

Elphinstone 28.2.1819
to Strachey

BXXII/11

.....All here is as settled as ^{Barons.} Barons. These are infinite details but little general politics and all my leisure (except what is wasted in eating and drinking, talking and yawning at others taking etc. etc.) is spent in considering what is to be done in judicial and revenue matters especially the former. My first plan and it certainly was the insist^{as} well as the ^{honest}earnest, was to leave every-^{honest}thing as I found it and make no innovation until I saw how the land lay; but when I did begin to see how the land lay, I found the navigation rather (p.) more intricate than I had expected. I left civil and criminal justice as I found them (as I found them in theory and name at least) the former administered by Panchayets, the latter by the Collectors (to which in one province (Candeish) I ventured to add a Panchayet as a sort of attempt at a jury). The police was managed and not ill by the revenue officers assisted by the Village establishments, the Beels in our pay and the rest of Seindies whom we kept up that they might neither rob nor starve. I have no great fault to find with the criminal justice or police but in the civil I found that Panchayets could never be assembled without much difficulty. When they did assemble they did not get on; if the ^{course} were ^{honest}intricate they were puzzled, even if simple they were lazy, until some one member perhaps bribed into activity by one of the parties, would exert himself a little, look into the case, lay down the law, draw upon ^{law}award and get the rest of the ^{law}members to sign it. It also became a trade to sit on Panchayets, (p.) although there was no fee or other emolument; Notwithstanding all this, the Panchayets gave tolerably fair decisions, but they gave them very slow and it became obvious that on this system of administering justice there would be no uniform and known system of law throughout the country, each punchayet acting on its own principles. This seems likely to be a futile source of litigation and what is the remedy? One man recommends a few short and simple regulations which every

India Office Records: Elphinstone Papers:
MSS European F38/ /9/B/6/No.4: Elphinstone
to Strachey: Extract. (9/8/7/No.4: 28.2.1819)

person can understand and which will apply to all cases likely to arise, but this is exactly what all the wise men of the earth have been endeavouring at without the smallest success for the last 30 centuries. Another recommends a Digest of the law as it stood at the conquest. The written law was that of the Hindoos, always vague and unknown to the bulk of the people, often abused, and still often entirely disused. The unwritten law was composed of the maxims that occur to people of commonsense (p.) in a country not remarkably enlightened, modified by Hindoo Law and Hindoo opinions and constantly influenced by the direct and lawful interference of the Prince who was fountain of all law and by the weight of rank and wealth and interests. Indeed the practice of the country was in a great measure the law of the strongest. A powerful claimant sent a guard and confined his antagonist till the ~~law~~ claim was adjusted, a weaker one had recourse to patrons and connections. If he had none of these, his claim was never thought of. I have been attending a funeral since the above was written and shall not attempt to pick up the subject where I left off. I have stated the evils of Panchayets. They are cumbrous machines to apply to simple causes and their Ameens would be better; but without laws to administer, it is idle, to fix, the mode of administration. If we had a simple intelligible code, Panchayets would see their way and might be joined to Ameens, (p.) or Ameens might be trusted alone when the parties knew the law and could appeal. In all cases English Judges ought I think to be employed in keeping the machine going and preventing abuses rather than executing the detail. But how is a code to be got. In fact it is wanted for all India, not only for my province. Are we to hammer on, making and unmaking regulations as chance directs, or shall we venture to make a code of laws for a people we do not half know, and if we are to make it, who is to undertake a task that would require a dozen Jeremy Bentham's and as many Henry Strachey's? I have serious thoughts of proposing as an experiment the appointment of a Committee

to superintend the administering of ^{heretic} justice and power ^{to form} from the Shastras and the Maratta customs, whetted by common-sense and natural justice, a code for these provinces. They talk of giving me a Council like Henry Wellesley (Bengal Civil Servants) and if they are clever (p.) fellows, we might see what could be done. They would find legal knowledge and experience, and I, some knowledge of the Marrattas and above all that impartiality to any particular system of law which must be produced by a total ignorance of all laws human and divine. Between ourselves I am by no means inclined to rate this last qualification low.....

.....I was delighted with the satisfaction you express at my resolution to keep up the native system. It ought however to meet with your approbation, as it was from your opinion at Benares that I was led to think well of the plan. It is certain that under good kings the native system was sufficient to keep the country in a very high state of prosperity. A few weak monarchs were enough to throw it into complete disorder; but as our government might possess the consistency which is unattainable in a despotic monarchy, it (p.) follows that the native system under us ought to produce permanent happiness to our subjects. It has the advantage of having been tried and found to answer in circumstances such as we ought to be able to secure. I am by no means of opinion that it is not capable of improvement or that improvement ought not constantly to be made but I think they ought to be made gradually, continuously and experimentally for we hardly see our way well enough to know how anything will turn out till we have something of its operation. The plan which I have adopted is not however without considerable inconveniences and some of them are not very easy to remove. The greatest is in the administering of civil justice. Our plan is for the Patail or head of a village to make up disputes by fair means if he can and if he fails, to assemble a Panchayet in the Village. The same process is adopted by the native collector in cases that cannot be settled in a village and the same process is again adopted by the collector in cases that from their importance or distrust of the local authorities by the parties are brought before him. But he not only accomodates matters by persuasion like the natives but decides on simple causes and refers them to his first ant *assitant* and to shastras of whom (p.) there are three in Poona and one in the other districts who enquire into the cause and report it with their decision. Causes settled in these ways are soon done and give great satisfaction because impartial justice is a novelty. The Panchayets

India Office Records: Elphinstone Papers:
MSS European F88/ /9/B/7/No.72: Elphinstone
to Davis dated 17.6.1819 (Extract).

do not as yet answer so well which is very unlucky as they are I think our great standby. In former times the members had often the stimulus of a bribe from one or other of the parties and worked hard to earn this reward. Still they were very tedious and did not always come to any decision. Now, when a man has no inducement to serve in Panchayets but public spirit, the members cannot be got to attend and when they do meet their inexperience prevents them getting rapidly through business. The richness of a member or the death of a relation has thus time to intervene and the court adjourns sine die. The great judicial duty of the collector and his assistants is to keep the Panchayets moving and when by dint of constant messages and expostulations they keep a punchayet together, the danger is that the members get ~~many~~ weary and readily sign their names to any sort of decision which one of their number (perhaps bribed into activity) may draw up. This might be remedied by giving fees on causes decided to the members but (p.) (besides that I think there are strong arguments against law fees in general) this would be no spur to a man who only served on a punchayet once a twelve month and it would increase the tendency to the foundation of a profession of Panchayettes of which there are already indications. Another evil strikes me which (is) that as long as each punchayet forms its decision on grounds of its own, there will be no uniform or known system of law. This may be corrected in time by forming from the Shastris and the decisions of a great many Panchayets, some general rules for the guidance of future members, and likewise for the information of disputants; for if there were short and intelligible laws that people could consult; there would be little need of courts of justice. In the meantime this last evil exists in theory rather than in practice for I see no want of a known system of law among the people, on the contrary it seems to me that the Hindoos know their own law on all points that concern themselves much better than the English. The other evil (delay) is much more real and although the people are far from litigious it already occasions arrears on the file. The number is quite

insignificant at present; but I am alarmed at the prospect of the future. The number of complaints (p.) will doubtless increase because the people will find many channels through which they used to get some sort of justice, shut up, such as the summary decision of a great military chief, the court influence of a relation or neighbour (which might be strong enough to carry through a just claim, though not to support an unfounded one) etc. etc. The people will also get more litigious when they find the courts open, and perhaps even less honest when they find society can hold together without honesty; for certainly there is a great deal of honour in native dealings which one can only ascribe to the same motive that makes the Spanish smugglers so honest; the knowledge that they and those they deal with are out of the law and have nothing but mutual honour to trust to. It would be a remedy to have many native commissioners (you will doubtless have observed that it is by them and not by the Panchayets that all the Madras files have been cleared) but commissioners without fees will be quite inefficient and with them they are certainly too active, stirring up strife and sending out emissaries to bring trials to their tribunals. I am therefore lying on my oars and endeavouring by sending (p.) queries to the collectors and calling for reports and opinions, to find out some remedy in time to meet the apprehended evil. In criminal justice and police our situation is far more agreeable. The village establishments are all entire within provinces (except Candeish where ^{the} they have been destroyed by the calamities the province has suffered and will I hope be restored by an expensive measure which Lord Hastings has sanctioned). Our host of irregular sibundies gives the means of checking disturbances besides employing the very men who would probably excite them. It is chiefly to this that I ascribe the tranquility of these conquests, which surpasses anything I have ever seen. Crimes are few, murders for jealousy or village rivalry and petty thefts are the most frequent. Forgery is confined to village accounts.

7. The system of Panchaet in Candeish as applied to criminal offences being neither consistent with former usage nor attended with any manifest advantages should be discontinued and the mode of trial adopted in other districts should be substituted.

8. In trivial cases of a criminal nature the authority of the Moomlatdar may be augmented, so as to allow his punishing petty affrays or other misdemeanours. For this purpose he may be permitted to fine to the extent of ten Rs. and to ~~imprison~~ imprison for two days; but he must be strictly enjoined to proportion the punishment to the circumstances of the party; and the Patill may be permitted to exercise a similar authority to such a limited extent as may be requisite to keep up his influence in the Village.

9. In the administering of civil justice ^{ration} the Panchaet must still continue to be our principal instrument,.....

India Office Records: Elphinstone Papers:
MSS European F88/Box 14/E/18: Circular
letters to collectors etc. Circular dated
25.10.1819: 42 paras: Capt. Brigg.

Bombay, November 23, 1821

My dear Strachey,

I believe I wrote to you before enclosing a copy of the minute on which our new digest of the Regulations is founded. The Committee appointed in consequence has produced a great portion of its work and I have shown it to Sir W. Evans our Recorder whom you may perhaps know as a translator of Pothier, a digester of the statutes, a great civilian and a great admirer of Bentham's though not an acquaintance of his. His opinion is particularly favourable to the success of the Committee, but their code has (8) yet to run the gauntlet through all the courts (the opinion of every Judge being requested) before it passes the ordeal of the Council. I was 6 or 7 months in Guzerat in the end of last year and the beginning of this and wrote full minutes on 1 Kathiawar, 2 Cutch, 3 the Petty states on the N.W. Frontier, 4 Mahee Caunta (a country of Cooley Chiefs and Rajpoot Rajwara), 5 the districts of Ahmedabad and Kaira, 6 Baroda, 7 the district of Broach and 8 of Surat. They all were sent to the Court of Directors and 5, 7 and 8 will give you an idea of the internal management of Guzerat chiefly revenue. Our Courts go on as in Bengal but I think they pay more attention to native Mamool. As to the Deckan it is still as I left it, but we shall soon have general reports on it from Mr. Chaplin and the Gentlemen under him and shall consider what changes are required. All the difficulties anticipated in my report are found in the Panchayats but they have scarcely had a fair trial from the want of liesure in our officers. By the by I have read (9) the opinions of the Company's servants published by the Directors. I do not agree with you that yours is Pooch nor I must own do I agree in your opinion of Sir Henry's: being used to the mild, thoughtful and dispassionate manner of his dispatches in this country; I was disappointed at the levity and the sarcastic tone of his present answers which reminded me of the Edinburgh Review in its bitterest mood cutting up a political enemy. I think both you and Sir Henry lay too much stress on the errors of Panchayats arising from their superstitions and their religion. Before you pronounce those who condemn witches or killers of bullocks to be incapable of judging you should remember that our own judges and juries have often punished for witchcraft and that

India Office Records: Elphinstone Papers

sadoo if he had doubted the would a very few years ago have met with as little toleration from an English Court as he is supposed to have done in your answer. Yet were those Courts very competent to try all other causes. You need not be afraid of my getting (10) attached to the doctrines of Madras Collectors. I am neither and all I am afraid of is the versatility described on the next line for unless one's opinions are founded in knowledge they must always fluctuate.

Your young friend Moncreiff, I am sorry to say, has turned out very ill. He lived with me for a short time and was perfectly quiet and well behaved but afterwards he broke loose, run in debt, swindled in the most shameful manner and is now in jail notwithstanding the exertions of Sir C. Colvill who knew him family and of Sir W. Keir who is his relation. If I often see one of the young Macans who seems a very fine lad. Malcolm is here now very much broken but quite as good humored and often as lively and as loud as ever. He is to go home on the 1st and we are giving him great entertainments public and private and making speeches to him. It is time I were going home too. Indeed I have already stayed too long. In 3 years, I shall march. I have (11) now 1,50,000 sicca rupees. I hope in three years to have 3,00,000 and more I shall never have unless the Court of Directors pay my Caubul money and add to my salary. I wish I were at home reading old poets (and new publications likewise), comparing old Chaucers descriptions of spring with the reality and perhaps chaunting an ode of Hafiz with you as if we were in the choultry at Poondee I dread the listlessness and depression of idle life but I have great confidence in the climate and it cannot be worse than this; I also dread, but less, the inconveniences of poverty,

(Signed) M. E.

BXXII / 100-VIII

The advantages of the Adawlut system appear to be the settled principles of justice on which decisions (judicial selections) are founded and the purity of its administration:- objections are raised to the 1. encouragement to litigation and 2. expense and delay, amounting often to denial of justice. In many parts of India, these evils are far less felt than in others; they arise from intricacy of law, a series of appeals and perhaps contradictory decisions, multiplicity of forms, large extent of Zillahs, and especially from the exaction of fees and the employment of professional Vakeels.

Under the Bengal Government, the only native judicature appears to be 1. Panchayat of Cast, in many places exploded and unsanctioned by public authority. 2. Arbitrators, under recommendation of the Judge, agreeably to the regulations. 3. Moonsifs, who decide suits of ~~committed~~ ^{limited} amount, with salary and fees, under appeal to the Judge. A native judicature has all the merit of simplicity of form, freedom from expense and intelligence; and all the evil of delay, ~~particularly~~ partiality and corruption; an option, or appeal is generally thought ~~a~~ necessary and ~~useless~~ under vigilant superintendence and stimulated by rank and emolument, the Judge has to decide ~~on~~ the appeal itself and ~~on~~ the corruption of the native tribunal.

In 1816, the Madras Government, subsequent to the investigations of Col. Munro and after considerable discussion, promulgated Regulations for the appointment of Moonsifs and the encouragement of panchayats. The amount of property in suits before Moonsifs was very limited; but they were authorised, under ~~zazinam~~ ^{zazinam} of both parties, to order a Panchayat for personal (and in districts for real and personal) property to any amount. While village moonsifs were prosecutable for partiality or corruption, ~~if~~ an appeal lay from ~~land~~ ^{land} district moonsifs to the Zillah Courts, the award of a panchayat could only be annulled by the Judge ⁽²⁾ on petition, and proof of gross partiality and corruption: corruption only being punished by ~~fine~~ ^{fine}, ~~price~~ and reversal of the award generally discouraged.

The effect of these regulations was greatly to increase the number of decisions, and to reduce the causes on the Adawlut files. Above

India Office Records: MSS Eur F.88, Box 154 [23] (c); 12.10.1822

10,000 suits were decided in 18 ~~days~~ by the Village Moonsifs, and between 3 to 400 by Panchayats; the cause of this disproportion is explained either by the long disuse of the latter institution, or by their decision having been made final. Complaints were made of the ignorance and partiality of V. Moonsifs, but few appeals were brought from D. Moonsifs.

Under the late Paishwa's Government, civil suits, if not determined summarily, were usually referred to a Panchayat by choice or consent of parties. It is unnecessary to repeat their mode of decisions, their acknowledged benefits, and under a ~~local~~ ^{local} Government their ^{hve} more than counterbalancing defects. Corruption was common and unpunished; partiality is a fault common to all Tribunals where the parties have choice of members, and in an inferior degree where they possess the right of challenge; and local judgments are more remarkable for intelligence than purity. Agreeably to the instructions of the Hon^{ble} the late Commissioner, in the Deccan panchayats have been encouraged and revision of their decisions discountenanced, unless corruption, gross partiality or injustice were ^{evidently} proved.

Of the small number of civil suits in Khandesh, the greater part have been decided by Panchayat. Captain Biggs concludes from the ^{his} general dislike ^{carried} to the Moonludars' ^{hve} jurisdiction, the frequent appeals during and ^{hve} after trial to himself and the great reluctance to serve on panchayats, that the present system is inefficient. He suggests the introduction of village and district Moonsifs like those of Madras, the optional reference of a cause to the Moonsif or panchayat, and the employment of criminal panchayats of enquiry, as a means of promoting union between the ^{hve} people and the ⁽³⁾ government, and an efficient modification of the antique Hindoo judicature.

Captain Robertson, after expelling professional panchayats and Vakils, and revising suits discovered to be corrupt, persuaded respectable persons to become members, and introduced a plan of active supervision, which cannot but prove highly advantageous. Decisions are in Poona remarkable for acuteness, but there does not appear any efficient check against bribery.

Captain Pottinger states that panchayats have latterly been more just and speedy in their awards, from knowledge of the scrutiny their conduct is likely to undergo; he complains of the Kumavindars' *venality*, and the frequency of appeals. In the opinion of Mr. Giberm, a favourer of the Adawlut and Ameens, the present habitual Panchayatdars are in fact hired Vakeels, the Pergunah jurisdiction in the Deccan being without check or efficient responsibility, is liable to delay, corruption and tyranny, and the appeal, calling the panchayat to the head station, induces great vexation and expence.

In Sattara, panchayats appear to have been, ~~not without~~ their prevalent defects, preferred *by the suitors*. Causes are referred thro' the Hoozoor to the Mamlutdar, and few complaints have been made either against that officer or panchayats under his direction.

