

J.H. Harrington to Wellesley: 7.7.1799

Calcutta, 7th July 1799.

To  
Right Hon'ble Earl Mornington  
My Lord,

Mr Barlow has forwarded to you a regulation proposed by me for supplying the most prominent defects I have discovered on entering upon the execution of my duty at the Revenue Board - and, at his suggestion I have now the honour of enclosing a copy of the remarks delivered by me to the Board of Revenue to introduce and explain the grounds of the regulation proposed. These have been seen by Barlow - and received his concurrence. I hope they may also meet your lordship's approbation and prove sufficiently full and clear to save the necessity of further explanation. Should they however be deficient in this respect Mr Tucker is well qualified by his knowledge and experience in the Revenue Department to supply whatever may be wanting; and I shall therefore not trouble your lordship with a detail that might otherwise be proper and expected from me.

(ff 74v) The Regulation is now under consideration of the Revenue Board and I sincerely hope may may be amended by them before it is submitted to the Vice-President in council. I shall also have some additions to make to it myself on a few points which I have occurred since the Regulation was prepared. The advanced season of the new year having induced me to hasten the delivery of it, in as perfect a state as immediate circumstances allowed, rather than run the risk of an accumulation of the evils pointed out during another year. I flatter myself notwithstanding that it will not be found very imperfect, and that if, there should be more provisions to add hereafter, there will not be many to rescind or alter.

It would have been satisfactory if your lordship could have been on the spot, and instructed me on some points before I prepared the rules for collecting the publick revenue; but as there (ff 75r) will be time for us to receive your lordship's instructions before the Regulation is finally passed, this impossibility will be of less consequence.

Apprehension of engrossing too much of that time which I know must be entirely occupied by other publick objects of importance I shall only add my sincere and anxious wish that this first attempt to fulfill your lordship's intentions in my late appointment may prove successful.

I am, my lord, with the highest respect,  
your most humble servant,  
J.H. Harrington

Being still incharge of the Register's office I find it impracticable to go into all the business of the Revenue Board. But I take what share I can in it and hope to be relieved by Lumsden about the end of next month or early in September.

(ff 75v)  
P.S. July 10th

British Museum: Wellesley Papers: Add Ms 13478 (Miscellaneous public letters to Wellesley, June-Dec 1799): enclosing note on a Regulation to counter "the difficulty or rather impossibility which the landlord does experience in the realisation of a considerable part of the rents payable to them by the under-tenants."

17.2

( Remarks on proposed Regulation by J.H. Harrington )

On taking the seat which I have been honoured with at the Board of Revenue, my first attention was due to the heavy arrear of the land revenue stated in the Toujee account for Choite last; and amounting for the province of Bengal alone, to the sum of S.Rs 32,39, 028. 2. 12. 3. The sum of 4,74,056. 2. 7. 1 in part of the above arrear, had indeed been recovered, chiefly by a sale of lands; and the Board and collectors had taken or were about to take the same means, in conformity to the Regulations, for the realisation of a considerable proportion of the remainder. The accompanying memorandum (No. 1) which I have (ff 77v) prepared in with attention from the accountants compilation of the explanations given by the collectors, with their detailed toujees for Choite, will, if accurate, shew the greater part of the balance to be due from the landholders and recoverable by the prescribed process. It is not therefore my present intention to suggest any particular measures for this purpose. But on considering the very large balance due from so many of the landholders, and finding on enquiry that the amount outstanding against them, at the close of the year, has been annually accumulating during the last four years @; it naturally occurred to me that there must be some general cause or (ff 78r) causes to account for this effect, The reports required from the collectors on the 21st ultimo will enable the Board to submit full information to the Hon'ble the Vice-President in council on this subject in answer to his letter of the 17th ultimo; but in the meantime the records of the Board appear to me to contain sufficient proof of one cause, which from its nature calls for the immediate attention of Government, to prevent its further operation. I refer to the difficulty or rather impossibility which the ~~landholders~~ landholders experience in the realisation of a considerable part of the rents payable to them by their under-tenants; and which constitute their assets (in the well known large (ff 78v) proportion) for their revenue to Government. A letter from Mr J.H. Ernst, commissioner of Bhoosna dated the 13th June 1798, states, on his own experience, the inadequacy of the means given to the landholders in this respect so forcibly and from the knowledge afforded him by his situation, so convincingly; that I beg to refer to his letter of the above date (from which the accompanying extract NO. 2 has been made) for better information on this subject than any I could furnish, or be entitled to credit for.

