the importance of a transfer of the country to the Crown, *ib.* 4043—Confidence given in India when the Crown assumed the government, *ib.* 4044. 4046—Loss of confidence in India through the manner in which the new system is administered, *ib.* 4044-4048—The assumption of the country by the Crown was one of the great measures for saving India, *ib.* 4066-4068.

See also *Administration of Justice.* *Civil Service.* *Land Revenue Settlement and Tenure and Sale of Land.* *Legislative Council.* *Municipal Government.* *Native Officials.* *Public Works.* *Resumption of Rent-free Tenures.*

Grand Trunk Road (Calcutta to Lahore). Correction of evidence in 1858 as to bridges of the grand trunk road; actual measures taken hereon, *Mangles* 1102—Excellent character of road, *Saunders* 3558.

Guntoor. Great loss of revenue in Guntoor through a famine there about twelve or fourteen years ago, *Haig* 4610.

Guzerat. Statement by Major Wingate that as the officer in charge of the revenue survey operations in Guzerat, he never expressed any apprehension that revolt would be excited in that province by an extension thither of the Enam Commission Act, *App. p.* 366.

H.

Haig, Captain Felix (Madras Engineers). (Analysis of his Evidence.)—Has been in India between eleven and twelve years; left in October 1857; 4196. 4199—Was employed for most of the time on the irrigation works of Rajahmundry in Madras, 4197, 4198. 4200—Irrigation is of the very greatest importance to India, both as a means of
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Haig, Captain Felix (Madras Engineers). (Analysis of his Evidence)—continued.

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2. *Generally as to the Works under British Rule.*
3. *Rajahmundry (Madras).*
4. *Tanjore.*
5. *River Benan.*
6. *Immense Importance of Irrigation.*
7. *Great Profit derived from Irrigation Works.*
8. *Advantage of Government Aid to Private Enterprise.*
9. *Plan of selling the Water.*
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3. *Rajahmundry (Madras)*—continued.

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IRRIGATION—continued.

7. *Great Profit derived from Irrigation Works*—continued.

As regards the question of profit on works of irrigation, witness has received dividends of 25, 30, and 55 per cent. as shareholder in a canal in the delta of the Godavery, *Haig* 4469-4472. 4521—Witness altogether dissents from the conclusions of Mr. Smallet on the subject of irrigation, *ib.* 4473-4475—As regards Madras not paying its own expenses, only two districts have as yet been improved by irrigation, *ib.* 4476, 4477.

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9. *Plan of selling the Water* :

The best plan will probably be to sell the water, *Haig* 4204-4208. 4270—In the Nizam's territory, Government might reimburse themselves by selling the water for irrigation, *ib.* 4547-4550.

10. *Paper on the subject by Mr. Moore* :

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Ivory. Indian ivory is largely used in Sheffield, and its consumption would be much greater if it were cheaper, *Jackson* 3722-3724.

J.

Jackson, Robert. For Analysis of his Evidence, see *Atkinson, Charles, &c.*

Jodhpore. Witness went to India in order to visit the Maharajah of Jodhpore, in Rajpootana, *Hudson* 4895. 4912—Complains that he was prevented from prosecuting his journey by a recommendation, dated December 1857, of the Governor General's agent for the States of Rajpootana, that on arrival in Bombay he should be placed under the surveillance of the police, and deported back to England, *ib.* 4896 *et seq.*—Reference to the opinion of the Advocate General that witness could not be detained in Bombay, or deported to England, *ib.* 4897. 4899—Interview of witness with the President of the Board of Control before going to India, and on his return; circumstance of Lord Stanley having declined to give him the required licence, *ib.* 4901. 4906-4908—Complaint in respect to Brigadier General Lawrence's objection to the prosecution of witness's journey; it was mere caprice on his part, *ib.* 4901. 4905, 4906—Aid given to Government during the mutiny by the maharajah, *ib.* 4912-4914.

Explanation of the position of witness as agent in going to the maharajah's territory; defence of the course he was about to adopt in the matter of the litigation in which the maharajah was involved, *Hudson* 4912-4932—Improper manner in which the vakeels of the maharajah have been treated, *ib.* 4912. 4936—Considerable expense to witness in the matter, *ib.* 4932—Improper remark made by Brigadier General Lawrence to the maharajah about the employment of witness, *ib.*—The country was not in a disturbed state in February last when witness landed in Bombay, *ib.* 4932-4935—Doubt as to the accuracy of a statement by Brigadier General Lawrence as to the maharajah having withdrawn his employment of witness, *ib.* 4932. 4940-4943—Circumstance of Brigadier General Lawrence having said that witness might proceed on his journey; he had then left India, *ib.* 4937-4939—Twofold object of witness in bringing his case before Parliament, *ib.* 4950.

Judicial Service. See *Administration of Justice. Civil Service.*

Jute. Distrust produced as regards the cultivation of jute in Mymensing, in consequence of some returns moved for in the House of Commons in 1857, *Forbes* 1995-1997—Jute grows as well in Assam as in Bengal, *Vetch* 2956, 2957.

K.

Khokan (Central Asia). In Khokan the Government is pretty strong, and there would be no fear of merchants being robbed, *Atkinson* 277. 283. 285. 289, 290.

Kumaon. Views of Dr. Jameson as to the discouragements for many years to British settlement in Kumaon, *Saunders* 3479.

Kurrachee. The removal of the bar at Kurrachee harbour will be a great improvement, *Turner* 356. 359-361. 378. 447-450—Circumstances under which Mr. Walker was employed to report upon Kurrachee Harbour; approval of his suggestions on the subject as calculated greatly to improve the harbour, *ib.* 475-492—Few English firms established

Report, 1859—continued.

Kurrachee—continued.

lished at Kurrachee; great opening for mercantile houses there, *Turner* 504-509—Healthiness of Kurrachee as compared with Bombay and Calcutta, *ib.* 510—Kurrachee is decidedly the best port for the development of the trade of the Indus, *ib.* 619—Facility with which Europeans may settle and purchase land at Kurrachee, *ib.* 631-636. 658—Increase of late years in the population and British trade of Kurrachee; schools for instruction in English are now established there, *ib.* 652-657.—See also *Scinde*.

L.

Labour. In the south of India native unskilled labour is very plentiful and very good, *Fenwick* 784, 785. 966-968—Skilled labour is very rare among the natives, so that Europeans are required, *ib.* 785, 786—The English workmen on the Madras railway did not turn out very well, *ib.* 799, 800. 1031-1033—Information on the subject of forced labour on behalf of Government; abuses on this score in the frequent non-payment of the labourers by the native agents, and in the railway works being unduly interfered with, *ib.* 801-812. 887-896. 923-925. 999-1002—Enhanced price of labour through the railways; particulars hereon as to the pay of skilled and unskilled labourers, *ib.* 908. 919-922. 929-933. 969-972—Payment of the railway labourers through native agency, *ib.* 926-928—An English labourer would do about four times as much as a native, except that in the plains the heat would be too great for European labourers, *ib.* 932, 933. 961-968.

Impracticability of applying European labour to the colonization of India, *Mangles* 1080—Cotton, as well as all the staple products of India, can best be raised by native labour, *ib.* 1082—The natives prefer European employment to employment by zemindars, *ib.* 1335.

Complaints in regard to the practice of Government in forcing labour in Dacca; injury to witness in consequence, and disaffection among the natives, *Forbes* 2142-2152—Forced labour is decidedly unjust, and should be abolished altogether, *ib.* 2147-2151—Advantage of increased facilities of communication in order to equalise the supply of labour throughout the country, *Saunders* 3438-3441—Supply of labour procured by the indigo planters of Kishnagur, &c., from the Rajmohol Hills, *ib.* 3640. 3649, 3650.

See also *Assam*, 5. *Coolie Emigration.* *European Capital and Skill.* *Wages.*

LAND REVENUE SETTLEMENT, AND TENURE AND SALE OF LAND:

I. *Bengal*:

1. As to the Ownership of the Soil.
2. Denial that the Land Revenue System has prevented Settlement.
3. Obstacle to Settlement through Insecurity of Title.
4. Obstacle on the score of Litigation.
5. Character of the Assessment.
6. Sale Law Improvement Bill.

II. *Bombay, Madras, and North-Western Provinces.*III. *Assam and Cachar.*IV. *Question of the Redemption of the Land Tax.*V. *Disapproval of a permanent Settlement generally.*VI. *Injustice if Europeans could from the first have acquired Land.*I. *Bengal*:

1. As to the Ownership of the Soil:

Definition of the rent of the land, as what remains after the expenses of cultivation are returned; the rent-free holder in fact is granted not the land, but the revenue of the land, *Mangles* 1089. 1386-1399—Evidence in support of the conclusion that the land in India is not the property of the State, *ib.* 1089. 1546-1554. 1664, 1665—Argument in support of the term "rent" rather than the term "tax," as applied to the Government assessment upon the land, *ib.* 1587-1596.

Theory of the Government officials that the property in the soil in Bengal vests in the khodkhash ryot, or actual cultivator; prejudicial impediments thereby to the operations of the zemindars for the better cultivation of the land, *Forbes* 1959-1968. 2333-2340—Witness considers that the property in the soil vests in the zemindar, *ib.* 1969—Suggested inquiry into the rights of the khodkhash ryots, *ib.* 1964-1969. 1975-1979. 2339, 2340. 2568—Advantage to the ryot, as well as to the capitalist, if the real proprietorship were inquired into, and determined; present position of the ryot in relation to the zemindar adverted to hereon, *ib.* 1964. 1969. 1974-1979. 2498 2505—The khodkhash tenure existed before the zemindary settlement, and is now nearly extinct, *Underhill* 4747. 4752-4754.

2. Denial that the Land Revenue System has prevented Settlement:

Argument that in Bengal, and generally, the tenure of land, and its liability to assessment, do not offer any serious impediment to settlement, *Mangles* 1081-1083. 1083. 1159. 1789-1801—Increased cultivation in Bengal under the permanent settlement, *ib.* 1083 0.25.

LAND REVENUE SETTLEMENT, &c.—continued.

I. Bengal—continued.

2. Denial that the Land Revenue System, &c.—continued.

—Reason why in the permanently settled districts the annual payment of the revenue need not be any serious obstacle to settlement, *Mangles* 1159—Opportunity of English capitalists in the capacity of ryots to cultivate as much land as they please, *ib.* 1162–1167.

Question as to the extent to which the outlay of capital on the soil may be prejudiced by the interest of Government in the land; it cannot be said that Government is an unimproving landlord, *Mangles* 1404–1414—Equal clearance of the jungle in Bengal if the settlement had only been for thirty or fifty years, *ib.* 1519—Doubt as to anything having been done of late to give greater security to under-tenants, *ib.* 1730.

3. Obstacle to Settlement through Insecurity to Title:

The present tenure of land in Bengal is a very great obstacle to settlement, *Forbes* 1940. 1944. 2292–2297—The cause of the insecurity of the title to land is the original insecurity of the zemindaree, upon which all other tenures depend, *ib.* 1940—Danger to the zemindar four times a year by a failure to pay the Government revenue; illustration showing that such failure may arise through no fault of the zemindar, *ib.* 1940–1942. 2470–2474—Statement relative to a tea estate, upon which witness has expended large sums of money, but the title-deeds of which he is not yet in possession of, through the fault of the Government of Bengal, *ib.* 1948–1958. 2303–2312.

General distrust produced in the minds of the zemindars in Bengal through the Government interference with regard to land, *Forbes* 1994–1999—Instance of large expenditure upon a tea plantation which afterwards sold for a very small sum, *ib.* 2313—Witness objects to the land-tax mainly on the ground of its being, as at present, incompatible with security of tenure, *ib.* 2316–2320—Abuse connected with the process by which ryots are ousted by zemindars or planters under distraints for rent, *ib.* 2341, 2342—Rare instances of zemindars getting into arrears, so as to get rid of under tenures, *ib.* 2455, 2456—Witness has been employed as agent for both European and natives who owned as well as rented estates; these estates were acquired in many different ways, *ib.* 2463–2469.

The property sold for arrears of revenue is freed from all incumbrances, except those it bore at the time of the perpetual settlement, *Forbes* 2475–2477—Witness has obtained titles from the revenue collector, and under the decree of courts, but not in any case from the cultivator; opportunity to obtain such titles does not often arise, *ib.* 2478–2482—Objection to buying under decrees through the system of secret trusts, *ib.* 2482—Instances of a sale for arrears of revenue having been upset after nearly twelve years' possession by the purchaser, *ib.* 2483. 2626–2630—Reference to the circumstance of Mr. Freeman having cleared more than 50 per cent. on an estate which he bought and sold again in the Hooghly district, *ib.* 2590–2594.

Universal feeling of Europeans in the Mofussil that the insecure tenure of land is the great difficulty they had to encounter, *Underhill* 4745—Throughout Bengal it is almost impossible to get a clear and certain title, on account of the under tenures that may be claimed, *ib.* 4747–4754—Means by which European zemindars obtain land, *ib.* 4865–4866.

4. Obstacle on the score of Litigation:

Proprietorship in land involves a great number of law-suits, *Forbes*, 1945. 2207, 2208—As regards sixty-two law-suits which witness had, they were all with natives, *ib.* 2510, 2511—Different courts in which these suits were tried, *ib.* 2512, 2513—Illustration of the litigation and expense through the want of a clear title, *Underhill*, 4745, 4746.

5. Character of the Assessment:

Definition of the term "rent" adverted to in connexion with the land assessment; care of Government to keep the land-tax within the rent, *Mangles* 1089. 1386–1399—Improper manner in which the permanent settlement in Bengal was hurried on by Lord Cornwallis, *ib.* 1834–1836—Opinion that the assessment of property under the perpetual settlement was pretty fairly carried out, *Forbes* 2317—In Bengal the land-tax under the perpetual settlement is very light, *Saunders* 3604.

6. Sale Law Improvement Bill:

The sale of land bill of Mr. Grant was approved by many of the civilians, *Forbes* 2324, 2325.

II. Bombay, Madras, and North-Western Provinces:

Injurious operation of the ryotwarre system, on account of the minute subdivision of land under it, *Mangles* 1083—The average land assessment is very moderate, but in Madras and Bombay some of the ryotwarree settlements are too high, and are being revised, *ib.* 1614–1616. 1622, 1623—The thirty years' settlement leaves the ryot a right to cultivate anything he pleases during that period without increased assessment, *ib.* 1617, 1618—There is nothing to prevent Europeans renting and cultivating land without

LAND REVENUE SETTLEMENT, &c.—continued.

II. *Bombay, Madras, and North-Western Provinces*—continued.

out an increase of assessment for thirty years, *Mangles* 1619-1621—In the North-West Provinces the thirty years' settlement has been finished many years', *ib.* 1667. 1673—There is about to be a new survey and assessment in Madras, *ib.* 1668.

Explanation of the process adopted respectively in the North-West Provinces, and in Madras and Bombay, in fixing the rates upon the different descriptions of land under the thirty years' settlement; advantage of the careful surveys in carrying out the assessment, *Mangles* 1669-1675—Injustice in fixing the same charge on good and bad land, *ib.* 1675—Any portion of a tenure not in cultivation during any year is exempt from charge for that year, *ib.* 1676-1679—Any increase of assessment at the end of thirty years would not apply to improvements at the cost of the cultivator, but only to improvements by the State, *ib.* 1680-1684—The settlement of the North-West Provinces was on the whole a most beneficial act, *ib.* 1837, 1838.

In the North-West Provinces the land-tax has reached its maximum, *Saunders* 3605-3609—Difficulty in stating the number of years' purchase that land in the North-West Provinces would fetch, *ib.* 3610-3613—As a whole, the settlement in the North-West Provinces has been the greatest work ever carried out in India by the British Government, *Moore* 3932—Statement as to the joint rent system, a village system of revenue being now quite out of date in the delta of the Godavery, and as to the expediency of another system of settlement altogether, *Haig* 4276-4294. 4398-4400. 4520.

III. *Assam and Cachar* :

The tenure upon which lands are held in Assam and Cachar is most liberal, but nevertheless is unsatisfactory, *Barry* 3189. 3254, 3255—Evidence as to the expediency of a permission to tea planters, &c., to hold the land in fee, which might be done by the payment of all Government demands over a space of twenty years, *ib.* 3190. 3254-3265—Liberal conditions upon which Government have since 1839 granted land to settlers in Deyrah Doon, Assam, Silhet, &c., *Saunders* 3568-3589.

IV. *Question of the Redemption of the Land Tax*:

Strong approval of the land-tax, *Mangles* 1086. 1092—Danger in the event of a redemption of the land revenue being allowed, and being carried to any considerable extent; if done in moderation, it might be desirable, *ib.* 1158, 1159, 1415-1417—The proceeds of redemption should go towards redeeming the Government debt, *ib.* 1418-1420—The views of Government relative to the creation of rent-free tenures by commutating the land-tax refer only to waste lands, or to the permanently settled districts, *ib.* 1713.

Statement as to the zemindars being now allowed to deposit Government paper, the interest of which is equivalent to what they have to pay for ever, *Mangles* 1714. 1797—Belief that a power to redeem the land-tax in the districts included in the Cornwallis settlement would not be successful in causing colonization, *ib.* 1714—Rent-free estates are not in a whit better condition than the assessed estates, *ib.*—Approval, under certain conditions, of a limited redemption of the land-tax, *ib.* 1796.

The land-tax should be redeemed, *Forbes* 1970. 1990—Inaccuracy of Mr. Mangles in stating that Government paper might be deposited with the collector, the interest on which should be equivalent to the land-tax; this was proposed in Mr. Grant's Bill, and would be a great boon, but it was never carried, *ib.* 1970-1972. 2298-2302. 2320—Witness reads a letter recently addressed by him to Lord Stanley as explanatory of his proposal for a redemption of the land-tax, *ib.* 2320. 2322—Mr. Grant's proposition for the deposit of Government paper in order to meet the land-tax was generally approved, *ib.* 2323. 2326—Much higher price obtained by non-tax paying land than by land under the perpetual settlement, *ib.* 2398, 2399—Many of the zemindars would contrive to raise money for redeeming the land-tax if it were allowed, *ib.* 2569—General opinion in favour of a right to acquire the land in fee, *Saunders* 3590.

V. *Disapproval of a permanent Settlement generally*:

Disapproval of the land revenue being everywhere fixed in perpetuity; the advantages of a permanent settlement, as in Bengal, or of a redemption of the land-tax do not counterbalance the advantage of a power in Government to raise the revenue at the end of thirty years or so, *Mangles* 1421-1427.

VI. *Injustice if Europeans could from the first have acquired Land*:

If at an early period of our rule in India British settlers could have acquired land in perpetuity, they would by some process or other have become possessed of all the good estates, and much injustice would have resulted to the natives, *Mangles* 1131-1133. 1523-525. 1818—Since 1853 Englishmen have had a clear right to hold land in India, *ib.* 157.

See also *Assam*, 4. *Civil Service*, II. *Deviation of Land*. *Enam Commission* (Bombay). *Resumption of Rent-free Tenures*.

Report, 1859—continued.

Landon, Mr. Comment on the success of Mr. Landon in procuring cotton in Guzerat; room for many to operate with similar results, *Mangles* 1161. 1648-1652. 1747. 1754-1759.

Law Reform. See *Administration of Justice.* *Land Revenue Settlement, and Tenure and Sale of Land.*

Legislative Council. Necessity of the non-official classes, and of the natives, being represented in the legislative council; illustration on this point, *Forbes* 2086-2090—The council do not know the wants of the non-official classes, nor do they understand the working of the laws which they pass themselves, *ib.* 2086—Approval of such a council in India as that in Ceylon, *ib.* 2286-2288.