Under Mr. Thackersay's active superintendence, the system has been, except in large towns and during the Jummaundy, successful. By giving the liberty of challenge, the partiality is rendered equal; Panchayatdars are not easily procured, but there have been few complaints of bribery. The appointment of Ameens has been authorised on the Madras plan, which is thought to combine intelligence and dispatch, and by appeal a check is established against corruption. The Moonsifs are, however, belived in some degree to induce litigation, as they certainly have a tendency to ~~discourage~~ discourage panchayats. Mr. Thackersay recommends that suits respecting houses, ~~and~~ late debts, and simple contracts should be decided *(4)* summarily; those relating to cast, marriage, inheritance or old debts, by arbitration or panchayats. The following is an abridgement of his plan of superintendence:

"Order for enquiry to be presented within a certain period. Appointment of panchayatdars by consent of parties. Attendance enforced by ~~plans~~ *plans*, fine *to be* and limitation of period. If Deft. absent, decision ex-parte. If Plff. suit dismissed. Allowance to witnesses 6 pice per day, to be paid by party, ~~often~~ *often* by loser. *to panchayat* (if no delay and if expense and *income*) *inconsiderable* paid by loser. Huzoor Shastery to give written legal opinion, if required. Suits as to property on the spot. Plff to be fined on frivolous complaint, by the Hoozoor. Register of decisions.

Limitation of Potell's jurisdiction to 150 rupees, generally by *Kazehnamah* or informal panchayat. Register of *Fines* Crimes and Enquiry.

It is generally allowed that panchayats are preferred to native summary decisions, not to decree of an English Judge. They are from their knowledge and acuteness especially useful in disputes of Boundaries, accounts of cast; while their prevailing evils are, the difficulty of procuring attendance, delay, partiality and corruption. The following remedies have been suggested:-

Rotation of ~~Panchdars~~ by panel, or ^{1 Panchayatda} choice from list; to obviate hardship of attendance, corruption of particular members, and to obtain a sufficient number of qualified members.

Bond from panchayatdars against delay and corruption.

Bond from parties, to pay subsistence of witnesses and panchayatdars, by percentage or fine on loser.

By active European superintendence alone the evils of delay and partiality are to be avoidable and ^{led,} efficiency given to the Award without necessity of reversal.

In the Districts reports regularly transmitted would at once expedite the Awards, promote the ^{gravity} of ^{1 probability} the panchayat, and prevent the renewal of the same suit.

I have more than once proposed measures with the object of ascertaining the law actually in force among the natives in the different districts under this Presidency, that there might be some guide for our Courts in their decisions, and some check on the Shastrees, and on the witnesses who are examined to ascertain the usages of castes. It appears to me that a great advance would be made towards the attainment of this object, if the heads of all the considerable castes in each district could be prevailed on ~~to~~ to answer a few questions that might be put to them through the Judge of the Zillah. The Regulation Committee might be requested to prepare such a collection of questions as appeared to them most likely to draw out the information required, and likewise to give their opinion as to the most expedient mode of procuring answers. The Judge might be directed to put the questions to the persons now considered as the heads of each caste, or the cast might be allowed to name a certain number of persons who should be competent to answer. The whole should be put on the footing of a wish on the part of the Judge to obviate the constant disputes and altercations that arise regarding the customs of different castes. The ulterior object of sooner or later combining the whole into one code, should be kept out of view, as likely to alarm a people so adverse to any interference with their customs; and likewise, because its accomplishment is in reality so remote and uncertain. If answer can be procured to these questions, even if no further progress be made, the Judge in each Zillah will be saved a great deal of trouble and uncertainty by having the opinion of each caste, obtained at a time when it was not influenced by any existing controversy, to refer to in all cases of dispute.

The Committee must be requested to prepare their questions with as little delay as possible, as a long time must elapse before the answers can be received.

They should likewise be requested to direct their attention to ascertaining the points in which the authority of law books is admitted as regulating the local custom, and also, the books

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India Office Records: LEIR F88, Box 13 B 12 No 2:
Customs of castes and ultimate of a code: 22, 1823.
 (Minute by Elphinstone; corrected by him in his own hand, 10 parts)

which are of most authority in each Zillah. When all this information is procured, the Committee will probably be able to class the rules accordingly as they are binding on all Hindoos, or binding on all of a certain caste wherever found, or on those merely who belong to that part of a particular caste which inhabits a particular country. If this were done, we should have made a great stride towards the formation of an intellegible code of laws for our native subjects.

I beg to see the proceedings in 1821 (I think) on my proposal for forming a collection of the decisions of the Courts on cases depending on customs of castes, and on local usages.

These regulations should now be sent as usual for the opinion of the *Sudder* Adawlut and the Judges.

They should also be sent to the Commissioner in the Deccan with a request that after carefully revising them and removing all *points* that he *thinks* would obviously be injurious in the Deccan, he will circulate them to the Collectors with instructions to conform to them in all cases where they do not seem likely to *cooperate ingeniously* and to record the reasons for *injuriously* departing from them in all cases where such a course may be necessary. These recorded objections with a report at the end of six months from the Collectors and the Commissioner on the operation of the Code will enable us to judge whether it should then be permanently adopted as the Criminal Law of the Deccan. The Commissioner should report at once the points which he thinks injurious. The Collectors also should as soon as possible state the objections which occur to them on the first perusal of the Regulation. (2) Their subsequent objections should be sent to the Government through the Commissioner or as they occur and this should be done even although they should be recorded in criminal trials sent to Government. The copies of these Regulations for the Deccan Collectors should be made by *tried hired* writers in Bombay. This will contribute to despatch and also to correctness which in the case of Regulations is obviously of high importance. Care should be taken to get them *soon* out of hand. The copies should be sent *by* one *lx* as they are ready. /one

It should be mentioned to the Commissioner that some points of the proposed Regulations are obviously inapplicable to the Deccan. The I Chapter, Criminal Justice down to Section 23 for instance, these he will of course point out to the Collectors.

It will rest with the Commissioner what portion of the powers of Magistrate or Criminal Judge

India Office Records: MSS: Eur F.88, Box 13B, 12 No 2;
Minutes of Governor in Council, Bombay: Jan'y 26, 1824 ?
Minutes on the Criminal Code.

is to be entrusted to the Assistants and ⁽³⁾ what parts of the authority of the Sidder Adawlut he should reserve to himself. Capital cases and cases of imprisonment for life will be forwarded to Government as heretofore.

The following are all that seem to require to be noticed at present by the Governor in Council in the Despatch to the Commissioner. ^{by}

Reg. Police

It appears objectionable to empower Patails to put in the stocks Sec XX or to empower a District Officer to sentence to public disgrace.

People of a certain rank should be protected from all interference which they think disgraceful such as search of their houses and unless there be strong grounds to suspect them of criminal connivance. They should likewise be exempted from ~~on this~~ ^{oaths} and in some cases even from attendance. All the rules now in force on these subjects in the Deccan should be kept ~~up~~ ^{up}.

Sec 51, clause 1st

The Commissioner should be apprised that the Governor in Council entertains great doubts & respecting the justice and expediency ⁽⁴⁾ of this clause.

Sec 49, cl 3.

Section 49, clause 3rd restore ~~as~~ a copy of the Section on Regulation (Civil) on the competency of witnesses.

Penal Chap IV

The particular attention of the ~~Penal~~ Commissioner should be drawn to this ~~Chapter IV~~ Chapter (on crimes against the state), the application of which to a new conquest should not be hastily made even if the rules contained in it were themselves unexceptionable (Section XIII). It should also be observed to him that the ~~favours~~ Governor ~~not~~ in Council conceives the distinction between native and Europeans authorities to be objectionable and would wish the definition to be less invidiously worded.

It will strike the Commissioner that no sufficient provision is made for the punishment of "banditts" (bands) unless their assembling should be followed by some other criminal act.

A copy of the letter to the Commissioner should be sent to the Committee. ~~and this~~ This opportunity should be taken of expressing to the Committee the wish of Government, that in ⁽⁵⁾

reporting on the observations received from the Judges and Collectors ~~wkkk~~ on the Regulations formerly circulated, the Committee would furnish Government with a summary of the remarks on each Regulation in such a form as may enable Government to see on one view the objections stated with the authority by which each is supported and the opinion of the Committee as formed on considering all that has been urged on each subject ~~that~~ ~~xxx~~ except when the objections and arguments are too long to admit of it a tabular form will be most convenient.

The view taken by the Commissioner in the first paragraph of his letter appears to be that the present question has been decided by a Panchayat and that as there has been no appeal, it follows as a matter of course that the award should be enforced. I cannot, however, assent to this assumption. The Panchayat was assembled to try a cause between 157 Bramins of Poona and 6 Bramins of Ahmednagar. It may be presumed though it is not stated that the members were not challenged by either party and on such a supposition the award ought certainly to be binding on the parties. But the present Panchayat has gone far beyond the question it was appointed to investigate and has decided on the most important rights of the whole cast of the Sonars who were neither Plaintiffs nor Defendants in the suit and who had never in any shape agreed to submit to the arbitration of the Panchayat. Even if the consent of particular Sonars had been obtained to the ~~arbitration~~, ~~institution~~, the Panchayat could not have been undertaken without ~~impinging~~ the first of the rules ^{infringing} lately promulgated regarding Panchayats by which it is declared that "causes relating to the internal regulations of particular casts shall be exclusively settled by Panchayats composed of members of the cast concerned."

For these reasons, I cannot consider any judicial decision to have been passed on the claims of the Sonars and I am of opinion that no steps directly affecting them should be adopted in consequence of the award now ⁽²⁾ forwarded.

With regard to the 6 Bramins, the Bramin cast is doubtless competent to decide and as they appear to be nearly unanimous, they should be allowed to enforce their decision by the means unusually employed to maintain cast discipline which it is believed never requires the assistance of the Government.

In considering the policy to be observed by Government in cases like the present where a cast goes beyond what is considered by the Bramins to be its place in the Hindoo scale, the first maxim that occurs to us is to allow perfect freedom of action. If the Sonars depart from the rules laid down in the Shasters, they are guilty of heresy but heresy especially against the Hindoo

India Office Records: MSS Eur F88: Box 13 C/13:
June 25, 1824: Disputes between Bramins and Sonars.
Minute of E.

religion is not an offence which we ought to punish if we take a narrower view of the subject and consider merely what is politic in our particular situation in India. The conclusion is the same for it is obviously our wisest ~~point~~ to maintain a strict ~~part~~ neutrality among all sects and religions and to show a firm resolution never to interfere in any of them unless the public peace shall be disturbed. The only question therefore that requires investigation at present is whether the ~~toleration~~ of the alleged irregularities of the Sonars is likely directly or indirectly to excite such a degree of popular discontent ~~and~~ to disturb the public tranquillity.

On this head, the Commissioner might be requested to consult with intelligent natives of the ~~Dehan~~ ~~querrling~~ (as he naturally would ~~querrling~~ do) against the partial statements of the Bramins. An enquiry might also be made as to the practice of Gujerat and of Bengal, Madras and the Nizam's country on this particular subject. First whether such a pretension was admitted on the part of the Sonars. 2nd whether if not admitted it was ever put down by the Government. If the first of these questions should be generally answered in the negative or the 2nd in the affirmative, the recent introduction of our Government and the influence of the Bramins in the Paishwas' country would justify our departing in such peculiar circumstances from the general rule of universal toleration; but if the answers should be of an opposite nature, we might venture with the general reason and practice of India on our side, to return to our usual indifference and leave the Hindoo customs to be supported ~~along~~ as they ~~as~~ are to be supported by their deep root ~~within~~ ~~the~~ opinions of the people.

July
Bombay/21, 1823

My dear Strachey,

B XXII / 1 (VII)

I wrote to you lately and have since received two letters from you of ~~the~~ November 1st (44) and January 2nd. In the first of these you object to a code founded on Hindoo Law. My answer is, what would you have instead? Would you go on with Hindoo Law without a code at the mercy of your Shasteres and witnesses (for in many cases you are obliged to examine evidence to ascertain the law)? or would you sit down and make a code entirely out of your own head and introduce it by an order of Government? You ~~anti~~ certainly will not take the first of these plans and as to the second I think even if the people were perfectly willing to receive your plan, it would bear to be argued whether a new code would answer as well as one founded on the established law. A vast number of things are in themselves almost indifferent so as they are fixed and it is much better to let what is generally known stay than to throw everything (45) into confusion for a slight improvement. But as the people are not willing, the question is still more against you. Have you the right to impose on a nation a code extremely repugnant to the wishes of the whole body of the people? If you have the right, have you the power? Mr. Mill (who by the by has written a great deal of good sense on this subject, and who in fact is the person with whom the plan of framing a real code for India originated) Mr. Mill would reply that it is a mistake to suppose the people so repugnant to the introduction of a rational code you have only (he would say) to get the Pundits to assure them it is all in the Shasters and everybody will be satisfied. Supposing the people really were so completely in the hands of the Pundits, it must be remembered (that there (some (46) (are) 100,000 Pundits in India. You cannot bribe them all and the unbribed ones will soon expose your trick. Controversial writings on subjects of law are common even now. But the truth is every Hindoo knows enough of the law to detect your most important innovations. The first would be the abolition of cast. Could any set of Pundits persuade the people that that was authorised by the Shasters? In the article of marriage Reason forbids marriage till the parties are arrived at the years of discretion or at least of puberty

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but every Bramin child knows that his law most earnestly enjoins the marriage of girls at an early stage of childhood and almost forbids its being put off till they reach the age of ten. Examples are infinite where a change could not be made unperceived and where if perceived it would excite universal disgust, if not resistance. Now I do not see why we should propagate the true law with the sword, any more than the true religion; especially as we are still very uncertain which is the true law. I have lived to see the Roman law and the English law go out of fashion and I should like to be sure that the new one was likely to keep its ground at home before I run any great risk to introduce it here.

You say you hardly know what I mean by "Hindoo Laws practically and generally recognised". I will give you an example both of much laws and of my proposed mode of dealing with them. The law of succession as laid down in Colebrookes translation is recognised everywhere and the contradictions involved in it are equally general. I would admit the law but instead of quoting 50 texts, I would put it in one clear sentence. To go into particulars all authorities agree that sons are entitled to equal shares of their fathers property; all likewise agree that, if the sons do not divide their inheritance, they continue copartners, and all the gains of each individual go to the common stock; but they disagree about what is a proof of division: the rational few say that if a son leaves the paternal estate with only enough of the common stock to maintain him till he finds employment and afterwards in the course of years amasses a fortune, it shall be considered as his own; The majority say that if he takes a pair of shoes from the common stock along with him, the whole of his property belongs to the fraternity. In such a case, I would condense the texts in favour of equality of inheritance into one line and those regarding coparceny into another; but in the disputed point, I would exercise my own judgement and declare that a man who drew no more than his own share from the common stock should not be obliged to account for his profits, unless he entered into a formal agreement to that effect with his brothers. With respect to your idea of our Revenue Regulations. The drafts sent in by the Committee completely tie up the Collectors hands so much so that I am afraid it will be found impracticable to adopt them to their full extent. The great object is to prevent arbitrary increase of assessment and how to do this in new countries where the resources of it are not known is the difficulty. Even in very old ones it is still difficult because

surveys get obsolete and assessments founded on them if adhered to become exceedingly unequal. You have very little to boast of in Bengal on this head. You fixed the assessment on the Zemindar and made all the world ring with your liberality and wisdom; but you declared that the Zemindar's assessment on the Ryot was to be regulated by Custom and you left it to the Courts of justice to ascertain what the custom was; leaving millions of Ryots liable to ejection and ruin with the remedy of obtaining damages provided they could prove in Court that the Zemindar had demanded more than was authorised by custom all this inspite of your letters of January 2nd. But I have written enough about codes etc., God knows. I enclose my last minute on the subject, to the criminal code, the practice of Hindoos Princes themselves authorises our making one entirely to our own taste.

Yours ever

(Signed) M.E.

Strachey Esq.

VIII
Elphinstone
Savings, Bombay life!

Camp Shewapoor
22nd December '22

My dear Strachey,

B-xxii/2

I wrote to you the other day but I have since received your letter of July 2nd. The omission of the Regulation you mention (1st of 1799) by our Committee is certainly an oversight, but probably proceeded from the Committee's never thinking we had the power to govern otherwise than by law. I do not think there is much fear of our Committees being betrayed into the technicalities of English law (more fear of Scotch and Civil Law, if any). I had heard something of Mr. Stapley's letter but indistinctly. I hope the matter has been fully explained in the reports of the Bombay Government. I cannot guess the ground of blame. (17) Captain Thomson discovered the Beauiboo Alli to commit piracy from their port of (I forget the name) instead of merely attacking that port, he imprudently entered into a combination with the Imaum of Muscat whose rebel subjects they were to attack their principal town inland. He was totally defeated and most of his detachment cut up, the Beauiboo Alli taking no prisoners. I was in Gazerat when the news arrived, but it seemed so obvious that we must recover the reputation of our Arms on which alone an exemption from piracy depends that Sir Charles Colville immediately resolved on preparing an expedition. In the meantime the news reached me from Arabia by Cutch and I sent instructions for an expedition before I had heard of Sir C. Colville's views. The expedition sailed, the Beauiboo Ali behaved with the utmost gallantry but were defeated, and at the Imaum request all the ~~prisoners~~ ^{males} were brought to India. I directed them to be treated with every attention as prisoners of war and not long after consulted General Smith on the possibility of releasing them. At his recommendation I wrote to the Imaum who agreed to allow all but the Chiefs to return. I afterwards wrote in favour of the Chiefs who were also allowed to return, and have had very satisfactory accounts of their reception from themselves. It is true that while in India many died of the cholera and small pox, as many did also in Arabia. The latter disorder indeed ~~regard~~ ^{regard} so much there as to induce me to send a vaccinator thither in the idea that such a period was favourable for his reception. I am glad the business was not brought before Parliament because ~~no~~ ^{no} good can follow and much harm may in a distant country where Asiatic affairs are viewed through the medium of much ignorance and some prejudice, and where Ministers will perhaps be

India Office Records: Elphinstone Papers

glad to show their candor by giving up people with whom they have nothing to do. Mr. Morley, however, is gone home and will probably stir the business a-gain. Stay till I have made £60,000. Et tu Brute! This is a sentence of banishment for life and hitherto I have opposed your ⁽²⁰⁾ opinion to that of the whole world as to the justice of it. You ask why I should wish to come away, because at Bombay the climate is debilitating in the extreme, spirits or feelings of animal comfort and satisfaction are unknown; the business is fatiguing and mechanical, the society formal and uninteresting; because I like leisure, reading, travelling, hunting, associating with my intimate friends and taking my ease in my inn and because at Bombay I have instead black boxes, dull dispatches, rides on the beach and drives to Parell, dinner parties of 100 people, and no society but official visitors. Nevertheless ⁽⁹⁾ I like Bombay, and should be sorry to be removed to Madras but for the hope that the number of ⁽²¹⁾ boards might save me a great deal of detail, and ^{hand c} above all that the additional salary would shorten my stay in India. I have however no chance of it, and no wish to contend it with Malcolm if I could, being sincerely convinced of his superior claims and superior fitness. I go to Gokauk tomorrow or the day after. I have seen the falls, but there are ladies and others with me who have not.

