

XI

B.I. 1

Dinapore
should reduce
judicial expenditure
in case political

Sir,

In availing myself of the indulgence of sometimes addressing you I hope I shall not occasion a wish to recall it.

I have again to express my acknowledgment of your polite notice, the letter to Lord Minto I delivered at Madras in September last. His Lordship returned to Bengal in May. My employment at the distance of 400 miles has prevented my seeing him, and his time has been so much occupied by matters of very serious moment that he has not been able to extend any portion of his patronage or notice to so insignificant a personage as myself. I am therefore acting in the very honest and least lucrative branch of my profession, that of a hospital assistant.

It has been however my bit to be moved about a good deal since my arrival. Tho' this, by the expense attending it, defeats the principal object of a trip to India, yet it has the advantage of increasing the knowledge of the country, its government and languages. The latter I am now so much master of, especially the Persian, as to be qualified, so far, for any employment in this country. Should another embassy to Cabul or Lahore be projected, I should be most happy to share the praise of its success, or the responsibility of its failure.

The better information of Government will have stated to you the force, and object of the expeditions already sailed from (B) the coast and about to sail from hence: and the returns of the Bengal army will exhibit a remaining strength of near 4,000 Europeans and about 52,000 natives. However sufficient this number may be for a peace establishment to meet sudden and pressing danger in ordinary times, it is, perhaps, inadequate to meet sudden and pressing danger. This force is so subdivided throughout the country that ten thousand men cannot be assembled without

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exposing many vulnerable parts, and that it was with much difficulty the small army of Col, Mastindale could be collected last year. Ludhiana, our most westerly post, on the Sutlej, is entrusted to 2,000 men, and at the distance of near 150 miles from any possible support. It is divided by the river only from the Siks, a restless people, and is not quite free of surprise from them, or the discontented Chiefs of Holkar.

The troops at Delhi and Agra are inadequate to support the police of these cities, and the robberies in the latter, near as it is to Bharatpur, the seat of our discomfiture and loss, are become so audacious, that the kasse horses of British officers have been carried away the instant they alighted and the grooms slain in their very presence.

The force in Oudh is frittered in detachments which are moved about that country to assist the Nabob Vizier in collecting his revenues. Distinguished as that prince is by the two unprincely properties of insatiate repacity and extreme avarice, The troops are often employed by him and his mis Ministers in acts of very great oppression, or in supporting such acts. (C) Hence the frequent attacks on mud forts supposed untenable, yet followed by repulse and much loss of blood. They are read of at home as assaults or refractory Chieftains. The only refractory ~~is~~ exists in fear for personal ^{lives} safety and in unwillingness to repair to Lucknow to be pillaged. But these very Chiefs, when taken and delivered up, ^{and} pardoned at Lucknow, ^{or have} surrendering part of their wealth; and the British detachment which may have taken ^{place} by assault ^{lives} has more than once been obliged to restore the plunder by order of the Vizier.

We have now an overflowing treasury and money at 6 per cent. This, I fear, is rather the effect of diminished speculation than of increasing wealth. The ill effects of the settlement of the land revenue in perpetuity begin to be felt; and government have ~~restored~~ resorted to a duty on all imports whatever into the principal towns

of the country. This included grain of every description; but bread corn has, for the present, been excepted by proclamation. These duties are liable to two objections: the one that the sum received by Government will have no proportion to that paid by the subject: the other that a wide field is open to vexatious delay, and unlimited rapacity by the lower officers of government.

If the government want a greater surplus revenue this may be effected more beneficially for the country by retrenching some useless expenditure, or by increasing the revenue itself (D) in a less distressing way to the community. There is no reason why both should not be done. The latter by resuming lands illegally alienated, and by encouraging the cultivation of the government waste lands, which I am confident add above half a million to the present land revenue. The former in the following way.

There are at present 65 Judges, 33 Collectors of revenue and 50 Registers, all civil servants, in the Company's employ. Of these 65 Judges, 22 receive between them above nine lack of rupees a year, and the other 43 receive above fourteen lack. The Collectors receive six lack and the Registers 3 lack. The whole sum therefore paid to 168 servants is 32 lack of rupees exclusive of their several establishments.

These large salaries were established by Lord Cornwallis with the hope of placing the civil servants above temptation. He lived to witness and to express the disappointment of that hope. Four prosecutions now pending ~~more than~~ prove their accuracy(?)

It is desirable that a Judge should have such an income as places him above want, and above the necessity of devoting his time to his private interests. It is not however necessary that we should have 65 Judges.

There are ^{at} present six provincial courts of appeal and circuits and three Judges in each. The circuit for jail delivery is made by one of them every six months; the others determine (E)

appeals from the district courts and exercise original jurisdiction in suits for 5,000 rupees and upwards. The business of the courts of appeal is five years in arrear, and the circuit, which, formerly, only took up three months, is now seldom made in less than eight.

Exclusive of his duties as a Magistrate, the District Judge determines all actions for sums between 500 and 5,000 rupees, the ~~Magistrate~~ those between 500 and 100, and native Commissioners all under the latter sum. An appeal lies from the inferior to the superior court. *Register*

7 In some districts, the amount of all causes decided by the Judge does not exceed 50,000 rupees in the year, and as the provincial court take causes of 5,000 and upwards while the Register does those under 500, the District Judge might perhaps be dispensed with. There can surely be no objection to extend the Registers' jurisdiction to 5,000 rupees, subject, as his decrees will be, to immediate appeal to the Court of Circuit.

The increased business of the Court of appeal appear to require an additional Judge to each, which will enable two Judges to go on the circuit and thereby afford parties an opportunity of trying their issues on the spot, instead of carrying witnesses to the distance of above 200 miles; while, at the same time, the business of the jail delivery will be more speedily effected.

Such an arrangement would add six Judges of courts of appeal at 2,40,000 rupees a year, and strike off 39 district Judges at 11,70,000. The difference is 9,30,000. To this may be added half the present judicial establishment in the districts amounting to 1,60,000 rupees. (F)

The Registers have at present 500 rupees a month and 5 per cent on the causes they determine. By extending their jurisdiction to 5,000 rupees and giving them the commission on these causes also, these will be afforded a stimulus to activity, and a reward for labour. It will make the average of their incomes about 800 rupees a month or £ 1200 a year.