2. It appears from Mr Ernst's observations that the powers given to the landholders and farmers by Regulations 17. 1793 and 35. 1795 to distrain the (ff 79r) crop and other personal property of their under-tenants, are in general effectual and sufficient when the arrear is due from the immediate cultivators of the soil, or such under-tenants as have the crop in their possession; but that they are found altogether insufficient for the recovery of arrears of rent due from the other intermediate tenants between the proprietor and cultivator, who have no crop, and very little other personal property that can be attached. In support of his remarks on this head he states, that the large balance due to the zemindark of the Rajshahy from the Bhoosna Division of his late estate for the Bengal year 1204 little more than (ff 79v) one-tenth is supposed to be in the hands of the ryots. He adds that the under-farmers of that chuckla have, in general, no crops on which the zemindar can levy distress and such jotedars as cultivate lands on their own account

British Museum: Add Ms 12478: Harrington to Wellesley enclosed in letter dated 7.7.1799.

have seldom more than enough for their own consumption: that if a jotedar has crops which may be attached the hope of protracting, if not evading, the payment of his rents induces him to resist the attachment and forcibly carry off the crop; leaving the distrainer to sue in the adawlut; and that the tedious process required before the crops can be sold, with the risks and uncertainties attending the attachment and sale, compel the zemindar to a (ff 80r) compromise. Further, that the zemindar finds the distress of cattle, stored grain and personal effects, still less effectual; the greater opening which this affords for abuse having subjected the execution of it to such restraints as hardly ever render it worth his while to have recourse to it. That few of the under-renters, (not the cultivators of the land) have any cattle or stored grain; and when they have any, it is difficult to ascertain what belongs to them; their kindred and acquaintance claiming it when an attempt is made to attach it; and what personal property they have they can secure from attachment, under the regulations, by concealing it in a zenana, or the (ff 80v) apartments of women, which distrainers are not allowed to enter. That all attachments being liable to produce affray and complaints in the Foujdarry this offers a further discouragement to have recourse to them; and that suits in the Dewanny adawlut are not only subject to excessive delay and expence; but, even after a decision in the zemindar's favour, are ineffectual, as the defaulters abscond and the decrees of the court cannot be enforced.

3. The last of the above remarks is verified by a late communication from the commissioner, whereby it appears that he has obtained judgements on the part of Government for outstanding balances of the years 1203 and 1204 (ff 81r) to the amount of S.Rs 83,712. 12 which, from the cause stated, can not be recovered; and he concludes his letter of the 13th June 1798 with the serious declaration, that the zemindar "has not the slightest prospect of realising the revenues of Bhoosna under the present regulations". I do not believe this declaration to be applicable, in its full extent, to the country in general. The jotedar of Bhoosna, are, as described by Mr Ernst, notorious for their turbulent, fraudulent, conduct; and before the present regulations took place the zemindar, as well as the officers of Government, found it difficult and often impossible, to make them pay a just rent. But the inability of the landholders to realise their rents by the (ff 81v) powers vested in them, under Regulations 17- 1793 and 35- 1795 (the greater than they were ever before legally authorised to exercise) is generally acknowledged and must be admitted a defect that should be immediately supplied.

4. In stating such defect in a particular rule, respecting the land rents I shall not, I trust be suspected of wishing or intending to question the wisdom and good policy of the general system contained in the regulations. I consider them to have laid the foundation of a system of justice, order, security and consequent prosperity, which the inhabitants of this country have never before experienced; and which can not fail in the end to produce the most substantial (ff 82r) advantages as well to the governors as the governed. But on the introduction of a new system, calculated to check former oppression and render all individuals subject to the general laws, many modifications of the original rules were of course to be expected; and the only ground of surprise must be that the regulations formed on the introduction of the present system in the year 1793, which were partly composed of former rules and orders in the different departments, were at once rendered so perfect as to have yet required so few material alterations. The groundwork established by them will I sincerely hope, last for ever; whilst experience must point out many additions and modifications to (ff 82v) be raised

upon them, as further knowledge or a change of circumstances may require. Such a change has, I believe, already taken place with respect to the ryots and other under-tenants, who instead of being the weaker party as they were when the zemindars exercised almost arbitrary power, are now (according to general opinion) become the stronger party, under the support of the courts of justice, their numbers, the exigencies pressing upon the landholders from the demands of Government, and, I am sorry to add, the general want of good faith among the under-tenants under an abuse of the laws for their security. Much more might be said on this subject; but I trust the above will (ff 83r) be sufficient to prevent any possible misconstruction of my motives for submitting to the Board and thro them, with their concurrence, to the Hon'ble the Vice-President in Council the accompanying draught of a proposed Regulation; drawn up in the prescribed form. The provisions contained in the first 20 sections of which are meant to obviate the difficulties above pointed out in the realisation of the land rents payable by the ryots, jotedars, kuthemmadars, dependent talookdars and other descriptions of under-tenants to the zemindars and other landholders who pay revenue to Government; or to the sudder farmers, who have farmed the lands from Government in the few instances (ff 183v) wherein the land holders have declined to engage for the permanent assessment upon their estates at the formation of the decennial settlement.