(Signed) M.E.

Edward Strachey Esq,
East India House, London.

Bombay, January 19, 1824

My dear Strachey,

B-XXII/3

I do not believe I owe you a letter but such is the generosity of my nature that I am sitting down to give as much Bombay parish as I have day light for I have had a short visit from Adam who is as thin as when he first came out and much exhausted by richness and the climate. He picked up however while he was here and gave me a great deal of information about Bengal and the general proceedings of the Supreme Government besides talking over many good old stories. He is to be in India 2 years longer at least. Bengal seems in a prosperous condition and the Government liberal and ~~affi~~ beneficent notwithstanding the destruction of the infant liberties of the Calcutta press. By the bye you have never told me what you think of that. I am not whig enough to think of a free press deniable where you have an enslaved people. I am not bold enough to think we can keep this country at present without an arbitrary Government and I am not philanthropist enough to consent to quit India rather ^{L(75)} than interfere with its nascent liberty or ~~rather~~ ^{either} to speak more truly, I do not think India has any chance of freedom unless she remains for a considerable time in our possession. Both the immediate danger of a free press are ^{hence} from its effects on the Army and I suppose neither you nor I are whigs enough to wish to see the measures of Government canvassed and controlled by such a public as an Army would compare when it had begun by shaking off subordination at its own chiefs. To prove to you, however that I am not altogether aloof ^{of a love} of darkness rather than light, I must tell you that I am busily engaged on plans for the education of the people under this Presidency. My plan - I was going to have send but something interfered to prevent my finishing and it is now the 26th and your letter of August 20, 1823 is arrived. Your praises of our Regulations have arrived. I am busily employed on a hasty ^L revision of the Criminal Code previously to send ⁱⁿ it to the Decken as a rule for the guidance of the Collectors who at the end of 6 months are to show cause why it should not be made the ^L criminal law of that country. ^{L(76)}

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In the meantime we shall receive and discuss the observations of the other Judges and Collectors. The Councillors have behaved with wonder magnanimity about the Regulation Committee but still the great expense, the slow progress and the little apparent improvement effected after all make them now and then express a wish that the business were brought to a close. The sudden object to all sudden changes as is their duty. Collectors object to all restraints as is their nature and perhaps in the present state of things their duty too though until ~~sound~~ restraint is imposed on assessment ^{some} there can be no security to the property of those connected with agriculture i.e. ~~3/4~~ ^{1/2} of the peoples. Babington is dead, Erskine gone home, Norris a very respectable substitute gone to China ill and there remains Bernard an able but excentric man and I am in constant fear of a positive order from the Court of Directors to crush the whole. They have behaved very well in not doing so already. In these circumstances, your favourable ^{opinion is} ~~opinion is~~ ⁽⁷⁷⁾ very exhilarating. I wish you had told the long story which you threaten about your differences with the Court of Directors. To return to where I was on the 17th, my plan is - I am again interrupted by a variety of very gentlemanly letters from the Court of Directors. They have certainly learned to express disapprobation in language that makes one desirous not again to incur it, which was not the case while they wrote in a style that could only provoke indignation on the part of the sufferer. This however has not yet happened to me though more than once found fault with. I have had no reason to complain of the style. My plans I say are first to give encouragement to a school society that is already established and to individuals, in superintending existing schools. Government to give the society pecuniary assistance and the society to set up a school for teaching school masters the improved way of instructing ^{boys;} lessons; such as dividing into classes, taking places and a vast number of short cuts to knowledge by which infinite time and labour ~~one~~ saved. 2nd to ^{have} found schools, at the public expense in villages where they are wanted providing certain degree of ⁽⁷⁸⁾ ~~such~~ superintendence as to prevent them being neglected or made ~~awake~~ a mere job of. 3rd to print school books. 4th to give annual prizes in each Purgunnah both to school boys and school masters (books and medals to the former and Khillants to the latter). 5th to translate or compile ~~or~~ ^{and} print books on the ~~rural~~ ^{and} physical sciences ^{moral} in the native languages. 6th to establish two or

three schools where English may be taught as a classical language together with the elements of European science. 7th to give *long prizes* in the higher walks of knowledge, to provide employment for people who attain them and to subject people *holding lands* on religious and charitable tenures *holding* and many other classes in certain cases to particular examinations in Indian and European knowledge. You may easily suppose the difficulty of executing a plan in which everything seems so simple. Mr. Chaplin helped me out of the difficulties about expense, superintendence and examinations, for prizes are the most embarrassing things; but by various expedients of employing Vaccinators, Collectors, Doctors and volunteers with native assessors, *deje* I think it might be managed. Translations are to be *advertised* for and rewards from 50 rupees to 5000 offered for particular books if they pass muster. *Doctors* and to be promised *civil law* stations if they will bring medical essays in native languages or produce pupils capable of writing such. These and numerous other plans, and my minute is about as big as the Beej Gannit, among other things it contains a defence of the Poona College against the Court of Directors (your friend Mill *is* fancy) who decry or deny all Hindoo learning and think 14000 rupees a year (saved out of the Dukshna a stupid piece of alms giving) too much to give for paying 15 or 20 Professors and 100 exhibitions to students; *as to* *heap up the* *so* little learning there is and to afford a vehicle for introducing more, besides keeping the people in good humour and doing something to distinguish *will hearts* our occupation of the country from that of the *mild hearts* *heart* to whom Barke has likened *as* Tell me if it *is* was Mill that wrote it. By the bye, I have just received Mr. Hume's compliments *at* Essays by Mill *is* *from* headed from the Encyclopedia Britannica. If sent *extracted* by Mr. Mill, I should have many thanks to return. -----

ELPHINSTONE 1821-27

Bombay, December 1, 1821

Sir,

Sir John Malcomn being about to leave the place for Paris on his way to London, I am induced by the opportunity to take the liberty of sending you a few specimens of a coin that has lately been dug up at Mandvee in Cutch a principality not far from the mouth of the Indus. The unusualness of a head on Indian coins and something in the appearance of the heads themselves led to a conjecture that they might be connected with the Greeks, but the coarseness of the workmanship is hostile to such a supposition and the inscriptions throw no light on the subject as they are in a character which no one in this part of the world is able to decypher. The enclosed copy was made by Mr. John Stewart, a Gentleman at this place who has taken considerable pains to investigate the character of the coins. It contains a copy of each inscription and an alphabet collected from the whole. I have the honour to send specimens of all the different sorts of the coins of which I had duplicates. I beg your acceptance of them as a mark of my respect and in the hope that they may be of interest from the possibility of of them L(16) throwing some light on the early connection between India and Europe.

I have the honour to be, Sir, your most obedient and most faithfull servant.

(Signed) M. Elphinstone

I have the honour to enclose a Memorandum just received from Mr- Stewart.

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Bombay, January 29, 1822

My dear Uncle,

I am afraid you will think my requests multiply at a time when I ought to be satisfied with what has been done for me. The present, however, is so important to my excellent colleague, Sir Charles Colville, that I cannot refuse to prefer it. It is to obtain a writership for his nephew Captain Frankland now acting as his Aid de Camp. This young man is a Lieut in the 65th, but having been brought up to the diplomatic line at home, having acquired several of the languages of this country (35) and being conscious of abilities that would ensure his rise in any situation where it depended on his own exertions, he is anxious to be transferred to the Civil Line of the Company's service. There are other reasons which render it a point of very great importance to him to succeed in this object but although Sir Charles has several friends who could assist him in getting over the difficulties which I have to mention, there is none who can give him an appointment. I am, therefore, obliged to make this demand a nomination and have explained to Sir Charles the great probability that it will be out of your power to bestow it but as I have a great respect and regard for Sir Charles I am unwilling to withhold any exertion of mine that can be of use to a person in whom he is so much interested. (36) The difficulty to which I before alluded appears to me to be quite insurmountable. It is that Captain Frankland has already very nearly reached the legal age and has never strided at the Company's College. Sir Charles, however, has hopes that if he can get an appointment, the exertions of his friends joined to the actual Residence in India and the proficiency of his nephew may remove this objection. As all the friends to whom he means to apply are acquaintance of yours' they will no doubt communicate the success of their endeavours, whatever may be the result. I hope you will forgive the trouble I have given you.

Believe me my dear Uncle, yours most sincerely and respectfully

(Signed) M. Elphinstone

The Hon'ble W.F. Elphinstone,
East India House, London.

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⊗ on you. I am ~~sure~~ well aware of the value of such a

Bombay, August 18, 1823

Sir,

I cannot let slip an opportunity of returning my best acknowledgments for the readiness with which you have complied with my suggestions in favour of Majors Staunton and Ford and for the obliging manner in which your compliance is communicated.

Lord Amherst left Madras for Calcutta on the 26th but we have no accounts of his arrival. He will find all India in a most perfect state of tranquillity. I do not recollect any time when there was less probability of its being disturbed. The pirates in the Gulf of Persia are likely to be the first to require any military preparations on this part of India and even they are quiet at present and will probably remain so for two or three years at least. (63)

I have the honour to be with much respect, Sir, your most obedient faithful servant.

(Signed) M. Elphinstone

The Right Hon'ble
E. Williams Wynne, M.P.
East India Office,
London

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Bombay May 15, 1824

My dear Sister,

I received your letter by Mr. Tollemache two days ago. I was led by his high descent to ask him to live with me and I am very happy that I did so for when he came he proved to be a poor boy of 16, very modest and quite at a loss among strangers. I shall take care of him till he joins his Corps and put him in the way of learning the language, etc. By the bye, you left out a material word in his pedigree which has made ^(a3) more difficulties in understanding it than he can remove. You say "His father was youngest ----- of the regmant Countess of Dyrabt" but his exact relationship to that lady being left out, his connection with all the other great personages that follow remains in obscurity. Moreover, you call him our cousin which my knowledge of the Peerage does not enable me to explain. He seems a very nice boy. Your friend, Henry Trevylian was here all this forenoon with your god daughter Mrs. Chaplin (nee Frankland) who is ~~not~~ living in my house and is a great patroness of his. He has been on the eve of matrimony with a young lady of Bombay but it is now all off. I believe Mrs. Chaplin you know married my successor as Commissioner at Poona, one of the most respectable men in India. She is very happy ^(g4) with him, but has had ^(had) health for a year or so and came down here in November last for sea air. She is a very nice little woman. Your other friend, Douglas has got into terrible ~~scrape~~ ^{scrape} with his Colonel or rather with his Colonel's wife but there is not the least doubt the lady was the party to blame. He has, however, been obliged to go away from the Regiment and has taken the opportunity of joining an expedition which is going against the Burmans or people of Ava. He is a very accomplished fine young man and I much regret the situation he is placed in. You ask how the missionaries go on and I am sorry to say not well. They have too much sense not to see the importance of education and they devote themselves principally to that, but they conceive it indispensable that all their education should be mixed ⁽⁹⁵⁾ with something ~~xxxx~~ about religion which is very injudicious,

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for if education were once generally introduced, the Hindoo superstition must infallibly sink of itself and yet the connection between the instruction of their children and the downfall of their religion is not so obvious as to alarm the people so that if we confined ourselves to enlightening the natives, we should work the change that is wanted, certainly although peaceably and almost imperceptibly. But as the missionaries take pains to proclaim their design everybody is on his guard, the cause of education is injured and even when people allow their children to be taught to read and write by them, they fortify them against everything else that can be taught them. Accordingly though they have many schools among the lower orders, (96) They have not that. I have heard of made a single convert and this ill success is perhaps the most fortunate thing that could have happened for if their doctrine had spread at all in the present unprepared state of the body of the people, I have no doubt it would have led to violent tumults and perhaps to general insurrection. All this is so obvious that it looks like common place, yet it does not strike me that people at home are aware of it.

Believe me yours most affectionately,

(Signed) M. Elphinstone

The Hon'ble

Miss Elphinstone
Petersham, Surrey

Bombay, August 2, 1824

My dear Strachey,

In June 1822, the Government wrote to the Court of Directors to beg for a naturalist or a person who could enquire into the statistics and to the natural ~~his~~ history of this country in all its branches. I also wrote to Mr. Pattison, the Chairman, begging him to consult with Colebrooke to whom also I wrote about a suitable person. I received the most cordial answer from Mr. Pettison and I also heard favourably from Colebrooke but the thing has since died away. It is probable that this may be occasioned by the change of the Chairman in which case there is no help but it may also have arisen from want of being put in mind or Colebrooke may have failed in getting a person to his mind. In the last case I think we should try whether the ~~more~~ populous North cannot furnish a naturalist who would not object to emigration and in that idea I have ⁽¹²³⁾ got the enclosed letter to Mr. Jameson from a Member of our ~~Madras~~ Medical Board. My great fear, however, is that this new application may interfere with Colebrooke and I therefore beg of you to see or write to him explaining exactly how matters stand and enquiring what ought to be done. The first object is not to interfere with any plan he may have nor yet to appear to neglect him. If you should find that he has not given up hopes of getting a proper person you can destroy the enclosed otherwise you can forward them. The time it takes to hear from Europe renders it necessary to prepare for every contingency rather than have things at a stand during a reference, but I hope ~~x~~ that thing may be effected without ~~a-ltering~~ the former arrangement or calling in any new aid. You will, I suppose, have seen at the India House, the plans I drew out some months ago for the increase and improvement of schools and for the higher branches of knowledge ⁽¹²⁴⁾ among the natives, from the disapprobation the Court of Directors showed of the College at Poona and still more from their disapprobation of Adam's plans of improvement in Bengal, I am

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afraid they will meet with a cold reception especially as they really are very imperfect uncertain in their effects. The want of leisure among the Europeans and of zeal among the natives leave the whole business of improvement a dead weight on the Government and the Government partakes of the native want of zeal as well as of the European want of leisure and so all ends in drawing up fine plans.

Yours ever,

(Signed) M. Elphinstone

Condulla, Nov 7, 1824

My dear Sir,

I had the pleasure of your letter with the proceedings of the Oriental Society which I forwarded to Stanners. It could not reach him in a better time for he was up among the mountains near Shirauz visiting runins and digging for antiquities. His last letter to me was half-filled with great inscriptions in honour of Sassaman kings, some of which might be acceptable to the Asiatic society. Your letter was the first that drew my attention to the 20 guineas which I have not yet paid, but shall hasten to pay. The mixture of Europeans with the Orientals was very judicious for the reasons you assign but I should fear the whole labour of the transactions will fall on Mr. Colebrooke who for a long time was almost the sole support of the society in Calcutta (159) Ram Mohum Roy's journey to Europe is an extraordinary event and will probably be a memorable one. I doubt, however, whether he was not too much of a Feringee before and whether he would not have done more good if he had possessed orthodoxy and taken advantage of the latitude allowed by the Hindoo religion to undermine the superstitions of his countrymen without shocking their prejudices. The leaven of philosophy is nevertheless faily at work among the Hindoos and wonderful changes will be produced if we can only prevent over zeal and the explosions which it is likely to produce. Even the Missionaries seem sensible of this now. They have got so far as to admit that the first object is to educate the natives. I hope they will next discover that their own object will be best attained by keeping it entirely on the background and cooperating with other peoples in promoting knowledge (160) unmixed with anything that may retard its progress. I have not heard anything yet of the negociation for Zangeubar. say the Imaum of Mascat would give it up for an equivalent if we had any to offer, but I am not acquainted with the state of his affairs on the Coast of Africa and he may have views of aggrandisement there that would make him attach an unnatural value to Zangeubar. He is in very bad humour at present about the interposition of Captain Owen between him and his enemies (or as he insinuates his tributaries) of Bombassa or Mombaza. He has

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behaved very well to the restored Beni Boo Ali but has not yet allowed them to build solid habitations in their old village. I think he will now do so as Stannus who will soon see him is to press him on the subject. The cession (of) Zanguebar by him would almost entirely stop the African slave trade even in Asiatic countries which though by no means such an abomination as that to the European colonies, it would still be desirable to exterpate. Believe me, My Dear Sir,

Your most faithfully,

(Signed) M. Eliphinstone

Major Colebrooke
Commissioner
Cape of Good Hope

Bombay April 8, 1827

My dear Strachey,

An old Georgian between 60 and 70 has found his way here from Caucasus in quest of a brother who is known to some merchants here as a broker in London named Simon. He is so anxious to proceed that we have collected some money for him here, ~~and~~ his passage and send ^{paid} him off by the Lonarch, but as he speaks nothing but Georgian and Turkish he will want an interpreter at the India House and from ~~some~~ ^{your} perfect acquaintance with those languages it ^{is} impossible to find a fitter than you. ^{at all} event, I hope you will put him in the way of finding his brother and if that he impossible that you will prevent his being a burden to the Captain of the Ship. If no other means present themselves, rather than the burden fall either on you or on the Captain, You would much oblige me by paying out of my interest or by a draft on me any money necessary to send him back.