Legislative Restrictions (European Settlement). Complaint of the regulation that witness, or any one else, entering any part of the territory which was not in the possession of the East India Company on the 1st January 1800 might be arrested and dealt with under the 82d section of the Act 3 & 4 Will. 4, c. 85; opinion of the Advocate-general of Bombay to this effect, *Hudson* 4896 *et seq.*—Witness has not heard of any obstacle being offered to commercial persons going into the interior, but it is held that they can be sent back, *ib.* 4944-4949.—See also *Jodhpore.* *Ouseley, Major.*

Litigation. See *Land Revenue Settlement, and Tenure and Sale of Land, I. 4.*

M.

Machinery. Steam-engines sent to India are mostly used at the large ports, *Haig* 4676, 4677.

Mackenzie, Mr. Dissent from much of the evidence of Mr. Mackenzie in 1858, *Forbes* 2595-2597.

Madras. See *Administration of Justice.* *Civil Service.* *Climate.* *Communication, Means of.* *Godavery River.* *Hill Districts.* *Iron.* *Irrigation.* *Labour.* *Land Revenue Settlement, and Tenure and Sale of Land, II., IV., VI.* *Malabar.* *Mysore.* *Resumption of Rent-free Tenures.* *Ryots.*

Madras Railway. The Madras line will probably be completed in 1860, *Fenwick* 903-905—Success attending the letting of some small contracts on the Madras line to native contractors, *ib.* 973-978.—See also *Cochin.*

Madras Irrigation and Canal Company. Excellent field open to the operations of this company, *Haig* 4478-4480.

Magistrates. The advantages of having collectors for magistrates preponderates over the disadvantages, *Mangles* 1342, 1343—Belief that the natives coincide in witness's opinion in favour of collectors rather than of English barristers as magistrates, *ib.* 1489-1491—Within the last few years a very large number of honorary magistrates have been appointed, *ib.* 1729.

As regards the union of the offices of collector and magistrate in Bengal, the feeling of witness and of the settlers generally is strongly opposed to it; illustration of the wrongs that may be perpetrated in consequence of such union, *Forbes* 2011-2016. 2577-2583—Witness would like to see the collectors made magistrates on larger salaries, *ib.* 2013—The magistrates upon smaller salaries would do the work of collectors very well, *ib.*—Injustice in the magistrates having the complete control of the police, *ib.* 2013. 2017—Feeling of the natives against the union of the offices of collector, magistrate and policeman, *ib.* 2017-2019.

The magistrates should, if the English language be introduced, still understand as much as possible of the native language, *Forbes* 2047, 2048—There should be a great increase of magistrates, both European and native, *ib.* 2245, 2246. 2248—Success of the appointment of some zemindars as honorary magistrates, which scheme was first proposed by witness about five years ago, *ib.* 2257-2259.

Advantage of the union in Assam of the offices of collector and magistrate, *Vetch* 2678-2681—Utter inadequacy of the present number of European magistrates; instances of this, *Underhill* 4710. 4719, 4720. 4742-4744—Considerable evil arising from the constant changes of the magistrates and other civil servants from one locality or office to another; illustration upon this point, *ib.* 4720-4728.

See also *Administration of Justice.* *Civil Service.* *Native Officials.*

Mahabuleshur Hills. The Mahabuleshur Hills do not offer such facilities for colonization as the Neilgherries do, *Fenwick* 992, 993.

Mahomedan Government. The lawless state of India, when overrun by the Mahomedans, was the main causes of the decline of its property, *Moore* 3872, 3873.

Mahomedans. See *Christianity.* *Native Officials.*

Malabar. Very bad roads in Malabar; the great western coast road is in a very defective state, and the want of bridges on it leads to much inconvenience, *Fenwick* 734-748—Difficulty as regards canals of irrigation or navigation in Malabar; with a proper outlay, permanent means of irrigation may be provided, *ib.* 753-768. 1008, 1009—Principal food of the natives, *ib.* 787, 788. 910. 918—Caste is not very strictly observed, *ib.* 789-791—Bad administration of justice; grounds of complaint hereon against the decision of an European judge in a case in which witness was interested, *ib.* 834-854, 942-957. 985-989. 995-998. 1003-1007. 1016, 1017. 1022, 1023—In many instances the magistrates are too young, and not familiar with the native languages, *ib.* 849-854.

Corrupt and inefficient character of the police in Malabar, *Fenwick* 855-865. 897-900. 952-957—Very defective postal arrangements; instances of this, *ib.* 866-877—Advantage of communication by means of canals between the backwaters from the sea on the Malabar coast, *ib.* 878-882—Favourable feeling of the natives in Malabar towards the railways, *ib.* 906-908—During the rainy season some crops, such as flax, may be cultivated to advantage, *ib.* 1010, 1011. 1014—Rice is the principal product of the country, *ib.* 1012—Witness never saw any cotton in Malabar, *ib.* 1015.

Mangles, Ross Donelly. (Analysis of his Evidence)—Member of the Council of India; was previously in the House of Commons, 1078, 1079—Impracticability of applying European labour to the colonization of India, 1080—Immense field in India for the colonization of capitalists, *ib.*—Expediency of proper safeguards, so that native rights and interests may not be prejudiced by European settlers, *ib.*—In the opening of railways, the introduction of steam navigation on the rivers, the improvement of harbours, and similar works, colonization will be most beneficial, *ib.*

As regards the hindrance to colonization through the imperfect administration of justice, witness believes that there has been much less corruption of late years, and that the system is slowly, but surely working itself pure, 1080, 1081—Advantage in the employment of European judges as superintendents of the native judges, *ib.*—Belief that corruption in the native courts does not exist nearly to such extent as has been represented to the Committee, 1081.

If instead of the English law in Bengal, and the complicated procedure attending it, a far more simple and summary system, as in the Punjab, had been introduced, it would have been far more suited to the native character, 1081—The police of Bengal proper is especially bad, *ib.*—The police generally are very much underpaid, *ib.*—Belief that bribery does not exist in the police nearly to the extent that has been represented, *ib.*

As regards the land revenue system, witness contends that it has not deterred Europeans from settling in India, and has not been a hindrance to production, 1081-1083. 1123—Reference to the circumstance of its having been represented that land should be held free of revenue for the cultivation of cotton, 1081, 1082—Argument that the system of land revenue, and of land tenure is no more a hindrance to the profitable cultivation of cotton than it is to that of indigo, jute, oil-seeds, &c., *ib.*—Cotton, as well as all the staple products of India, can best be raised by native labour, 1082—European agency has never been properly supplied, although its want is most unquestionable for the encouragement of cotton cultivation, *ib.*

Increased cultivation in Bengal under the permanent settlement, 1083—Injurious operation of the ryotwarree system, on account of the minute subdivision of land under it, *ib.*—The fact of almost the whole population being engaged in raising the produce of the soil is a main cause of the poverty of India, *ib.*—As regards investigations relative to rent-free tenures, they have been completed in Bengal, Behar and the North-Western Provinces, and in Bengal have resulted in an addition to the revenue of about 500,000 *l.* a year, 1084-1089. 1101, 1102.

With respect to the alleged grievance, that resumptions are an interference with the rights of property, the question is much less one of property than of taxation, 1089—Witness has always held that the land is private property, *ib.*—Definition of the rent of the land, as what remains after the expenses of cultivation are returned; the rent-free holder, in fact, is granted not the land, but the revenue upon the land, *ib.*—Undue imposition of taxes upon the rest of the community where enamadars or others are without proper title allowed to be exempt for ever from the land-tax, 1089-1092—Strong approval of the land-tax, *ib.*

Inaccuracy of Mr. Warden in citing the opinions of certain distinguished men as having been opposed to an investigation of the titles to enams or rent-free tenures, with a view to their resumption; quotation hereon of the opinions of Lord Hastings, Lord Metcalf, and Sir Thomas Munro, 1089—The English Government has been far more indulgent than the native governments upon the subject of rent-free tenures, 1089. 1096, 1096.

Mangles, Ross Donelly. (Analysis of his Evidence)—continued.

Much less unpopularity in the resumption of alienated revenue than in the imposition of new taxes, 1089—Loyalty during the late mutiny of the natives of the Punjab, in which country the resumptions have been carried out most unsparingly, 1089-1093—The length of time which has elapsed since the grants were made is not a sound argument in favour of continued exemption, 1092-1100—There was never such a reliance upon the validity of any exemption as to give the land a fee-simple value, 1095.

Result of the immense alienations in Bombay, that the Government of that province has never paid its own expenses, 1096—Witness shows that Mr. Elphinstone never intended to confirm the exemption of enams, &c., without due investigation, 1095-1097.

With regard to the question of roads, bridges and canals, witness has always regretted that sufficient was not done in former years for the internal communication of the country, 1102—The case against Government in reference to public works has, however, been much overstated, 1102. 1108—Inaccuracy of much of the evidence before the Committee in 1858, relative to the Nuddea Rivers, 1102.

Correction of evidence in 1858 as to the bridges upon the Great Trunk Road, 1102—Inaccuracy of statements in 1858 as to the expense of roads in Bengal, *ib.*—Several important roads now being made in Bengal, *ib.*—Impracticability of canals from the cotton districts to the coast, 1103—The cotton may in time be conveyed to the coast along the railways now being formed, *ib.*—Statement showing that works of irrigation have not been altogether neglected, 1103-1109.

Approval of the alteration from patronage to public competition in admission to the civil service; witness has not, however, any strong faith in the result of the experiment, 1109. 1119—Great wisdom in the service being fed exclusively from the bottom; jobbery otherwise, 1109-1111. 1114—Strong objection to the appointment of barristers from England, or of any men of middle age, to the civil service, 1109-1119—Great facility of nomination to the civil service, 1113, 1114.

Impression that under the system of competition no first-class men from Oxford or Cambridge have come forward, 1114—Mistake in raising the age of entry to the civil service to twenty-four; twenty should be the maximum age, 1114-1119—Illustration of the unwillingness of barristers of eminence in this country to accept judgeships in India, 1119.

Belief that, upon the whole, the business of the country is so administered by the civil servants that no hindrance results therefrom to the settlement of Englishmen, 1119—Extremely exaggerated character of the statements in 1858 about the ignorance of the civil servants of the native languages, *ib.*—Reference to the examinations now in force in India, as showing that the civil servants must have a competent knowledge of the languages, 1119-1122.

Further reference to the Enam Commission as not being any prevention to settlement, 1123—Nor does witness believe that settlement is prevented by the land revenue system, *ib.*—Witness most earnestly deprecates any considerably larger employment of Englishmen in the administration of justice, 1123, 1124—Injustice in debarring the natives from offices of trust, 1123—The introduction of the English system of jurisprudence would be a step entirely in the wrong direction, 1123, 1124.

Without depreciating the importance of legal training, witness considers it much more important that the judges should be thoroughly acquainted with the people, 1124-1131—As a rule, a man is not competent to be a judge until he has been a collector, 1124—With regard to the position of the European planters in the country, they would by this time have become possessed, by some process or other, of all the good estates, if they had had from the first a power to acquire land, 1131-1133—Witness rejoices beyond measure that the civil service has been debarred from holding land, 1131.

Document read showing the views of Bengal Protestant missionaries in 1855 relative to the influence of indigo planting upon the ryots; witness considers there is a great deal of truth in this statement, so far as it represents the cruelty and injustice to which the ryots are subjected, 1133-1136.

[Second Examination.]—Information as to the large expenditure by Government upon public works for reproductive and other useful purposes, 1141-1146—Surplus of about two millions in the revenue over the expenditure for the years 1852-53 to 1856-57 if there had not been any outlay upon public works, 1142.

Witness has always held the opinion that the settlement of Englishmen in India was very expedient, and should be encouraged, the majority of the Court of Directors were, of late years, of the same opinion, 1147-1157—Since 1833 Englishmen have had a clear right to hold land in India, 1157—Moot point, whether it is wise to allow a redemption of the land revenue; if done in moderation it might be desirable, 1158, 1159—Reason why, in the permanently settled districts, the annual payment of the revenue need not be any serious obstacle to settlement, 1159.

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With regard to a certain report by the Chamber of Commerce of Bombay, some of the statements therein, relative to the influence of the land revenue system, are not very wise, 1160, 1161—Success of Mr. Landon in producing cotton in Guzerat, notwithstanding the alleged difficulty of the land revenue system, 1161—Opportunity of English capitalists, in the capacity of ryots, to cultivate as much land as they please, 1162-1167—Many of the ryots are far above the condition of mere ploughmen, 1163-1167.

By the system of advances to the ryots, settlers may succeed at least as well in the production of cotton as of indigo or sugar; there are, in fact, greater facilities of operation in the case of cotton, 1168-1185—Question as to irrigation being beneficial in the cultivation of cotton, 1180.

Further statement, that it is incumbent upon Government to investigate all claims to exemption from land revenue and to resume all lands where they can prove a proper claim, 1186-1188—Examination as to the practice of the Government of Bengal in reference to the Law of Limitations in carrying out resumptions, 1189-1226—Government have not obtained by law any right of re-opening the titles without any limitation of time, 1189 *et seq.*—Very rare instances of the Law of Limitations having been pleaded by the parties before the courts, 1204, 1215, 1216.

With regard to the recent decision by the Privy Council in favour of the Rajah of Burdwan under the Law of Limitations, witness believes that the origin of the cause of the action was within the time of limitation, and that, if such were proved, the decision should have been different, 1200-1221—Distinction between resumption in the case of towfeer or excess lands, that is, of lands not included in the limits of the estate at the time of the permanent settlement and in the case of rent-free tenures; with some exceptions, investigation into towfeer cases was not advisable, 1223-1246.

Examination as to the proceedings of the Bengal Government in the case of Moheshur Sing, 1227-1244—Further statement, that the proceedings in Bengal under the Resumption Act of 1828 were only put a stop to by the exhaustion of the matters litigated, 1245, 1247-1249.

Bar to jobbery in cases of departure from the exclusiveness of the civil service if certain conditions were required before appointment, 1250-1254—Greater opportunities of the Government for forming a knowledge of the civil servants under the present system than under a system of selection by competition, 1255-1257—Prejudice to the prospects of the civil servants, and injury to the service, if men of middle age were directly appointed from this country to the more valuable offices, 1257, 1258.

Further evidence in disapproval of the proposition for establishing English courts at the provincial capitals throughout India, 1259-1261, 1283-1288—Further statement in approval of the appointment of persons of large experience in the country, rather than of barristers, as judges in the Mofussil, 1262-1268, 1273-1282—Further statement that eminent legal men could not be procured from this country to supply the bench in India, 1269-1272.

As regards the selection for the Enam Court of men specially conversant with the Murathee language, it does not prove that the judges of the ordinary courts are deficient in the languages, 1289-1295—Witness never heard that Mr. Warden was considered one of the most competent judges in the Bombay Presidency, 1296-1302—Circumstance of Mr. Warden not having been conversant with the several languages in Bombay, 1303-1306.

Greater difficulty as regards the languages in Bombay and Madras than in Bengal, 1307-1310—In Bombay and Madras the civil servants are, under the present system of examinations, becoming still more conversant with the languages, 1307, 1310—The natives would strongly object to the administration of justice in the provincial towns in a language unintelligible to them, 1311, 1312.

Further objection to the civil servants holding land or property of any kind in India, 1313-1316—It is very undesirable that the civil servants should be intimate with the planters, 1314—Instances of directors having been mortgagees of indigo factories; no directors have been partners in such concerns, 1317-1326—Treatment of the ryots by the planters further adverted to, 1327-1329—Reference to the appointments given to some sons of Mr. Hills, indigo planter, with whom one of the Directors was connected, 1330-1332.

On the whole, European planters or settlers are a great advantage to any locality, 1333, 1334—Witness is strongly in favour of increased settlement, 1333, 1340—The natives prefer European employment to employment by zemindars, 1335—Dissent from Captain Ochterlony's statement that a sort of "cold shade" is thrown over European settlers, 1336—Inaccuracy of Captain Ochterlony's statement of the circumstances under which a relative of his was superseded by the Court of Directors in a certain appointment, 1337-1339.

Mangles, Ross Donelly. (Analysis of his Evidence)—continued.

Excellent conduct, as magistrates, of some of the planters during the mutiny, 1341—The advantages of having collectors for magistrates, preponderate over the disadvantages, 1342, 1343—As regards cotton, the want of roads has doubtless been a great impediment to its extended cultivation, but Europeans might, by proper energy, have provided it as well as indigo and sugar, 1344, 1345—The want of roads is altogether a great drawback, and has always been much regretted by witness, 1344, 1347, 1348.

Further reference to the injurious effect of the employment of almost the entire population in raising the produce of the soil, and of the smallness of the tenures, 1346, 1400-1403—Anticipated continuance of the increase in the imports and exports of India, 1349, 1350—Approval of the civil service in India being a seniority service, largely affected by comparative merit, 1351-1353—Advantage of encouraging the resort of natives to England for education, 1354-1358.

Witness has good hopes, as regards colonization, of the effect of government by the Crown, 1359—For the future, the continuance of a large native army is not desirable, 1360, 1361—It is very important that the native princes should encourage the construction of railways, 1362-1364—In Gwalior, and other independent states, European troops will probably be retained at the cost of the native princes, 1365, 1366—It is very desirable that the native princes should possess themselves largely of our loans, 1367, 1368.

Explanation in defence of the practice of the Court of Directors with respect to the rates at which they have regulated their exchanges; practice, more especially in the early part of 1855, in drawing bills upon India, 1369-1378.

Further reference to the class of persons who have come forward as candidates for the civil service under the competitive system; witness is glad to find he was mistaken in supposing that distinguished university men did not compete, 1379-1385—Definition of the term rent, further adverted to in connexion with the land assessment; care of Government to keep the land-tax within the rent, 1386-1399—Question as to the extent to which the outlay of capital on the soil may be prejudiced by the interest of Government in the land, 1404-1414.

Danger in the event of a redemption of the land revenue being allowed, and being carried to any considerable extent, 1415-1417—The proceeds of redemption should go towards redeeming the Government debt, 1418-1420—Disapproval of the land revenue being everywhere fixed in perpetuity, 1421-1447—The Mohturfa tax was abolished long ago, except in Madras, 1448, 1449.

[Third Examination.]—Further explanation as regards the resumption of rent-free tenures that the Law of Limitation, passed in 1803, could be pleaded by the parties, but that the whole of the resumption laws assert broadly the principle of *nullum tempus*, 1450-1454—Reference to the regulations in Lord Cornwallis's Code of 1793 for trying the claims of persons holding rent-free tenures, 1455-1457, 1461-1464.

Statement showing that, as regards altumgahs, or royal grants, the law of 1793 was far more indulgent than the practice under the native princes, 1457-1460—Belief that Mr. Elphinstone, after he had succeeded to the government of Bombay, declined either to confirm or to dispute any titles at that time, 1465-1468—All royal grants were at once confirmed if they were valid, 1469—Due recognition by Lord Elphinstone of all grants, if properly made, for all religious purposes, 1470-1472.

Great pressure of business which has necessitated the postponement for so long a period of the investigation of rent-free titles in Madras, 1473—Belief that a great majority of the rent-free tenures in Madras have been fraudulently granted or assumed, 1474—Case of the Rajah of Burdwan further adverted to, 1474-1476—Disapproval of a suggestion that all grants in the Carnatic prior to our possession of the country on the 25th July 1801 should be confirmed, 1477, 1478.

Inaccuracy of the statement that under the Enam Commission the *onus probandi* is thrown upon the enamdar, 1479, 1480—Captain Cowper, of the Enam Commission, is a man of very great ability; instead of being under thirty years of age, as stated by Mr. Warden, he is thirty-nine, 1481-1483—Mr. Warden has on more than one occasion fallen under the censure of the Home Government, but not in respect of any judicial acts, 1484-1486—The Special Commissioners for Appeals from the Enam Court were picked men out of a large service, 1487, 1488.