As 500 rupees a month with the commission is now deemed an adequate provision for a person

exercising judicial authority; and as the revenues are settled in perpetuity, leaving a Collector little to do beyond the mechanical labour of receipt and payment, it appears no longer necessary to grant him more than is allowed a Register or above 800 rupees a month. Under the head of Collector, there may be therefore a reduction of 2,80,000 rupees and a further one in their establishments of 1,50,000. This whole saving is 15,20,000 rupees.

The police of the country has been much worse since the magisterial and judicial authority were lodged in the same individual. Both called for greater attention than they could obtain and one was necessarily neglected. Indeed the very extensive jurisdiction of a Magistrate rendered it impossible for him to superintend with adequate vigilance; some districts (Bhagalpur is one) being above 160 miles in length, and it being necessary that every suspected person and the witnesses should be conveyed for examination to the station. I have already proposed during doing away the Judges of districts and transferring their judicial authority to the Registers (G) and circuit Judges. But there are more Magistrates requisite and they should be so stationed as to be each within a day's journey or 30 miles of the extremity of their respective jurisdiction. If invested with authority to punish slight crimes, much benefit would arise, and if they are further empowered to meet quarterly, and to sentence anything short of death, transportation or imprisonment for two years, justice will be materially expedited and the circuit Judges relieved of much unnecessary trouble.

The present allowances made to the Justices of the peace for the town of Calcutta, 800 rupees a month, and by analogy of what has been proposed for Collectors and Registers appear fully sufficient for the Magistrates.

It may be useful to grant magisterial authority to the Collectors, to such military officers as are fixed at civil stations, and perhaps

to appoint occasionally as Magistrates such intelligent and respectable officers as have been wounded in the service. And, as these would require no more than the full pay and allowances of their rank, a material public saving may be thus effected without any inconvenience.

At all events, these arrangements will not require more than two civil servants on the proposed salary in each district; and after providing for them, giving an additional Judge to each court of appeal, increasing the dispatch of business (H) at the circuit, and more than doubling the Magistracy and police will leave a saving of no less than one hundred thousand pounds a year on the part of one branch of the civil establishment in Bengal.

Should the civil servants complain of this as a hardship, it may be well to recommend them to compare the emoluments which they will still hold with those held by the other establishments. They will find that none of their own members receive less than 450 pounds a year, that all who have been in the country three years receive 600 a year; and that of 420 which is ~~there~~ their number 300 will receive an average of £2,500 a year.

The Military consists of near two thousand officers. Of these the juniors receive a hundred a year. 1700 receive about 500 pound a year, and the remainder hardly average £1,200.

Of about 240 medical officers, 160 receive about 500 a year and 80 about £1,000 a year.

As to myself I have not yet had £400 a year and I shall feel much obliged by your recommendation to any of the good things in my department, or any of those which the ~~ambition~~ ambition of the civilians may reject and I hope that while I am personally ~~may~~ benefit, I shall neither disgrace your patronage nor forget my duties to my country.

I have the honour to be, Sir,

Your most obliged and faithful servant
David Hopkins

Dinapore the
16th August 1810

Judicial
may be reduced

Edinburgh, 10th Sept 1808

There is no part of this public expenditures in India which may with so much propriety be diminished as that of the Judicial Department. In the Army, the standard of pay and allowance has been so often considered that it can hardly be lessened further than just to equalise that of the different Presidencies, and the number of troops now employed is not more than adequate to the purpose of maintaining internal tranquility, and defending the country against the foreign enemy so that no material reduction can with safety be attempted. But in the Judicial branch a very large proportion of the whole expenses now incurred may be retrenched not only with safety but with advantage both to the Government and the inhabitants. The entire establishment is of recent creation, and has within a few years risen from nothing to be the most expensive Judicial system, in the world.

Had any great public benefit such as was felt and acknowledged by the people themselves resulted from it, the expense might have been defended; but the people were much better pleased with the old imperfect mode of administering justice because it was supported by ancient custom and prejudices, because it was free of expense in its principle, and though occasionally corrupt was less than at present, because though decisions were always so correct as now, they were infinitely more expeditious and because suits being settled as fast as they arose from the process being summary every man was certain of having his own settlement within a short period, instead of being as he now often does that the long arrears of causes left him no hope of a decision. The forms of process in civil suits induces such endless delays that justice is almost at a stand, for it cannot be said to go on when it proceeds so slowly as not to keep pace in any degree with the demands of the country. The great accumulation of Causes in arrears amounting to in one Court only in Bengal to amount above a hundred thousand shows the inefficiency of the system clearly enough and its defects would be still more glaring were the numberless suits added to the list of undecided causes which are now kept back from the parties despairing of every ever being them settled.

~~India Office Records: MSS Eur B184 to B225~~

National Library of Scotland: MS 12 (H 187R-191R)

The Code though it recommends that suits shall as far as possible be settled by native Commissioners, arbitrators, and yet its ^{h.c.} provisions have the effect of drawing almost every one however trifling before the European Judge and this is one of its greatest evils; for, however, intelligent he may be, he can much be half so well qualified as a native arbitrator or Jury to appreciate the character of parties and witnesses and to distinguish between true and false evidences. He will likewise be deficient in knowledge of the country ^{language} he never can be so much master of it as to follow and detach the minute points by which truth and falsehood are often separated. The manners of a witness, his modes of expression, the use of words of a less positive though often similar sense, all these much be beyond the reach of an European whose acquaintance with an Indian language never can extend to such niceties. There is not one Judge in ten who can understand a common pleading without an Interpreter, and those who do are indebted for this advantage to long and severe application joined to a natural talent for such ~~extra~~ acquisitions; for Indian languages are so different from those of Europe that very few Europeans after arriving at the age of manhood can ever attain such a knowledge of any one of them as to converse in it fluently.

As therefore it cannot be supposed that the Company's servants can ever furnish more than a very small proportion of men properly qualified to fill the numerous Judicial appointments, which now exist, the number of these employments ought to be diminished so that those which remain may be more respectably filled, and the business of the European Judge ought rather to be to take care that the native arbitrators and juries do their duty than to attempt to do it for them.