Yours most sincerely

Sd/- M. Elphinstone

Edward Strachey, Esq
East India House,
London

India Office Records: Elphinstone Papers

Salpa, November 16, 1826
(foot of a ghaat about 20
miles north of Sattara)

My dear Strachey,

I keep two letters of yours by me, meaning to write dissertations in answer to them when heaven in revenge for your sins shall give time enough to do so. You will see our Regulations and you will see what I beg you to look at. Borrodalle's and Steale's books, the former (130) a collection of decided cases, but I think more than usually well selected and arranged. The other a collection of information regarding the peculiar customs or rather customary law of castes. You will see also my new plans for the Deccan judicial system. The panchayats are almost gone and the principle is trial in the first instance by tolerably well paid natives with Europeans to superintend and hear appeals. You must tolerate the great care that has been taken of sirdars and other dignitaries in a country passing from one state to another. is more than ever

It is too much to ask you to read my innumerable and interminable minutes about native education, but I have been outvoted here and rather discouraged than otherwise by the Court. They say the Secretaries in Leaden Hall Street govern India and if so pray get your brother Secretary of the proper department to take my case into consideration. I will not quarrel about detail, if the objects be kept in view. They are; to spread the knowledge &c of reading and writing and the use of a few good books among all classes; to diffuse English and seduce in English but still more in the native languages among the upper classes. To encourage translations, from English by all means as well as original works on Science in native languages, to have some school or some classes for educating natives expressly for civil employments (but with no monopoly of employment in their favour); and to make it (131) an understood object of our Government gradually (it may take 50 years or a century) to make over civil business to the natives reserving only the situations necessary to control the whole to prevent the system degenerating and to open from time to time new streams from the sources of improvement in Europe. I begged my cousin (John Fullerton Elphinstone) to show you a letter I had written to him on the internal politics of the Bombay Presidency. I told him to send it to you whether he knows you or not. It will show the unpleasant state of things and the "harlot customers" I have to deal with. He is a "moche shrew" but still more of a "trigatour".

M. E.
(Monstuart Elphinstone)

Ed. Strachey, Esq.
East India House,
London

India Office Records: Elphinstone papers

Bombay, April 2nd, 1827

My dear Strachey,

I am extremely obliged by your ^{arrangements-}encouragements about my money which set me quite at ease. I am informed of them by your letter of September 26, that of July 3rd never reached me and probably went to the bottom in the Britannia. I send you the power and beg you to invest it in Consols if you can do it without trouble. If otherwise, make it over to ^{Missers Barne, old} South Sea House where it will lie till I come home.

Having done the business part, I hasten to a subject which interests me much more. I sent home my resignation in June last, but begged it might not be delivered unless you reported this money safe. ^{as it is safe.} I hope and trust, my resignation is delivered and that ~~about~~ 1st. / November I shall be a ^{freeman} and that on December 1st, I shall stand ^{Yek'sowar} on the ^{Apican} desert. I have ^{African} made a most excellent plan, got a most excellent fellow traveller (Mr. Steele, a Bombay civil servant of 4 years standing) and I shall be mortified beyond measure if I am not able to complete my project. Our plan is to get through to Egypt before the middle at all events before the end of January, spend February and part of March in Syria and Cyprus and go to Rhodes land on the S.W. coast of Caria and go to Ephesus, ^{Sunyria} and to Constantinople, leave that about the middle of April and spend May and June in Greece and then pass by ^{Corfu} to Italy and get home by September or October. If, however, we are delayed in the first part of the journey, we would pass the hot months in Constantinople or on excursions to the North or East of it and go to Greece in October and November. We wish to have weather there in which we may enjoy it. In July and August they say it is hotter than Bombay ^{more unhealthy than} Rangoon. I am already busily employed in my ^{Spae} hours (that is before breakfast and after dark) in making out routes from Strabo and similar materials, so that I may not miss seeing any place for want of knowing of it. Now I know that there are books to be had in Europe that would save one

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all this trouble and make the route through Greece as plain as the road to Bath and my object is to beg your assistance in procuring such books for me. I have got Gell's itinerary of Greece, but not of the Morea. And what I want is a complete collection to guide me through to Syria, Asia, Minor Greece Italy and Sicily. Those relating to the three first countries should be sent to me at Cairo to the care of Henry Salt, Consul General in Egypt. Those about Italy and Sicily, care of Sir Frederick Adam at *Corps*

I have got Herodotus *Thucydides, Xenophon*
Shabo, Pomponius, Meli, Polybius
and very few modern works but greatly want the latter department especially and in the ancient portable maps also (the very best) are unlikely to be had here. A map of ancient and modern Greece was promised by Suiff Gell and Col. Seake in 1829, but I do not know if it was published. If it was, it would be the thing for me. But I leave it to your discretion to select provided you remember to consider the four countries separately and think what is required to guide a traveller through each.

Bombay, May 13, 1822

My dear Sir James,

I had the pleasure of receiving your letter by Captain Morison to whom I shall in consequence attend as far as may be in my power. As yet I do not know his views or his claims precisely.

You will long ere this have heard of the melancholy fate of poor Mr. Rich. After he had escaped all the dangers of Baghdad he fell a sacrifice to the epidemic cholera at Shirauz. Mrs. Rich will be with you before this reaches you. Her claims have been strongly recommended by this Government to the Court of Directors and they are in themselves so perfectly reasonable (67) that I cannot have a doubt of their success. Erskine is recovering but certainly very slowly from the effects of his late illness. I do not know whether he ever writes to you about his present employment, framing a new code of Regulations for this Presidency. He and his colleagues are greatly restricted in their proceedings but laws, customs and prejudices which must be respected and in many instances are only putting the old Regulations into a more convenient and more intelligible shape. Even where they are so limited, their execution of the task has been admirable and drew forth the applauses of Sir William Evans who, I believe was a very competent Judge on such subjects. In some cases they take a wider range and I hope they will be able to make a complete code of Criminal law. At present we profess to administer the Mahomedan and Hindoo laws modified by the custom of the country. Those laws are often ~~the~~ absurd to enforce and much oftener they leave the punishment at the discretion of the Judge and one Judge is sever and another lenient so that nobody can (68) guess before hand what the punishment of a particular offence will be. The Regulation Committee will now form a scale of punishment founded on the law and practice of the country adopted where it can legally be done (which I fancy will be in most cases) to their own notions of justice. The Criminal Law will then

India Office Records: Elphinstone Papers

be clearly known and probably it will also be a rational code. I have not by any means forgotten your anxiety for Captain Campbell's success but I find some difficulty in doing anything to serve him. I made him an acting Pay Master at one time meaning him to rise in that line which is one of the best at my disposal; but he was inexperienced and alarmed at the responsibility and applied to be relieved so that what I ~~want~~ as a benefit to him turned out only a ^{liability} source of anxiety and uneasiness. Most of the Military appointments in which my gift belong to departments in which there are already many claimants who have been filling temporary situations. I have lessened my means of providing for friends by abolishing or transferring to ⁽⁶⁹⁾ the invalids various little offices and commands and as Captain Campbell is not a very smart officer, it is not every place that he will suit. I must, therefore, wait till something turns up and in the mean time I think it best to hold out no hopes to him. There is no news in India and if there were you have correspondents who would tell it better than I can.

Believe me my dear Sir James, yours
most faithfully,

(Signed) M. Eliphinstone

Sir James Mackintosh, M.P.

Elphinstone

12/11
BXXII/5

I have now only to consider the alterations that might be made in our existing alliances and I have already intimated that I do not think they can be much improved. They are doubtless attended with great inconveniences, but those are not to be removed, being founded in the character of those princes with whom we are so closely connected, or in the incompatibility between their character and ours. The perfection of these alliances ~~in time-of-war-and~~ would be for the native powers to send their contingents in time of war and never to be meddled with or heard of at any other time, but their restlessness, their rapacity, their weakness and the general want of confidence in them that results from their want of faith, continually bring them into situations where we are forced to interfere, either to save them from utter ruin or to prevent their making our power instrumental to their injustice and oppression. The debt to us incurred by the Gykwar (?) to preserve the existence of his Government, and the subsequent profusion and mismanagement of his servants, obliged us to take the control of finances which involves a (p.25) general superintendance of every branch of his administration. The unhappy state of the Nizam's mind and the hostile purposes for which his authority was made use of by those who had acquired an ascendancy over him, forced us on the course that has been taken with him, and it probably could not be changed in his life time without great danger. Though we have never directly influenced the Paishwah's Government, yet we have more numerous and more vexatious concerns with him than perhaps with any other power. If we were to examine the principal cases in which the British Government has taken a concern in His Highnesses' transactions, as those with Amrut Row; with the chiefs of Galpee and Jhansee and his other dependents in Bundelcund; with his tributaries in Katteewaur and his southern Jageedars,

India Office Records: Elphinstone
Papers: MSS European F88/14/E/18:
Letter from Elphinstone to Governor-
General Ahmednagar July 17, 1815
(36 pages): Extract.

we should find that in all those cases it was reluctantly drawn on by events and by its engagements and not actuated by any deliberate intentions of taking part in the Paishwah's affairs. This consideration will lead us to doubt whether we can ever be certain of exemption from this interference; and indeed it seems probable that if entirely left to themselves even in their domestic transactions, the allied Governments would soon sink under their own vices. The fear is that the effects of this principle may (p.26) spread until we have entirely assumed the functions of the Government and until the power of our ally is totally extinguished. Something of this sort has no doubt taken place with several of our former connections, but we cannot justly attribute the fate of those ephemeral governments to our interference. Nearly the whole of the governments that were in existence in India (I might almost say in Asia) when we first established ourselves there, have expired, as well those that remained independent as those which came under our protection. The latter were generally in the last stage of decay when they connected themselves with us and our interference instead of accelerating their end, appears rather to have prolonged their existence and to have softened the evils incident to their dissolution. It is equally our duty and our interest to abstain from all unnecessary interference, especially when it is not derived by the Government to which it relates; but considering the irresistible train of events by which we have hitherto been carried on, it may not be safe to enter into any precise engagements respecting the course we are to pursue, and perhaps all that is within our power is to be attained by a silent resolution to avoid unnecessary interference, without any promise or declaration to the powers concerned. A constant ~~service~~ ^{source} of annoyance to the British (p.27) Government, as well as of irritation to the allies, might apparently be removed by consolidating their dominions and doing away the claims they have on the lands and revenues of each other; but consider ^{king} how unreasonable the natives are, and how complicated and obscure the claims in question, it seems impossible to effect any arrangement with which they would not be dissatisfied, and if so; it is better they should remain indisputes among themselves than all unite in discontent with us. All consolidation that the allied governments are disposed to make among themselves ought however to be encouraged.

VII

Elphinstone
on Maratha Affairs, etc

Camp near Poona 13th June 1818

My Lord,

BXXVII/5C(11)

I have hitherto been prevented by want of information and want of leisure for enquiry from submitting to your Excellency any general view of the measures adopted for the settlement of the Peshwas' late country, or any suggestions on the plans which seem best suited to the completion of that object. I cannot even now finish a complete report, but I shall offer such facts and observations, as seem particularly to require your Excellency's attention. *furnish*

2nd In entering on the state of this extensive country, it is necessary to distinguish the different great divisions into which it naturally falls, when that is done, the objects necessary for the settlement of the whole can be considered, and afterwards the best means of attaining those objects. The Divisions are, 1st The Carnatic, between the Kisna and Toombuddra, 2nd The Maratta country, 3rd the Conkan, and 4th Candesh. The whole of the three first divisions may be considered as completely reduced, for if these are any forts still unoccupied they are of no note beyond their own neighbourhood and will probably surrender as soon as summoned. The Carnatic is principally inhabited by Canarese who are averse to the Maratta Government, and will probably remain perfectly submissive to us if they continue to be wisely governed. The name of the Maratta country shows that we have more to apprehend from it. The whole population are Marattas, and all have some attachment to their nation and feel some interest in its greatness, but the common (2) people are devoted to husbandry, and are likely to submit to any Government that will protect them and secure to them the fruits of their industry. The gentry who lose their consequence, and the soldiery who are thrown out of employment must however be discontented and desirous of a change, and these are some of both classes in almost every village. The Bramins

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must every where be greatly discontented though at present they show no sign of dissatisfaction, and at all times they are more likely to ~~instigate~~ intrigue than to try any open mode of hostility: they are very unpopular with the bulk of the people. The hill tribes of Beels, Coolies and Ramoossees are to be considered as distinct from the other inhabitants: all are of predatory dispositions and the Beels once created a troublesome insurrection, but I think that by good usage and occasional severity they will easily be kept quiet. The Concan though inhabited by the Marattas differs from the rest of the country, the inhabitants are peaceful, there are no jageers nor any horse. Candeish is the only part of the country that is still unsettled: The bulk of the people there are marattas, but they seem wearied of the misgovernment of the Bramins, and the tyranny of the Arabs, and heartily disposed to receive our Government, there are still some of the Paishwa's forts to take and some Arabs to expel who have occupied the strong holds of the country. The Beels in the mountains, with whom the province is surrounded, are to be restrained from plundering the plains, and all the numerous military classes are to be broken of the lawless habits they have acquired during a long period of tumult and disorder. The difficulty of accomplishing these objects must be increased by the (3) vicinity and intermixture of Scindia's territories.

3. Next to maintaining such a force as shall prevent all thoughts of rebellion, the best means of securing the tranquility of the conquered country is to conciliate the people: the marattas, by setting up the Raja of Sattara and by liberality to the Jageerdars; the Bramins, by keeping up their pensions and religious institutions; both castes, by finding employment for the civil and military servants of the former princes; and all, by just and good Government. It is however to be remembered that even just Government will not be a blessing if at variance with the habits and character of the nation.

4. These being the objects in view, the means of attaining them are next to be considered, and as they depend on the application of our pecuniary means, it is necessary before they are discussed to enter on an examination of the probable revenue of our new conquests.

5. The Paishwas' whole revenue before the last treaty amounted to 2,15,00,000 of which 95,00,000 was paid into the treasury, and 1,20,00,000 allotted to Jageerdars, of this last sum 26,50,000 was produced by lands in Hindustan which had greatly declined in value, and from which the Paishwas derived no benefit whatever.

6th This last 26,50,000 with ^{32,00,000} 3,20,000 of the amount payable into the treasury was ceded by the treaty of Poona concluded in June last. The real state of the revenue therefore stood thus at the breaking out of the war:-

Paid to the treasury	...	63,00,000	
Alloted to the Jageerdars..		93,50,000	
Total		<u>156,50,000</u>	(H)

The revenue paid to the treasury has however declined from over assessment and threatens further decline, that of the Jageerdars has suffered from the same cause and it was besides overrated at first in assigning it to those Chiefs, so that it falls much further below its nominal value than that paid to the treasury. We may therefore reckon them at:

Paid to the Treasury	...	50,00,000
Jageerdars	...	65,00,000
Total		<u>115,00,000</u>

7th The first demand on this revenue is a provision for the Raja of Sattara: Your Excellency's instructions left me the choice of giving him a Jageer or a small sovereignty and I was inclined to adopt the latter plan for various reasons. At the time when I had to decide, the Marattas showed no disposition whatever to quit the Paishwa's standard, and it appeared not improbable that the dread of the complete extinction of their national independence, and still more, that of the entire loss of their means of subsistence from the want of a Government likely to employ them, would induce them to adhere to Bajee Row with an obstinacy that could never have been produced by affection for his person or interest in his cause. It therefore seemed expedient to remove those grounds of alarm by the Establishment of a separate Government. Your Excellency will have

observed from Brig. General Munro's letter of the opinion of that experienced officer, that a state like that of Mysore should be formed for the Rajah, and although I did not (5) think myself at liberty to act on the plan to its full extent, I was deeply impressed with the same arguments that had occurred to General Munro on the importance of leaving for part of the Paishwa's subjects a Government which could afford them service in their own way. Some part of the revenue must necessarily have been sacrificed to the maintenance of those classes, and by adding a portion of the revenue so sacrificed to that designed for the support of the Rajah I expected to keep many in employment, and more in hopes that would otherwise have remained disaffected and ready to join in every scheme for disturbing the Government or laying waste the country.

8th For these reasons, I thought it would be desirable to assign to the Rajah the territory bounded by the Neera, on the North, the Warna and Kisna on the South, the Ghauts on the West, and the Nizam's frontier on the East, with the exception of the Jageers of the Putwardhuns and such others as your Excellency may think proper to exclude. I found it necessary to give the Raja an outline of the establishment I meant to propose for him, that I might put bounds to his extravagant expectations on the one hand and prevent disappointment and disgust on the other, but by the mode of my communication I retained for your Excellency the power of circumscribing the grant within moderate limits if you thought it politic, and of altering the grounds of it entirely, if the Raja's conduct should render him unworthy of your liberality. By withholding all the lands that were in Jageer at the (6) breaking out of the war Your Excellency would reduce the Rajah's revenue to thirteen lacks of rupees, which might be further lessened by requiring him to pay for a Regiment of Infantry to protect his country; and by granting him the lands of Jageers ^{for} ^{Ldars} field since that period and placing under him the ^{Ldars} Jageers with his limits (with the exception of those of the Putwardhuns) you would make his direct revenue upwards of 18,00,000 and that held

of him by dependents Chiefs about 4,00,000 additional. This is on a supposition that his eastern boundary was to be the Beema, but a further addition might be made by giving him Solapoor and other places south of the Neera, but beyond the Nizam's frontiers. In this would also be included the Jageer of the Raja of Akulcote and as the connection would be agreeable to both parties this arrangement would perhaps be politic: that regarding Solapoor is more doubtful.