Further grounds for the opinion in favour of collectors, rather than of barristers, as magistrates or judges, 1489-1493—Facility with which vakeels may get native signatures to petitions, 1494-1498—The amalgamation of the Supreme Court with the Sudder Dewanny and Nizamut Adawlut is very desirable, 1499-1501.

Further reference to the ryots as being frequently a much higher class than ploughmen in this country, 1502, 1503—Although many indigo planters, as honorary magistrates, may have much local influence, it is not desirable to allow the civil servants, as magistrates,

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trates to become planters, 1504-1511—Concurrence in the statement that 750 rupees a month to a native official is as much as 2,500 rupees to an European, 1512, 1513.

Witness further objects to European judges trying cases in the first instance, 1514—The salaries of the native judges have been much improved of late years, 1515—The police should be better paid, *ib.*—Many years ago the civil service, as a body, were most inadequately remunerated, 1515, 1516—Further reference to the advantage of European agency in seeing to the packing and transit of cotton, 1517, 1518—Equal clearance of the jungle in Bengal if the settlement had been for only thirty or fifty years, 1519.

Cotton has been grown from time immemorial in India, 1520—So has flax, *ib.*—Tea is a new product, but will probably become a very great article of export, 1520, 1521—Considerable encouragement given by Government to the cultivation of tea, 1520, 1521*—Small use of opium in India, on account of the Government regulations, 1522—If at an early period of our rule in India, British settlers could have acquired land in perpetuity, much injustice would have resulted, 1523-1525.

During the mutiny, the native christians and the English-educated natives, have proved very loyal, 1526—Government should not discourage christianity, nor should they interfere with the religion of the natives, 1527—Where the holder of an *enam* is the proprietor of the soil, resumption does not extend to his dispossession of the land, 1528, 1529—All land should pay a fair proportion of the Government taxes where the proprietors get the protection and benefit of Government, 1530.

Witness has always been favourable to an extended knowledge of the English language among the natives, 1531—The evidence of the planters and of the civil servants must alike be taken *cum grano*, 1532-1534—As regards the duty on spirits, and opium, witness is not aware that shops for their sale have been forced in any localities, 1535, 1536—The difficulties of carriage over the mountains, and the jealousy of the Chinese Government, are great obstacles to a trade between India and Tibet, &c., but the establishment of such trade is very desirable, and the obstacles will probably be gradually removed, 1538-1544—Tea cannot for many years be raised in sufficient quantities for trade with central Asia, 1540, 1545.

Further statement, in support of the conclusion that the land in India is not the property of the State, 1546-1554—Although the native sovereigns usually made grants by *sunnud*, or by some other public document, and invoked curses upon themselves in the event of resumption, still the grantors, or their successors, frequently resumed the land, 1555-1560, 1576-1585—The population at large never believed in the perpetuity of the grants, nor do they consider resumption a breach of faith, 1562, 1563, 1586—Difference between a *jaghir*, a *surinjam*, and an *enam*, 1564, 1565.

Further reference to the expressed views of Mr. Elphinstone, as showing that he always contemplated investigation into tenures, at a future period, 1566-1568—Although the long delay before investigation is much to be regretted, it should not obviate the right of resumption, 1569-1572—Very liberal manner in which *enamdars* have been dealt with by the *enam* commission, 1572-1575—Argument in support of the term “rent,” rather than the term “tax,” as applied to the Government assessment upon the land, 1587, 1596—Means of the ryots for obtaining redress in case of over-assessment, 1597-1606. Enormous proportion of the civil justice in India which is administered by native judges, 1607-1610—The native judges officiate very satisfactorily, and there are comparatively few appeals from their decisions, 1611-1613—The average land assessment is very moderate, but in Madras and Bombay, some of the ryot warree settlements are too high, and are being revised, 1614-1616, 1622, 1623—The thirty years’ settlement leaves the ryot or the settler a right to cultivate anything he pleases during that period, without increased assessment, 1617-1621.

Advantage, as regards the balance of trade with India, if our manufacturers would send cotton and woollen articles more suited to the tastes of the natives, 1624, 1634-1637—Doubt as to what becomes of the enormous quantities of silver imported into India; much of it is required in the interior, and is an evidence of increased prosperity, 1625-1633—Further statement, as to representations having been made to the Court of Directors, that land should be held free of revenue, as an encouragement to cotton cultivation, 1638-1641.

Witness further argues, that most of the obstacles to the development of the cotton cultivation, might have been overcome by energetic settlers, 1642-1652, 1662, 1663—Unreasonableness of the manufacturers in railing at Government about the supply of cotton, further adverted to, 1648, 1657-1663—The want of roads is the only point on which Government are responsible, as regards the supply of cotton, 1645-1648—Success of Mr. Landon in Guzerat further adverted to, 1648-1652.

Government has made great outlay upon works of irrigation, 1653, 1655, 1661—Ground for doubting the use of irrigation in the cultivation of cotton, 1654-1656—The ryot will not grow cotton unless it can be grown more profitably than other products,

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1656—Injustice in charging Government with having neglected the navigation of the Indus and Godavery, 1657-1660, 1661.

Further statement that the Government are not the owners of the land, save of the unreclaimed land, 1664, 1665—Explanation as to the over-assessment many years ago in the province of Bundelcund, 1666—In the North-West Provinces the thirty years' settlement has been finished many years, 1667, 1673—There is about to be a new survey and assessment in Madras, 1668.

Explanation of the process adopted respectively in the North-West Provinces and in Madras and Bombay in fixing the rates upon the different descriptions of land under the thirty years' settlement; advantage of the careful surveys made in carrying out the assessment, 1669-1675—Injustice in fixing the same charge upon good and bad land, 1675—Any portion of a tenure not in cultivation during any year is exempt from charge for that year, 1676-1679.

Any increase of assessment at the end of thirty years would not apply to improvements at the cost of the cultivators but only to general improvements by the State, 1680-1684. Witness cannot say how much the revenue has gained by the Enam Commission, 1685, 1686—The resurreptions in the North-West Provinces have had nothing whatever to do with the rebellion, 1687-1689—Further statement that before the Government investigation rent-free tenures never had a fee-simple value, 1690.

[Fourth Examination.]—The mohrturfa tax, though abolished in Bengal, Bombay, and Mysore, is still maintained in Madras, 1691, 1692—The Court of Directors, in November 1856, directed the abolition of the moturfa tax in Madras, but the mutiny has prevented further steps being taken; Lord Stanley will doubtless give further directions on the subject, 1691, 1693—Witness went to India in 1820; different localities and capacities in which employed, 1694-1700.

Witness further advises that Europeans wishing to procure cotton should not hold land, but should buy the cotton from the natives, and should press it and probably clean it themselves; facility of procuring thereby equally with other produce, 1701-1709, 1745-1747—Particular districts in Bengal, Bombay, and Madras, in which the growth of cotton is or may be most largely produced, 1708, 1710, 1711.

Further statement as to the impediment to a large cultivation of cotton on account of the probability of its not being profitable to the ryot, 1708, 1746, 1747, 1882—Although, on account of the climate, colonization as in Australia may not be practicable, the risk to European life is much exaggerated in the public estimation, 1712—The views of Government relative to the creation of rent-free tenures by commuting the land-tax refer only to waste lands or to the permanently settled districts, 1713.

Belief that a power to redeem the land-tax in the districts included in the Cornwallis settlement would not be successful in causing colonization, 1714—Power of the zemindars to deposit Government paper, the interest on which is equivalent to the land-tax, 1714, 1797—Rent-free estates are not in a whit better condition than the assessed estates, *ib.*—Higher assessment and larger revenue in the North-West Provinces than in the Bengal regulation provinces, 1715, 1716—Mixed way in which the revenues of the North-West Provinces and of Bengal are shown in a certain account, 1717-1721.

Protection, but not in all instances, of the rights of the ryots where jaghires and enams have been confirmed, 1722—The lands for religious endowments are now left entirely to the care of the natives themselves, 1723, 1724—Loss of revenue by an export duty on opium at the several ports, 1725—Propriety of its being left to India to impose what import duties she pleases upon English manufactures, 1726—There might be an import duty on all cotton and linen goods, and the duty on copper and spelter might be increased, 1726, 1727.

Witness has no desire to keep up the distinction in name between the covenanted and uncovenanted services, but insists on the advantage of a service fed from the bottom, 1728, 1924, 1925—Within the last few years a very large number of honorary magistrates have been appointed, 1729—Doubt as to anything having been done of late to give greater security to under-tenants, 1730—Improvement within the last few years in the pay of the police, 1731—The establishment of ten police battalions for Bengal has recently been sanctioned, *ib.*—Doubt as to life and property in Bengal having been until late years insecure, 1732-1734.

Foreign planters in Bengal have been at least as successful as Englishmen, 1736—Further reference to the views expressed by certain missionaries to the prejudice of the planters; authority attached thereto, 1737-1739, 1811-1817—Explanation as to there having been several towfeer cases in Chittagong; the revenue in this district is collected most punctually, and the district is very prosperous, 1740-1742.

Further statement as to the East India Company having been unjustly vilified on the score of the cultivation of cotton; evidence showing that they have gone to very considerable expense in order to promote cultivation, 1743-1745—Success of Mr. Landon again

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again adverted to, 1747. 1754-1759—Belief that cotton, equal to the American cotton, cannot be produced in India, 1748-1753.

As regards the evidence in 1858 about the insecurity of person and property through the state of the courts and of the police, &c., witness directly contradicts such evidence as a great exaggeration, 1761-1765—Advantageous operation of the system of native judges and magistrates under European superintendence further adverted to, 1765-1767—Advantages anticipated from the simplification of the procedure of the courts, which is on the eve of adoption, 1768, 1769.

Further evidence in support of the proposition that a knowledge of the habits and character of the people is more desirable in the European judges than a mere knowledge of jurisprudence, 1771-1784—Importance of the judges having filled revenue offices, and having been collectors, &c., 1775-1782—With reference to the mutiny, the civil servants had no opportunity of testing their knowledge of the natives, 1785-1788.

Further argument that in Bengal, and, generally, the tenure of land and its liability to assessment do not offer any serious impediment to settlement, 1789-1801—Approval under certain conditions of a limited redemption of the land-tax, 1796—There is not and has not been for many years any feeling among the Government or its officers against English settlement, 1802-1810—Further statement in disapproval of intimate relations between the civil servants and the planters, 1811-1815.

Witness has known hundreds of charges against the planters of oppression against the ryots, 1816, 1817—He repeats that extended European settlement at the commencement of our rule would have produced much evil to the natives, 1818—With all the concomitant evils European settlement is, on the whole, desirable, 1818. 1823, 1824—Statement showing that some of the servants of the Company took a leading part in the establishment of steam communication with India, 1819-1822.

Examination in denial of the accuracy of the assumption that all the chief legislative acts, and other works for the improvement of India, have emanated from the British Government, in opposition to the East India Company, 1825-1843. 1856-1860—On the score of increased facilities to commerce, and of improvements generally, the opinions of the Court of Directors have gone on progressively with the times, 1827-1832. 1861.

Admission that there is under the present government by the Crown at least as good a prospect to settlers as there ever was, 1844, 1845—Denial that the natives generally have lost faith in us, or have become disaffected in consequence of our resumptions, annexations, &c., 1846-1852—As regards the discountenance in the Queen's Proclamation of the policy of annexation witness doubts not but the proclamation will be faithfully observed, 1853-1855.

Belief that the instructions sent out by the Court of Directors during the last twenty years cannot be surpassed by any State papers in the world, 1860—Public opinion in this country has been grossly misinformed with regard to India; illustration hereon, 1862, 1863. 1870—The more light is thrown upon the past government of India the more will honour redound to the Government by the Company, 1864, 1865.

Unfitness of barristers versed in the civil or criminal law of this country to preside over the courts in India, which are mainly courts of equity, 1866-1869. 1891-1897—Further reference to the practice of the government of Bengal in regard to resumptions, that is, with reference to the Statute of Limitations, 1871-1880—Ignorance of the military officers of the disaffection among the sepoys, 1881.

Further statement as to the means of redress possessed by the ryots in cases of over-assessment, 1883-1890—Considerable quantity of rent-free land in Bombay and Madras; less proportion in Bengal, 1898-1903—Advantage if all resumptions had proceeded *pari passu* with settlement, and if both had been done promptly and decisively, 1899—Approval of a succession duty or some such tax upon all rent-free tenures, 1904, 1905.

The transit duties have been entirely removed, so far as Government had power in the matter, 1906-1908—Approval of an extension of the principle of local or municipal government in India, 1909-1912. 1919-1922—Further objection to the civil service being fed save from the bottom; it is not, however, an exclusive service as natives or any other persons below a certain age may compete for it, 1913-1918. 1925—In the event of the introduction of a property-tax, rent-free occupiers should be on an equality with the rest of the community, 1923—As regards lands exempt from revenue, all the jungle grants in the Sunderbund, Gorruckpore, &c., were held free of assessment for a certain term of years, *ib.*

Manufactures. Advantage as regards the balance of trade with India if our manufacturers would send out cotton and woollen articles more suited to the tastes of the natives, *Mangles* 1624. 1634-1637.—See also *Central Asia*, 5. *Sheffield*. *Tibet*.

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Medical System. Excellent service done by the medical profession towards the development of India, *Moore* 3851, 3852—Confidence of the natives in the medical men, *ib.* 3852. 3861, 3862. 3865—Importance of educational institutions on the hills as a means of providing a body of medical men, *ib.* 3855. 3885—Great importance of substituting the European system of medicine for the native systems, *ib.* 4013. 4015.

See also *Dispensaries*.

Missionaries. Although the missionaries had until the last few years an unfair opinion of the planters, witness cordially approves of their mission and operation in the country, *Forbes* 2460-2462—Opinion that missionary operations have not done much good in India; they have influenced only a very low class of people, *Saunders* 3554, 3555. 3643-3648—Very beneficial operation of the missionaries, more especially of the Americans, whose knowledge of medicines is of great use, *Moore* 3863-3866. 3883, 3884—Witness has the highest opinion of the character and conduct of the missionaries, *ib.* 3980, 3981. 4055—Further evidence in commendation of the operations of the missionaries; the natives do not feel any dissatisfaction in the matter, *ib.* 4051-4059. 4082, 4083—Happy results which have attended the operation of the missionaries in India, *Haig* 4679-4681.

The Baptist Society has at present thirty-six missionaries in India, and the number is about to be increased by eight or ten, *Underhill* 4595—There are about ninety-three native preachers or catechists, *ib.*—The number of native Christians in connexion with the society is about 4,000, of whom about 1,200 are communicants, *ib.* 4696—There are twenty-five principal stations, and forty-one sub-stations; where situated, *ib.* 4697-4700.

Perfect harmony between the different classes of missionaries throughout India, *Underhill* 4701—Obvious reasons for which the native zemindars are opposed to the missionaries, *ib.* 4794—Excellent way in which the missionaries have been received by the great body of the natives, *ib.*—Explanation of the action of the Baptist missionaries, and of the process of conversion, *ib.* 4796-4807—The Baptist Mission has existed in Bengal for sixty-seven years, *ib.* 4807—Religious instruction given to Hindoo and Mahomedan children, who attend voluntarily, *ib.* 4817-4824—Frequent religious discussions between the missionaries and the Hindoos, but not in public, *ib.* 4849-4853—Circumstance of some of the first Baptist missionaries having been ordered away from Calcutta, and having gone to Serampoor, *ib.* 4893, 4894.

See also *Christianity*.

Mofussil. See *Administration of Justice*. *Affrays (Bengal)*. *European Capital and Skill*. *Land Revenue Settlement, and Tenure and Sale of Land*. *Police*. *Ryots*. *Zemindars*.

Moheaur Sing. Examination as to the proceedings of the Bengal Government in the case of Moheaur Sing; probable propriety of the decision of the Privy Council, condemnatory of the Government's proceedings in the matter, *Mangles* 1227-1244.

Mohturfa Tax. Statement as regards the Mohturfa tax, showing that though abolished in Bengal, Bombay, and Mysore, it is still maintained in Madras, *Mangles* 1448, 1449. 1691, 1692—The Court of Directors, in November 1856, directed the abolition of the Mohturfa tax in Madras, but the mutiny has prevented further steps being taken; Lord Stanley will doubtless give further directions on the subject, *ib.* 1691. 1693.

Moore, Ralph. (Analysis of his Evidence.)—Surgeon; has been in the North-West Provinces and other parts of India almost ever since 1824; 3806-3809—Sees no reason for believing that the European race cannot be continued in India, with occasional visits to Europe, 3810-3814. 3916—There are at present in Calcutta many Europeans of the third generation, whose physical condition is excellent, 3811-3813—Certain peculiar constitutions are best suited to the climate, 3816, 3817. 3895, 3896. 3905.

Wherever Europeans have settled, they have benefited the natives and the country, 3818—Irrigation is of the utmost importance, 3819, 3820—Canals of navigation as well as of irrigation are essential, 3820, 3821—The Ganges canal has in a great degree failed as a canal of navigation, 3820. 3917—Wheat of excellent quality, and cheaper than the American wheat, might be imported from India but for the want of means of conveyance there, 3821, 3822. 3874, 3875. 3886—In the North-Western Provinces the people are most industrious, 3822—The Indian grass is of excellent quality, 3823.

Reluctance formerly of the East India Company to employ Europeans, 3824—Salutary results produced in every instance where European superintendence has been introduced, *ib.*—Decided approval of institutions on the hills for the children of European soldiers, 3825. 3855. 3885—Exceedingly high opinion which witness entertains of the Hindoos, both as regards their fitness for employment, and their commercial integrity, 3826-3830. 3922—Great caution necessary in the employment of Mahomedans, 3827, 3828. 3921, 3922.

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Moore, Ralph. (Analysis of his Evidence)—continued.

Information relative to the Eurasians, or "half-castes," as they are sometimes offensively termed, 3831-3841.—The press of India is generally equal to the people, 3842.—Mention of Mr. W. C. Hurry, editor of the "Englishman," as one of the most able and honest public writers that India has ever seen, *ib.*—Sundry particulars relative to the three leading organs, the "Englishman," the "Hurkaru," and the "Friend of India," 3843-3846. 3923-3930.—Great importance of the freedom of the press, there being so little public opinion in the country, 3847-3850.

Excellent service done by the medical profession towards the development of India, 3851, 3852.—Confidence of the natives in the medical men, 3852. 3861, 3862. 3865.—Considerable progress of the natives in medical studies, 3853, 3854.—Several important public benefits through the government of Lord W. Bentinck, 3853. 3877. 3932.—Useful operation of dispensaries in all the more important places, 3854-3860.—Importance of educational institutions on the hills as a means of providing a body of medical men, 3855. 3885.

Very beneficial operation of the missionaries, more especially of the Americans, whose knowledge of medicines is of great use, 3863-3866. 3882, 3884.—Good conduct generally of the converts, 3867, 3868. 3870, 3871.—Every facility should be given to the missionaries without any interference with or encouragement of the native religions, 3869.—The lawless state of India, when overrun by the Mahomedans, was the main cause of the decline of its prosperity, 3872, 3873.

Cotton, as well as wheat, may be produced more cheaply in India than America, 3875, 3876.—Great progress has already been made in the production of tea, 3877.—The climate and soil are very suitable for the growth of flax, 3878-3880.—Textile fabrics and vegetable productions generally may be produced to an enormous extent, 3880.—Opium, unless taken at an early age, as in Assam, is beneficial rather than injurious, 3881, 3882.