It may be said that by lessening the number of Courts, the accumulation of causes unsettled would be increased, and that there ought rather to be more Courts, but as the accumulations arises from the slowness of the ^(188R) form of process, the encouragement given to litigation by the native servants and the incapacity of the Judges, doubt the number of the existing Courts would augment instead of diminishing the mischief. Their very Constitution tends to draw every trifling matter into them in place of being settled in the village where ^{the} suit arose ^{the}

where it would have been done twenty times more expeditiously than by the European Judge, for it is the interest of the Wakeels or native ^{leaders} ~~phadary~~ to bring everything into their own Court. In most cases they derive ^{some} private advantages from the suitors and in all their vanity is gratified by their solicitations; for a person who has a cause knowing, that the Judge ~~is~~ from his ignorance of the language and customs of the country is usually ~~baffled~~ by the opinions of the ^{biased} natives law officers and servants applies to them. His Cause is frequently decided by them before it goes into Court where it is carried only for forms sake or in order to ^{deceive} the losing party.

Dispatch is to be obtained not by numerous Establishments; but by simplifying the forms of process, restricting the making, the ^{evident} matters of record to causes of greater value than is now the practice, and narrowing the limits of appealable causes. But the best mode of enabling the Judges to fulfil in some measure the end of their appointment would be to separate the office of Judge and Magistrate, to ~~have~~ them nothing to attend ^{leave} to but their Judicial functions, to make the Collectors, Magistrates and justices of the peace and to grant him an original jurisdiction in all petty causes leaving the parties at liberty in certain cases to appeal to the Judge.

There ought perhaps to be no charges for justice except in appeals. It is contrary to the custom of India and tends to throw discredit on its administration. It cannot be said that Indian laws are preserved when justice instead of being distributed gratis is charged with a heavy expense. When instead of being summary it is rendered dilatory in the extreme by a multitude of forms unknown to the Natives, when every person may be imprisoned for debt however ~~the~~ small the amount instead of the creditor being left to obtain payment by distraint or sitting in Dhurnah and when the heads of villages by whom all petty causes were formerly settled are now prohibited from ^(188v) taking cognizance of them. Nothing can be more ^{impolitic} than to lessen the authority of these men, for it is founded on immemorial usages, and their influence over the inhabitants is hence very great and may be always usefully directed, for unless when they are ill treated it is uniformly asserted in support of Government and is of more importance than even an Army in maintaining internal quiet.

Every province in India is divided into small ~~parts~~ of land called villages extending usually ^{tracts}

from one to four square miles. The term village is applied to a portion of land whether there be houses on it or not. If there are no houses this portion of land is then said to be a desolate village. The affairs of every village are managed by two headmen, one is called the Potail and is usually a husbandman, the other is called the Gurnam or Putmarris and is generally a Bramin. The Potail is the chief of the village, he acts in it as Judge, magistrate and Collector. The inhabitants, when dissatisfied with his decisions being at liberty to apply to the Amildar. The Gurnam is the registrar of the village and assists the Potail in all his transactions. The ~~affairs~~ of both are hereditary and in a *Lofficers* country where the Revolutions of Government are so frequent, they are regarded by the inhabitants as their only natural and permanent superiors, for whoever rules the province, they still rule the village. But *the* judicial regulations, their *hby* authority is done away excepting in cases where they are appointed to act as Commissioners under the Judge and they are deprived of the ~~considers~~ which they enjoyed among their countrymen *leguine* through every change of Government whether Hindoo or Mahomedan, and are of course dissatisfied. In the provinces, under the Madras Government, there are at least fifty thousand heads of villages. These are all discontented by losing the authority which they formerly possessed, and it may be expected that whenever an opportunity offers they will exert their influence over the inhabitants in support of any revolution by which they may expect to regain it. The loss of authority is not all they have to complain of. They are subjected to great inconvenience and ~~distrust~~ by being summoned as witnesses in every *housh (BAR)* petty litigation that goes before the Judge from their respective villages. They are supposed to know the state of the matters better than anybody else and are therefore always summoned. They are detained weeks and months from the management of their forms, and they are frequently no sooner at home than they are called away fifty or a hundred miles by a fresh summons about some *fifty* suit *petty* which they could themselves have settled much better on the spot. And crowds of them as well as of the principal Rayets are always lying about the Court and very often without its being known to the Judge that they are there. We have sacrificed the great political object of securing through their weight the attachment of the body of the people to the idle passion of making new laws which those for whom they are intended neither understand or ~~care~~ care for.

The Judicial Code ought undoubtedly to be amended so as to restore to the heads of villages their ancient jurisdiction in petty causes, to make all causes of importance be decided by Panchayats or native juries, to throw as much as

possible of the administration of justice into the hands of intelligent natives instead of continuing it to European Judges who can seldom be qualified to discharge the duty and to reunite the offices of magistrate to that of Collector. If this is done, the reduction of the Establishment might easily be carried farther than what I now mean to propose. but whether it is done or not, the following reduction should be carried into execution without delay.

Under this Presidency of Fort St. George there are, I believe 3 Provincial Courts of Circuit and Appeals and 27 Zillah Courts. Of these 1 Provincial and 15 Zillah Courts ought to be reduced. There would then remain 2 Provincial and 12 Zillah Courts which might be ~~started~~ ^{stationed} as undermentioned or in any other way that might be found more convenient:

- 2 Provincial Courts - Northern at Masulipatam
Southern at Trichinopoly
- 12 Zilla Courts viz. (1 at Chicacole
2 North of the Kishnah (1 at Masulipatam (189V)
3 between the Kishnah and (1 at Nellore
the Coleman (1 at Chittore
(1 at Chitraput
3 South of the Colemans (1 at Coimbatore
(1 at Trichinopoly
(1 at Madura
1 in Malabars at Calicut
1 in Canara at Mangalore
2 in the country ceded by (1 at Ballari
the Nizam (1 at Cuddapah

It was at one time in agitation to have created a Provincial Court for Malabar on account of its distance, but this would be only incurring on useless expence as the duty of the Circuit on that Coast might be performed by the senior Zillah Judge stationed there.