5. The provisions necessary for the above purpose embrace two objects. 1st to secure the rent from the cultivators of the soil to the intermediate tenants, between them and the land proprietor. 2ndly to secure the rents payable by such tenants to the zemindars and other land proprietors; or to the sudder farmers, who stand in the place of such proprietors. The first object will, I hope, be fully attained by the existing rules for distraining the crop; and the modifications and explanations proposed (ff 84r) in sections 2-9 of the accompanying Regulation. The second object will also be promoted by the same means but as these can only be effectual where there is property to be distrained, further provisions are requisite to enable the landholders and sudder farmers to realise their rents from this description of under-tenants, whose general irresponsibility and/difficulty of finding /the adequate security, make it necessary to guard against embezzlement, elopement, and other practices of fraud and evasion. I have accordingly proposed in sections 14-20 as much aid to the landholders and farmers in this respect as appears to me consistent with the justice due to their tenants and the general (ff 84v) principles of the judicial regulations.

7. One unfortunate (ff 85r) but (I fear) unavoidable consequence of sales of land for the discharge of arrears of the public revenue, is that all leases to under-tenants who were not exempted at the period of the decennial settlement from an increase of rent, by having held their tenures at a fixed rent for more than 12 years antecedent to that period, are, (as provided by Regulation 44- 1793) cancelled from the day of sale; and the purchaser may eject the intermediate under renters and collect from the ryots or cultivators of the land whatever the former proprietor would have been entitled to demand according to the established usages and rates of the district had the engagements so cancelled never existed. Were this the only consequence attending a public sale for arrears of revenue it should, in my opinion, preclude the sales taking place till the close of the current year, as well in justice to the under-tenants, liable without any default on their

part to be affected by it, as to prevent the obvious discouragement to the general agriculture and improvement of the country, which must ensue from the uncertainty whether an engagement entered into with the landholder or farmer at the commencement of the year will be obligatory and valid till the close of it.

8.

The Note on "Regulation to strengthen proceedings of eviction and distraint of property of tenants and sub-tenants" runs into 17 paras and ends on ff 95v. It is possibly also entered in the proceedings of the Bengal Board of Revenue.

PrivateMonghyr  
Octr 1st, 1801.

My Dear Sir

You have already exempted me from the duty of replying regularly to all your letters, as you are apprised of the immense variety of public occupations which preclude the possibility of my attempting to maintain a regular private correspondence with any person.

Without therefore entering into any regular list of letters or paragraphs, I inform you that I have received the whole series of your private communications down to the 15th (ff 57v) of May 1801. I have also received many despatches from the court of directors of the tenor and spirit which you intimate. The acknowledgement of the public despatches from England, transmitted officially, will apprise you of the dates of the despatches which I have received. By my letters to the court now forwarded, you will perceive that I entertain no intention of abandoning my post, in any manner inconsistent with my sense of character, and public duty. The court however will understand it to be my desire to return home, when the public service will admit of my resignation. On all the topics touched in your letters, relative to the orders of the court of directors, affecting the details of various appointments in (ff 58r) India, the present ruffled state of the temper of the court, and the grateful return which I am at last to receive from them, I must request your patience, while I observe a strict and respectful silence; referring you to the official despatches for an explanation of my measures, and to the period of my return to England for an ample, minute, and dispassionate discussion of every topic, to which you have adverted. I trust you will never have reason to impute to me, that any public step of my life, has been diverted from a plain and steady course by the influence of passion; on the other hand, I hope that no trial, to which I can be exposed, will discover (ff 58v) any want of the firmness necessary in these perilous times. I shall remain in India while the public service appears to my judgement and conscience to demand my continuance; or until I shall be relieved; and while I continue in India, I shall act as I have hitherto acted, and as the law and my duty prescribe; carrying into effect such orders of the court of directors, as appear to me not to menace the public safety; and suspending, for the further pleasure of the court, the execution of every order which can not be obeyed without hazard to the Government, or to the Empire. If this system be new unpopular, I hope I shall be told distinctly the pleasure of the court on the question; and that I shall be relieved from my charge, before I am deprived of all means of exercising (ff 59r) it either with private honour, or public advantage. On this subject I here close my declaration; nor will I ever write or utter a syllable more upon the matter, until providence shall allow me to render an account of my administration to the authorities entitled to receive it, upon my return to my place in parliament. The same silence must I observe

B.M. Add Ms 22130: from Wellesley to David Scott (several times chairman of the Court of Directors of the E.I.Co). The letter, in a somewhat dramatic and forceful manner, reflects the attitudes and relationships of the Governor Generals (from the beginning to 1858) with the Company.