Advantage both to England and India if boys from the refuges, &c. in London were sent out to institutions on the hills, 3885.—Doubt as to the propriety of removing soldiers' children compulsorily to the hills, 3887-3889.—Every soldier going to India should take a wife with him, 3889-3891. 3961, 3962.—If settlement be properly developed revolt will be impossible, 3891.—Low mortality of children, if properly cared for, in the hill districts, 3892-3894.—As regards the climate generally witness argues that a man may, by care, live as long in India as in England, and that the great mortality of Europeans in former years was owing to causes which do not now exist, 3895-3916.

The magistrates are under paid rather than otherwise, 3910-3913.—Importance of improving the navigation of the Ganges and of the rivers generally, 3917-3920.—Witness was recommended for employment in the settlement of the North Western Provinces, but declined it, 3931.—As a whole this settlement has been the greatest work ever carried out in India by the British Government, 3932.—Opinion that the resumption laws had nothing to do with the mutiny, 3933-3935.—Belief that the annexation of Oude, which witness designates as the blackest crime that England ever committed, was the immediate cause of the mutiny, 3934.

Favourable opinion entertained by witness of the civil servants as a body, 3936-3938.—Practice of late years not always to suspend mis-conducted civil servants, 3939, 3940.—If European settlement had not been interfered with the mutiny would have been impossible; illustrations of the way in which it used to be interfered with, 3941, 3942. 3952-3957.—Importance of making the European planters magistrates, 3942-3944.—Recommended system of police with European superintendents; suggestions made by witness hereon during the mutiny, 3945-3951.

Beneficial results anticipated from the labours of this Committee, 3958-3960.—Improved river navigation is of the last importance, 3963, 3964.—Apprehension that the mutiny has lowered the native respect for Europeans, 3965, 3966.—Great danger during the mutiny of Calcutta having been taken, 3967-3969.—If there had been a vigorous Government the spread of the mutiny might have been prevented; reflections hereon upon the conduct of Lord Canning, 3969-3976.

As regards educational measures a great portion of the money has gone in large salaries, 3977, 3978.—Witness has the highest opinion of the character and conduct of the missionaries, 3980, 3981.—Railways will greatly facilitate settlement, and will be used by natives as well as by Europeans, 3982.

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The dispensaries are mostly established by Government, 4005.—Liberal Donations by natives in aid of dispensaries, 4005, 4006.—Considerable medical acquirements of the

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the native medical officers in the Government dispensaries, 4007-4009. 4014—Control of each dispensary by a civil or military surgeon, 4010, 4011—The dispensaries are largely resorted to by the natives, 4012, 4013—Great importance of substituting the European system of medicine for the native systems, 4013. 4015—Proposition, as made by witness in 1847, for the establishment of a native hospital at Benares, 4015.

Illustration of the great acquirements of natives of India in astronomy, 4016-4018—The European military and civil servants have a very considerable knowledge of the native language, 4019-4022—Witness has paid great attention to the question of navigation in India, and shows that it is of the utmost importance to improve the rivers and to make canals, 4023-4026.

There is no reason why iron should not be manufactured in India, by means of European capital and skill, 4027. 4030, 4031—Very excellent character of the iron, 4027-4029—Witness has paid much attention to the question of irrigation and delivers in a paper, on the subject, for which he has received the thanks of the court, 4032—Great benefit to be derived from a system of tanks, or of wells, on the Artesian principle; only one Artesian well has been tried, 4033-4038. 4100-4106.

Necessity of Government countenance being given to works of irrigation, 4039-4042. 4095-4097—Witness urged upon Sir Charles Wood, when at the Board of Control, the importance of a transfer of the country to the Crown, 4043—Confidence given in India when the Crown assumed the government, 4044. 4046. 4066-4068—Loss of confidence in India through the manner in which the new system is administered, 4044-4048.

Further evidence in commendation of the operation of the missionaries, 4051-4059. 4082, 4083—Great dissatisfaction among the natives, and great prejudice to our reputation, by our rapacity of late years in annexation, &c., 4059-4066. 4069-4072—Intemperance, and a want of knowledge of the country have been the main causes of the high per-centage of European mortality in India, 4073, 4074—Further approval of institutions on the hills for soldiers' children, 4075—Want of statistics of mortality, 4076.

By an increase of settlement, together with a good police, the European army may be largely reduced, 4077—Disapproval of Government aid towards the native religions, 4078-4080—Dissent from the opinion that the progress of education had only to do with the mutiny, 4081—Number of converts in Southern India and Ceylon, 4083—Doubt as to a certain despatch by Sir J. Lawrence having caused dissatisfaction or suspicion in the minds of the natives, 4084-4093.

Outline of the measures necessary to induce the spread of settlement, 4094—If proper care be observed, men of any habits of body may have good health in India, *ib.*—Witness strongly disapproves of the system of guarantees to private enterprises, 4097—Statement that under Lord Dalhousie's Government, there was hardly any expenditure for the benefit of commerce, 4098, 4099—Further statement as to the interest felt in India in the proceedings of the Committee, 4107-4109.

Moplahs. In Malabar, &c., natives of the Moplah caste are generally very well off, they make very good labourers, *Fenwick* 909-921—The Moplahs frequently bury their riches through fear of robbery, *ib.* 911, 912. 952, 953.

Moral Improvement of Natives. Check to the immorality, and want of chastity of the natives, by the presence of Europeans in the country, *Underhill* 4708. 4716, 4717—Moral improvement of the natives will doubtless follow extended settlement, *ib.*

Mortality of Europeans. As regards the climate generally, witness argues that a man may, by care, live as long in India as in England, and that the great mortality of Europeans in former years was owing to causes which do not now exist, *Moore* 3895-3916—Intemperance and a want of knowledge of the country, have been the main causes of the high per-centage of European mortality in India, *ib.* 4073, 4074—Want of statistics of mortality, *ib.* 4076—Increased duration of the missionaries' lives of late years, *Underhill* 4702, 4703.

Moultan. Obstacle to a trade with Moultan, on account of its disorganised state, *Hooker* 21, 22.

Municipal Government. Approval of an extension of the principle of local or municipal government in India, *Mangles* 1902-1912, 1919-1922; *Forbes*, 2249. 2250—Importance of local associations for the management of roads and other improvements, *Forbes*, 2251-2257—Importance of a system of municipal institutions or local self-government, as a means of preparing the native for future political development, *ib.* 2257-2266.

Mutiny. During the mutiny, the native Christians, and the English educated natives, have proved very loyal, *Mangles* 1526—The civil servants had no opportunity of testing their knowledge of the natives, inasmuch as the disaffection broke out in the cantonments, and was at first confined to the military, *ib.* 1785-1788—Ignorance of the military officers of the disaffection among the sepoys, *ib.* 1881.

If

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If European settlement had been encouraged in former years, the late mutiny would never have occurred, *Saunders* 3553; *Moore* 3941, 3942; *Underhill* 4882—If settlement be properly developed, revolt will be impossible, *Moore* 3891—Apprehension that the mutiny has lowered the native respect for Europeans, *ib.* 3965, 3966—Great danger during the mutiny of Calcutta having been taken, *ib.* 3967-3969—If there had been a vigorous Government, the spread of the mutiny might have been prevented; reflections hereon, on the conduct of Lord Canning, *ib.* 3969-3976.

See also *Oude. Resumption of Rent-free Tenures.*

Mysore. The Mysore country is very suitable for the cultivation of Coffee, *Fenwick* 710, 711—Mysore is on the whole very healthy and offers peculiar facilities for European colonization, *ib.* 712-715. 728-733—Very good roads in Mysore; means of transit there, *ib.* 733. 749-752—Witness attributes the prosperous condition of Mysore to the system of administration, *ib.* 883-886—A good deal of flax is produced in the country, *ib.* 1013.

N.

Native Army. For the future a continuance of a large native army is not desirable, *Mangles*, 1360. 1361.

Native Character. Deficiency in point of enterprise, and energy of the Asiatic as compared with the European, *Turner* 628-630—Timidity and want of self-reliance of the Bengalee; he is perhaps the most feeble of feeble Asiatics, *Mangles* 1081—Witness has the very highest opinion of the commercial character of the natives, *Forbes* 2275-2277—Witness has had as much intercourse with the natives of India as most living men, and gives further testimony in commendation of the Hindoo character, *Moore* 3827. 3830. 3922. 3994 4004—Witness has a very unfavourable opinion of the Mahomedans, and cites several instances of their treachery and disloyalty, *ib.* 3827, 3828. 3921, 3922. 3994, 3995. 4053.

See also *Education of Natives. Moral Improvement of Natives.*

Native Judges. See *Administration of Justice. Native Officials.*

Native Languages. See *Civil Service*, 6.

Native Officials. Injustice in debarring the natives from offices of trust, *Mangles* 1123. 1514—The only way to fit the natives for the higher offices is first to employ them in subordinate positions, *ib.* 1514.

Great evil through the want of integrity and of proper legal education in the native barristers and attorneys in the Mofussil courts, *Forbes* 2066-2074—Dismissal for improper conduct of Kishoree Mita lately native magistrate at Calcutta, *ib.* 2195; *Saunders* 3495-3497—Great mistake in trying to raise the natives too suddenly; they should act as honorary magistrates, &c., before appointment as moonsiffs, *Forbes* 2196-2199—Witness does not recommend that the native judges should be superseded, *ib.* 2528-2530.

Disapproval of the elevation of natives to the office of magistrate or judge, on account of their moral unfitness, *Saunders* 3488-3491. 3541. 3591-3603. 3635—Reference to a letter from Mr. Toogood, officiating magistrate at Mongar, strongly objecting to the employment of natives in judicial offices, *ib.* 3488—If the natives can in course of time be properly qualified in a moral point of view, witness would approve of their being made judges, *ib.* 3491-3493. 3542—The natives have been tried and found wanting, *ib.* 3491—Great difficulty in detecting the corrupt conduct of native officials, *ib.* 3602—Belief that the substitution of an uncovenanted class of Europeans for the native magistrates and judges would be very beneficial to the people in India, *ib.* 3708, 3709.

Exceedingly high opinion which witness entertains of the Hindoos, both as regards their fitness for employment and their commercial integrity, *Moore* 3827-3830. 3922. 3994-4004—Great caution necessary in the employment of Mahomedans, *ib.* 3827, 3828. 3921, 3922. 3994, 3995. 4053—Necessity for many years to come of controlling the native magistrates by European agency, *Underhill* 4743, 4744.

See also *Administration of Justice. Education of Natives. Police. Salaries.*

Native States. It is very desirable that the native princes should possess themselves largely of our loans, *Mangles* 1367, 1368.

Natives, Treatment of. Expediency of proper safeguards so that native rights and interests may not be prejudiced by European settlers, *Mangles* 1080.

Navigation. Witness has paid great attention to the question of navigation in India, and shows that it is of the utmost importance to improve the rivers and to make canals, *Moore* 3917-3920. 3963, 3964. 4023-4026; *Haig* 4330 et seq.

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Nellamboor (Madras). In the district of Nellamboor the rajah carries on a good deal of gold-washing, *Fenwick* 683.

Neilgherry Hills (Madras). The Neilgherries are from 8,000 to 10,000 feet high, *Fenwick* 668—In the western level of the Neilgherries there is a great deal of fever in the hot season, *ib.* 681—All the European products are cultivated in the Neilgherries, *ib.* 682—Coffee may be considered the staple commodity of the district, *ib.* 708—Very good sheep walks in the Neilgherries, *ib.* 721, 722.

Nizam's Territory. Utter anarchy and frequent atrocities in portions of the Nizam's territory, *Haig* 4384-4386. 4391.

North West Provinces. Higher assessment and larger revenue in the North West Provinces than in the Bengal regulation provinces, *Mangles* 1715, 1716—Mixed way in which the revenues of the North West Provinces of Bengal are shown in a certain account; the whole expense of the army is put upon the latter, *ib.* 1717-1721—Reference to the settlement of the North West Provinces by the local Government as a most beneficial act, *Mangles* 1837, 1838; *Moore* 3932—In the North Western Provinces the people are most industrious, *Moore* 3822.

See also *Administration of Justice.* *Land Revenue Settlement and Tenure and Sale of Land*, II. IV. VI. *Resumption of Rent-free Tenures*, 5.

Nuddea Rivers. Inaccuracy of much of the evidence before the Committee of 1858 relative to the Nuddea Rivers; impracticability of permanently improving the state of these rivers, save by a stupendous outlay, *Mangles* 1102—Some of the rivers have deviated to the extent of six or eight miles, *ib.*—Great importance of an improvement of the Nuddea rivers, or of the construction of a canal, *Moore* 4025, 4026.

O.

Opium. Small use of opium in India on account of the Government regulations, *Mangles* 1522—As regards the duty on spirits and opium, witness is not aware that ships for their sale have been forced on any locality, *ib.* 1535, 1536. 1862—Loss of revenue by an export duty on opium at the several ports, *ib.* 1725.

Information as to the universal practice of opium eating in Assam, and its injurious effects upon the people; suggestion hereon that the home-grown opium be made an exciseable article, *Vetch* 2836-2868. 3034-3040—Opium eating is one of the main causes of the want of labour in Assam, *ib.* 2836. 2847-2849. 2856—When the people have eaten all their own opium they fall back upon the Government supply, *ib.* 2837, 2838. 2841. 2857—Peculiar process by which the Assam opium is collected, *ib.* 2838—A check upon the use of opium is the main point to be relied upon for an increase of population and of labour, *ib.* 3087. 3093.

In Cachar opium is not consumed as in Assam, *Barry* 3175. 3367-3369—Evidence to the effect that the general and excessive use of opium by the people of Assam, both old and young, is most prejudicial to health, and is the main cause of the want of labour there; belief that the population is decreasing, as well as degenerating, through its use, *ib.* 3176-3188. 3218. 3287. 3312-3341. 3359-3361. 3378-3381. 3385, 3386—Proposition that the cultivation of opium in Assam be prohibited, but that its import be still allowed, *ib.* 3181. 3278-3289. 3341. 3359-3363. 3394.

Less indolence of the people in Silhet than in Assam though not using opium in the same way, *Saunders* 3566, 3567—The Assamees eat opium from their childhood, and are in consequence a weak and emasculated people and disinclined to labour, *ib.* 3556. 3566, 3567. 3641. 3662—Approval of the growth and sale of opium by the Government, *ib.* 3557.

Opium, unless taken at an early age, as in Assam, is beneficial rather than injurious, *Moore* 3881, 3882.

Pernicious effects produced generally on the health of the natives by their extensive use of opium, *Haig* 4682. 4685-4689—Designation of the Government traffic in opium as abominable and disgraceful; some other source of revenue should be substituted, *ib.* 4682-4684. 4688—See also *Abkaree Tax*.

Oude. Belief that the annexation of Oude, which witness designates as the blackest crime that England ever committed, was the immediate cause of the mutiny, *Moore* 3934.

Ouseley, Major. Case of Major Ouseley, at Sattara, adverted to; similarity between his case and that of witness, *Hudson* 4909-4911. 4946-4949.

P.

Pasture Land. The Indian grass is of excellent quality, *Moore* 3823.

Perjury. Obstacle to settlement in the practical impunity with which perjury is committed, the crime being universal throughout India, *Underhill* 4729-4738.

Permanent Settlement of Europeans. See *Climate.* *Degeneracy of Europeans.*
European Capital and Skill.

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Permanent Settlement (Land Revenue). See *Land Revenue Settlement and Tenure and Sale of Land*, I. V.

Petitions. Facility with which vakeels may get native signatures to petitions, *Mangles* 1494-1498.

Planters. See *Indigo and Indigo Planters*.

Police. The police of Bengal proper are especially bad; this is mainly attributable to the native character, *Mangles* 1081—The police generally are very much underpaid, *ib.* 1081. 1515—Belief that bribery does not exist in the police nearly to the extent that has been represented, *ib.* 1081—The gomahtas or native agents of the planters, &c. constantly pocket the bribe which their masters give them to pass on to others, *ib.*—Improvement within the last few years in the pay of the police, *ib.* 1731—The establishment of ten police battalions for Bengal has recently been sanctioned, *ib.*

Corruptness generally of the police, *Forbes* 2430—The village police are mostly ryots; they get about three rupees a month, *ib.* 2431-2433—Particulars as to the native police in Assam; though much better within the last few years they are very inefficient and corrupt, *Vetch* 2708-2719—Increased European superintendence of the police would not be an improvement, *ib.* 2717-2719—The natives in Assam do not complain of the police, *ib.* 2720.

The police in India are very bad, and require European superintendence, *Saunders* 3712-3714—Recommended system of police, with European superintendents; suggestions made by witness hereon during the mutiny, *Moore* 3945-3951.

See also *Malabar. Torture.*

Poll Tax. A capitation or poll tax might be imposed as one means of revenue, *Forbes* 2381—A poll-tax might probably be levied without much discontent, *ib.* 2611, 2612.

Portuguese Half-castes. Efficiency of the Portuguese half-castes employed on the Madras Railway, *Fenwick* 792-798.

Press, The. The press of India is, generally, equal to the people, *Moore* 3842—Mention of Mr. W. H. Hurry, editor of the "Englishman," as one of the most able and honest public writers that India has ever seen, *ib.*—Sundry particulars relative to the three leading organs, the "Englishman," the "Hurkaru," and the "Friend of India," *ib.* 3843-3846. 3923-3930—Great importance of the freedom of the press, there being so little public opinion in the country, *ib.* 3847-3850.

Prices of Produce. Effect of increased prices as well as of cheapness of conveyance in promoting cultivation, *Turner* 545-548.

Procedure (Courts of Law). See *Administration of Justice*.

Profitable Settlement. Dissent from the statement of Major General Tremenhue as to the profit with which, and the extent to which, indigo and other produce may be obtained through advances to the natives, *Forbes* 2605, 2606.

See also *Assam, 7-9. Cotton. Foreign Settlers. Tea.*

Property Tax. In the event of the introduction of a property tax, rent-free occupiers should be on an equality with the rest of the community, *Mangles* 1923—Approval of a property or income-tax upon the rent-free lands, if the revenue require it, *Saunders* 3505-3508.

Public Opinion. Public opinion in this country has been grossly misinformed with regard to India; illustration hereon, *Mangles* 1862, 1863. 1870.

Public Works. Information as to the large expenditure by Government upon public works for reproductive and other useful purposes; aggregate expenditure in the five years 1852-53, 1856-57, of nearly six and a half millions sterling, exclusive of the outlay upon repairs and military buildings, *Mangles* 1141-1146—Surplus of about two millions in the revenue over the expenditure for the years 1852-53 to 1856-57 if there had not been any outlay upon public works, *ib.* 1142.

Witness strongly disapproves of the system of guarantees to private enterprises, *Moore* 4097—Statement that under Lord Dalhousie's government there was hardly any expenditure for the benefit of commerce, *ib.* 4098, 4099—False economy in Government not having long ago spent large sums in irrigation and other reproductive works, *Haig*, 4598-4617.

See also *Engineers. Irrigation.*

Punjaub. See *Scinde*.

Pyne Gunga River. Doubt whether the Pyne Gunga, which runs into the Wurdab, is navigable, *Haig* 4578, 4579.

R.

Railways. Opinion that railways in India have been constructed on too expensive a principle; a narrower gauge, or even a system of tramways, would, for some time, have been sufficient, *Fenwick* 769-783—Railway construction would be better carried out if Government did not interfere through military engineers, *ib.* 1026-1030—Impression that the ordinary means of carriage of the country are far less costly than railway carriage; there has hardly been any experience as yet on the latter point, *ib.* 1034-1042.