The whole establishment of officers and servants belonging to the Courts which are to be abolished should be reduced. The expensive Police Establishment which has been formed within these few years and is still increasing

ought also to be abolished entirely as not only useless but vexations to the country. Under this head are comprehended the Police Corps at Madras, and all the Police ~~men~~ raised by the Zillah Judges. There is already an ancient system of Police in India which answers every useful purpose, and which requires no other aid unless that of being restored to its former state in some few places where it may have been destroyed by violences. In every village in India there are hereditary watchmen whose business it is to guard the property of the inhabitants and ~~Councillors~~ ^{travellers} from depredation, or to find it when lost or stolen, and there is perhaps no race of men in the world who are equally ~~distroy~~ ^{skilful} in discovering ~~things~~ ^{things}. They are maintained by an ~~even~~ ^{low} ~~loud~~ ^{known} ~~land~~ ^{land}, and by a trifling tax on each house and on the goods ~~on~~ ^{of} travelling when they watch them at night. ~~her~~ ^{her} No war or calamity can make them abandon their inheritance. If driven from it, they always return again and often live in the village when every other person has forsaken it. This long and constant residence together with their habits of life make them perfectly acquainted with the character and means of subsistence of every person in it. When ~~therefore~~ ^{therefore} a robber is to be apprehended the new Police officers apply to them and seldom give themselves any further trouble than merely to carry the criminal where they have secured him to the Judges. These new officers are little better than a set of privileged beggars who often live at free cost upon the inhabitants and encourage litigation among them, and their reduction would be a public benefit. (1902)

I have no detailed statement of the charges of the Judicial Establishment, but I imagine that the reductions which have been suggested would produce a saving in the expenses of the Madras Government of about four Lacs of Pagodas and that if they were extended to Bengal and Bombay regulating the number of Courts upon each of those Establishments in the same proportion as at Madras by its population and extent of territory the whole saving in India would probably amount to nearly half a million sterling.

Salt

In the ~~last~~ ^{last} monopoly at Madras, the offices of Superintendent ought to be abolished as useless for the duty is in fact done entirely by the different Collectors within whose districts the salt is manufactured. His appointment serves only to multiply a correspondence and accounts already too voluminous. The Collectors ought to have the sole charge of the Salt and to receive their instructions respecting it directly from the Board of Revenue.

XI
Tahjirun Nawa
an 1790s.

BE.2

On the supposition that the Nabob could be induced to yield up the administration of the country on certain conditions, I should apprehend that the best mode of executing the trust would be by the appointment of a Committee similar to that which acted during his former assignment, but it might be expedient to obtain from him in addition to the mere of receiving the revenue, full authority to provide for the execution of justice among the natives, who it is to be feared are at present without any protection from the ~~refugees~~ of Amaldars and without any regular tribunals to resort to for their mutual differences. In a word the power of collection, to be efficient, and beneficial in its application should be accompanied by the whole governing authority (2) of the country.

The Committee, I think ought not to consist of less than three, or more than four, and it should be a separate establishment for the sole purpose of administering the Nabob's revenue. The choice to be made from the best established characters without regard to rank and as the President will have a superior degree of responsibility and trouble it might be proper that the Governor should consult him with respect to the nomination of the other members. Nothing is so necessary where men are to act together in the same trust as to select them with a view to their habits and common turn of thinking. Harmony is no where more requisite than at a Revenue Board. From the moment differences take place interest is lost in personal contest. (3) *the public*

With regard to the expense of such an establishment, as I conceive that the best mode of rewarding the Collector of Revenue is by a Commission upon their nett receipts, the quantum of that Commission should be determined by the probable amount of the revenue to be collected. Supposing the Carnatic to produce 30 or even 25 lacks, a Commission of 3 or 3½ per cent would produce a handsome sum fund for the payment of the Revenue servants. If it produce 20 or only 15 lakhs, the commission should be somewhat larger, perhaps

John Ryland's Library: Eng Ms. 684/1219 A-E

4 to 4½ per cent, because the trouble will be ^{hor} nearly the same as in the former instance, and a smaller percentage would be inadequate. Upon this point, however, so much ~~would~~ ^{depends} on the information to be obtained of the state ⁽⁴⁾ of the country at the period of the establishment that nothing decisive I think should be ^{fixed} until the information be received here with the opinions of the Government abroad upon the subject.

I would beg leave to observe that in the event of change in the administration of the Carnatic revenues, ^{much} temporary inconvenience and probably distress would result from the first measures necessary to be taken. The Amaldars and servants of the Nabob could not safely be trusted by those who had not the selection of them. Reasons still stronger might occur for removing them, yet the removal would occasion present difficulty and suspension (^S) of payment, so that other resources must be at hand for the exigencies of Government until the country be settled.

Such has been the mistaken policy of the Nabob and his late manager Amin Ul Amra, that ^{heer} I apprehend the country instead of recovering from the effects of the War, is not nearly in so good a state as it was at the time of its surrender in 1785. A course of mild and equitable administration may yet recover it, but there is so much to be done that the subject cannot too early engage the attention of Government.

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XV

to H. Dundas?

How to enhance
Revenue

BV 3

Mongheer in Bengal Feb 27 1789

Dear Sir,

I sit down to return you my thanks for the letter you was so good to give me to Lord Cornwallis. He received me very politely and I have had the honour of seeing him frequently since my arrival.

I am now so far on my way, just three hundred miles from Calcutta, to join the Corps to which I am appointed, and which is at present beyond the provinces. Our mode of travelling is slow and dilatory, being in Bidgerons or boats dragged by men against the stream of the Ganges. This has given me an opportunity of indulging my favourite amusement of hunting in the fine sea-son of the year, whilst it has gratified my turn for observation, as I am in the fields every morning for some hours and traverse many miles every day. (2) I remember to have come over the same tract, just twenty one years ago, and it is with infinite pleasure I observe the prodigious change in the face of the country. Be assured Sir I do not exaggerate when I say, that the cultivation of Bengal, from this to Calcutta, is at least two fold since my remembrance, and I have every reason to believe that the other parts, which I have not seen, are equally improved, as the same reasons which have caused this improvement exist alike in all parts of the province, viz. long peace and tranquillity, and protection of person and property to all ranks. This is strange the good folks in England will say, but it is true notwithstanding. We are all d___d rogues that is certain. It is impossible we can be otherways in the East; and yet it is most extraordinary, We should be so, as we have not the power to do evil with impunity, tho' we may have the inclination. It is true we may rob and plunder, and cut throats, as much as they do in England & ?) or anywhere else, but then, if we did, we should most certainly be hanged for it. But to have done with this digression, Talking with a very sensible Bramin the other day, when I