9th To conclude the subject of the Raja's limits, I beg to observe that his conduct has been perfectly satisfactory, and that the object of establishing his Government would probably be best effected by fixing his territory on a liberal ^{territory} scale. With respect to the mode of his Government it must long be under the immediate control of a British agent. The Raja is young and totally inexperienced, and the people about him are those who shared his misfortunes as ignorant as himself without being as intelligent or as well disposed. The Government ought however to be emancipated as soon as circumstances will admit of it, and to be placed on the same footing of independence as our other allies. The Raja is desirous to have a treaty concluded with him, but there is no urgency in the case, and I shall therefore await your Excellency's instructions regarding it. It will indeed be of advantage to delay the conclusion of it until experience shall have shown the terms, fit to be imposed. Whenever a treaty is concluded, the Rajah's dignity should be scrupulously preserved while his total separation from all the former dependents (7) of his nominal state should be explicitly declared, as one of the grand advantages of the deposition of the Paishwa is, that it dissolves the Maratta ~~auxiliary~~ confederacy by destroying the common point of attraction. An article may be required to compel the Raja to keep up for a time at least the proportion of troops which his revenue can bear.

10th Some provision may be necessary to secure the Jageerdars who are under him from being worse off than they were under the Paishwa, but if they should voluntarily prefer his Government to that of the British, they would have no claim to this protection and it probably would be for our interest to withhold it. The Punt Scheme is

entitled to particular consideration as he was one of the first who left the Paishwa, on which account I promised him his whole Jageer except his claims on the Nizam's country which form a considerable part of it. He may be allowed his choice to be put under the British Government or the Raja. Shekh Meeran of Wye is likewise entitled to the same consideration for his early submission, his lands lie on the Company's share but he resides at Wye, and is an old adherent of the Raja, who ought therefore to be required to give him an indemnity. The amount is small.

11th The next object is to provide for the Jageerdars, and these may be divided into several classes; the Putwardhuns and the Kettoorkur form a class by themselves. Although the policy of the Putwardhans was wavering and undecided, they soon took the important step of separating from the army, and although this was done by the Paishwa's permission and with the intention of keeping up a close connection with him as well as with us, the impression made by their conduct was nearly the same as that of an open defection. Gunput Row of Trusgaum, though not included in our guarantee of Prinderoor was the first who (8) decidedly took part with the British Government, and is therefore to particular attention. General Munro has repeatedly assured the Putwardhuns that their condition shall be better than it was under Bajee Row; and latterly both he and I have held out the prospect of a small addition to their lands. The Kettoorkur's conduct was still more friendly, he remained at home from the commencement of the war, and though he might have had a small party of horse with the Paishwa, he showed much more readiness to act with General Munro than with that Prince.

12th In discussing the manner of rewarding the partizans with General Munro, it appeared to us both that the Putwardhuns ought to receive an addition of about 3,00,000 in all, made up as much as possible of portions of the revenue of their jageers, which were formerly reserved by the Government[⊗] villages interspersed through their jageers, and the sum to be completed if more were required, by the addition of such contiguous villages as might be most agreeable to themselves. This charge and that of rewarding our other adherents will amount to 50 lacks at least.

⊗ according to the Maratta practice, or of government

13th The Dessye of the Kettoor appears in the double form of a Jageerdar and the descendant of an ancient tributary. His ancestors were petty ~~fama~~ princes of kittoor until that country was conquered by Tippoo Sultan. It was ceded to the Marattas by the treaty of 1792, and the Paishwa employed this descendant of the ancient princes as his Collector. This person took advantage of the troubles that followed Bajee Row's accession, to establish his own independence. He was afterwards induced by the persuasion of Sir B. Close to come to Poona, and to agree to pay 1,75,000 rupees for his country. At the same time, the Paishwa conferred a Jageer on his second son for (9) the maintenance of 500 horse. Since that time his payments have been irregular, and the Paishwa was strongly disposed to resume his whole lands, which are valued at 6,00,000 rupees. General Munro and I ~~concluded~~ concurred in opinion that this Chief ought to be formally invested with his ancient character of a tributary Prince, that his arrears ought to be remitted, and that his future tribute ought to be fixed on a liberal consideration of his ability to pay, but on no account to exceed what he was bound to pay to the Paishwa.

14th Some arrangement must likewise be made to indemnify him, by deductions from his tribute or otherwise for a great part of the Jageer granted to a member of his family, which is composed of vexatious claims on the lands of the Putwardhuns and ought to be renounced. His tribute is not included in the 50,00,000 rupees at which I have estimated the Paishwa's revenue. The Chief of Ramdroog having early joined General Munro is likewise entitled to retain all his lands and privileges, but I possess little information regarding the nature of them. I believe he is a petty tributary and ought not properly to be classed with Jageerdars.

15th Appa Dessye ought properly to belong to the class of Jageerdars which is next to follow, as he remained with the Paishwa until after his defeat by Colonel Adams, but as he always kept up a negotiation with General Munro or with me, as he certainly always counselled peace, and as he showed no particular activity against us

during the war, it appeared only a reasonable liberality to admit him to the terms of Punderpoor, as far as was consistent with a promise I had made to reward the zeal and fidelity of the Raja of Colapore by a grant of the long disputed districts of Chickoree and Manowly for which he has always manifested the utmost anxiety. These districts are worth from 3,50,000 to 4,00,000 rupees, (10) and the remainder of appaxxt Appa Dessye's Jageer is not more than 3,50,000, of which 80,000 consists of rights on the Nizam's lands now sequestrated. I have requested General Munro to promise Appa Dessye the restoration of these claims or an indemnity, (which I think right to be paid by the Nizam) and likewise to promise further favourable consideration in case of good behaviour. I intended this consideration to extend to a grant of land equal to a fourth of the value of Chickoree and Manowlee, provided the amount of that portion did not exceed a lack of rupees. I am not certain whether General Munro considered Appa Dessye's conduct in his late ~~sa~~ negotiations to have entitled him to the fulfilment of these intentions.

16th These Jageerdars must by our agreement with them continue to be governed according to the terms of Punderpoor, which are founded on the ancient custom of the Maratta Empire. They must therefore have the entire management of their own Ja-geer including the power of life and death, and must not be interfered with by Government, unless in case of very flagrant abuse of power or long continuance of gross misgovernment. Their contingents ought only to be called out for general service, but they ought to assist in quelling any disturbance in their immediate neighbourhood. When their contingent is called out, it ought not to be strictly mustered, and one fourth of the stipulated number of horse ought to be considered sufficient; if any stricter rule is observed they will be ~~lesen~~ by their transfer to our Government. *L. Casers*

17th The rules regarding the independent authority of the Jageerdars apply more strongly to the Punt Sucheem if he comes under us, and still more so to Angria, on whom the Paishwa seems to have had no just claim, but that of conferring investiture with its attendant privileges. *L. (11)*

18 The Jageerdars next to be mentioned have no contingents to furnish, and will have their lands like private estates under the authority of the British Magistrate, but that authority must for a time at least, be exercised with caution and consideration, for the habits and practice of the Maratta Chiefs.

19 These Jageerdars may be divided into persons holding lands for the payment of troops and persons holding lands for their own support. The former class have lands for their personal expenses as well as for those of their troops, and in cases where the Jageerdars did not come in on any first proclamation, I would propose to leave them only the first part and to resume the second. It is politic and humane to allow a liberal maintenance even to those who have obstinately resisted us, but it is neither required by humanity nor policy to give such persons the commands of troops paid from the revenues which have fallen into our hands.

20 The individuals whose lands are assigned for their personal support alone, must, I think, be allowed to enjoy them, even if they had been in arms against us, but as most of them are civil ministers and generally those of former days, I do not think this will be the case in many instances. It may however be necessary to make some alterations in the allotment of their lands, as well as of those belonging to Military Chiefs, so as to make distinctions according to desert, and to leave some fund to provide for persons similarly situated who may not have derived their support from grants of land.

21 After deducting from the sum of 65,00,000 the Jageers of the Putwarduns and the other Jageerdars (12) who retain their lands, the personal jageers and those which fall to the Raja about 24,00,000 nominal revenue will remain to Government, but the most moderate allowance for the falling of the revenue will reduce this sum to 15 Lacks.

22 The preservation of religious establishments is always necessary in a conquered country, but more peculiarly so in one where the Bramins have so long possessed the temporal power. The Paishwas' charities and other religious expenses amount to near 1,50 15,00,000 besides those of the

wealthy persons in employment under his Government. It would be absurd to imitate this prodigality, but many expenses of this nature are rendered necessary by the proclamation of Sattara, and it would be worthy a liberal Government to supply the place of the Paishwas indiscriminate charities by instituting a Hindoo College at one or both of the sacred towns of Nassick and Wye. For this and other religious expenses we may allow 2,00,000, the rest of the necessary religious and charitable establishments, not defrayed in the districts independent of the net revenue, may be supported by the Raja of Sattara, whom it would probably be impossible to restrain from this sort of expense even if it were necessary.

23 I am come to one of the most important subjects connected with a revolution like the present, the employment of the civil and military servants of the old Government. This has been found a difficult question to dispose of even in our former partial conquests, and it must be much more so in this case, as this is perhaps the first native Government of which we have annexed almost the whole territory at once to our own possessions. While any portion of the old state is left there is always a retreat open for those who are dissatisfied with our arrangements, (13) but when the whole is brought under our dominion, many must remain within our territories who are dissatisfied with their own loss of profit and consequence and disgusted with the novelty of our institutions and manners. This would leave many mal-contented even if we had had no enemies besides the Paishwa and his army, but our late war was not with him alone but with all the predatory part of the troops driven from the ranks of Holcar, the Raja of Berar, and the Pindaries. By far the greater part of these armies was no doubt melted into the mass of the population, but the most obstinate and untractable portion joined the Paishwa and replaced the Maratta cultivators, who long since began to quit his army; I have not heard of these adventurers returning to their own country, they must therefore either be provided for as irregular horse or extirpated as plunderers. Independent of these, the villages in the Maratta country and in Candeish swarm with horsemen, who were permanently or occasionally employed by Bajee Row and his Jageerdars, and who sent some of each family to serve Sindia and Holcar and the Raja of Berar; while others occasionally joined the Pindaries, and many in Candeish at least found constant employment in the distractions of the country.

24 The whole of the horse employed within the Paishwa's country during the late war may have amounted to from 25 to 30,000. The greater portion of these may be allowed to find a provision for themselves but a part must be taken into pay directly or indirectly by Government. The auxiliary horse appear to afford a place for this description of soldiery, but the present composition of that Corps unluckily does not fit it for that object. They were (14) first raised at the commencement of the Pindarie war when the Paishwas' recruiting was at its height. It was then and still more after the war broke out an object to get men, and it was of little consequence from what part of the country they came, 2,000 were raised in the Nizam's country, near 1,000 in Guzerat, 500 were recruited at Nagpore, and 500 at Poona, 500 were raised from people connected with the subsidiary force who embarked their money in the purchase of horses for the auxiliaries although not originally of the military profession. After the number originally intended was nearly complete there arrived a body of about 1,800 recruited from the wreck of Holcar's army, and about 500 from the North of Hindostan, making a total of 7,000 men of which only 500 are strictly of the description required.

25 I propose gradually to reduce the numbers of those troops. First, by discharging all bad men and horses and men not of the Military classes, then by dismissing such foreigners as are likely to find employment or subsistence elsewhere, and finally by reducing the pay of those who remain. A copy of my instructions on this subject to Lieutenant Colonel Cunningham has been transmitted for your Excellency's notice. Some of the auxiliaries must be kept up for three years; part, because they have embarked their property in the purchase of horses in the hope of long employment; and part, because they have been explicitly promised service for that length of time and the discharge of the rest must be gradual and can scarcely be in any forwardness before the opening of the next cold season, up to that time I shall entertain none of the horse of the country. (15) They could do no harm during the monsoon even if their horses were not exhausted by their late fatigues. The want of employment and of plunder will drive back to their old professions all who were not originally soldiers, and a door may be gradually opened in the dry season to those who have no other

means of subsistence. The persons of this description in the Paishwas' late territory cannot be less than 5,000. Half of these ought to be desposed of with the Raja of Sattara and among the Jageerdars, and the remainder with such of the auxiliary horse as cannot be reduced will form a body of irregular cavalry well adapted to maintaing tranquillity in a new and unsettled country. The expense of the whole ought to be kept within the amount ceded by the Paishwa for their payment, and in the course of next year, I think they may be so reduced in numbers and pay as to leave half that sum disposable for other purposes.

26th The Paishwa's Infantry was much more numerous than his Cavalry. Their pay is however much less and they more easily find employment either as Sebundies or as revenue peons. The only part who are difficult to dispose of are the Arabs, whose high pay and their habits of insubordination render it impossible to entertain them. Many of these it is to be hoped will return to Arabia and others may find employment with the remaining native states, but there is still ground to expect distirbance from them before they are settled or expelled.

27th The principal officers of the Paishwas' army were Jageerdars, and enough is done for them by leaving them their personal Jageers. The few not so provided for must be ~~xxxx~~ pensioned on moderate sums. (16)

28th The number of great civil officers is small from the mode of administration pursued by the late Paishwa, which then ~~most~~ ^{of the adminis-} ^{tration} of Government into the hands of farmers, often men of low birth and bad character who have no claims on Government either from their own merits or their influence with the people. Of the respectable part, some hold personal Jageers which should be continued to them during their lives at least, and others that cannot find employment under the new Government must receive pensions. To this I would grant pensions to some of the old ministers of the state reduced to poverty by the persecution of Bajee Row, a sort of country ^{that} ^{that} would be more popular than the ^{provisions} ^{for that prince's own ministers.} ^L ^{bounty}

29th In calculating the provisions for these persons, I do not think it necessary to include those who remained with Bajee Row to the last. They are generally low men, the ministers of his pleasures who have no claim on the state, and whom he will probably be disposed to retain about his person. The only respectable men with him were Jageerdars and will retain their personal lands. The whole of these pensions will probably not exceed 2,00,000 of rupees a year and they will continually diminish as the holders die off. I shall endeavour to provide for as many as possible of these persons in the public offices, to prevent their being absolutely a burden on the Government.

30th The pension to Bajee Row is to be reckoned among the expenses of this country. Eight lacks, though wisely bestowed in purchasing the submission of that prince appears quite as much as it is politic to allow him to command, I shall therefore put down no addition to that sum. (17)

31 Chimmajee Appa ought, I think to be allowed 3 lacks, and 2 more may be allowed for unexpected claims of the same kind which cannot now be foreseen. The extent of this sum renders it unnecessary to make any separate charge for a pension to Gungadhur Shastry's family which, as your Excellency proposed it to the Paishwa, you might think it reasonable to grant now from the revenue which he formerly possessed.

32 These are all the pecuniary payments that will fall on this new territory, but there are some territorial claims which require consideration. That of the Raja of Colapore has already been settled without any charge on the Government. The districts ceded by the Paishwa in Hindostan have gone to reward our adherents in that quarter. The cessions of last year and perhaps an exemption from his tribute would be amply sufficient for the Quickwar, and there only remains to consider the claims of His Highness the Nizam. His Highness's fidelity and exertions during the late war are doubtless worthy of an ample reward, but convenience appears to require that he should be put in possession of even more than the most liberal consideration would entitle him to claim. It is reasonable that some remuneration should be made to the British Government for the excess of

these cessions above what the Nizam ought in justice to have received. The amount of the Paishwas' Choute and other dues in the Nizam's country actually enjoyed by him was charged in his accounts at 23,84,233. It is reckoned that as much of this amount is embezzled by the collectors or expended in the charges of management as reaches the treasury. The amount actually paid by the Nizam may therefore be reckoned at 12,00,000. In addition (18) to this the Paishwa had a claim on the Nizam for upwards of 18 lacks per annum which was disposed by the latter prince on very insufficient grounds, and to all this is to be added his claim to arrears for many years for the whole of the sum disputed or withheld. An officer had been appointed to investigate these claims, who was only prevented commencing by the Paishwas' plots against the British Government, and if the matter had come to an investigation it seemed almost impossible that the sum to be paid in addition to that actually received by the Paishwa could by any remissions or abatements have been brought below 10,00,000 rupees. It may therefore be fairly reckoned that the Nizam's Government gains at least 20 lacks of rupees by its exemption from the claims of the Paishwa. The lands intermixed with the Nizam's territory which are distinct from the Choute and other dues amount also to 3 lacks of rupees; and if the Nizam receives Holcar's possessions within his limits and the Raja of Berar's under Gawileghar, his whole gain cannot be less than 30 lacks of rupees: by the Marratta accounts it would be 57 lacks, without counting the Paishwa's arrears. If this appears to be more than His Highness's porportion of the clear profit of the war; the excess might be advantageously compensated by a cession of the tract between the Toombuddra and Kisna, which if annexed to our new possessions in the Carnatic would unite them in the most convenient manner to the ceded districts. The Nizam's country between the Seena and Beema would also form a desirable possession either in addition to the country just mentioned or in lieu of it, as the revenue may prove to be greater or less than we are entitled to claim. I should think we might expect to receive at least ten lacks of net revenue. (15)

33 I will now proceed to show in one view the amount of the Paishwas' revenue, the expenditure I have mentioned, and the balance remaining.

In this I assume that the Nizam is at least to make compensation for the money which reached the treasury from the Choute and the lands included within his frontier:-

Jageerdars	Government Revenue
Amount of Jageer after deducting those in Hindostan and those continued to the Putwardhums and Appa Dessye <u>60,80,000</u>	Total Revenue .. <u>50,00,000</u>
Deduct Choute on the Nizam's country 5,90,000	Assigned to the Raja 12,00,000 .. 12,00,000
The Jageers between the Neera & Kisna assigned to the Raja of Sattara.. 17,30,000	Rewards to the Putwardhums and other adherents.. 5,00,000
Personal allowances to officers civil and military <u>11,20,000</u>	Religious expenses .. 2,00,000
Lands which it may ^{assume} prove unjust to revenue. <u>2,00,000</u>	Pensions to civil & military officers .. 2,00,000
Remaining with Govt ... <u>24,40,000</u>	Pension to Bajee Row .. 8,00,000
Deduct ^{for} from defalcation <u>9,40,000</u>	Pension to Chimnaje .. 3,00,000
Real produce to the Govt. <u>15,00,000</u>	Other pensions .. <u>2,00,000</u>
	<u>34,00,000</u>
	16,00,000
	Add amount of Jageerdars resumed .. <u>15,00,000</u>
	<u>Total Net Revenue. 31,00,000</u>

34 This gives a prospect of a clear revenue of 31 lacks supposing that the civil expenses do not exceed those of Bajee Row, and that the military expenses are covered by the cessions of Baseen and Poona. This last expectation may be confidently entertained, it may indeed be expected that the diminution of expenses of the auxiliary horse will set free ~~1200~~ 18 or 20,00,000 additional, and leave 50,00,000 of clear revenue by the end of the next year. These estimates however are so often fallacious that they ought not to induce us to relax in the most rigid economy in all our establishments connected with the Paishwas' country.