It is very important that the native princes should encourage the construction of railways, *Mangles* 1362-1364—Leading part taken by the Court of Directors in the introduction of railways, *ib.* 1840-1842—The railways can never convey the produce of the country, *Moore* 3821. 3963—Railways will, however, greatly facilitate settlement, and will be used by natives as well as by Europeans, *ib.* 3982.

Grounds for the conclusion that both as regards passengers and goods it has been a mistake, first to provide the more expensive means of communication, that is, railways, *Haig* 4331 *et seq.*—The railways should follow with the advance of the country, *ib.* 4370—Reference to the views of Colonel Cotton as being opposed to large outlays at present on railways, *ib.* 4651—It is exceedingly doubtful whether the railways will pay, *ib.* 4657-4661.

Rajahmundry. In the cultivation of sugar and other products, English settlers might be most successful in Rajahmundry, *Haig* 4242, 4243—Settlers might enjoy very good health in the district by going away at intervals, *ib.* 4244, 4245—Statement in favour of a system of individual responsibility for the revenue in lieu of the joint village system in Rajahmundry, *ib.* 4276-4294. 4398-4400. 4520—Explanation with reference to the different tenures of land in Rajahmundry; other lands than those belonging to Government, *ib.* 4291. 4515-4519—There are not many roads in Rajahmundry, but the canals render them unnecessary, *ib.* 4392-4394—There are many hundreds of miles of canals in Rajahmundry, instead of there being only about 100, as stated in a certain return to Parliament, *ib.* 4394-4396. 4618-4623—A railway from Rajahmundry to any point inland would be a very foolish project, *ib.* 4481, 4482.

See also *Irrigation*, 3. *Sugar*.

Rajpootana. See *Jodhpore*.

Redemption of Land Tax. See *Land Revenue*. *Settlement and Tenure and Sale of Land*.

Religion. Disapproval of the Government grant to the Madrassa, or Mahomedan Religious College in Calcutta, *Moore* 3869—Disapproval generally of Government aid towards the native religions, *ib.* 4078-4080—Doubt as to a certain despatch by Sir J. Lawrence having caused dissatisfaction or suspicion in the minds of the natives, *ib.* 4084-4093.

See also *Christianity*. *Missionaries*.

Rent-free Tenures. See *Enam Commission*. *Resumption of Rent-free Tenures*.

RESUMPTION OF RENT-FREE TENURES:

1. *Defence of Resumptions, as in Bengal, &c.*
2. *Resumption in Towfeer Cases.*
3. *Termination of Investigations in Bengal.*
4. *Expediency of Resumption in Bombay and Madras.*
5. *Whether the Resumptions have caused Disaffection.*
6. *Practice under the Native Governments.*

1. *Defence of Resumptions, as in Bengal, &c.*

With respect to the alleged grievance that resumptions are an interference with the rights of property, the question is much less one of property than of taxation, *Mangles* 1089—Government are bound to see that there is no usurpation of rent-free land, *ib.* 1089-1092. 1186-1188—Undue imposition of taxes upon the rest of the community where enamdars or others are without proper title, allowed to be exempt for ever from the land-tax, *ib.* 1089. 1092—Witness believes the opposition to resumptions to be a mere cry got up for interested and selfish purposes, *ib.* 1091—The length of time which has elapsed since the grants were made, is not a sound argument in favour of continued exemption, *ib.* 1092-1100—Before the Government investigation, rent-free tenures never had a fee-simple value, *ib.* 1095. 1690.

Examination as to the practice of the Government of Bengal in reference to the law of limitations in carrying out resumptions; Government did not act upon the doctrine of *nullum tempus*, *Mangles* 1189-1226—Very rare instances of the law of limitation having been pleaded by the parties before the courts, *ib.* 1204. 1215, 1216.

Further explanation as regards the resumption of rent-free tenures that the law of limitation, passed in 1803, could be pleaded by the parties, but that the whole of the resumption laws assert broadly the principle of *nullum tempus*, *Mangles* 1450-1454—Reference to the regulations in Lord Cornwallis's code of 1792 for trying the claims of

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RESUMPTION OF RENT-FREE TENURES—continued.**1. Defence of Resumptions, as in Bengal, &c.—continued.**

of persons holding rent-free tenures; this law contained rules of limitation, and made tenures good if granted prior to a certain date, *Mangles* 1455-1457. 1461-1464—All royal grants were at once confirmed if they were valid, *ib.* 1469—Great pressure of business which has necessitated the postponement for so long a period of the investigation of rent-free titles in Madras, *ib.* 1473—Due recognition by Lord Elphinstone of all grants, if properly made, for religious purposes, *ib.* 1470-1472—All land should pay a fair proportion of the Government taxes where the proprietors get the protection and benefit of Government, *ib.* 1530—Protection, but not in all instances, of the right of the ryots where jaghires and enams have been confirmed, *ib.* 1722—The lands for religious endowments are now left entirely to the care of the natives themselves, *ib.* 1723, 1724.

Further reference to the practice of the Government of Bengal in regard to the resumptions, that is, with reference to the Statute of Limitations; Government did doubtless state in 1830 that they were not bound by the principle of limitation, *Mangles* 1871-1880—It was not the part of Government to plead the Statute of Limitations for any party, *ib.* 1872, 1873—Advantage if all resumptions had proceeded *pari passu* with settlement, and if both had been done promptly and decisively, *ib.* 1899—All the jungle grants in the Sunderbund, Goruckpore, &c., were held free of assessment for a certain term of years, *ib.* 1923.

2. Resumption in Towfeer Cases:

Distinction between resumption in the case of towfeer or excess lands, that is, of lands not included in the limits of the estate at the time of the permanent settlement, and in the case of rent-free tenures; with some exceptions investigation into towfeer cases was not advisable, *Mangles* 1223-1246—Very few towfeer cases that have been under investigation at all, *ib.* 1224-1244—Reference to the Sunderbund and other enormous tracts of jungles as instances of the propriety of Government investigation in some towfeer cases, *ib.* 1245, 1246.

3. Termination of Investigations in Bengal:

As regards investigations relative to rent-free tenures they have been completed in Bengal, Behar, and the North Western Provinces, and in Bengal have resulted in an addition to the revenue of about 500,000*l.* a year, *Mangles* 1084-1089—Further statement that in Bengal, and also in the North West Provinces, the investigation into rent-free tenures was duly carried out, *ib.* 1101, 1102. 1245. 1247-1249—Lahkiraj resumptions have ceased in Bengal; it was said they would not pay, *Forbes* 1981. 1992, 1993.

4. Expediency of Resumption in Bombay and Madras:

Result of the immense alienations in Bombay that the government of that province has never paid its expenses; injustice thereby in such expense being partly thrown upon Bengal and the North West Provinces, *Mangles* 1096—Belief that a great majority of the rent-free tenures in Madras have been fraudulently granted or assumed, *ib.* 1474—Disapproval of a suggestion that all grants in the Carnatic prior to our possession of the country on the 25th July 1801 should be confirmed, *ib.* 1477, 1478—Considerable quantity of rent-free land in Bombay and Madras; less proportion in Bengal, *ib.* 1898-1903.

5. Whether the Resumptions have caused Disaffection:

Much less unpopularity in the resumption of alienated revenue than in the imposition of new taxes, *Mangles* 1089—Loyalty during the late mutiny of the natives of the Punjab, in which country the resumptions have been carried out most unsparingly, *ib.* 1089-1093—Resumptions have been unsparingly carried out both by Sir Henry Lawrence and Sir John Lawrence, *ib.* 1089—The intelligent part of the community by no means consider the present resumptions a breach of faith, *ib.* 1586—The resumptions in the North West Provinces have had nothing whatever to do with the rebellion, *ib.* 1687-1689—Denial that the natives generally have lost faith in us, or have become dissatisfied in consequence of our resumptions, annexations, &c., *ib.* 1846-1852.

A revolt has been the result of the policy pursued in the North Western Provinces, *Forbes* 2578, 2579—The resumption of rent-free lands throughout India was a very impolitic measure, and created great disaffection, *Saunders* 3498-3502—Statement as to the resumptions, though they took place twenty years ago, being looked upon with much dissatisfaction at the present hour; examination hereon with reference to the question of their having had anything to do with the mutiny, *ib.* 3498. 3503, 3504. 3680-3698—Opinion that the resumption laws had nothing to do with the mutiny, *Moore* 3933-3935.

6. Practice under the Native Governments:

The English Government has been far more indulgent than the native Governments upon the subject of rent-free tenures, *Mangles* 1089—The native Governments

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granted largely, but resumed unscrupulously, *Mangles* 1089. 1092—Statement showing that as regards altungahs, or royal grants, the law of 1793 was far more indulgent than the practice under the native princes; minute by Sir Thomas Munro adverted to hereon, *ib.* 1457-1460—Although the native sovereigns usually made grants by sunnud, or by some other public document, and invoked curses upon themselves in the event of resumption, still the grantors or their successors frequently resumed the land, *ib.* 1555-1560—The population at large never believed in the perpetuity of the grants, *ib.* 1562, 1563—As regards jaghirs in the Deccan, &c., they were much more largely resumed from time to time by the Peishwa's Government than they have been by the British Government, *ib.* 1576-1585—Resumption of 590 jaghirs in the last fifty years of the Peishwa's Government, *ib.* 1579-1584.

See also *Burdwan, Rajah of. Chittagong. Enam Commission. Succession Duty.*

Revenue. Under a proper administration of the country, as leading to the increased introduction of capital, the revenue might very largely be increased, *Forbes* 2327-2332. 2613-2615—Means by which, independently of the land tax, the revenue might be increased, *ib.* 2381-2392.

Revenue Service. See *Civil Service. Magistrates.*

Revenue Settlement. See *Land Revenue Settlement, and Tenure and Sale of Land.*

Rivers. Great importance of improving the navigation of the Ganges, and of the rivers generally, *Moore* 3917-3920. 3963, 3964. 4023-4026; *Haig* 4330 *et seq.*

Roads. Inaccuracy of statements in 1858 as to the expenses of roads in Bengal; large cost of construction, *Mangles* 1102—Several important roads now being made in Bengal, *ib.*—The want of roads is altogether a great drawback, and has always been much regretted by witness, *ib.* 1344. 1347, 1348.

Dissent from the evidence of Mr. Mangles as to the facilities of communication in Bengal, *Forbes* 2621-2623—Non-construction of a road from Calcutta to Jessore through Government having delayed the remission of the funds, *ib.* 2623—Want of roads in both Assam and Cachar; duty of Government to make the public roads, *Barry* 3207-3212—The roads in Bengal are very poor, *Saunders* 3558—There are good roads in Tanjore, *Haig* 4297. 4392—Great want of proper roads between important points in Bengal, *Underhill* 4784. 4791.

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Roman Letters. Approval of the suggestion for introducing the Roman letters in India instead of the various alphabets now in use, *Forbes* 2271-2274.

Russia. Russia has Cossack posts as far as Issakool, which is 100 miles beyond Kokan, towards India, and is within about fifty miles of Kuldja, a Chinese town, *Atkinson* 1056-1064. 1070, 1071.—See also *Central Asia*, 4.

Ryots. The ryot population of Madras are for the most part very poor, *Fenwick* 979-983—Many of the ryots in Bengal, &c., are far above the condition of mere ploughmen, *Mangles* 1163-1167. 1502, 1503—Means of the ryots for obtaining redress in case of over-assessment, *ib.* 1597-1606. 1883-1890.

Belief that the ryots in Bengal are in a very prosperous condition, and live very comfortably, *Forbes* 2091. 2119—Advantage to the ryot, and also the zemindar, in the reduction of the assessment of the ryot's holding where the assessment is too high, *ib.* 2094-2097. 2100, 2101—The ryots sometimes become very rich, *ib.* 2419-2424—Obstacle to the ryots obtaining legal redress against the zemindars, *ib.* 2425-2429—The meeras ryot, or pottahdar, cannot have his rent raised, *ib.* 2505—Circumstance of witness having often granted meeras pottahs, *ib.* 2506-2509—There is no necessity whatever for a poor law in India, *ib.* 2535, 2536—Inability of the ryots to resort to the law for protection against oppression on the part of the planters, *Underhill* 4764-4769.

See also *Agriculture. European Capital and Skill. Indigo, and Indigo Planters. Labour. Zemindars.*

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Salaries (Public Servants). Concurrence in the statement that 750 rupees a month to a native official is as much as 2,500 rupees to a European, *Mangles* 1512, 1513—The salaries of the native judges have been much improved of late years, *ib.* 1515—Many years ago, the civil service as a body were most inadequately remunerated, *ib.* 1515, 1516—The moonsiffs should be better paid, *Forbes* 2200, 2201—More dependence now to be placed on the incorruptibility of the civil servants than in former years, when they

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they were miserably paid, *Saunders* 3715-3717—The magistrates are underpaid rather than otherwise, *Moore* 3910. 3913—Less bribery since the better pay of the moonsiffs and sudder ameens, *Underhill* 4876.

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Salt. Large increase of revenue from increased sales of salt, if certain navigation works be carried out in Madras, *Haig* 4546. 4552-4557—The enormous cost of transit rather than the Government monopoly is the cause of the high price of salt in some districts, *ib.* 4624-4640.

Saunders, Patterson, Sen. (Analysis of his Evidence.)—Has been twenty-two years in India, chiefly as an indigo planter; was twelve years in the North West Provinces; was in Assam, Silhet, and various other districts, 3395-3398—Has not now any interest in India, 3399, 3400—The tea plantations at Gowahatty and Debrooghur, in Assam, are the finest that witness ever saw, 3401-3404—The Assam tea plant is different from the China plant, but produces very excellent tea, 3405, 3406—Outline of the mode of manufacture of the tea, 3407—Analysis of the tea soil in Assam and in China, 3408-3412.

Immense quantity of waste land in Assam admirably adapted for tea cultivation, 3413—In Silhet tea is grown very successfully; the first garden there was established by witness in 1857; 3414. 3459. 3460—Course necessary in applying for and obtaining land in Assam; undue delay through the intervention of the Board of Revenue at Calcutta, 3415-3420. 3574-3579—Importance of the local authorities in Assam having power to give grants of land, 3417-3421—Advantage if the land could be held in fee, 3422, 3423.

The caoutchouc forests in Assam are very extensive, and the caoutchouc is of exceedingly fine quality, 3424-3426—Very fine trees and vegetable products in Assam, 3427—Witness considers Assam a very healthy country, 3428—Ample supply of labour in Assam, if the tea planters offer sufficient wages, which they can afford to do, to the hill tribes and the coolies that now go to Mauritius and the West Indies, 3429-3437. 3629-3634. 3638-3640—Advantage of increased facilities of communication in order to equalise the supply of labour throughout the country, 3438-3441.

Particulars relative to the Cossya hills, 3442-3458. 3548, 3549—Tea thrives very well along the whole range of the Himalayas, 3461-3464—Latitude and longitude best suited to the growth of tea, 3464—Letter from Dr. Jameson, dated 17 March 1857, as to the immense quantities of tea that may be produced in certain districts, 3464. 3466—The Assam Company is highly prosperous, 3465.

The tea produced in the Deyrah Doon is very good, but the cultivation is expensive, 3467—Much better condition of the tea gardens of Colonel Elwall than of Government in Deyrah Doon, 3468, 3469—Similarity of the general terms upon which tea land is granted in Assam, Kumaon, the Doon, &c., 3470-3472—The labours of this Committee have excited the liveliest interest and the greatest satisfaction in India, 3473, 3474.

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Disapproval of the elevation of natives to the office of magistrate or judge on account of their moral unfitness, 3488-3493. 3541, 3542. 3591-3603. 3635—Reference to a letter from Mr. Toogood, officiating magistrate at Mongar, strongly objecting to the employment of natives in judicial offices, 3488—Strong disapproval of the contemplated Black Act, 3494—Dismissal for improper conduct of Kishoree Mitr, lately native magistrate at Calcutta, 3495-3497.

The resumption of rent-free lands throughout India was a very impolitic measure, and created great disaffection, 3498. 3502—Opinion that the dissatisfaction caused by the resumption laws was one of the great causes which led to the mutiny, 3498—The last resumptions were about 1837 or 1838; 3503, 3504—Approval of a property or income-tax upon the rent-free lands, if the revenue require it, 3505-3508—A tax upon the articles of production in Bengal would be better than a tax upon imports, 3509-3515. 3607.

Ill success of the Assam Company's arrangements for importing labour, 3516—Increased price of labour in Bengal since the introduction of railways, 3517-3519—Probability of natives remaining idle for some time every month on account of the better wages earned when at work, 3520, 3521. 3660—Objection to the establishment of a rate for labour by the railway contractors, 3522. 3559—The natives would rather labour at home than in the Mauritius, &c., if they were paid as well, 3523.

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The Himalaya tea fetches a very good price, and is principally consumed on the spot, 3524, 3525—The Government tea nurseries in the North-West Provinces should have been surrendered long since to private capitalists; dissent from the views of Dr. Jameson hereon, 3526-3533—But for the mutiny, the Government tea lands would most probably have been handed over to a company for whom witness was negotiating on the subject, at Agra, 3533-3535—Large consumption of tea by the natives, if it can be produced within their means, 3536-3538.

Advantage if the natives were fitted for responsible offices by a system of sound and moral education in this country, 3541-3545. 3562-3564. 3660-3662—Illustration of the corrupt practices of native suitors in the courts of law, 3546, 3547—Flax grows in Assam, but witness has not seen it, 3550, 3551—A species of silk is manufactured in Assam, 3552—If European settlement had been encouraged in former years the late mutiny would never have occurred, 3553.

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Different races in Assam and in Silhet, 3565—Less indolence of the people in Silhet than in Assam through not using opium in the same way, 3566, 3567—Liberal conditions upon which Government have since 1839 granted land to settlers in Dherra Dhoon, Assam, Silhet, &c. 3568-3589—General opinion in favour of a right to acquire the land in fee, 3590—Necessity of properly qualifying the large number of Europeans that would be required in lieu of natives as judges, &c. 3592-3600.

It is one of the complaints of Europeans in India, that the civil servants are not properly acquainted with the languages, 3600—In Bengal the land-tax under the perpetual settlement is very light, 3604—In the North-West Provinces the land-tax has reached its maximum, 3605-3609—Difficulty in stating the number of years' purchase that land in the North-West Provinces would fetch, 3610-3613—Natives would readily come to colleges in England for education, and such education would do more good than missionary efforts, 3614-3618.

Probable time and capital required to bring 2,000 acres of tea land into cultivation, 3622-3624—Large return now derived from tea-planting; upon this point all parties concur, 3625-3628—The planters in Assam could afford to give as much as six rupees a month for native labour, and might then obtain it, 3629-3634—In process of time India could produce as much tea as is exported from China, and as the production increases there will be a tendency to lower prices in this country, 3636, 3637. 3703-3705.

Government have not interfered in any way with the immigration of labour to Assam, 3638, 3639—Supply of labour procured by the indigo planters of Kishnagur, &c., from the Rajmahal Hills, 3640. 3649, 3650—Causes other than the climate to which the large percentage of military mortality in India is attributable, 3652, 3653—The barrack accommodation in the plains is now excellent, 3654, 3655—We have hardly held India long enough to test the point, whether a third generation of Europeans can survive there, 3656. 3711—The coolies, or labourers, who go to the Mauritius, are for the most part Santals and men from the Rajmahal hills, &c., 3657-3659.

Particulars relative to the land, climate, &c., of the Deyrah Dhoon Valley; peculiar fitness of this valley for European settlement, 3663-3679—Further statement as to the resumption, though they took place twenty years ago, being looked upon with much dissatisfaction at the present time; examination hereon with reference to the question of their having had anything to do with the mutiny, 3680-3698.