John Røyland's Library Manchester: Eng: MS 677/564/A-I

⊗ See mingly 1768-9 (Bengal famine)

accidentally fell in within one of my excursions, I could not help expressing the pleasure I received from the beautiful appearance of a very fine cultivated country, observing to him the great difference that twenty years had made on the appearance of things, and asked him the cause of so wonderful a change. He replied, with an aspect of much benevolence and satisfaction, that the great and universal dispenser of all things had in his goodness blessed the country with a great many years of peace, and, that as the peoples propertys were very well protected they found the advantage of improving their lands, and as this advantage encreased they were propotionally enabled and encouraged to go on, which was the cause of the great improvements I now witnessed. (4) I told him that I supposed that the revenues were of course also much improved. Upon this he smiled but upon being further urged on the subject, he replied that the business of the revenue in the country was a labyrinth that required a lifetime to unfold, that it was every body's study in that department from the head to the foot to envelope in darkness and mystery every branch of the revenue which was a many headed monster, as no sooner one difficulty was got the better of than another was raised, that it might appear a matter of no great difficulty to unravel every mystery, but that whoever attempted it, and many attempts had been made by European gentlemen, would upon trial find the difficulty unsurmountable. I told him that I was sensible it was a difficult ~~←-4~~ matter to ascertain the real amount of the revenues, but that I thought it might be surmounted. Which way Sir, and what mode would you (5) pursue to get at the truth, when every man you apply to for information is more or less interested in deceiving you".

The thing is indeed most difficult, but as it is so great, sech an important national object, no attempt should be left untried to ascertain the real and actual procedure of the revenue, but this would require a combination of talents not easily to be found. Strong judgment, inflexible integrity and a penetrating mind, an eye that would pervade every thing, and a resolution that nothing would shake, or overcome. Such a determination spirit might do much, *led* but the difficulties are such that I should still have my doubts of his entirely succeeding. But where is such a character as I have described to be found? I hope, Sir, that you will pardon me, when I say, that it would be a most meritorious act for you to relinquinsh all other pursuits and (6) and attempt this for the good of your country. This indeed would be real and genuine patriotism. I take the liberty of expressing my wishes on the head, because I do not know a man existing, excepting one, and he is at present out of the question, who is so well qualified, as you have all the essentials for so important a task, tho', in my mind, you have mistaken your pursuits a little. You may be a good lawyer, an excellent statesman and an able financier, but you would still have made a more able General and so much the better, as to your other talents, it

would make you the more qualified to be a proper successor to Lord Cornwallis when he retires.

As you are so much master of a-all the different branches of India business, you will have observed that many curtailings, and savings, have taken place. But the great object is the Revenues, all others, in comparison of which, are two penny half penny matters. If the cultivation of (7) of the provinces since we have had the Dewannie is improved, and increased it has twofold, I beg lay it down as an incontrovertible truth, that the revenues ought also to be improved. But this, if I am rightly informed, has fallen off very much, instead of increasing. To prove this, what is the land rent of Bengal now independent of other branches of the revenue etc. and what has it produced in former years. To this, perhaps, it may be said, that from this there is no judging of what the produce should be, as lands were formerly rackrented, well, what then have they produced in the times of native princes? This cannot be ascertained, as in the accounts of the ~~Linear~~ or Government, the ~~Lords~~ ^{Lords} never realised the sums they were assessed at. If I am not to judge of the revenue of a country by what they have actually produced, or at what they have been assessed, by what criterion of judgment am I to form an opinion? I am a plain man, and pretend only to a plain understanding, and therefore cannot form a judgment from any other standard, then from a comparative view of situation and circumstances of the country. If at any periods it has actually produced a certain revenue, and from that period the country has been in an improving state, to my limited comprehension, the revenues ought to have increased, not to have fallen off.

I hope you will pardon the effusions of an unstudied pen. I mean well I can have no other intention, views of interest I have not, I have made up my mind as to that. I have been twenty one years ~~and~~ the Company's service, during which time I have been in all the actual service I could, and by the time I have been twenty years longer in the country, I may perhaps have such an independence as will make me happy. I am only the ~~pen~~ of a private gentleman, of an old family in Berwickshire, and if I can obtain fifteen thousand pounds to clear the (9) ~~revenue~~ of life

in my native country, I shall have as much as my family ever had before me, and with which I think, I shall have every reason to be satisfied.

Very sincerely wishing you health and felicity, I have the honour to be

Dear Sir,

Your most obedient humble servant

J^a Dickson

P.S. I had almost forgot to mention that the mode in which his Majesty' has been so graciously pleased to adjust the rank of officers in India has given the highest satisfaction; and to assure you there are not now more faithful subjects in his Majesty's dominions.

I beg the favour of you to remember me to Mr. Bichan, and to his most amiable Lady, for whom I have the highest respect.

XI

B.V.4

Copy of a letter from Mr. Cullan to the Right Hon'ble the Earl of Mornington relative to the assessment of the District of Banares.

Banares 6th August 1798

My Lord,

Tho' I have not the honour to be known to Your Lordship yet from a belief that my communication which may tend to throw lights on the resources of this country, will prove acceptable, I presume to address you on a subject of some importance.

Having resided for nine years past in this district as an extensive Indigo Planter, thereby necessarily and intimately connected with the Zemindars and lower classes of the people, I may remarkably be supposed to have acquired some knowledge of the general state of this country as relative to its revenue, manufactures and agriculture; but it ^{is} solely on the subjects of ⁽²⁾ the former I mean now to trouble your Lordship, my observations however will be very concise for I shall not presume ⁽²⁾ to argue but merely state what I believe to be true as Government possess ample means of obtaining more solid information.

From my very extensive transactions with the Zemindars and Ryots in various parts of the district, I am fully convinced, that the assessment as fixed by the settlement of 1788/9, is, at least twenty lacks of rupees under what the country can easily bear.