35 The revenue of Holcar's share of Candeish has not been included in the above statement, but it must I imagine be very small, and the present revenue (20) with that addition will still fall short of 40 lacks. Candeish is however the most improvable part of the whole of the conquered territory. Should the amount above mentioned be thought insufficient to meet the purposes to which your Excellency may intend to allot it, the following additions may be made to it. Rastia's and Gokla's Jageer lands between the Neera and Kistna may be retained. The pensions to civil and military officers may be recovered by resumption from the personal jageers. The Gykwar's tribute may be exacted, Holcar's lands may be withheld, and less favourable terms granted to the Nizam. The two last items cannot be exactly calculated, but the others would give the following additions:-

Rastias' and Goklas' lands ..	4,50,000
Pensions saved ..	4,00,000
Gykwar's tribute ..	4,00,000
	<hr/>
	12,50,000

I would recommend retrenching the Raja's revenue and enforcing demands on foreign states rather than lessening the pensions, but many of these last are for life only, and the others may be made so also, although with respect to the old military jageerdars I would by no means recommend the resumption of the lands on the death of the individuals. Those of civil officers or new jageerdars may more properly be lessened or entirely resumed.

36 I have next to mention the civil administration of these acquisitions. The system at present in force is sufficiently explained by my intentions to the officers employed in that department. The main principles of those instructions were to consider every thing subservient to the conduct of the War and scrupulously to avoid all sorts of innovations. This last rule I am still anxious to enforce, and to endeavour to show the people that they are to expect no change but in the better administration (21) of their former laws.

37 No body of regulations could indeed be introduced into a state, the component parts of which are at present so unsettled, and at all times so complicated and so imperfectly known: every thing, even in the details of civil administration must be done on a general view of all its bearings, and improvements can only be made by degrees after a separate consideration of each individual measure.

38 In considering the arrangements to be hereafter adopted, the first question, is that pointed out in your Excellency's instructions regarding the Presidency under which each part of the conquered territory is to fall. I think there can be no doubt that the country to the south of the Raja of Sattara's dominions ought to be assigned to Madras, and that to the North of the same tract to Bombay; but there is no local circumstance to determine whether the political connection with the Raja of Sattara should remain under the Supreme Government or be assigned to one of the Subordinate Presidencies. If troops can be furnished with ~~xxxxxx~~ nearly equal facility from both establishments, those for the protection of Sattara ought to be from Bombay, from whence, the possession of the southern Concan and the neighbourhood of the sea will give great facilities in supplying them. If the political control remains with the Supreme Government, the Raja's dominions ought to be a separate command.

39 The time when these territories can be made over to the different Governments can scarcely be fixed as yet. The reduction of Candish which will complete the conquest of the country will probably be effected before the end of the year, and by that time it will be obvious whether any instructions (22) are likely to occur. Until that period, the continuance of the present provisional Government will probably be necessary on account of the advantage derived from unity of authority in quelling any attempts at revolt.

40 The southern Concan however, the conquest of which has been effected entirely under the immediate orders of the Government of Bombay will best remain under that Government. Few of the difficulties to be apprehended in the Deccan exist there, and the Right Hon'ble the Governor will doubtless issue all the orders necessary for conciliating the prejudices of the people and for giving maintenance to those who have lost their former employment.

41 With respect ~~of~~ to the territories above the Ghauts, our ordinary administration ought not immediately to be introduced even when they are made over to the Governments to which they are to belong. Even if they could be quietly imposed it is a question whether our regulations would be beneficial to the people in their present state, and it is very doubtful how they would be received. Many novelties must accompany every revolution, and if to these we voluntarily add an entire change in the laws it is easy to conceive the odium and prejudice we shall raise up against us. The probability of disgust is increased where there are so many intermixed authorities of foreign states, of dependent princes, of old and privileged feudatories, and of half subdued hill chiefs, while the number of unemployed soldiers and the various seeds of disorder that be scarcely concealed both in the country itself and in its connection with the other^s. Marrattas point out the extended disaffection and (23) convulsions which would be the result of an unsuccessful experiment; on the other hand the present system is probably not bad in itself as the country has prospered under it notwithstanding the feebleness and corruptness with which it was administered. At all events it is generally known and understood, it suits the people whom indeed it has helped to form, and it probably is capable of being made tolerably perfect by gradual improvements introduced as they appear to be called for. There seems no ground for fearing that we shall be remiss in introducing our own system and it is better that it should gradually encroach on the institutions of the country than that it should overwhelm them at once, and leave the inhabitants without any known objects by which they can direct their course.

42 On these principles I would long leave the collectors to administer the Government without the restraint of any regulations, but those which they find established. They would require to be well supplied with the assistance of European gentlemen. Their Mamludars would collect the revenue from the villages through the Patails as is now usual. The Patails might settle village disputes by Village Punchayets (arbitrations). The Mamludars would superintend the trial of more important causes by Punchayats of the most respectable people within their divisions, while those of greater magnitude and all appeals

would come before the collector himself (24) assisted also by Panchayets and by Hindoo Lawyers. Criminal justice would be conducted in the same manner, with the exception of the Panchayet, which though it might probably be found useful, even in such cases, would be too new to be hastily introduced. In places where the lands remain to small Jageerdars, these persons would administer justice instead of the Mamludars, and would be treated by the collector with more or less consideration according to their rank and character. Some of the greatest, the Vinchoorkur Poorunderee, etc. might be left for the present with little interference on our part unless in cases of great injustice.

43 The great jageerdars to the southward who are entitled to govern their lands as formerly would be best managed by the collector of the Carnatic as political agent for Government, in which character he ought to receive a distinct salary and have a separate office. The same officer ought to take charge of our affairs at Colapore, and on this plan, I shall proceed till further orders. It seems an easy arrangement to place the management of these Chiefs under the political agent at Sattarra, but besides the intermixture of the land with the Company's in the Carnatic, it is an object not to make them look to Sattarra as their Head Quarters or keep their Vakeels assembled at that Court.

44 The numerous Beel Chiefs in the province and the intermixture of Scindia and Holcar's authority will render a similar appointment necessary in Gandeish, but any treaty that could remove that intermixture by exchanges (25) or otherwise would contribute more than almost any other arrangement to the settlement and prosperity of the country. The bad effects of such an intermixture is less felt in an old possession than in a province which is still in confusion, where occasional disturbance and constant example prevent men from acquiring the habits of regularity and tranquillity that are essential to the prosperity of a country. On these grounds I would strongly dissuade the cession to Holcar

alluded to in Mr. Adam's letter to Sir Malcolm dated April 9th. The loss by such a cession to the British Government would be thrice the gain to Holcar, as he would only receive the scanty tribute now drawn from a ruined district, while we should give up the hopes of the full revenue not only of the tract ceded but of the neighbouring districts where all improvement would be prevented by the ~~xxx~~ neighbourhood of a Government like that of Holcar.

45 An arrangement with our own Jageerdars for a consolidation similar to that just proposed for foreign states is one of the very few innovations which I think it would be desirable to adopt. Even it, I should postpone if the occasion were not particularly favourable. The Jageers of the greater part of the jageerdars are already resumed, and as their personal lands will be restored as a favour it will be easy to accompany the grant with a condition of exchanging the objectionable right or lands either for a more (26) convenient piece of land or for a pecuniary payment. A similar agreement may be made with the Putwardhuns when they receive the proposed addition to their lands, and with Appa Dessye in settling his claims on the Nizam and the eventual addition to his lands. The Punt Sucheem has already been warned that this concession would be expected and all the other jageerdars are in the predicament first alluded to.

46 The only remaining class of inhabitants are the Beels and other hill-tribes to whom I would restore the allowances formerly given by the Maratta Government on condition of their protecting the roads. I would even make some addition to secure their good conduct, and this with a regular persevering pursuit of any chiefs that continue their habits of depredation would I imagine render them perfectly inoffensive.

47 I have said nothing in this report on the military ~~xx~~ arrangements requisite for the country which have already been mentioned in many other letters. I have only to observe that the force ought on no account to be diminished during the approaching fair season. Whatever precaution we may take there will remain many persons discontented and many unemployed. The number of these classes

formed the strength of Dhoondia after the conquest of Tippoo's country, and of Holcar after the Maratta war in 1803. The same causes may be expected to lead again to the same result. At present the military classes are worn out with their late fatigues, the combination of which Bajee Row was the centre is dissolved and no new one formed, and all (27) ranks are stupified by the blow that has fallen on them and scarcely sensible of the full effects of the revolution. When the season opens for military operations, when people have had time to feel their losses and communicate their regrets, when the soldiery begin to miss the accustomed call for their service, and when Appa Saheb of Nagpoor and other adventurers who still remain in arms commence their operations, it may be expected that some tumults will arise in this country. likewise, these can only be quelled by the speedy application of an overwhelming force and even if no rebellions should break out the presence of the troops will not be destitute of important and desirable results; nothing has so powerful an effect in settling the minds of men as a consciousness in the disaffected that resistance is hopeless and a feeling among the peaceable part of the community that the country is secure even from partial disturbances. I shall endeavour to keep all the pecuniary arrangements alluded to in this despatch open until I receive your Excellency's commands, but it would be advantageous to have them all arranged as soon as it may be convenient to decide on them.

I have the honour to be, etc., etc.

(Signed) M. Elphinstone

(True Copy)

To

His Excellency
The Most Noble The Marquis of Hastings K.G.

10. 21 21

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in the first instance depend. Supposing, however, that he is honest and learned (which last quality is not now common, and must daily become more rare), he has the choice of a variety of books to quote from, and in many instances the same book has a variety of decisions on the same question. When the question depends on customs the evil is at least as great; the law is then to be collected from the examinations of private individuals, the looseness of tradition must lead to contrary opinions; and even when any rule is established, it is likely to be too vague to be easily applied to the case in point. Add to this the chance of corruption, faction favour, and other sources of partiality among witnesses. There are but two courses by which a remedy can be applied. The first is to make a new code founded entirely on general principles, applicable to all ages and nations. The second is to endeavour to compile a complete and consistent code from the mass of written law and the fragments of tradition, determining on general principles of jurisprudence those points where the Hindoo books and traditions present only conflicting authorities, and perhaps supplying on similar principles any glaring deficiencies that may remain when the matter for compilation has been exhausted. The first of these courses, if otherwise expedient, is rendered entirely impracticable here by the attachment of the natives to their own institutions, and by the degree to which their laws are interwoven with their religion and manners. The second plan is, therefore, the only one which it is in our power to pursue. The first step towards the accomplishment of its objects appears to be to ascertain in each district whether there is any book of acknowledged authority, either for the whole or any branch of the law. The next is to ascertain what exceptions there are to the written authorities, and what customs and conditions exist independent of them. The best modes of conducting these inquiries are—first, to examine the Shastrees, heads of castes, and other persons likely to be acquainted either with the law, the custom of castes, or the public opinion regarding the authority attached to each; and, second, to extract from the records of the courts of justice the information already ob-

tained on these subjects in the course of judicial investigation.'

The work which was compiled in pursuance of this plan was drawn up by Mr. Steele, an able young Civil servant, and is very comprehensive in its treatment of the whole subject, as it not merely gives an account of the legal treatises in the original Sanscrit which were held in repute, but a mass of information regarding rules of caste, marriage, inheritance, and the customary law in some branches of contract, gathered by inquiries through various channels, official and private. This work was followed up by a series of reports of the decisions of the courts of law, prepared by Mr. Borradaile, another member of the Civil Service; and by a translation by the same gentleman of a work on inheritance. These different works did not appear till the year in which Mr. Elphinstone left India.

The extract from a letter to Mr. Strachey, which I now quote, is in continuation of the same subject. His friend's duties in the Examiner's department in the India Office lay chiefly with judicial administration, and Mr. Elphinstone's correspondence naturally reverted to these topics.

'Bombay, Sept. 3, 1820.

'My dear Strachey,—I was greatly delighted with your account of Jeremy Bentham. I had a great curiosity about him, which was fully gratified. He is certainly a man of first-rate talents, but also of first-rate eccentricity; which, both in his doctrines and his personal habits, probably arises from his little intercourse with the world. I was extremely flattered by his present of books, and know no author from whom I should so highly have valued such a distinction. When I last wrote to you at length, I was thinking of employing the Bengal counsellors whom I expected to get at Poona to form a code from the Hindoo law (as administered under the Brahmins), and the customs of the Mahratta country, corrected in some cases by our own; but I got no counsellors, and the more I contemplated the undertaking the more formidable it seemed. A body of foreigners should certainly be cautious how they

made a code for a nation which they imperfectly know, and the more perplexed the present system of laws, the greater should be their caution. In the present instance you may take the Hindoo law for your basis; but that must be hunted out of numerous books of nearly equal authority. We talk of Menu, but we might, as you of course know, just as well talk of the twelve tables in modern Rome. When you have found out the Hindoo law not half your task is accomplished, for it is the custom of the country that regulates most things; and the difficulty of ascertaining it is so great, that you may doubtless recollect civil suits in which you have had to spend many days in examining evidence, to find out what is the custom on some particular point, and yet have been diffident in your own decision after all. It may be said a system so imperfectly known would be no loss if abolished, and any laws clearly understood would be better for the people; but this is not true; for people, although they have not precise notions about particulars, have yet general notions, which, though vague, seem to keep them within the law; just as in England, though no man pretends to know the laws under which he holds his life and property, he is yet able to keep out of scrapes by some loose traditional notions, imbibed one scarcely knows where or how. Such notions are more difficult to eradicate than written laws are to alter, and therefore, if you made a new code, you would for a long time have people acting on impressions which you had rendered inapplicable; and it would require a vast deal of confusion and inconvenience to work them into your new system. That system also might be wrong after all; many parts of Lord Cornwallis's system were well weighed, and none more than the great question regarding the rights of zemindars. Yet a mistake was committed, which unsettled the condition of all the inhabitants of our territories that were at all connected with the land, and left it to the Adawluts to fix their new relations to each other. This led to an infinity of lawsuits. The courts were unable to afford justice to the crowd of claimants that assailed them. The consequence was that the weak were left at the mercy of the strong, and

the ryots were reduced to entire dependence, and almost to bondage. An incidental effect of the same mistake was the overthrow of the village corporations, the ruin of the police, and the horrors of dacoity. This and similar instances make me cautious, you will perhaps say timid, when you read the enclosed, which shows the very moderate lengths to which I venture to go. The great security for the efficiency of this committee is in the character of Mr. Erskine, a gentleman out of the service, distinguished for the solidity of his understanding and the extent of his knowledge. Small as these improvements are, I expect difficulties in carrying them through, impatience of the expense, insensibility to the difficulty and the necessity of delay, aversion to innovations in some points, and eagerness for the introduction of crude attempts at improvement in others.'

I return to the journal:—

'Sept. 24.—Rode to church; something put me strongly in mind of the valley near Mirzapore, and of the times when I used to spend days in a cave there, reading Virgil, Horace, and Tibullus, and talking with Ross. This led to a review of my employment, and reading, and thoughts in those days, which I pursued for upwards of two hours, and brought down to my arrival at Poona in 1811. The employment was very pleasing, and I think profitable. It withdrew me from the fancies of the moment, and enabled me to take in the past and the future. The result was favourable; most of the time I have passed has been happy, and the periods of most real happiness are made up of materials that will always be at my command. Times of gaiety and of strong interest have most effect in a distant view, while those of solitary study look rather cheerless at a distance; but, when examined, the former are found to be strongly mixed with uneasiness, and the latter to abound in sober and tranquil enjoyment. Hope alone is likely to be counter to the enjoyment of old age, and this may be obtained if one can enter on any long work that holds out a reasonable prospect of reputation; such, for instance, as a history of India. But this must not be undertaken too soon.

one head. I expect great disorders after you are gone, unless our troops are greatly increased to make up in force what we shall want in management. I was much struck by an observation of yours on the necessity of opening a door to the employment of natives. Certainly if we do not do so we must make them either serfs or rebels; but how is it to be avoided? Can you answer this important and difficult question?

'I hope not to see you in July, for I still hope you will be kept in the centre of India; but if I do, I will give you a dinner and get somebody else to make a speech on the Order of the Bath, for I cannot say "thank you" when my health is drunk. If I make a speech, it will be conspicuous, like marriage, for Grand Crosses and little ease. Yours most sincerely,

'M. ELPHINSTONE.'

* Camp at Sookaltteerit, April 21, 1821.

'My dear Strachey,—I have just read your attack on the judicial part of my Report, and although in the midst of inquiries into the revenue system of this district, Broach, I cannot help giving you a few words in reply. I was a little dismayed at first at such a tirade from my old master, but I soon found it was rather directed at others than at me, that our opinions do not essentially differ, and that where they do mine are the most cautious.