Witness has always received justice from the European judges in the courts of appeal, 3699—The civil servants have not generally a sufficient knowledge of the languages, 3700—The use of the English language in the courts is very desirable, 3701, 3702—Circumstance of the Assam tea being all sent to this country, whilst the Chinese tea is used in India, 3705-3707.

Belief that the substitution of an uncovenanted class of Europeans for the native magistrates and judges would be very beneficial to the people of India, 3708, 3709—Very healthy appearance of the European children on some of the hills, 3711—The police in India are very bad, and require European superintendence, 3712-3714—More dependence now to be placed on the incorruptibility of the civil servants than in former years, when they were miserably paid, 3715-3717.

Scinde. Evidence as to the unhealthiness of the climate of Scinde, with the exception of Kurrachee, and as to the unfitness of the country for European colonization, *Turner* 347-349. 451-459. 601-606—The commerce of Kurrachee and of Scinde has immensely increased within the last few years; this is irrespective of the imports through the mutiny, *ib.* 350-358. 535-540—The railway from Kurrachee to Kotree, and from Moulton

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Moultan to Lahore, will greatly develope the country, *Turner* 356. 362, 363. 366, 367. 521-524. 559-570—Evidence as to the importance of a canal from Kurrachee to a point in the river near Kotree as a means of avoiding the devious and difficult navigation of the Indus, *ib.* 364, 365. 381. 514-534. 547-558—The country for many miles round Kurrachee is very barren, *ib.* 376, 377.

Principal articles which may be largely cultivated at Scinde, *Turner* 382, 383. 394—Unsuitableness of the soil and climate of Scinde for the cultivation of cotton, *ib.* 385-388—Evidence as to the great importance of irrigation, as well as of increased means of transit; natural facilities for irrigation, and large return to be derived from such works, *ib.* 393-416. 430-437—Very varying amount of the rainfall in Scinde, *ib.* 399, 400—Cultivable character of the inundated soils, *ib.* 460, 461—Higher wages in Scinde since its annexation; the people are also better clothed, *ib.* 474.

Produce is mostly brought to Kurrachee by boats to Kotree or Gisree; character of the boats and difficulty of the navigation, *Turner* 511-513. 525-534. 551—Increased price since 1853 given for grain, oil, seeds, &c., as produced in Scinde, *ib.* 541-544—Actual measures being taken to facilitate the transit of goods to Kurrachee, *ib.* 550—

Witness suffered a good deal from the climate, *ib.* 617, 618—Extremely rude manufactures in Scinde, *ib.* 626—From Kotree to Kurrachee is about 100 miles, *ib.* 637—Population of Scinde adverted to; area of the country, *ib.* 647-651.

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Sheffield. The trade of Sheffield with India might be made much more important than it now is, *Jackson* 3718-3720—Several productions of India largely used in Sheffield, *ib.* 3721—Principal articles exported from Sheffield to India; great increase since 1834, *ib.* 3738-3744—Advantage if some of the Government servants in India were to furnish this country with samples of the tools used by the natives, *ib.* 3746, 3747. 3758-3761. 3768-3776—Check to the proper increase of the Sheffield export trade on account of the heavy duties in many foreign countries upon the import of British hardware and cutlery, *ib.* 3747-3757. 3788-3791.

Increased import duties in Canada, so that American hardware is now largely used there instead of Sheffield manufactures, *Jackson* 3748-3751. 3759-3767—Large increase of trade with India anticipated through the increased facilities of settlement, *ib.* 3768-3772—Witness does not fear any competition from American or German cutlery in India, *ib.* 3792-3794. 3798-3800—In Australia there is no competition with British cutlery, *ib.* 3795-3797.

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Shikarpoor. Great importance of a branch railway from Kotree to Shikarpoor, *Turner* 417-429. 438. 446. 465.

Sikkim. Particulars as to our former and present relations with the Rajah of Sikkim; non-observance by the rajah's dewan of a certain treaty by which we were to have unrestricted intercourse with the country, *Hooker* 26, 27. 68. 143-148—Extent of Sikkim; its agricultural capabilities, *ib.* 46-48—Better condition of the people, and better character of the government, in Nepaul than in Sikkim, *ib.* 64-66—There is not much irrigation required in Sikkim, *ib.* 80—Character of the climate of Sikkim, *ib.* 80-83—Facilities for growing flax and other crops, *ib.* 84-87. 90-95.

Silhet. In Silhet tea is grown very successfully; the first garden there was established by witness in 1857, *Saunders* 3414. 3459, 3460.

Silver. Doubt as to what becomes of the enormous quantities of silver imported into India; much of it is required in the interior, and is an evidence of increased prosperity, *Mangles* 1625-1633—Witness attributes the increased consumption of silver in India to the increased requirements of commerce and the want of means of transit, *Forbes* 2221.

Skilled Labour. See *Children of European Soldiers. European Capital and Skill.*

Stamp Duties. Very large stamp duties in Bengal; they are much complained of, *Forbes* 2386-2389—Difficulty in appealing to the law on account of the amount of the stamps, *ib.* 2514-2519.

Steam Communication with India. Statement showing that some of the servants of the Company took a leading part in the establishment of steam communication with India, *Mangles* 1819-1822—Witness, in his humble position, aided the enterprise to the utmost of his power, *ib.* 1819. 1822.

Succession Duty. Approval of a succession duty, or some such tax, upon all rent-free tenures, *Mungles* 1904, 1905—Difficulty in levying a succession duty or an income-tax in India, *Forbes* 2382-2384.

Sugar. In Rajahmundry, Messrs. Arbutnot have been very successful in the manufacture of sugar, *Haig* 4678.

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Supreme Council. Natives should hardly be admitted to the Supreme Council, *Forbes* 2285.

Supreme Court. The amalgamation of the Supreme Court with the Sudder Dewanny and Nizam-ut Adawlut is very desirable, and would lead to a large saving of expense, *Mangles* 1499-1501.

Surveys. The surveys are finished in the North-West Provinces, *Mangles* 1436—It is most desirable that we should have an accurate survey of the whole country, *ib.* 1437-1441—Great importance of the careful surveys made in carrying out the thirty years' assessment in the North-West Provinces, &c., *ib.* 1672—Distrust of the people, though ungrounded, as to the object of the revenue survey, *Forbes* 1994.

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Tanjore. See *Irrigation*, 4.

Taxation. Propriety of its being left to India to impose what import duties she pleases upon English manufactures, *Mangles* 1726; *Forbes* 2610—There might be an import duty on all cotton and linen goods, and the duty on copper and spelter might be increased, *Mangles* 1726, 1727—In the absence of statistics, witness is of opinion that imports equally with exports might be taxed, *Forbes* 2381. 2391. 2616-2620—Want of statistics in Bengal in regard to the levy of fresh taxes, *ib.* 2385. 2392—A tax upon the articles of production in Bengal would be better than a tax upon imports, *Saunders* 3509-3515. 3607.—See also *Poll Tax.* *Property Tax.* *Succession Duty.*

Tea. Anticipated large consumption of Indian-grown tea in Tibet, if proper commercial facilities were established, *Hooker* 34-38. 52. 107-111—Considerable growth of tea in Darjeeling, &c., but not for export, *ib.* 107-114—Very large consumption of tea throughout Central Asia; great difference in the quality and price, *Atkinson* 186-194. 262—Tea grown in the Himalayas might successfully compete with the Chinese tea in Central Asia, *ib.* 190-196. 270, 271—Tea is a new product, but will probably become a very great article of export, *Mangles* 1520, 1521—Considerable encouragement given by Government to the cultivation of tea, *ib.* 1520. 1521*—Tea cannot for many years be raised in sufficient quantities for trade with Central Asia, *ib.* 1540-1545.

Witness cannot admit that the Himalayas are better suited than Assam for the growth of tea, *Velch* 2747, 2748—Sickness attendant upon the clearing of the jungle for the first cultivation of the tea plant, *ib.* 2776. 2781—Character of the soil best suited for the plant, *ib.* 2777-2780—Tea cultivation is a very pleasing pursuit, *ib.* 2780—Return to be derived in time from a capital of about 2,000 l. which is the least sum that a tea plantation in Assam should be commenced with, *ib.* 2786-2791—Reference to the cultivation of tea by means of borrowed capital, as in the case of the young man previously in the service of the Assam Company; security and rate of interest upon which such capital is raised, *ib.* 2788-2791. 2972-2981.

Nature of the cutting down or pruning required from time to time, *Velch* 2797, 2798. 2802-2808. 2812—The difference between green and black tea is merely in the manipulation, *ib.* 2809-2811. 2813, 2814—Importance of tea planters in Assam, &c., having some previous information on the subject of tea cultivation, *ib.* 2932-2935—Tea plantations make a slight return in the second year, but do not yield fully until the fifth year, *ib.* 3058, 3059—European gardeners or farmers' sons make the best superintendents of the tea plantations; the natives are less scientific and trustworthy, *ib.* 3146-3149.

Outline of the mode of the manufacture of tea, *Saunders* 3407—Tea thrives very well along the whole range of the Himalayas, *ib.* 3461-3464—Latitude and longitude best suited to the growth of tea, *ib.* 3464—Letter from Dr. Jameson, dated 17th March 1857, as to the immense quantities of tea that may be produced in certain districts, *ib.*—Similarity of the general terms upon which tea land is granted in Assam, Kumaon, the Doon, &c., *ib.* 3470-3472—The Himalaya tea fetches a very good price, and is principally consumed on the spot, *ib.* 3524, 3525.

The Government tea nurseries in the North West Provinces should have been surrendered long since to private capitalists; dissent from the views of Dr. Jameson hereon, *Saunders* 3526-3553—But for the mutiny the Government tea lands would most probably have been handed over to a company for whom witness was negotiating on the subject at Agra, *ib.* 3533-3535—Large consumption of tea by the natives if it can be produced within their means, *ib.* 3536-3538—Probable time and capital required to bring 2,000 acres of tea land into cultivation, *ib.* 3622-3624—Large return now derived from tea planting; upon this point all parties concur, *ib.* 3625-3628.

In process of time India could produce as much tea as is exported from China, and as the production increases there will be a tendency to lower prices in this country, *Saunders* 3636, 3637. 3703-3705—Circumstance of the Assam tea being all sent to this country, whilst the Chinese tea is used in India, *ib.* 3705-3707—Great progress has already been made in the production of tea, *Moore* 3877.

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Tibet. Enumeration of several articles used in Tibet which are procured either from the Himalayas or from the plains of Bengal, *Hooker* 7-14. 46. 52, 53. 151, 152—Anticipated consumption in Tibet of large quantities of British manufacturers if proper access to the country and proper trading facilities be established, *ib.* 15-20. 28-33. 46. 153, 154—Monopoly by the Nepaul Government of the trade with Tibet; advantage hereon of some treaty with Jung Bahadoor with a view to the furtherance of British trade, *ib.* 23-25. 41. 43-45. 65-74—Large quantities of gold found in Tibet, *ib.* 32, 33. 88, 89—Importance of a recognised British agent at Lassah, *ib.* 39, 40—Considerable trade of Russia with Tibet, *ib.* 42.

There is no reason why the communication across the Himalayas with Tibet might not be greatly improved, *Hooker* 49-53—The facts are indisputable that England and India can supply Tibet incomparably easier, quicker, and cheaper than any other country can, *ib.* 51—Considerable British trade formerly with Tibet, *ib.* 147-150—Principal products exchanged by Tibet in its trade with Nepaul, *ib.* 151, 152.

The difficulties of carriage over the mountains and the jealousy of the Chinese Government are great obstacles to a trade between India and Tibet, &c., but the establishment of such trade is very desirable, and the obstacles will probably be gradually removed, *Mangles* 1538-1544.

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Title to Land. See *Enam Commission (Bombay)*. *Land Revenue Settlement, and Tenure and Sale of Land*. *Resumption of Rent-free Tenures*.

Torture. Torture was often resorted to by the police in Bengal; witness was the first to speak to the fact through the Calcutta press, *Forbes* 2434-2438.

Tramways. Objection to the formation in Scinde, &c., of tramways in lieu of railways, *Turner* 625—Witness would rather lean to tramroads than railways for the population of the south of India, *Haig* 4342.

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REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA)

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

NOTES OF EVIDENCE,

APPENDIX, AND INDEX.

Communicated from the Commons to the Lords.]

1859.

(1911.)

R E P O R T

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND INDEX.

(SESS. 2. 1859.)

[COMMUNICATED FROM THE COMMONS TO THE LORDS.]

Ordered to be printed 18th August 1859.

(121.-II.)—Sess. 2.

Veneris, 10° die Junii, 1859.

Ordered, THAT a Select Committee be appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of European Colonization and Settlement in India, especially in the Hill Districts and Healthier Climates of that Country; as well as for the Extension of our Commerce with Central Asia.

Committee nominated of—

Mr. William Ewart.	Sir Erskine Perry.
Mr. Henry Baillie.	Mr. Richardson.
Mr. Gregson.	Mr. Danby Seymour.
Mr. Kinnaid.	Mr. John Benjamin Smith.
Mr. Knight.	Mr. Vansittart.
Mr. Lowe.	Mr. Villiers.
Mr. Arthur Mill.	Colonel Sykes.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Lunæ, 18° die Julii, 1859

Ordered, THAT Mr. Villiers and Mr. Lowe be added to the Committee.

Ordered, THAT the Reports of Session 1858, and Sessino I., 1859, be referred to the Committee.

Martis, 9° die Augusti, 1859.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House,

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R E P O R T

THE SELECT COMMITTEE appointed to inquire into the Progress and Prospects, and the best means to be adopted for the Promotion of EUROPEAN COLONIZATION and SETTLEMENT in INDIA, especially in the Hill Districts and Healthier Climates of that Country, as well as for the extension of our Commerce with Central Asia, and who were empowered to Report their Observations, together with the MINUTES of EVIDENCE, taken before them thereon; — HAVE considered the matters to them referred, and have agreed to the following REPORT:—

SETTLEMENT.

YOUR COMMITTEE think it proper to commence their Report by a restriction, obvious almost to every one, of the sense in which Colonization must be applied to India. Though sanctioned in its application to that country by modern usage, and by such high authority as that of Lord Metcalfe, the term "Colonization" must, in this instance, clearly be limited to a class of superior settlers; who may, by their enterprise, capital, and science, set in motion the labour, and develop the resources, of India. The inducements to a settlement of the working classes of the British Isles are not generally to be found in India. Those inducements are, high wages, the facility of obtaining land at an easy rate, the enjoyment of a constitution framed after that of the mother country, a temperate climate, and the prospect of forming a part of a community speaking our language and conforming to our manners and customs. The settlement of India took place at a period of remote antiquity. Its lands have mostly been appropriated; the wages of labour are low; its Government is absolute; its climate is generally unfavourable to the permanent residence and increase of the British race, and to labour in the open air; and its usages, languages, and religions are strange, and repulsive to the English labourer. For these reasons, and in accordance with the testimony laid before them, your Committee are of opinion, that India cannot compete with the boundless regions of America or Australia, as a home for the labouring emigrant.

Nothing more strongly impresses an inquirer into the foundation and progress of our Indian Empire than the contrast which, as regards British residence, it presents to our other dependencies. While free settlement, as in the neighbouring Island of Ceylon, has formed the basis of our colonial system, and the cause of its prosperity, the exclusion of free settlers has marked the origin and the progress of our Indian Government. Statesmen, indeed, like Lord William Bentinck and Lord Metcalfe, saw, in the future increase of British settlers, the only permanent prosperity of British India; and English, and even Indian opinion, has gradually followed in the track of those more observant and profounder minds. Even now, although the principal of free settlement has been recognised by British Legislation, traces of the old exclusive system are said to linger still. Though they may be removed in fact, they are stated to exist in feeling. Thus we are told by a very competent witness, that a "cold shade is thrown over European adventurers in India;" and by another, that a feeling of "dislike to settlers" exists among civilians; that the civilians, as distinguished from the settlers, are "too much of a caste;" and that the covenanted service is "as it were, the nobility of India."

1 Rep. 5522.
1 Rep. 9815.
1 Rep. 6122.
2 Rep. 2283

It appears even now to be doubted by legal authorities whether Europeans can enter, without a licence, those parts of India which have been acquired within the present century. Your Committee recommend the removal of this doubt by legislative enactment.

1 Rep. 871.
2 Rep. 4898.

It is stated by witnesses generally, that "wherever Europeans have settled, a marked improvement in the country has followed;" the various products of the land have been developed. Settlers have taken the lead in introducing steam

1 Rep. 2630.

navigation, and in discovering its indispensable auxiliaries, coal and iron; in the extension of roads, and in generally lowering the cost of production. 1 Rep. 2018.
1 Rep. 1541.

It is justly observed by Mr. Marshman, that, from their intercourse with the people, settlers must naturally "know more what is passing in their minds" than the agents of the Government; the position of the settlers rendering them vigilant and interested observers of the tendency of native opinion. Rep. 9618.

Where they reside, the rate of interest, often exorbitantly high, becomes reduced. The circulation of ready money is extended, and a steady rise takes place in the rates of wages. 1 Rep. 2776.
1 Rep. 7176.
1 Rep. 2831.

Another good effect of settlement is its tendency to promote the maintenance of order. A large extension of the number of settlers over India would be a considerable guarantee against any future insurrection, and would tend to lessen the necessity for maintaining our expensive army. 1 Rep. 110.
2 Rep. 3942.

CLIMATE.

An objection to British settlement in India has been raised on the ground of climate. It appears to your Committee that the dangerous effect of the climate of India has been considerably exaggerated. The planters from Lower Bengal, especially in Behar, are described as a "healthy and hearty" race of men. Such of them as attended before your Committee resembled English farmers rather than residents in a climate far distant and different from their own. Statements, tending considerably to modify pre-conceived opinions as to the dangers of an Indian climate proceeded from settlers in various parts of India. 1 Rep. 858.

HILL
DISTRICTS.

One of the special branches of the subject referred to the consideration of your Committee was the fitness of the hill-districts of India for the reception of European settlers. "There is hardly a province throughout India," states an eminent medical man, Mr. Martin, "where there are not mountain-ranges available for civil and military residence." Mr. Martin's attention was first called to this circumstance with reference to the army; and he has long since submitted to the Government of India a report on the necessity, for the preservation of the European army, of the permanent removal of a portion of it to the hills. "The monotony of a barrack life on the plains of India," "without congenial employment or resource," is stated, by several witnesses, to be "destructive both to mind and body of the soldier." 1 Rep. 274.
1 Rep. 199.

It is said that settlement in the hills will tend more than any other circumstance to attach European families to India. The capitalist, living himself in a higher climate, may direct the progress of labour in the plain. Railways will give a great facility to residence in the hills. One is already contemplated to Darjeeling. It is stated that these "hill-climates" have not been sufficiently explored. Many reports have been written upon them; but it is desirable that agents on the spot should more closely examine them, and that their researches should be made public. So far as your Committee have inquired, climates favourable to European health may be found at a due elevation on the Himalayas, on the Neilgherries, and on other hill ranges yet incompletely explored, especially in the South of India. At about 4,000 feet above the sea level the Himalayas offer an European climate. On the eastward portion, indeed, of that extensive range, the prevalence of rain may be frequently a serious objection; though not so formidable as is generally supposed. Further to the westward the rainfall sensibly diminishes. It has been suggested that asylums, like those originated by the lamented Sir Henry Lawrence, might be advantageously formed on the hills; where, in a climate like that of our own country, the children of soldiers and of other persons might be trained, with a special view to the practical improvement of India, and to the acquisition of a knowledge of the people and the country. Mechanics, and practical agriculturists, are greatly wanted in India. The planters state that young men acquainted with the native languages are much required for their establishments. Thus educated, they might also be employed as commercial travellers in this country, for extending the commerce and manufactures of Great Britain and of Europe in the East. 1 Rep. 786.
1 Rep. 299.
1 Rep. 5315.
1 Rep. 110.
See the evidence of Gen. Tremheere and others.
1 Rep. 3536.
2716.
1 Rep. 5539.