It may be asked how this has happened in Banares, when it is so obviously the contrary in the neighbouring province of Behar. The answer is obvious. The Behar Province had been long in the hands of the Company, had been often let and re-let by the Provincial Council and every trick of finance had been tried by them to exhaust it. The Banaras district had just come into our hands, great difficulties existed in procuring authentic

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papers from the Rajah's officers and every other door to information was naturally shut. (3) The settlement of 1788/9 was effected by four different gentlemen, at the same time. Mr. Duncan the Resident in one quarter, and his two assistants with a Mr. Grant (not in the service) in others. Without meaning to glance in any degree at the conduct of those gentlemen in the execution of the trust reposed in them. I conclude from what I have since seen that it was morally impossible. They could obtain such accurate knowledge of the resources of this district, as to furnish grounds for a Permanent Settlement, while the difficulty was much increased by the mildness of the Residents, temper, and the effect which the popular opinions at the time in England, had upon the conduct of the Company's civil servants in India.

It may appear great presumption in me to say much on this subject, seeing that Government have now pledged themselves not to alter the assessment. But should this objection be got over I would venture to (4) suggest a mode of doing it, which I conceive would neither alarm the natives in any degree nor shake their confidence in our good faith.

Of ten parts of this district, one is over-assessed, one to the extent it can bear while eight tenths, six annas in the rupee under what they could easily pay.

The decennial settlement expires next year and to my certain knowledge not one in ten expects a renewal of his lease. If it is resolved to increase the Jumma, I would propose to be *given by* ~~greatly~~ lowering the assessment where it was obviously too high. Confirm those reasons where *leases* it was fairly ~~tried~~ and then offer a renewal for *laid* twenty years only, at such an increased rate on the remainder, as accurate investigation would show to be practicable. It may be advisable not to push it beyond fifteen lacks.

I shall not encroach a moment longer on Your Lordship's time, as I mean (5) *as it is* merely to offer a hint and *fully* in your power to obtain more accurate information should the *subject* appear to merit *my* notice. *L. A. J.* Being about to leave this district having abandoned all views on trade in the country, I cannot be

Specie
Impeded of interested motives for this address.
Indeed I have been solely led to it by having
understood that you are much occupied ~~on~~
on subjects of finance.

I have the honour to be,

(Signed) William Culler

P. S. If the district of Benaras advances
in improvement with the same rapidity
during the next ~~two~~ years, that it *has*
has in the last, some measure *will be* means
absolutely necessary to bring specie
into circulation either by raising
the Jumma, or taxation.

It is well known that the chief cause
of the scarcity of specie here for
five years past has been owing to its
getting into the hands of a ~~set~~ set of
people, the petty zemindars and Rayots,
who never had any before and who
invariably bury it, and there are no
modes of drawing it into da y, as
in European countries, by the incitements
of luxury arts or *princes, sciences*

* Few zemindaris in the district of Benaras
exceed a 1000 rupees per annum.

B.V.5

The Code though it recommends that suits shall as far as possible be settled by native Commissioners, arbitrators, and yet its provisions have the effect of drawing almost every one however trifling before the European Judge and this is one of its greatest evils; for, however, intelligent he may be, he can much be half so well qualified as a native arbitrator or Jury to appreciate the character of parties and witnesses and to distinguish between true and false evidences. He will likewise be deficient in knowledge of the country language he never can be so much master of it as to follow and detach the minute points by which truth and falsehood are often separated. The manners of a witness, his modes of expression, the use of words of a less positive though often similar sense, all these much be beyond the reach of an European whose acquaintance with an Indian language never can extend to such niceties. There is not one Judge in ten who can understand a common pleading without an Interpreter, and those who do are indebted for this advantage to long and severe application joined to a natural talent for such ~~extra~~ acquisitions; for Indian languages are so different from those of Europeans that very few Europeans after arriving at the age of manhood can ever attain such a knowledge of any one of them as to converse in it fluently.

As therefore it cannot be supposed that the Company's servants can ever furnish more than a very small proportion of men properly qualified to fill the numerous Judicial appointments, which now exist, the number of these employments ought to be diminished so that those which remain may be more respectably filled, and the business of the European Judge ought rather to be to take care that the native arbitrators and juries do their duty than to attempt to do it for them.

It may be said that by lessening the number of Courts, the accumulation of causes unsettled would be increased, and that there ought rather to be more Courts; but as the accumulation arises from the slowness of the form of process, the encouragement given to litigation by the native servants and the incapacity of the Judges, doubtless the number of the existing Courts would augment instead of diminishing the mischief. Their very Constitution tends to draw every trifling matter into them in place of being settled in the village where suit arose

where it would have been done twenty times more expeditiously than by the European Judge, for it is the interest of the Wakeels or native ^{leaders} ~~phaders~~ to bring everything into their own Court. In most cases they derive ^{some} private advantages from the suitors and in all their vanity is gratified by their solicitations; for a person who has a cause knowing, that the Judge by from his ignorance of the language and customs of the country is usually ^{biased} ~~baffled~~ by the opinions of the ^{biased} ~~native~~ law officers and servants applies to them. His Cause is frequently decided by them before it goes into Court where it is carried only for forms sake or in order to ^{deceive} the losing party.

Dispatch is to be obtained not by numerous Establishments; but by simplifying the forms of process, restricting the making ^{the evidence} matters of record to causes of greater value than is now the practice, and narrowing the limits of appealable causes. But the best mode of enabling the Judges to fulfil in some measure the end of their appointment would be to separate the office of Judge and Magistrate, to ^{leave} ~~have~~ them nothing to attend to but their Judicial functions, to make the Collectors, Magistrates and justices of the peace and to grant him an original jurisdiction in all petty causes leaving the parties at liberty in certain cases to appeal to the Judge.

There ought perhaps to be no charges for justice except in appeals. It is contrary to the custom of India and tends to throw discredit on its administration. It cannot be said that Indian laws are preserved when justice instead of being distributed gratis is charged with a heavy expense. When instead of being summary it is rendered dilatory in the extreme by a multitude of forms unknown to the Natives, when every person may be imprisoned for debt however ~~the~~ small the amount instead of the creditor being left to obtain payment by distraint or sitting in Dhurnas and when the heads of village by whom all petty causes were formerly settled are now prohibited from ^(188v) taking cognizance of them. Nothing can be more ^{impolitic} than to lessen the authority of these men, for it is founded on immemorial usages, and their influence over the inhabitants is hence very great and may be always usefully directed, for unless when they are ill treated it is uniformly exerted in support of Government and is of more importance than even an Army in maintaining internal quiet.