'I kept up punchayets because I found them. I did what I could to improve them, and I pointed out the remedy to adopt if they should ultimately prove unsuccessful. I still think that the punchayet should on no account be dropped, that it is an excellent institution for dispensing justice, and for keeping up the principles of justice, which are less likely to be observed among a people to whom the administration of it is not at all entrusted. I likewise think that it (the punchayet) will probably never be sufficient to afford justice to all, and that the remedy lies in numerous native judges with European superintendence. As to regulations, I think they should be introduced by degrees; I doubt whether anybody could tell what was good

for the Mahrattas. I was certain that I could not, and I therefore wanted to be taught by time. I might guess the effect of a single law on a people whom I had long observed; you might tell it with more confidence; Bentham might pronounce it with certainty: but for the effect of a whole code, applied to an almost unknown people, we are all nearly on a level. I long to see the new *traités de la législation*. I greatly admire what I have read of Bentham, including half the whole *traités*. You undervalue the Bombay courts; I at least, in a tour I am just completing, am delighted with them, and am very certain of their advantage as a check on the collector. But you also greatly undervalue Munro, who has more marks of genius than most men I have seen, a clear and sagacious head in peace and war, original and correct views on all subjects, a real love of the natives and of mankind, without cant or sentiment, firmness approaching to inflexibility, great indulgence for others, good taste, candour, frankness, and simplicity, that make one at home with him in a minute, and almost made me regret that I was forty and he sixty, both past the days of sudden confidence. He has some prejudices about the judicial system; but even they arise from principles in which you would agree. It is not enough to give new laws, or even good courts; you must take the people along with you, and give them a share in your feelings, which can only be done by sharing theirs. I am in a great hurry. I have been upwards of five months away from Bombay, and must be back by the first week in May. I have seen and examined Kattewar, Cutch, the petty chieftains in the north-western frontier, the Mahee Caunta chiefs, and above all our own districts of Ahmedabad and Kanir, but I have still Broach to finish and Surat to understand. I shall be much better fitted for my duty when I get back. Still it is an uncertain, and perhaps an unprofitable task; I am sometimes in great good humour with the thoughts of doing good. In more rational moments I am convinced that anybody else would do as much, and a great many much more. In short, I wish I were quite at home, if it were only to see whether there is anything to look forward to. You seem to me to have got new

life since you got to London and business. I fancy, after all, there is no doing without action and adventure.

'Yours ever,
'M. ELPHINSTONE.'

Journal.

'*Bombay, Nov. 25, 1821.*—I have not mentioned the views here, they are really delightful. I go out to them of an evening with a sort of avidity and impatience, and quit them with regret. Among all my gloomy forebodings it is a comfort that I have never lost my relish for nature nor for poetry. Five days ago I ran over Blacker,² and was annoyed to find that he suppressed all my share in the conduct of the war in the Deckan. I have since looked over my correspondence, and am pleased to find I had not overrated my own part in those transactions. I am pretty well reconciled to Blacker's silence by recollecting my annoyance at being praised above my merits before. I have now the consciousness of being better than I am represented.

'*Dec. 2.*—On the 29th we had an entertainment to Malcolm, which went off admirably in all respects, and, as far as regarded him, with enthusiasm. I have been in town ever since, and I have now returned, having seen Malcolm off. I much regret his departure, and we shall doubtless often miss his spirits and good humour, while we forget his noise and his egotism. I have all along reproached myself for my want of tolerance for the single defect of one of the first and best men I know.'

(*To Major Close, Gwalior.*)

'*Bombay, November 15, 1821.*

'Blacker's book is come; I would send it to you, and now I think of it, I will send it to you. It is written, as far as I can judge from a glance at some parts of it, with much more freedom and ease than one would have expected. It seems

² *Memoir of the Mahratta War of 1817-19.*

lively, sensible, and, as far as Blacker is personally concerned (with Malcolm, for instance), candid and liberal. It is perhaps a little too technical, and too full for the regularity and the importance of the transactions to which it relates. I have myself some reason to complain of it, for after blaming my interference in the conduct of the war and the system which gave me the power to do so,³ it withholds the fruits of my usurpation, mentions all the arrangements in the Deckan as if they had taken place of themselves, and concludes by ascribing "the expulsion of the Peshwa," and consequent revolution in the Mahratta empire, the most important since its establishment, to the "personal" conduct of Sir T. Hislop.'

(*To W. Erskine, Esq.*)

'*Dec. 25, 1821.*

'We were also talking at the Society this evening of the collection of inscriptions, especially those connected with the Jains. It appeared to us that it would not be difficult to get some person in almost every district to take an interest in the work, so far as to superintend the labours of a native or two, who might be employed under him. Norris in Cutch, Barnwall in Kattewar, Miles on North-west frontier, Grant at Sattara, &c. &c., would probably have zeal enough for this; but it is necessary, in the first place, to have some instructions drawn out, to show what sort of inscriptions are desirable, and what errors to guard against in transcribing them; and in the second, it is necessary that somebody should arrange them when transcribed, and point out in what place the search after inscriptions or inquiries connected with them should be pursued. Mr. Walter would, I have no doubt, make out an explanatory catalogue of the inscriptions as they came in, and Kennedy says he would undertake a good deal of correspondence, but somebody is required to direct the whole, and this

³ Note by Mr. E. :—' See in the reflections on the battle of Sectabuldee and Kirkee.'

more slender grounds than Admiral Byng. Ill success, indeed, seems enough to take off a viceroy's head without much further inquiry. From the novel also it appears that the despotism of the emperors and the vigilance of the council do not prevent oppression, and even perhaps violence, by courtiers and the magistracy, and the gazettes show some oppressions which, though corrected by the Government, prove a contempt for the people inconsistent with any good government—such as the giving away the released female prisoners in marriage to domestics, &c.

These gazettes are themselves a great curiosity. The simplicity of their style gives a very favourable impression of them; and the desire of publicity and regard for public opinion, which is evinced by their existence, give notions of the Chinese Government much above what we have of other Asiatics; but if these and the great use of councils be deducted, I see nothing at all superior to the Mogul Government in India, and some things inferior.

Jan. 6.—I have been reading Ellis. The Chinese seem a good sort of people—superior to the Indians of the present day, and perhaps equal to those of the time when the Mogul dynasty was in power. Ellis, by avoiding to describe what has been described already, renders his book a dry record of uninteresting events. An account of one's intercourse, even with our Continental neighbours, would be more minute and picturesque than he is. He, however, describes the towns and the scenery.

Jan. 7.—Finished Ellis. His book, though it shows less liveliness and less observation than I should have expected, shows more sober sense, and this appears more in his judgments on indifferent subjects than in his political conduct. His concluding observations are very good, and I think he places the Chinese right—above the modern Turks, Indians, and Persians, and far below the Europeans. They are, I now think, superior to the Indians in their best days. The general comfort, the number of books, the existence of a middle class, the publicity, and the moderation of the acts of government, added to the industry of the people, their skill in manufactures and agriculture,

certainly raise them higher in most points of view, physical and moral, than those with whom I am comparing them; while the difficulty of learning their language, and the dissimilarity of their way of thinking, perhaps account for what seems to us unsocial and uninteresting in their character, without supposing those effects to be really inherent in it.

July 12.—I have been reading Barrow's "China." He is unfavourable to the Chinese, but not uncandid; and, though he often fails in some of his speculations, shows good sound sense in his facts and observations.

Bombay, March 10, 1822.

My dear Strachey,—This is to answer your letter from Richmond, Sept. 9. You and I, like sensible people, are approximating in our opinions about Indian administration. I got most of mine from you and Sir Henry. You must recollect the undiscovered Pergunnah where the Sudder wanted you to introduce the Regulations, and the terrific advance of the Adawlut, spreading more alarm than Lord Lake himself.⁴ That was enough to show the evil of a hasty introduction of our system. That our system was in itself defective I believed from the published opinions of Bengal civil servants. I observed that although the numbers were on the side of the favourers of the system, the talents were against them. H. Strachey's answer to Lord Wellesley, and some of his letters in particular, made me despair of the success of any system of our invention. To all this I added a notion, derived from Davis, that we had in Bengal thrown away many excellent institutions of the natives, and had replaced them by inadequate or ill-adapted machinery of our own. With these previous ideas I saw the Mahrattas, totally different from our Bengalee and Hindustanee subjects, going on tolerably well under considerable disadvantages, and not at all disposed for any change; and I knew that

⁴ This refers to a traditional story which Mr. Elphinstone used to relate in illustration of the dread with which our courts of law were regarded early in the present century. During the progress of our conquests in the Northwest many of the inhabitants were encountered flying from the newly occupied territory. 'Is Lord Lake coming?' was the inquiry. 'No,' was the reply, 'the Adawlut is coming'—the Adawlut being the courts of law.

if I once destroyed any of their institutions I should never be able to restore them; while, on the other hand, I could at any time introduce the Adawlut by passing a regulation. I therefore left the native system as entire as I could, and determined to see how it wrought in our hands, and where it required remedies. I go to the Deckan next rains to take a look at it, and shall probably bring it much nearer our own plan of administration. The Adawluts answer very well in Guzerat owing to their not having thrown things into confusion by our revenue regulations, and to the smallness of the zillas, and the number of native commissioners. You need not be afraid of our regulation committee being inspired by any dread of the Bengal regulations. If you look over my minute you will see that I do not at all take for granted the failure of the Bengal regulations. I say that great defects may often for a long time elude observation, and bring as an instance that Lord Cornwallis's system was commended in Lord Wellesley's time for some of its parts, which we now acknowledge to be the most defective. Surely you will not say that it has no defects. The one I chiefly alluded to was its leaving the ryots at the mercy of the zemindars. I am not democratic enough to insist on a ryot-war system. I think that the aristocracy of the country, whether it consists of heads of villages or heads of zemindarees, should be kept up; but I also think their rights and the opposite rights of the ryots should be clearly defined, and the latter especially effectually defended. On both of these points Lord Cornwallis has certainly failed. In proof of which I need only bring forward Henry Strachey's answer to Lord Wellesley (I think it is), and Sir E. Colebrooke's serious declaration that it would be an improvement in the condition of the ryots to avow that they had no rights. I send you some specimens of the new Code. They are selected as being the most innovating. The bulk of the regulations for civil justice are quite on the Bengal plan. These specimens are only drafts proposed by the committee. They have yet to be discussed by all the judges and confirmed by the Government. Two excellent translators are sharpening their tools to commence, the moment one page

is passed. I have another project much at heart, to which every single person without exception that I have consulted has objected; yet it seems to me a moderate plan enough, and chiefly faulty from its insignificance. It is to find out if there is any book of Hindoo law (or any portion of such a book) which is universally and practically recognised in the territory under Bombay. If there is, print it, and ultimately declare it to be law. Next, to ascertain whether any more portions of the law are very generally recognised. Then print them, specifying the countries or castes to which they do *not* apply. Lastly, by slow degrees—either by circulating interrogatories or merely by selecting cases that are tried by the courts—ascertain the peculiar laws of every considerable division, geographical or genealogical, and record them in like manner. You would then have a code of laws—a very imperfect one, but one known to the judges and the people—capable of comparison and improvement by the Legislature. The most sweeping objection is that the Hindoos have no general law at all. What we call Hindoo law applies in fact to the Brahmins only; each caste has separate laws and customs of its own, and even they vary according to the part of the country in which the different portion of a caste is settled. There is a good deal of truth in the assertion, but it only shows how much a general code is wanted, and how long it will take to make one that will apply to all castes without destroying their own peculiar laws or customs. We should therefore *begin*, and I do not care how long we take to finish, so as we *progress*. Another objection is that we give durability to absurdities that would be forgotten if we let them alone; but we might avoid subjects particularly pregnant with absurdity (such as the rights of Brahmins, &c.); and as to the others, these being clearly seen, and their relation to other parts of the system clearly known, would facilitate their correction when the proper time came. The difficulty of the undertaking and the want of Sanscrit scholars are stronger objections; and if the thing were only begun upon while I am here, I should think myself well off. With regard to criminal law the case is widely different. We do not, as in Bengal, profess to adopt the

Mohammedan code. We profess to apply that code to Mohammedan persons, and the Hindoo code to Hindoos, who form by far the greatest part of the subjects. The Mohammedan law is almost as much a dead letter in practice with us as it is in Bengal, and the Hindoo generally gives the Raja on all occasions the choice of all possible punishments, from banishing the town, or fining a . . .⁵ of cowries, to putting to death. The consequence is that the judge has to make a new law for each case. The remedy for that is easy. We can ascertain the punishment that has generally been inflicted on each crime, and where doubts arise we can use the same discretion in determining the punishment for whole classes that we constantly exercise in individual cases. Things will then go on pretty nearly as they have done, except that the judge in each case will know what punishment to inflict, and the party what to expect. This may be done by the regulation committee before it breaks up. It is, in fact, only making known the law as it actually stands. I am too tired to go on with some other things I had to say, but I dare say you are equally so. I look with anxiety for your judicial letters, but it is in the financial ones that I expect to find reprimands; not that I am more to blame there than elsewhere, but because it is a sore subject with the Court of Directors. If you ever hear what they think of Bombay proceedings, write to me. You will have seen Malcolm and his reports. He is a great loss. Talking of reports, have you read mine on the Deekan in the Bengal Government printed extracts? but the whole should be read to give a clear idea of the country. Love to Dick. *Vale.*

‘M. E.’

‘*March 23.*—I now enclose the Regulations, which had not come home when I last wrote. I seem, by your letter, to have led you into an opinion that Erskine was in effect the whole regulation committee, whereas Babington, the president, is at least as efficient a member. He is a very moderate, rational person, who, if he exceeds in any way, does so in Benthamising. He is assisting me in getting the civil engineer to draw out a

⁵ Illegible.

plan of a panopticon for a penitentiary on this island. I proposed this when I first arrived, but my hand, you may have observed, is not always very plain; and the secretary in drafting a letter from my minutes, where I spoke of the “panopticon so much recommended by Mr. Bentham,” referred the chief engineer to Bentham’s “Panoply,” a publication of which the Governor in Council had no doubt some copies might be procurable in this country. The chief engineer not finding the “Panoply” so common a work as Mr. Secretary had supposed, the thing lay over till lately, when I was considering the subject of jails in general, of which six new ones happen at this moment to be required. I proposed, among other things, that they should be built in the form of a cheap sort of panopticon, but the Sudder Adawlut yesterday replied, announcing their decided preference for the plan of the Alipore jail; and we are now writing to Calcutta to learn whether the Alipore jail is still approved in that part of the world, where the cause of John Elliott *versus* Jeremy Bentham will be decided. As I have some room left I may as well fill it up by remarking on the wonderful improvement of the natives that begins to be discernible, in Bengal especially. There is a Bengalee newspaper, which discusses all subjects, and is interesting even to English readers, though of course often puerile and often mistaken.

‘Ram Mohun Roy, wisely retaining the name and observances of a Hindoo, is writing books in favour of Deism, and many natives begin to discover curiosity and interest about the form of their government as well as its proceedings, together with a strong spirit of reform as applied to the science, religion, and morals of their nation. Amidst all this there is a great deal of cant, affectation, and imposture, Bengalees talking about liberty and philanthropy, and declaiming against the efforts of the Tories to crush the infant liberty of the press (verbatim as far as I can recollect from the letter addressed by a native in Calcutta to . . .⁶ in Bombay); but even to use this sort of language without understanding it is a wonderful advance, and from admiring the sound, people must come to relish the sense.

‘M. E.’

⁶ A native name, illegible.

holds, Junghee Jaigurh, Raigurh, the seat of his government, and Torna, where he stored his plunder. There is only occasional reference to his reading. On October 13 he wrote:—

‘I have been reading Clarendon for the last fortnight or so. It is impossible to do so without being for the time on the King’s side. I am struck with the good style and good sense of the declarations on both sides. The openness and absence of form, and the liberal principles of Government, acknowledged by both sides.’

He returns to the same subject a month later.

‘*Camp, Kirwan, Jan. 8, 1823.*—I have finished Clarendon’s History, and am going to begin his Life. In his History he appears as a man of great talents, firm principles, and inflexible integrity. On the other hand, his views are often narrow, and his prejudices always strong. His political opinions are more tolerant than his religion. He can allow some defects in the monarchy, but none whatever in the Church. He can show some candour to a Roundhead, only pure hatred to a Presbyterian. He is, however, so honest in avowing his partialities, that a cautious reader is seldom misled by them. I wish he were as scrupulous to tell the whole truth as to tell nothing more; but I am afraid he often omits entirely important facts that tell against his cause, such as the King’s private protest against the terms into which he was entering with apparent good faith at Uxbridge, or the Isle of Wight. His style is generally clear and manly, though he is a little prelix and circumstantial, without any of the picturesque effect that often is the result of minute details. His characters are excellent, and far surpass all the rest of his work. They are generally lively and finished portraits, with all the consistency of truth and nature.’

(To Sir Thomas Munro.)

‘Poona, October 27, 1822.’

‘My dear Sir Thomas,—I hear you have instituted something like a Native Board of Revenue at Madras, and I should be much obliged if you would inform me of the nature of the

plan. It seems to be one great advantage of the arrangement that it opens a door to the employment of natives in high and efficient situations. I should be happy to know if you think the plan can be extended to the judicial or any other line. Besides the necessity for having good native advisers in governing natives, it is necessary that we should pave the way for the introduction of the natives to some share in the government of their own country. It may be half a century before we are obliged to do so; but the system of government and of education which we have already established must some time or other work such a change on the people of this country, that it will be impossible to confine them to subordinate employments; and if we have not previously opened vents for their ambition and ability we may expect an explosion which will overturn our government. I should be much obliged also if you would tell me whether you think some rules might not be passed (though not promulgated) for pensioning or endowing with lands native public servants of extraordinary merit, as well of pensioning all who accomplished a certain period of service. I have had none of your minutes for a long time, and as I do not know your present private secretary I do not know how to apply for a proper selection; but I set a high value on those I have received, and should be very thankful if the supply could be continued. Chaplin’s report will have shown you the state of this part of the country. It goes on well; but the punchayets require some brushing up, and some aid from district moonsiffs, of whom we have none as yet.

‘Believe me, &c.,

‘M. ELPHINSTONE.’

‘Camp on the Seena, December 5, 1822.’