Few objects of contemplation can be more interesting than the formation and progress of these establishments on the hills. The rapid rise of the settlement at Darjeeling, in Sikkim, about 300 miles north of Calcutta, is described in the interesting evidence of Dr. Hooker. It appears that the population (4,000 or 5,000 in 1848) doubled itself in the course of two years. The natives of Bhotan, Thibet and Nepaul flocked to be employed by the Europeans. The rapid increase of 1 Rep. 542.
&c.
See Dr. Hooker's Evidence.
1 Rep.

of wealth and population is described by Dr. Hooker as more resembling that of an Australian than an Indian settlement. Dr. Campbell, the energetic governor of Darjeeling, established a fair in the neighbourhood ; by which he attracted the natives from all the surrounding countries. In a similar manner Captain Ouchterlony describes the rapid growth of a settlement on the slopes of the Neilgherry hills in the district of Malabar. In the year 1845 a tract of forest, till then the haunt of tigers and wild elephants, was discovered, favourable to the growth of coffee ; settlers, attracted by the facility of acquiring land, rapidly resorted to it. In the year 1856 the wilderness had become a colony ; the forest had been cleared for miles ; excellent roads extended in all directions ; and villages, bazaars, and well-conducted schools were founded. Here, as at Darjeeling, great improvement has resulted among the surrounding natives ; almost every cottage has its coffee ground ; vast jungles have become cultivated, and malaria has disappeared.

There are three climates at three different elevations in the Neilgherries. The rainy season may be escaped by migration from one part of the hills to another. Clouds, throughout the summer, temper the heat of the sun. The roads are good. There is a large extent of waste land fit for cultivation. The tea-plant is said to thrive admirably. Fuel was formerly much wanted in the Neilgherries ; but peat, found generally distributed over the hill-tracts, is stated to be sold at the low rate of 2s. 6d. a ton. The increase of the population at Ootacamund has been from 9,383 in the year 1848, to 56,900 in 1856. This increase has proceeded, as in the already-cited instance of Darjeeling, mainly, or entirely, from the surrounding country. On these hills, it is suggested that superintendents of estates in Mysore, Coimbatore, Malabar, and Canara might reside. The railway will open them to residents in Salem, Madras, and more distant places. The adjoining territory of Coimbatore is one of the most celebrated parts of India for the cultivation of cotton ; which may be further developed in Salem and Trichinopoly. The coffee grown on the slopes of the Neilgherries is stated, on the authority of Colonel Onslow, to be among the best in the London market. The cultivator of a coffee estate, long resident there, states his profits to have been 100 per cent. He adds, that British settlers, understanding the cultivation of coffee, might certainly make a similar, or approximate, profit. The lands whence this profit is derivable were all formerly forest-lands, the haunts of elephants, tigers, and other wild animals.

The Pulney Hills, although not so high, are stated to enjoy a delightful climate. They, too, will be opened by the completion of railways. The climate of the Shevaroy and Coilamully Hills is favourably described. Their maximum height is said not to exceed 4,500 feet. The Baramahl, Coimbatore, and Travancore Hills are said to be still unexplored. It is stated that there is no part of India of which we know so little as of Travancore.

The "resources of Mysore," says Colonel Onslow, "are not generally known. Of all countries," he adds, "it is the most favourable for settlement." The country of Mysore rises high above the sea, having an average altitude of about 1,500 feet ; in the south, of nearly 3,000 feet. Many English pensioners and other inhabitants are settled there at present, much preferring such residence to a return to England. They are stated to want a better title to land reclaimed from the jungle, and an immunity from the change of future arbitrary taxation by the native Government. Mysore contains an estimated population of 4,000,000. It is said to produce coffee, sugar, wheat, oil-seeds, hemp, cattle of a remarkably fine breed, and it is probably capable of producing tea. The climate, during eight or nine months of the year, is very suitable for Europeans ; fever, however, is found there. Bangalore is a most healthy region ; it is 2,800 feet above the sea-level. Many Europeans reside at Bangalore. Chapels, churches, and other public buildings already give it a European character. Soldiers marry and settle there, and live, as it is stated, in a climate far superior to that of Europe. The vicinity of the Neilgherries and other hills give European families the benefit of a change, when a change is needed. The wages of labour are very low in Mysore ; capital is much wanted there. It could be successfully applied to the cultivation of coffee and sugar, and of cotton also, a very fine quality having been produced. The cultivation of sugar, especially under the influence of irrigation, is greatly increasing. The quality of the coffee is very fine, the price it brings being nearly equal to the price of Mocha. The jungle land in Mysore is put up to sale ; it is sold free from land-tax. The production of wool is increasing in Mysore, the merino breed having been successfully introduced

1 Rep. 763.

See Captain Ouchterlony's Evidence.

1 Rep. 5261.
5399.1 Rep. 6374.
6376.Mr Fowler.
1 Rep. 5621.
5622.
5626.
5692.

See Captain Ouchterlony's Evidence.

1 Rep. 5283.

1 Rep. 6346.

Col. Onslow.

1 Rep. 6352.
6401.
6356.
6772.
6773.
6775.

1 Rep. 6348.

6363.

6638.

6374.

by the enlightened British resident at the Court of Mysore, Sir Mark Cubbon' 1 Rep. 6424.
 who is, in fact, the ruler of the country. The wool of Mysore is already much 6457.
 noticed in the British market. Very fine iron ore is found in Mysore, but fuel, 6464.
 for the present, is wanting. On the vegetable products of Mysore the effect of
 irrigation is said to be "prodigious." There exists an immense number of tanks
 in the country, fed by the rains on the Western Ghauts. These tanks extend 6537.
 for miles, and in their neighbourhood the sugar-cane grows in profusion. It may 6485.
 be a point of interest to settlers to know that great improvement has arisen from 6487.
 the abolition of at least 600 taxes and transit duties in Mysore; the result has
 been an immense increase in the revenue. With all these advantages, the popu- 1 Rep. 6936.
 lation and prosperity of Mysore are increasing rapidly. The roads and bridges in
 this well-managed country are said to be excellent; and a simple, though sum-
 mary system of law prevails, free from the technicality of the Regulation system.
 Here, as in other places where there is spare land, it is desirable that power 1 Rep. 5501.
 should be given to acquire the ownership of land in fee-simple.

Another favourable position for settlers exists in or near the tea-growing 2 Rep. 2886.
 countries of Assam and Cachar. Not far from Assam are the Cossya Hills, 5,000 2 Rep. 3194.
 feet high, where, in the opinion of a medical man, Dr. Barry, Europeans and See Colonel
 their descendants could continuously live. The climate is represented as "a de- Vetch.
 lightful and beautiful one." The distance from the hills to the nearest tea grounds
 is about 30 miles. A resident, it is said, on these hills might direct labour on 2 Rep. 2992.
 the plains. Tea (the cultivation of which in Assam is adverted to in a sub- 2998. 2987.
 sequent part of this report) will grow also on the hills. Their distance, however,
 from the principal tea district is 300 miles. The population of Assam amounts 2 Rep. 2818.
 to about 1,000,000. The country is stated to be in a most orderly state, survey 2819.
 and registration having been completed there. They have a simplified code of 2673.
 law, based on the Regulations; the parties in the suit being at once called before
 the judge. One point of great importance to settlers in or near Assam is the
 steam navigation of the River Bramahpootra for a distance of 800 miles. Steam
 navigation was begun in the year 1850. The shortest voyage by water from Calcutta
 to Gowatty in Assam formerly occupied, in the country boats, three months.
 The passage is now made by steamers in 11 days. Good coal is said to be found 2 Rep. 2911.
 all along the southern hills in Assam. Iron ore, also, in apparent abundance, 2920.
 is to be found in the hills. The making of iron is indeed the occupation of the 2930.
 hill people. The streams of Upper Assam are said to yield gold-dust. It appears 2936.
 that silk might be largely cultivated. The people themselves were formerly 2950.
 clothed in silk. China grass, an article of some importance, grows in Assam;
 the application of machinery is required to separate the fibre from the stalk. 3055.
 Caoutchouc, also, is produced in Assam. It may be an useful practical hint for 3212.
 settlers to know that the cost of living for one person would be in all about 120l.
 a year; and that in three years his receipts would "cover his expenses." The
 country is so intersected by streams, that almost all communication is by water.

ROADS.

It has been truly said by one of the earliest witnesses examined, that one of the 1 Rep. 411.
 first wants of a settler is facility of access to the interior of the country. The
 Indian Government, however, held the country the greater part of a century
 before a main line of road was commenced even through the most populous parts
 of India. This is a neglect which even those witnesses who have been connected 2 Rep. 1081.
 with the Government of India acknowledge and deplore. It was justly considered Mr. Mangles.
 one of the principal causes of the want of a due supply of cotton from India by
 the Committee on Cotton Cultivation, presided over by Mr. Bright in 1848. The
 grand Trunk Road was not begun before the days of Lord William Bentinck, in
 1836. It is stated that Mr. Halliday has complained in a minute to Government of
 the wretched state of the roads near the seat of government itself. One witness as- 1 Rep. 1590.
 serts that at a distance of 40 miles from Calcutta, there are no roads practicable for
 carts. It is stated by another witness recently there, that even now a road from 1 Rep. 8244.
 Calcutta to Jessore is only just being made. "Between Calcutta and Dacca," says 1 Rep. 8246.
 Mr. Underhill, "the bridges are broken down, and the road is in perfect disrepair."
 This was so late as the year 1854. It is stated by Mr. Theobald that there are no
 roads to connect Calcutta with Moorshedabad, Dacca, or Patna; and that the 1 Rep. 981.
 roads in Bengal generally are quite impassable during the rainy season. In Guzerat 2010.
 the roads have long been pre-eminently bad; but both in Guzerat and Lower
 Bengal, it must be admitted, the nature of the alluvial soil without a particle of
 stone in it, offers peculiar difficulties to road-making. "We are perishing," says 3 Rep. 179.
 Sir

Sir John Lawrence, "for want of roads in the plains." It appears that the roads in Southern India are much better. It is stated that in Mysore the good state of the roads, and the encouragement given to settlers, are the main causes of the prosperity of the country. "I can," says Colonel Onslow, speaking of Mysore, "see a rise in a few years of 30 per cent. in the revenue of my own division, which I attribute to road-making in a part of the country where formerly a wheel-track was never heard of." Yet, in the adjoining country of Malahar, coffee of the most excellent quality cannot be sent from the Neilgherries to a seaport from want of roads. It is one of the advantages conferred by settlers, that by their own exertions, or their complaints, they cause an improvement of the roads; and, indeed, that they are impatient of mismanagement in general. It is stated that one concern in Jessore, with some little assistance from the Ferry Funds, but principally from voluntary contributions of the ryots, has itself made 50 or 60 miles of road. It would seem to be of importance that settlers, zemindars, and natives generally, should be led to interest themselves in the state of roads. Local committees with such objects have already been formed, and appear to be an obvious mode of interesting and instructing the natives in the practical management of their own concerns; one of the best modes of developing and invigorating the native mind of India.

1 Rep. 5365.

1 Rep. 6946.

1 Rep. 6547.

1 Rep. 5636.

1 Rep. 748.

1 Rep. 2010.

1 Rep. 2304.

TRANSIT DUTIES.

Your Committee regret to find that transit duties, abolished in the English parts of India, are still retained in some of the native states. Thus the zemindars resident on the main stream and tributaries of the Godavery arbitrarily and independently levy, or lately levied, such duties.

2 Rep. 4528.

IRRIGA- TION.

One of the measures in which British settlers are greatly interested, and on which the future prosperity of India greatly depends, is an extensive system of irrigation. This obvious source of wealth seems early to have impressed itself on Oriental nations, but to have been long neglected by the British Government. This is the more remarkable, because it is established by the evidence of many witnesses that Government might derive considerable revenue from works of irrigation, "especially as the requisite amount might be raised by loan, which would be a popular investment with the natives." "Irrigation," says Colonel Onslow, "renders production a certainty; the want of it causes wide-wasting famine." Irrigation, in fact, appears to be the key to the material prosperity of India, and with it to the social and moral improvement of the people. "The advantage of irrigation works," says Sir John Lawrence, "in saving the country from famine, is almost incalculable." The first effect of the irrigation works in Rajahmundry, even before they were completed, was to prevent a famine. Works of irrigation are stated by Captain Haig to increase the amount of products threefold. In Rajahmundry the people formerly imported food to the amount of 36,000% annually. Since a system of irrigation was formed, they export it to the amount of 300,000% annually. The profits on these works are also stated by him to equal from 30 or 40 to 50 per cent. Magnificent as are the works already finished or begun, they are still disproportionate to the requirements of India, and to the facilities which exist in many parts of the country for their execution. Countries like Sind, impervious to other means of improvement, are yet improvable by irrigation. The alluvial banks of the Indus offer peculiar facilities for fertilizing the adjacent country, being raised above its level. "A large amount of the rivers of Southern India" (says Captain Ouchterlony,) "fed by the rains of the monsoon, are allowed to run waste to the sea." Canals, anicuts, and reservoirs of water, of which so many remains still exist, the silent records of the industry and prosperity of former times, are obvious means of utilising by art the natural water power of the country. But the evidence of several witnesses seems to converge in the opinion that the most beneficial system which can be adopted is the combination of irrigating with navigable canals. It is maintained, that for a nation in the present state of India, one most important consideration is cheapness of transit. This appears to be the opinion of that very eminent engineering officer, Colonel Cotton. It is said that by combining navigation with irrigating works we should at once contribute to multiply and to convey the products of the soil. Elaborate calculations are given by Captain Haig of the relative cost of water and railway conveyance in England, America, and India; and the inferences drawn from his premises appear to be, that for a country like India, water is the most suitable medium of traffic, and that if it succeeds (as Captain Haig considers it does) in

Sir J. Lawrence.

3 Rep. 484.

1 Rep. 6682.

6634.

Dr. Moore.

2 Rep. 3819.

See Captain Haig's Evidence.

2 Rep. 4203.

2 Rep. 413.

1 Rep. 5372.

Sir J. Lawrence.

3 Rep. 219.

Balston.

Capt. Haig.

Col Onslow.

1 Rep. 5919.

2 Rep. 4214.

1 Rep. 6517.

2 Rep. 4367.

America, much more must it be suitable to the yet undeveloped powers of India. It is observable, that on canals of this kind in India no toll for transit need be levied, since the income drawn from irrigation will abundantly supply the place of such an impost.

PRODUCTS. Evidence, interesting to settlers, will be found throughout the Report on the products of India. To a portion of that evidence your Committee now proceed briefly to advert.

COTTON. The opinion of the Committee of the year 1848 as to the indispensable necessity of cheap conveyance for the extension of cotton cultivation is amply supported by the evidence taken before this Committee. This necessity is peculiarly remarkable in the case of an article of which the bulk bears so large a proportion of the value. Roads (the necessity for which has already been mentioned), railways, and canals will offer obvious facilities for the conveyance of cotton as well as of other products. But the attention of your Committee has been specially drawn to the improvement of the navigation of the Godavery, which would open to settlers or to agents the country of the Nizam, and the extensive cotton-fields of Berar. Captain Haig states, that if the Godavery be made navigable, cotton may be brought from Berar to a port for shipment at the cost of one-eighth of a penny per pound, the present cost of carrying it from Berar to Bombay on the backs of bullocks being $1\frac{1}{2}d.$ a pound. Great loss is now caused by the admixture with the cotton of dirt, refuse, and water, added for the purpose of increasing the weight of the cotton. These artifices would at once be checked by European superintendence and European machinery. The settler should himself, on the spot, direct the labour of the native, otherwise he will be liable to mismanagement or to fraud. Machines might, in time, if not now, be let out to the natives. The saw-gin is used in the South Mahratta country, where the first plantation of New Orleans cotton was made in the year 1845. It appears that in the year 1856, 112,000 acres of New Orleans cotton were then under cultivation in that country. In Guzerat it is stated that the management of cotton is much improved: more care is taken in packing and in cleaning it. Only one English settler, Mr. Landon, appears to have devoted himself to the purchase and cleaning of cotton in Guzerat, but eminent success has followed his exertions; his cotton always commanding a higher price in consequence. Mr. Landon states that his machinery does the work of 3,000 natives. The good effect of irrigation on the cotton plant is stated in the evidence of Mr. Balston and Colonel Onslow. The spinning of cotton, so far as it has been tried, is said to have been very successful in Bombay, where the shares in spinning companies are at a very high premium.

1 Rep. 179.
2 Rep. 4376.
1 Rep. 7691.
1 Rep. 5485.
1 Rep. 7733.
7736.
1 Rep. 8333.
1 Rep. 5967.
5984. 6740.

WHEAT. It may be interesting to settlers to observe the statements of General Tremenheere and Dr. Moore, that wheat can be grown more cheaply in India than in America. Splendid crops are said to wave over the Punjab, which is often one vast expanse of corn. "Any extent of wheat," says Sir John Lawrence, "can be grown there;" and he adds, "sells at harvest time at about 40 lbs. for a shilling." Some details on the price of wheat may also be found in the evidence of General Tremenheere. The finest wheat is stated to have been sold at Jubbulpore at the price of 12s. a quarter. Wheat and barley grow extremely well in Sind, but for want of due means of transit, the grain is left to rot on the ground. The price of excellent wheat on the banks of the Godavery, says Captain Haig, is 1s. or 1s. 6d. a bushel; a large portion of which might be made available for export at Coringa.

2 Rep. 2875.
3 Rep. 194.
App. p. 261.
2 Rep. 394.
533.

TEA. Your Committee has already adverted to the immense supply of tea now gradually being opened to the capital and skill of settlers on the whole line of the Himalayas, and probably in corresponding climates, like that of the Neilgherries, in other parts of India. It is highly probable that a taste for tea will extend itself over India. There is also reason to hope that the tea of the Himalayas may displace the tea of China in the markets of Central Asia. "The tea plant," say the Messrs. Schlagintweit, "might be cultivated all along the Himalaya range, so as to produce an almost unlimited supply of tea: it is cheaper and better than the tea of China." It appears also that there are different qualities of tea (though all apparently good) in different places of cultivation. The culture of the tea

1 Rep. 7003.
Dr. Hooker's
plant Evidence.

plant opens an immense futurity to settlers from Europe. There is no sort of cultivation, according to the testimony of Colonel Vetch, more congenial to European ideas, habits, and constitutions. An account is given in the evidence of the more advanced tea cultivation of Assam, and of the terms on which the Government of India disposes of the land. The same terms appear to apply to Kumaon and Dhera Doon, and to other countries near the Himalayas. The Assam Tea Company appears to have been formed in the year 1837. In 1840 they produced 10,000 lbs. weight of tea; in 1858 the production had risen to 770,000 lbs; this year (1859) the production will probably exceed 800,000 lbs.; and in four years hence it will probably rise to 2,000,000 lbs. There are now at least 20 factories in operation in different parts of the province. In Debrooghur, where not long ago the jungle was infested by wild elephants and beasts of prey, there are 10 plantations. The cultivation is now extending itself in Middle and Lower, as in Upper Assam. It is stated that the profits of the Assam Tea Company amount to nine per cent. per annum. But it is probable that much higher returns of profit would be obtained by individual enterprise. Obstacles to tea cultivation are found in the danger from fever (which, however, disappears as the jungle is cleared away), and in the dearness of labour, aggravated by the propensity of the Assamese population to consume opium, which causes debility in the constitution, and degeneracy in the race. Even the children are consumers of opium in Assam. The Assamese grow it in their gardens. It has been proposed by Colonel Vetch to correct the evil by imposing a license-duty on the growth of opium.