Every province in India is divided into small ~~parts~~ of land called villages extending usually ^{tracts}

from one to four square miles. The term village is applied to a portion of land whether there be houses on it or not. If there are no houses this portion of land is then said to be a desolate village. The affairs of every village are managed by two headmen, one is called the Potails and is usually a husbandman, the other is called the Gurnam or Putwarrig and is generally a Bramin. The Potail is the chief of the village, he acts in it as Judge, magistrate and Collector. The inhabitants, when dissatisfied with his decisions being at liberty to apply to the Amildar. The Gurnam is the registrar of the village and assists the Potail in all his transactions. The ~~affairs~~ of both are hereditary and in a ^{country} where the Revolutions of Government are so frequent, they are regarded by the inhabitants as their only natural and permanent superiors, for whoever rules the province, they still rule the village. But ^{the} judicial regulations, their ^{by} authority is done away excepting in cases where they are appointed to act as Commissioners under the Judge and they are deprived of the ~~considerations~~ which they enjoyed among their countrymen ^{equiva} through every change of Government whether Hindoo or Mahomedan, and are of course dissatisfied. In the provinces, under the Madras Government, there are at least fifty thousand heads of villages. These are all discontented by losing the authority which they formerly possessed, and it may be expected that whenever an opportunity offers they will exert their influence over the inhabitants in support of any revolution by which they may expect to regain it. The loss of authority is not all they have to complain of. They are subjected to great inconveniences, and ~~distrust~~ ^{by} being summoned as witnesses in every ^{less} petty litigation that goes before the Judge from their respective villages. They are supposed to know the state of the matters better than anybody else and are therefore always summoned. They are detained weeks and months from the management of their farms, and they are frequently no sooner at home than they are called away fifty or a hundred miles by a fresh summons about some ^{petty} fifty suit ⁽¹⁸⁹³⁾ which they could themselves have settled much better on the spot. And crowds of them as well as of the principal Rayets are always lying about the Court and very often without its being known to the Judge that they are there. We have sacrificed the great political object of securing through their weight the attachment of the body of the people to the idle passion of making new laws which those for whom they are intended neither understand or ~~care~~ care for.

The Judicial Code ought undoubtedly to be amended so as to restore to the heads of villages their ancient jurisdiction in petty causes, to make all causes of importance be decided by Panchayats or native juries, to throw as much as

possible of the administration of justice into the hands of intelligent natives instead of continuing it to European Judges who can seldom be qualified to discharge the duty and to reunite the offices of magistrate to that of Collector. If this is done, the reduction of the Establishment might easily be carried farther than what I now mean to propose. But whether it is done or not, the following reduction should be carried into execution without delay.

Under this Presidency of Fort St. George there are, I believe 3 Provincial Courts of Circuit and Appeals and 27 Zillah Courts. Of these 1 Provincial and 15 Zillah Courts ought to be reduced. There would then remain 2 Provincial and 12 Zillah Courts which might be ~~started~~ as undermentioned *stationed* or in any other way that might be found more convenient:

2 Provincial Courts - Northern at Masulipatam
Southern at Trichinopoly

12 Zilla Courts viz. (1 at Chicacole
2 North of the Kishnah (1 at Masulipatam (189V)

3 between the Kishnah and the Colerian (1 at Nellore
(1 at Chittore
(1 at Chitraput

3 South of the Colerians (1 at Coimbatore
(1 at Trichinopoly
(1 at Madura

1 in Malabar at Calicut

1 in Canara at Mangalore

2 in the country ceded by the Nizam (1 at Ballari
(1 at Cuddapah

It was at one time in agitation to have created a Provincial Court for Malabar on account of its distance, but this would be only incurring on useless expence as the duty of the Circuit on that Coast might be performed by the senior Zillah Judge stationed there.

The whole establishment of officers and servants belonging to the Courts which are to be abolished should be reduced. The ~~expensive~~ expensive Police Establishment which has been formed within these few years and is still increasing

ought also to be abolished entirely as not only useless but vexatious to the country. Under this head are comprehended the Police Corps at Madras, and all the Police ^{Revenue} raised by the Zillah Judges. There is already an ancient system of Police in India which answers every useful purpose, and which requires no other aid unless that of being restored to its former state in some few places where it may have been destroyed by violence. In every village in India there are hereditary watchmen whose business it is to guard the property of the inhabitants and ^{travellers} ~~Councillors~~ from depredation, or to find it when lost or stolen, and there is perhaps no race of men in the world who are equally ^{industrious} ~~active~~ in discovering ^{theft} ~~things~~ things. They are maintained by an ^{even} ~~loud~~ ^{hereditary} tax on each house and on the goods of ^{travellers} ~~travellers~~ when they watch them at night. ^{has} No war or calamity can make them abandon their inheritance. If driven from it, they always return again and often live in the village when every other person has forsaken it. This long and constant residence together with their habits of life make them perfectly acquainted with the character and means of subsistence of every person in it. ^{When} ~~When~~ (1902) therefore a robber is to be apprehended the new Police officers apply to them and seldom give themselves any further trouble than merely to carry the criminal where they have secured him to the Judges. These new officers are little better than a set of privileged beggars who often live at free cost upon the inhabitants and encourage litigation among them, and their reduction would be a public benefit.

I have no detailed statement of the charges of the Judicial Establishment, but I imagine that the reductions which have been suggested would produce a saving in the expenses of the Madras Government of about four Lacs of Pagodas and that if they were extended to Bengal and Bombay regulating the number of Courts upon each of these Establishments in the same proportion as at Madras by its population and extent of territory the whole saving in India would probably amount to nearly half a million sterling.

Salt

In the ~~first~~ monopoly at Madras, the office of Superintendent ought to be abolished as useless for the duty is in fact done entirely by the different Collectors within whose districts the salt is manufactured. His appointment serves only to multiply a correspondence and accounts already too voluminous. The Collectors ought to have the sole charge of the Salt and to receive their instructions respecting it directly from the Board of Revenue.