‘My dear Strachey,—

‘I do not recollect ever enjoying hog-hunting so much as I have done on this trip, although somewhat in the way of business. I must tell you what a good fellow the little Raja of Sattara is. When I visited him we sat on two musnuds with-

out exchanging one single word, in a very respectable durbar; but the moment we retired to a *khilwat*² the Raja produced his Civil and Criminal Register, and his Minute of demands, collections, and balances for the last quarter, and began explaining the state of his country as eagerly as a young collector. He always sits in the Nyna-daish, and conducts his business with the utmost regularity. I hunted with him the day we parted, and a young gentleman, Mr. Morris, Second Assistant at Sattara, had a bad fall just in front of me, and lay for dead. When I got off I found a horseman dismounted, and supporting his head; and, to my surprise, it was the Raja, who had let his horse go and run to his assistance. The Raja's turning out well is principally owing to Captain Grant, the Resident, formerly adjutant of the Grenadier battalion, and now historian of the Mahratta Empire, for which he has collected inimitable materials. I am wandering over the country with fifteen or sixteen gentlemen and three ladies. I go on to Bijapoor, which I am to visit again, and meet a batch of Putwurduns and other Jageerdars; another batch, including the Raja of Colapoor, I meet at Merich; and then I am to descend into the Southern Concan, which I have never seen. There I shall have a good deal to inquire about; but as I already know the Deckan so well, and have nearly settled with the Commissioner, Mr. Chaplin (who is of our party), all that is to be done about it, I have had little to do in the three weeks that have passed since I left Poona. While there I saw all the old places; and as the traces of modern times were quite destroyed at the Sungum, it strongly recalled those of Forlorn, and our former amusements and studies at the Sungum, in the days when we could hope that some good was to result from our studies. I still, now and then, read an ode from Hafiz in memory of those days (which it seldom fails to awaken), though I have long dropped all other intercourse with Persian. Nothing strikes me more than the improvement of young men since our day. You and I used to be as good as our neighbours in those days, yet I never see a young man of moderate abilities, lately come

² A cabinet.

out, who does not know at least as much as I do even now. Besides the improvements in education, a vast deal of time is saved by the extinction of debauchery, and the diminished importance of horses and dogs.

'I have a great deal more to say, *sed jam in immensum, &c.*'

'*Camp, Kurroor, December 24, 1822.*—In the evening I went to the Falls.³ There was much more water than when I last saw them, but from the number of gentlemen and crowds of natives, I enjoyed it much less. After dinner, about half-past ten, I went again. It was calm moonlight, and I recollected that it was the night on which—

"No spirit dares stir abroad, . . .
No fairy takes, nor witch hath power to charm,
So hallowed and so gracious is the time."

When I reached the top of the fall the softened beauty of the rocks and woods, the stillness of the basin, and the deep solitude, only broken by the voice of the waters, inspired me with feelings of elevation and delight. The cascade itself appeared in all imaginable grandeur. The upper parts were indistinctly seen, and the bottom scarce at all. All other objects lay in complete repose, and the cascade alone, full of sound and motion, entirely occupied the mind. One felt as if in the presence of a superior being, and was filled with a reverential and almost superstitious awe.'

'*Camp, Coomarlee, Jan. 14, 1823.*—We are now in the heat and suffocation of the Concan, panting and perspiring at half-past eleven, though the thermometer is only 83°, and there is some wind. I have, however, a headache, which may account for my feeling uncomfortable. I have again left the Deckan, and again with great regret. I have had an excellent climate, pleasant society, abundance of exercise and amusement, much leisure, and high relish for poetry and scenery. I go to dull formal parties among strangers, constant routine of uninte-

³ Of Gokauk.

(Advice to a Young Officer.)

June 1, 1824.

‘I hear you have turned a great native and great nautcher. It is so very important to get acquainted with the natives and to know their manners and character, that I repress a strong prejudice which I have always had against Europeans adopting the native dress, in the idea that it is worth while even to do that, provided it leads to your taking an interest in the people; but I must caution you against pushing it too far, for I never saw a European who adopted the dress of the natives, and gave much into their pleasures who ever perfectly recovered his place among Europeans. I hope you will like the natives and acquire their language, but do not sink to their level.’

Coondalla, November 17, 1824.

‘My dear Strachey,—I only write to thank you for your letter of April 5, without a word to say but what Providence may send in the progress of my letter. I must long ago have described the straw-built shed on the edge of the chasm opposite to that where you showed your diplomatic talents with the Mahratta guard so skilfully as to get a lodging in the chokey. This is the old ghaut down which we were so glad to retreat with old Forlorn; and here we are in quiet possession, with gentlemen and ladies pitched all about for the benefit of the Deckan air. The greatness and suddenness of the change only leads one to expect other changes as great and sudden, when the ill-cemented fabric of an empire may tumble down like a house of cards; or rather, when our government may slip from the soil, to which it is bound by no ties, like an avalanche in the Alps.’

‘I was over at Poona two days ago. Grass grows where the Sungum stood, but the walls and the gardens remain, and a body of Hindustancee horse are cantoned on the ground where the bazaar was. If I did not think I had written you all this when I was last at Poona, I could give you numerous

instances of the *gerdishee geetee*.⁵ It is strange I should think I had nothing to say, when I have a step so repugnant to your ideas as sending home a printer to defend. Of course you admit that a free press and a foreign yoke are incompatible with each other; but I dare say you think (what was true formerly) that the natives have nothing to do with the press, or it with them. If this were true it would destroy all the interest of the subject, for it signifies little whether 25,000 European soldiers and 2,500 free merchants have a free press or not; but some of the natives at the Residencies now read our papers, have papers of their own, talk of liberty and Whigs and Tories, and are in a rapid progress of improvement, which nothing but some convulsion can check. Such a convulsion could be produced by too early excitement to exert their national independence. The vast mass remain in their original ignorance, and look up to Government with blind respect because they are used to it. All, however, are ready to trample on it if they see it despised by their superiors. The Sepoys in particular, who have had so many lessons, are ready enough to observe the opinion their officers have of the Government, and to acquire confidence in themselves and contempt for all classes of their superiors, when the example is set them by those superiors themselves. The European part of the army like the stimulus of Buckingham’s morning dose, but it would not get into their heads unless connected with some question about batta, tent contracts, promotion, or, in short, some of those topics which have more than once shaken the Government, even when the foundations had not previously been loosened by the press. The remaining portion of the Europeans, though probably at least two-thirds of them can read, are not of sufficient importance to make it expedient to risk an empire for the sake of furnishing them with amusing newspapers. All this, however, does not concern me; for all I have to do with the restriction consists in my adopting Lord Hastings’ rules when I did away with the censorship. The first of those rules forbids reflections

⁵ Revolutions of the world.

on the judges. Our Chief Justice quarrelled with the whole bar, and formed a strong party against him in the society. One of the newspapers belonged to that party, and published reports by members of the bar, which the Chief Justice, Sir E. West, complained of in March last, as reflecting on him. Warning was given to both the editors on that occasion; but in August the Chief Justice complained that he was attacked as usual. Threats were then addressed to the editor complained of, who was told he would be sent home if he again offended. Next day he did again offend by an attack on the second judge, Sir C. Chambers. Instead of being sent home he was required to apologise; he would not, and he was sent home. The truth is, he was before under orders from the Court of Directors to be sent home unless a licence arrived for him by a certain day, which had elapsed. He had no profession in this country but that of editor, and the proprietors could turn him off if he submitted; while, from their wealth and interest, they could also provide for him if he went home. Home, therefore, he was willing to go; and as the law required that he should be sent by a Company's ship, it was necessary to send him by China (no ships go direct) in the only ship that was to sail for nine or ten months. He was told, however, that he might stay for three months if he could give security for going then, or when called on. This he refused, pretending that the security was excessive, though it did not signify if it had been for a hundred millions, unless he meant to break his pledge and stay beyond the time. By these means he got up a tolerably hard case, and had nearly got a harder by going home a charter-party passenger, when the Government cut him out of that advantage by paying 700 rupees for his passage at the cuddy table. To sum up: as there were regulations, it was necessary to enforce them; and as the other party would make no concession, it was necessary to proceed to extremes. Not being particularly cordial with the judges, I felt it more my duty to support them, as the belief that they were deserted by the Government would have emboldened their enemies; but, even in the best of times, I could not have turned a deaf ear to their

complaints. I conclude abruptly to save the other half-sheet, which I am sure you will approve.

'M. E.'

How strongly he was impressed with the ephemeral character of British dominion in India appears in many notes in his journals. A simile is employed in a letter written only a week after the date of the above, which seems more apposite than those which I have quoted. Some native regiments at Barrackpore, on being ordered to Burmah during the war, broke into mutiny. This was put down very roughly, and the contagion did not spread. Mr. Elphinstone, commenting on the occurrence, wrote to Metcalfe as follows: 'The business at Barrackpore is shocking, but not alarming, especially as the native officers are not concerned. I used to think our empire made of glass; but when one considers the rough usage it has stood, both in old times and recent, one is apt to think it is made of iron. I believe it is of steel, which cuts through everything if you keep its edge even, but it is very apt to snap short if it falls into unskilful hands.'

The visit to Poona, referred to in the letter to Strachey, was a hurried one undertaken for the purpose of conferring with the Commander-in-Chief and Mr. Chaplin, Commissioner of the Deccan, on the affairs of Kittoor, a small principality in the southern Mahratta country. Mr. Elphinstone was staying at Coondalla, at the head of the Ghaut, and within a long ride of the old Mahratta capital. After a brief stay of four days he rode back to Coondalla, and then returned to Bombay.

The outbreak at Kittoor was a serious affair, and forms the subject of several minutes of this date. Under the original sunnud, the chief and his descendants were entitled to sovereign rights over the territory during the continuance of the direct line. On the death of the Dessye of Kittoor, which took place in October of this year, an attempt was made by some leading men of the principality to set up an adopted son of the late chief. Instructions were given to Mr. Chaplin to assume temporary charge of the principality, pending an inquiry into the relationship of the person adopted

I saw at Sattara. It contains a single table covered with green velvet, at which the descendant of Sivajee sits in a chair, and writes letters, as well as a journal of his transactions, with his own hand. I do not know what his ancestor would think of so peaceful a descendant. He gave me at parting the identical *baugmuck* (literally, tiger's claws) with which Sivajee seized the Mogul General in a treacherous embrace when he stabbed him and afterwards destroyed his army. They are most formidable steel hooks, very sharp, and attached to two rings fitting the fingers, and lie concealed in the inside of the hand. Believe me, yours most sincerely,

'M. ELPHINSTONE.'

* November 15, 1826.

'My dear Erskine,—I was very much obliged for your letter of May 13, and for the clear view it gives of the manner in which India is regarded in England. The reforming party seem always to consider this a European colony, and totally to lose sight of the natives. In all their plans we hear a good deal of the half-castes, but the Hindoos and Mohammedans seem never to be thought of. This is the reason why a free press is thought so desirable, as doubtless it would be if none but our own countrymen were to be excited by it. Colonisation is cried out for, without any fear that the present possessors of the country will be crowded out or displaced. I wish some man of sense, who was not Indian enough to think our present system perfect, and yet Indian enough to know that there were sixty millions of people under our rule, besides the Europeans, would bestow some thought on the future government of this country. What strikes me as the point to which we should direct our course is to improve the natives by good laws and education, and gradually to admit them into all civil offices, reserving to ourselves the military power and political control. To this object I would make everything subservient. The press should be no freer than was necessary to impart knowledge without exciting political feeling. Colonisation should be pushed no further than would draw to India a portion of the capital and knowledge of Great Britain, without introducing a crowd of needy Euro-

peans to supplant the natives in all their present employments. I do not mean to say that this could go on without the press in time becoming free, and the people politicians; but that period would be remote, and on our expulsion, which of course would soon follow, we should leave behind us a people capable of maintaining the institutions which we had formed. I have taken up so much paper in speculating that I have little left for the more useful purpose of answering your questions about facts. The regulations are finished and nearly printed. I will send you a copy when I get back to Bombay. With regard to education, I proposed in the end of 1823 a plan for the education of the natives, which was perhaps too extensive. It failed from opposition in council (Warden having started a counter plan), and has met little support from the Directors. I, however, continue to push the subject from time to time, and hope that sooner or later something will be done to keep pace with the magnificent establishments which have nearly within the same time been set on foot in Bengal. In the meantime we have got a most zealous advocate for education (Captain Jervis, of the Engineers), in a situation which gives him a sort of superintendence of our arrangements for improving it. We are bringing up and sending out schoolmasters with small salaries, and are printing books, besides offering rewards as high as 5,000 rupees and more, if recommended by a committee, for translations from English into the native languages, or for original treatises on those languages on subjects of science. To my great disappointment this invitation has produced hardly any candidates. The natives I think well inclined to receive education, if we would give it. The Deckan system is modified by the abolition of the commission, the appointment of two judges, the gradual disuse of punchayets and great employment of moonsifs.

'The new regulations are the ten with a dispensing power in the judges; and the great difference between this and the provinces consists in the greater employment of natives, the Europeans being almost entirely employed in hearing appeals and in control. The revenue system is little altered, but a revenue survey with a view to a moderate equal and fixed

assessment is in progress. I must now conclude. I long to see my old friend Baber in print. Remember me kindly to Mrs. Erskine, and believe, &c. 'M. ELPHINSTONE.'

On his return to Bombay at the end of November he laid before his council a report of his visit to the Deckan. It describes his meetings with the different chiefs, their complaints or applications, and enters in some detail on matters of civil administration. I give some long extracts expressing his general views on the progress of the country since it became a British province. The reader will not fail to note the candour with which he passes in review the success or failure of his former plans.

'At Rehnatpoor I met seven chiefs of the family of Putwurdun, also Vencal Rao, Gorepura, Raja of Moodhole, and the chiefs of Nergoond and Ramdroag. Appa Dessye was indisposed, and did not leave Nepaunnee.

'The whole of these chiefs are still in possession of the same lands that they held in the Peshwa's time. A continuance of quiet and the want of any example of military pomp has reduced their retinues since my last visit to the Deckan. Some of them were then attended by as many as a thousand or fifteen hundred men, with several guns. None now had more than an escort of two or three hundred horse, and they often rode in company with only one or two attendants.

'These chiefs, holding their estates secure and free of every sort of demand on the part of Government, are no doubt in a much better situation than they were under the Peshwa; but they are now in complete subjection to the Government, the orders of which they cannot resist or evade like those of the Peshwa, and this circumstance must have diminished their feelings of pride and independence. I think also from the time when our administration assumed a settled shape they have been treated with rather less respect and consideration than was intended in the original plan. It ought to be a rule with the Government to discourage all direct interference with them, even in cases

justified by their agreements, as long as general advice is sufficient to prevent great oppression. The issue of orders by the local authorities direct to their officers should likewise be discouraged, unless in case of pursuit of offenders, or other urgent occasions. However the chiefs may feel these annoyances, it must give them satisfaction to contrast their situation with that of the Jageerdars of the Raja of Sattara, whose own attendance and that of their troops is rigidly exacted.

'The many minutes and letters which I wrote while in the Deckan render it unnecessary to go into particulars about the affairs of the Jageerdars, or about the details of judicial or revenue business; but, as this is probably the last time I shall visit the Deckan, it may be useful to show in what particulars each branch of the administration has answered or fallen short of the expectations entertained when we took possession of the country.

'After what has been said of the Raja of Sattara, it is scarcely necessary to say that his own conduct and the success of his administration have exceeded our utmost anticipations.

'In the case of the Raja of Colapoor our plans have been less successful, owing to the character of the present Raja. We have been compelled to depart from our plan of non-interference, and have established by treaty the right to take part even in internal arrangements. We should, however, be careful to abstain as much as possible from the exercise of this right, and to return to our old policy as soon as circumstances will allow us.

'The tranquillity of the country has surpassed expectation, and most of the reductions in the military department have probably been made.

'On a general view of our revenue system, it has not turned out worse than was expected.

'No survey or regular reduction of the assessment from one-half to one-third has yet taken place, but the plan is at length in full activity, and no further obstacles are likely to present themselves.

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wonderful advance & from admiring the sounds
 people must come to relishing the sense. ~~But~~
~~this very liberty of the Prep is not unlikely~~
~~to ruin all. [There is a party in Calcutta~~
~~of which Young (formerly of the Artillery and~~
~~Military Secretary & now of Palmer's house) is~~
~~the head & Mr. Buckingham (a very clever~~
~~fellow) of the Calcutta Journal the organ,~~
~~which exerts itself as strenuously for the "great~~
~~& glorious cause" of the liberty of the Calcutta~~
~~Prep as if this were the Republic of Plato~~
~~instead of the conquests of John Company, as~~
~~if our empire stood by our eloquence instead~~
~~of our bayonets, & as if our Public was likely~~
~~to advocate the rights of man instead of the~~
~~privileges of the Service. When the day~~
~~arrives when we can fairly throw open the~~
~~prep to the real public the 60 millions of~~
~~natives who live under our ^{Government} ~~rule.~~ That~~
~~day must be the last of our rule] & such~~
~~as termination of our connection with India~~
~~is the most desirable that can occur but~~
~~a prep open to a few hundred English~~
~~for the purpose of carrying ^{on} ~~our~~ dispassionate~~
~~considerations regarding full Patta & tent~~
~~contracts is not likely to produce any~~
~~such~~

~~Such beneficial results. It must from the nature of our society ^{be} a military prep with such variety as it can derive from the Missionaries & Supposing it carried to the height which its advocates wish, the result would be the premature downfall of the artificial & delicate fabric of our Indian empire & all our Hindoo Philosophers & their improvements would be buried in the ruins.~~

~~Signed M. C.~~

~~+ I do not mean that it is so bad for it is wonderful how little recitation they have got been disposed among to the good feeling of the country & the respectability of the Ministry.~~

Bombay March 27th 1822.

My dear Lock

I have signed the paper and generously confided all my heritable subjects &c. &c. to Commissioners of your nomination I conclude it is some law fiction connected with elections. I am glad to hear so favorable an account of my Spanish sister I have heard of her also from several of