See the Evidence of Col. Vetch, Dr. Barry, and others.

See Colonel Vetch's Evidence, 2 Rep.

2 Rep. 2750. 2764.

Separated from Assam by the Naga Hills lies the tea-growing country of Cachar. Before tea cultivation began, this region was almost unknown. Twelve tea companies are stated to be established there. As in Assam, labour is difficult to procure; there is, however, no opium-eating among the labouring population of Cachar.

3172.
3164.
3168.
3169.

The terms on which land is held in Assam and Cachar are complained of both by Colonel Vetch and Dr. Barry. "If a certain portion is not cultivated within a certain time, all right is forfeited not only in that portion, but in the cultivated portion also." A contingency like the dishonesty of a native agent may cause the non-cultivation of a portion of the land. The land may even be forfeited in consequence of the unforeseen absence of the proprietor. Both Colonel Vetch and Dr. Barry coincide in thinking that the settler should have the power to acquire the land in fee-simple. They also suggest that a supply of labour might be obtained by extending the emigration system to Assam and Cachar, under the same regulations which prescribe its application to the Mauritius, and that a line of steamers would promote this object. But it is also reasonable to expect that higher wages will hereafter tempt the needy emigrant from places where he is now unemployed to the more lucrative market of Assam.

3244.
3249.
3431.
3633.

2 Rep. 3632. 2665.

Of these countries it may be observed that Colonel Vetch states Assam to contain more waste land than would supply all England with tea; and that Dr. Barry adds that there are thousands upon thousands of acres available for tea cultivation in Cachar.

Dr. Barry, 3164. 3168.

HEMP.

The war with Russia naturally called out the fibre-producing power of India. The impetus thus given to the production of fibrous plants, appears likely to continue. Hemp, equal to the best hemp of Russia, if it were only, like Russian hemp, sorted and selected, might, it is said, be grown within the Saugor and Nerbudda territories sufficient for the consumption of all England. The line of railway projected through those parts of India will probably have the effect of turning European skill and capital in that direction.

App. p. 261.

FLAX.

Great complaints of the want of a supply of flax are made by the linen manufacturers of this country. Many mills are on this account closed or working short time. It is stated in the evidence that with a good supply we might double our linen trade. There appears to be the promise of an abundant supply in the Punjab. But the right mode of preparing the flax is not understood. It is considered that an agent might be advantageously sent out on the part of the Flax Association, to guide and superintend the labour of the natives. It is said that their attention has hitherto been directed to the production of the seed rather than the improvement of the fibre. For the export of flax the rising port of Kurrachee would have the advantage over St. Petersburg of being open throughout

Mr. Dewar.
2 Rep. 4111
2 Rep. 4116.
3 Rep. 198.
2 Rep. 4121.
Sir J. Lawrence.
3 Rep. 198.
2 Rep. 4173.

throughout the year. Of this and other products of the soil, it is stated by several witnesses that the best mode of dealing for a European, is to buy the article from the native instead of cultivating it ourselves.

Mr. Mangles
and Sir J.
Lawrence.
3 Rep. 199.

COAL AND
IRON.

No measure will be more favourable to the rising prosperity of India and to the encouragement of British settlers there, than the development of its coal and its iron. Evidence will be found in the Report on both these subjects; rather allusively, however, than in detail. Railway communication has opened the coal of Burdwan, and will open that of the Nerbudda District, bringing both into connexion with a supply of iron. The coal of the Nerbudda is stated to be peculiarly good, and especially adapted to the purposes of steam conveyance. Very good coal is also to be found in Assam, as well as iron ore, neither of them far from the waters of the Bramahpootra. General Tremenheere speaks of large masses of iron seen projecting from the hills of Tenasserim, and of considerable deposits in Kumaon and Gwalior. Captain Haig describes immense stores of iron ore as resting on the banks of the Wain Gunga, a tributary of the Godavery.

1 Rep. 5402.

1 Rep. 25.

The iron of Jubbulpore will be developed by the railway passing near it; it appears that there are 1,200 small furnaces there already. The people of Sheffield, according to the statements of the Mayor and Master Cutler of that place, who appeared as witnesses before your Committee, highly value the iron from Porto Novo, in the Presidency of Madras; they describe it to be as good as Swedish iron, and state that if it could be sold at a moderate price it would almost supersede the use of Swedish iron.

App. p. 262.

TRADE
WITH
CENTRAL
ASIA.

Your Committee turn to another subject referred to in the Order of the House, the trade of India with Central Asia. That subject they only think themselves justified in entering on so far as it is collaterally connected with the main line of this inquiry. It is obvious that we have on the other side of the Himalayas and Sulymani range, two principal opponents in the fair and open rivalry of commerce—the Russians and the Chinese. The Government of Russia has of late years made considerable efforts to extend Russian commerce with Central Asia and with China. Indeed, according to the evidence of Mr. Atkinson, (who travelled and passed many years in the interior parts of Asia, hitherto unvisited by English travellers,) “Russia is now endeavouring to comprehend within her power as well as within her commerce, the whole of the great plains of Central Asia, and make them part of her empire.” Several years ago, when Mr. Atkinson visited those distant regions, Russia had steamers on the Sea of Aral, and up the most extensive of its tributaries, the Amoo Daria, the ancient Oxus. From Asterabad, on the south-east of the Caspian, the key, as it were, of Central Asia, and a vast military as well as commercial *entrepôt*, the Cossack posts of Russia extend almost the whole way to China. The Khan of Khiva is said to be entirely at the beck of Russia. Even within the Chinese territories she has now a place of ingress into China, on its western side, many hundred miles nearer than her former frontier town, Kiachta. This place is named Tchoubachach. It is held to be of great importance to the future commerce of Russia with China. It is gratifying to find that the Messrs. Schlagintweit (recent travellers in Central Asia) confirm the remark of Moorcroft, that “it is at our option whether Central Asia shall be supplied with goods from Russia or from England.” Mr. Atkinson considers that our cottons and our hardware would claim a preference over those of other countries. Our broadcloths appear to have been once a successful article of trade, and to be still highly valued in Tibet. For such a climate our woollens would seem to be particularly suitable. But from Tibet we are excluded by the Chinese. It were to be desired that this and other parts of Central Asia where Chinese authority prevails, should be opened by a commercial treaty. The articles of interchange with these Trans-Himalayan countries are mentioned in the evidence of Dr. Hooker. “Immense quantities of wool,” says Sir J. Lawrence, “come from the conterminous countries, from Afghanistan and Beeloochistan into the Punjaub; and I suppose it is tenfold what it used to be.” It appears that there is a great abundance of gold in Tibet. All these Central Asiatic nations are now supplied with tea, which they most extensively use, well known under the name of brick tea, from China. Their distance from that country is immense. As the cultivation of the tea-plant extends along the line of the Himalayas, we may justly entertain the hope that it may, at some future time, successfully compete with the tea of China in the markets of Central Asia. Besides the traffic across the

2 Rep. 205.

2 Rep. 1056.

1 Rep. 7019.

See the Evidence of Dr. Hooker.

1 Rep. 616.

3 Rep. 192.

1 Rep. 7000.

the Himalayan range, we naturally look to the Indus as the main channel for opening a trade with Central Asia. Steam communication by water and by land will bring us to the Bolan, the Gundava, and other passes, which open upon the interior of Asia. English goods already go up these passes. It is difficult to overrate, as centres of this important trade, such positions as Kurrachee and Shikarpoor; and, as a great *entrepôt* of the Upper Indian trade, Umritsir. The merchants of Umritsir, engaged in the shawl trade, have their correspondents in Paris and in London. These places (and especially Kurrachee) offer considerable inducements to British capital and enterprise.

See Colonel
Turner's
Evidence,
2 Rep.

2 Rep. 429.
Sir J. Law-
rence,
3 Rep 269.

POLICE IN INDIA.

Your Committee revert from these external questions to others of more internal interest to India. One of the most important considerations for settlers, and without which it is obvious that the peace and progress of a population cannot be maintained, is the state of the police. All over India the steady firmness and uniform action of a vigorous yet considerably administered police system is greatly to be desired; but the want of such a system, and the abuses arising from its absence, have been principally felt in Lower Bengal. Mr. Marsham says that "Lower Bengal has long been the most demoralised and disorganised part of India." Its police, according to the cited authority of Mr. Halliday, is "nearly useless;" it is "corrupt;" it causes the "practice of torture," the occurrence of "affrays;" it is said, in short, that it would be better for the country if the police were all in prison. The strong and just complaints of the indigo planters on this subject will be found in their petition. It is maintained by witnesses from Bengal, that the "state of the police, as well as of the laws, would deter many Englishmen from settling there." Among the natives it is said that nearly three-fourths of the crimes committed are suppressed, to prevent the oppression caused by the inquiries of the police. It is maintained that many cases of torture exist, or, at all events, that the police would torture, if they dared; the charge of torturing the ryots is also brought by the missionaries, in their petition, against the zemindars. At present there is an entire want of co-operation between the people and the police, by whom the people may be taken away and detained for weeks, unless they procure their release by bribery. A great number of lattials, or club-men, stand ready to be hired to fight on either side, in Lower Bengal. "I quarrelled," says a planter, "one evening with a zemindar, and before 24 hours were over, 400 of these men offered me their services." Under these circumstances we cannot wonder that complaints of the want of an efficient police in Bengal should be loud and frequent. Such complaints have existed for a long series of years; it is now to be hoped that a vigorous reform may be accomplished. The natives, it is said, as well as the settlers, would highly appreciate a well-conducted and efficient body of police. It would, to a certain extent, lessen the necessity for a numerous army.

1 Rep. 9440.

1 Rep. 934.
App. p 229.

1 Rep. 2054.
et al. 3177.
3194.
1 Rep. 2002.
3569.

Pet., see
App. 290.
296.
3606.

LAW.

Your Committee turn to another subject of immense importance to the settlement of European residents in India, though of a more difficult and complicated character;—their position as affected by the spirit or the administration of the law. The great want in the administration of justice in India is uniformity of the substantive law, and of the procedure with which that law was administered. No time should be lost in framing a code which may embrace the civil rights of men of all races and creeds under the same rules, with due reservation of their customs, and respect to their religions. Lord Macaulay's penal code was intended to supply this want in criminal matters, but that code has not yet become law, and a civil code, although recommended by the late Law Commission, is not even begun. As regards procedure, a uniform code of pleading and practice has been passed for the mofussil, but the supreme courts of the Presidency towns still continue to administer justice under the forms of common law, equity and civil law. The judicial system of India will never be placed on a sound and satisfactory basis till all the courts are organised into one harmonious whole, and until by an amalgamation of the Supreme and Sudder Courts, the highest and most learned tribunals in the land shall be courts of appeal to the whole country, and serve as a pattern and example to inferior courts administering law under the same procedure.

See the Evi-
dence of Mr.
Hawkins
and Mr.
Neil Baillic.

LEGAL TITLE TO LAND.

One of the great defects felt by settlers in the present state of the law is, the difficulty of proving the legal title to land. It may be often said that the purchaser of land does not know what he purchases. After a purchase, it would appear that

171—Sess. 2.

b 2

that

1 Rep. 718.

that numerous fictitious claimants to the property start into existence to question the title, and disturb the repose, of the purchaser. A power to call the claimant at once into Court would probably stop these fictitious claims. The ryot's title to the land should be ascertained. The ryot's rights (says Mr. Underhill) have been left uncertain in Bengal since the time of Lord Cornwallis. The consequence has been the occurrence of frequent conflicts between the zemindars and ryots. But the ryots are generally at the mercy of the zemindars. There is in Bengal a class called the Khloodcast ryots, holding land under an hereditary tenure of uncertain origin. It is desirable, for the security of dealings in land, that their position should be declared by law. Boundary disputes are frequent. Floods often cause an immense change in the boundaries of land, and give rise to undue claims on the part of the Government. Another complaint, especially on the part of the landowners in Bengal, is, that when the zemindary or superior estate is forfeited, a subordinate estate, the putnee, is also involved in the forfeiture. In such a case the undertenant or putneedar is liable to loss, perhaps to ruin, for the act or omission of the zemindar, or the zemindar's agent. It has been attempted to remedy this defect by a Lands-Sale Bill, introduced by Mr. Grant, which, though excellent in its object, appears not to have been passed, owing to some objections of detail. It has been much urged upon the Committee that the putneedar should be allowed to exempt himself from forfeiture by paying his portion of the land-tax separately, without being liable for the non-payment of his landlord, the zemindar. As British settlers are frequently holders of putnees, the question is one of great importance to them. Forfeitures sometimes arise from slight, perhaps from unavoidable, causes, as from the agent omitting to pay his land-tax duly four times a year, or from its non-payment before sunset, or from the vendor withholding a part of the land-tax; or it may happen from the fraud, as well as from the negligence, of the native. Thus the natives, by means of a secret trust, or *benami*, as it is called, may annul, or encumber with a lawsuit of many years' duration, the bargain for transfer which he has made with a European. Or, in the case of putnees, the zemindar, having received a sum from his proposed undertenant or putneedar, makes default to the Government, forfeits his estate, and re-buys it under a false name; under which operation the putnee disappears. A forfeiture, again, may sometimes happen from want of due attention to forms on the part of the Government Collector, whence, many years afterwards, a bargain may be overturned. It has been suggested that the Collector should make preliminary inquiries, that after due inquiry and sale, no appeal should be allowed, that registration should be made of all transfers of property, and that such registration should be compulsory.

1 Rep. 4225.
1 Rep. 905.
2 Rep. 4747.
2 Rep. 4756.
See p. 69.

1945.
1981.

1 Rep. 896.

2 Rep. 2470.

1 Rep. 3840.
1705. 1996.
M'Nair; also
Freeman.

LAW OF CONTRACT.

A uniform law of contract is much desired for the protection of settlers, and indeed of natives, to whom advances must be made by British capitalists, in consequence of the poverty of the natives. It is suggested by Mr. Hawkins, that in any statute for the further limitation of bringing actions which it may be expedient to pass, the right of bringing actions of contract be limited to six years. In the Punjab great advantage seems to have resulted from a stricter limitation of the right of bringing actions. It has there been reduced from twelve to six years. Sir John Lawrence thinks that even that limitation might advantageously be diminished.

1 Rep. 2001.

1 Rep. 4226.

ENGLISH LANGUAGE IN THE COURTS.

A strong opinion is entertained by most of the present settlers in favour of the use of the English language in the courts of law. Some go so far as to advocate the employment of English judges generally, till the natives are further advanced in civilisation. Mr. Mullens, a missionary, says, that "if we had a large increase of English judges or English judicial officers of all grades, even with English as the language of the courts, such courts would be an immense blessing to the country." On the other hand, there is a strong opinion entertained by some witnesses, principally on the part of the civil service, against such a change. A third party are for an intermediate course, limiting the use of the English language to superior courts of law in the great cities, like Dacca, Moorsheadabad, or Patna. In favour of the introduction of the English language, it has been stated that even the language now used in the courts of Bengal, the Hindee, is not generally understood by the people of Bengal, nor very much more understood than the Persian language (then the legal language) was ten years ago. The European judge himself is represented as not always fully understanding the proceedings. It is added, that in Western and Southern India several different languages prevail, which the judge cannot know; and that good interpreters can be easily obtained.

1 Rep. 7277.

1 Rep. 1003.

2998.

6081. 2365.
2905.

Interesting

Interesting evidence is given by many witnesses, and among them by Sir John Lawrence, on the importance of extending a knowledge of the English language among the natives, and of their willingness and aptitude to learn it. They therefore suggest that we should act as the French and other nations do in their colonies (indeed, as we do in Ceylon), and freely use our own language; or take the proceedings down in English, as is done in the Supreme Court; where every question is put in the witness's language as well as in the language of the judge. Finally, they say that justice would be better administered through the medium of a language fully understood by the judge; and that the natives would eventually value the court, not according to the language used, but according to the justice administered, in it. Against the use of the English language, it is said that, after its adoption, the natives would "lose all confidence in the courts;" that such a policy "might endanger our empire;" that you would (in such case) "touch a chord which would vibrate from north to south and from east to west; that the natives would think it a gross injustice, and a badge of conquest;" in short, in the words of Mr. Marsham, that "it would be the greatest misfortune which could possibly happen to the country." It is gratifying to observe on the authority of ample evidence, that the natives have the highest opinion of the integrity of English judges, both in the civil service and in the Supreme Court. There is, also, a high appreciation of the legal and judicial tone of mind which prevails in the Supreme Courts of the Queen.

3038.

1733.

1 Rep. 1044.

3012.

3912.

4471. 4146.

4265.

7445.

1 Rep.

9450-1.

See Petition from Merchants and Residents in Bombay.

JUDICIAL TRAINING.

On the authority of many witnesses, judicial training is wanting in the body of civilians. Habits of judicial thought and prompt decision are to be acquired only by legal education and forensic practice. Foreigners, like M. Valbezen, have also noticed the desirableness of extending a knowledge of the principles of jurisprudence among the administrators of justice in India.

1126. 1563.

"BLACK ACT."

Great alarm has been caused amongst Europeans in India by the apprehended intention of extending the power of natives to try Europeans in criminal cases. The measure which raised these apprehensions has been entitled the "Black Act." They do not seem to object to the decision of civil cases by the native judges, but to an extension of the power of trying Europeans by the native criminal courts, which they declare are the dread and terror of the people. They deprecate the idea of being subjected to imprisonment by the decision of a native, perhaps, of inferior moral character, willing to show and exercise his power over Europeans. It is said by Mr. Theobald, the representative of the planters, that "if Europeans are liable to be tried by the local tribunals, there is not an European in the country who would be safe." Mr. M'Kenzie says, "No European should be tried by natives. He will not get a fair trial." Mr. Marsham also is of opinion, that "it is not desirable to place Europeans under the criminal jurisdiction of any native; least of all after the feelings developed in the late mutiny;" nor, he adds, "would the settlers bear it." It appears that the Law Commission, from which the apprehended measure emanated, never supposed that "the magistrate would refer a criminal case in which an European was defendant to a native judge;" and Mr. Hawkins, the secretary to the Law Commission, "would himself object to an European being tried by a native." Of the same opinion, also, is Mr. Neil Baillie, for many years Government-vakeel and Under Secretary to the Law Commission, a gentleman long and intimately versed in the law proceedings of India.

App. p. 235.

1 Rep. 3325.

458.

1 Rep. 1140.

3772.

9431.

9555.

1259.

4075.

4086.

4525.

AFFRAY BILL.

The apprehension of this measure the planters of Bengal state to have been an obstacle to the free settlement of Europeans. They connect with it measures of a like tenor, such as the Affray Bill. It is objected to this Bill that on the charge of an affray, both parties are put on their trial, and considered to be criminals, instead of the party against whom the charge is brought, and against whom the evidence preponderates. The Recognisance Bill is also objected to as onerous on settlers; it is said to empower magistrates to take heavy penalty-bonds from a settler on the mere charge of a police officer, or darogah.

965.

2 Rep. 4782.

1 Rep. 1234.

1235.

NATIVE JUDGES.

Although British settlers object to giving power to natives over Europeans in criminal cases, the natives seem to have improved in their capacity as civil judges. General testimony is also borne to the good faith of the natives in mercantile transactions. A witness long familiar with them says, "I have the very highest opinion of the commercial character of the natives; almost the whole of our

2 Rep. 2276.