XI
British Residents in India
Views on Better Management
Shrewsbury, 29th Sept 1789

To H Dundas
Authorizing & directing for
young officers

To Dundas
Willesley etc
Sir,

BT. 6

You have so many motives to engage your concern for the welfare of India, that I am assured you will cheerfully receive any information calculated to give you a more perfect knowledge of the state of your service abroad. In this confidence, I shall beg leave, with all deference, to address a few observations to you on some points not likely to be treated in your advices from India but which in their operation and tendency, have a very sensible effect on the condition of your affairs. My purpose, however, is to speak only with reference to the settlement where my experience has been formed, not presuming in any degree to extend the remarks to other places of which I can have no competent judgment.

It is a truth not to be disputed, that all your efforts to establish a wise and economical system will not avail without the vigorous support and cooperation of every order of your servants; but this support can never proceed (from feeble) (2) and relaxed principles of duty. Your service I apprehend requires to be new moulded under the hand of a regular and strict discipline. The whole economy is affected by the want of personal zeal and industry in the execution of its several branches; and though there be certainly many exceptions to this remark, I apprehend it will be found generally true and deserving the most serious attention.

Your discernment Sir will at once perceive, that habit of indolence and dissipation, with the consequences that flow from them, can never be removed by the provisions of an act of Parliament or the effect of any other means formed in this country. The remedy I imagine consists solely in the constant and judicious exertion of authority on the spot; and until this can be established I freely own my despair of peace prosperity and even of safety to your possessions.

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I am myself old enough in the service, to have seen the whole progress of this departure from the ancient and (3) ~~and~~ wholesome maxims of the Company Government. When I arrived in India it was the general rule to station the young gentlemen sent out as writers in the Secretary's and Accountant's ~~offices~~ ^{offices}, where under the eye of principals of approved experience, and subject to the immediate control of government itself, they were employed in copying the business of those departments for four or five years before they were suffered to hold any places of trust or emolument whatsoever. The good effects of such an initiation may be readily conceived. Habits of order and industry were acquired, and the zeal of emulation naturally appeared among those, who acting under persons qualified to judge and able to reward, found it their interest to be diligent.

But this salutary practice gradually fell into disuse. Such of the young gentlemen as brought recommendations from England, employed them to obtain small places of emolument at the Presidency or stations at the subordinate factories; and the few that were taken into (4) the offices, gladly seized on the first opportunity to quit their restraint. The consequence was natural. Those who had not a share of prudence and reflection which seldom accompanies youth sink under the powerful influence of the climate. Too indolent to learn, and too far removed to be controlled, they grew up in the service without zeal, activity or experience sufficient for the most ordinary employment, yet always eager and sometimes successful, in preferring their claims to the most important.

To this cause it is owing that your Secretary's and Accountant's offices are now filled chiefly with black Assistants, who transcribe those records, which were formerly never seen, much less transcribed by any but the confidential servants of the Company; and to the same cause it must be attributed, that ~~may~~ many employments of the highest trust are administered under the influence of natives, who feel (5) no ties of attachment to the Company and pursue no object but their own interest or ambition.

While such deep roots subsist, it is vain to look for settled or permanent advantages. The exertions of particular characters have upheld and may continue to support your affairs for a time, but the relief of heavy ~~xixxr~~ encumbrances

the re-establishment of declining commerce, and the provision of strength sufficient to meet new dangers, can only be expected from a reformation in the principles of the service, and a persevering economy, suited to the real exigencies of your situation.

The ~~truth~~ is very difficult and cannot ^{task} I apprehend be performed without treading back those false steps which have led to the present circumstances. Men, capable by their abilities and temper of adhering rigidly to this point, and so sensible of its importance as to (6) to make it the leading object of pursuit might hope to succeed by recurring to the simple modes established in the earlier periods of the Company, when their affairs left them more leisure to study and provide for their own interest. The standing orders of those times, (which are now grown obsolete) contain a series of wise regulations for the conduct of settlements so distant from the mother country. Among other principles equally just, was that of maintaining a strict dependence and subordination in the younger branches of the service, not simply by precept, but by withholding the means of breaking through restraint. The late practice of annexing emoluments to every station however trivial, tends I fear to weaken those necessary ties, to promote extravagance, and to raise a greater competition for places, than for merit. It is a wise maxim to reward desert liberally from the coffers of the Company, but emoluments I humbly conceive should be distributed among (7) the higher employments, and enjoyed only by those who have approved themselves faithful and diligent in a course of subordinate service.

Having treated this subject at some length I shall trespass no longer upon your patience, than to add a few words concerning the administration of Justice, which is now intimately connected with the discipline of the service; since you have resorted to it for the correction of abuses too strong for the hand of government. At Calcutta your Courts of Justice, were lately ~~new~~ ^{modelled} ^{new} and filled by professional men qualified in all respects to answer the views of their appointment, but at Madras and Bombay there has been no

reformation suited to the material changes that have taken place. The provisions made by the old Charters, tho' probably well adapted to the circumstances in which they were framed, seem very inadequate to the present enlarged objects of their jurisdiction. The Courts (8) are composed of persons who have no previous education or instruction to qualify them for such duties. They derive no advantage from this branch of service, and being for the most part engaged in other pursuits of profit or amusement, their minds have neither leisure to examine, nor confidence to decide with propriety on the multiplied and difficult causes that come before them. It is perhaps too not very favourable to the design of correcting evils, that gentlemen in the service should occasionally be employed to determine points affecting the interest of their fellow servants.

Such are briefly the inconveniences attending the administration of Justice. They are felt by the community at large, but the Company I think experience them more sensibly than others; for, of the various prosecutions they have undertaken against their servants, I do not recollect one that has been successful, though large expenses are annually (9) incurred, and new excesses brought on by their evident want of means to obtain reparation for the injuries they have sustained.

If the foregoing observations, which are the result of long experience and sincere conviction, prove any way useful to you in directing the weighty affairs under your superintendance, the purpose of this communication is fully answered.

I have the honour to be with great respect,

Sir,

Your most obedient and
most humble servant

(Confidential)

Chas Dabney

Right Honourable Henry Dundas