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upon the late most astenishing changes in the king's counsels; only assuring you, that no change in the cabinet, or even ~~the~~ in the crown will ever induce me to desert my public duty; the appointment of Mr Charles Fox to the highest office in the state, would not in any degree vary the course and tenor of my conduct, which have been regulated by principles entirely unconnected with the state of politics either at Whitehall or in Leadenhall Street.

One point stated in your letters must however (ff 59v) be particularly noticed, I refer to your intention of annihilating Lord Clive's Government; I enclose an extract of a few lines, which I have sent to Mr Dundas on that subject. I can add nothing to the sentiments which I have there expressed. When you have disgraced Lord Clive's Government, and driven him home; I advise you to recall me; send Paul Benfield to the Government of Madras; and Sir John Macpherson to the Government General; you will then have plentiful investments, and the people will be as happy, as Black fellows deserve to be.

You may rely on my using every effort to recover your investments, which have been diminished by your own emission of exporting Bullion. That failure was the cause of all your disappointments.

(ff 60r) I shall endeavour to write to you more fully by the next packet. I have desired Lord Lewisham to communicate to you my letter to him.

Your friend Salmand and his wife and niece are with me on my present voyage; they are very well. I have told your daughter how sensible I am of the kindness of all my friends at home.

Yours Dear Sir Very Sincerely

Wellesley.

I think it proper to apprise you that I am apprehensive that I shall be under the necessity of making a change in the Residency at Hyderabad, having reason to believe that Major Kirkpatrick, whose conduct has hitherto been so meritorious, has involved himself in (ff 60v) a connection highly offensive to the prejudices of the Mussulmans, and incompatible with his character as the representative of your Government. Major K's extraordinarily eminent services (which I must remark have never been noticed at home) have rendered me very slow to credit any imputation against him. I have instituted an enquiry into the facts alleged by rumours, and I fear that the result will prove unfavourable; in which event it will become as much my public duty to ~~make~~/my /mark disapprobation, as it has hitherto been to bestow my app-lause upon that most successful of your ministers with the native states.

W.

17.4

17

H. Wellesley, Commissioner Ceded Territories to Collectors: 1802

To Collector of Allahbad: 17.6.1802

(Extract) (ff 8r-v)

(On self destruction at Allahabad Bangas)...As it does not appear by the depositions that any undue means are used to promote the practice but that it originates in superstitious zeal, the Board continues to be of opinion that any direct interference on the part of Government would tend rather to increase than to mitigate it.

EM: Add Ms 13563 (to Collector of Allahbad 19.12.1801-5.3.1803, ff 26) 10.

To Collector of Cawnpore: 12.6.1802

(Extract ff 16v-17r)

Where such grants may have been made for charitable purposes or for the support of religious buildings or establishments, they may in general be commuted with advantage both to Government and to the objects they are intended to support for a certain allowance in money to be paid from the treasury.

EM: Add Ms 13568 (ff 24): 2.3.1802-13.1.1803; Collector Ab Welland

: Reply to letter dated 25.9.1802 concerning "Aimah and other Rent Free Tenures". NOTE: A reply dated 1.6.1802 (ff 6r-v) answers the query about "revenue hostages" (securities).

To Collector of Gorakhpore: 6.12.1802

(Extract ff 19v-22v)

6. Altho the resumption of many lands held under irregular sunnuds would certainly increase the jumma of your district, in the present state of the country I consider it to be more for the honour and advantage of the Government that such claims should for the present be admitted than that many helpless individuals should be deprived of the means of subsistence by a strict investigation into the legality of their tenures. As a general principle no sunnuds can be held valid but such as are granted by the sovereign of the country the Nawab Vizier, and (ff 22r) under which the renters may have held uninterrupted possession to the period of the cession of the country to the British Government, no amil having a power to grant a lease beyond the period of his own farm. In the application of this principle however, you will pay due attention to the claims of those, who from long possession, or from having no other means of subsistence, you may deem entitled to the favourable consideration of the Government, and you are authorised to continue such in possession of their tenures until you can report their several cases to the Board and receive their orders upon them.

EM: Add Ms 13570 (ff 24) 12.12.1801-15.2.1803; Collector J. Routledge

: Reply dated 9.1.1803 conveys Governor General's approval regarding policy and draws attention to former instructions.

Mr Caillaud's on Religion of the Gentoos: to a Director: 1754

(Extract)

The religion of the Gentoos is pure idolatry. They are divided into a number of different casts equal to our different sects. They are strict in not mixing with each other in their different casts (?), eating, drinking, lying; many other trifles make them lose the benefit of their own sect, and deprived (?) by others. The lowest cast among them is the Pariar, which they do us the honour to admit us in. They are distinguished by the different colour they paint their forehead with. Their priests are called Bramins, and like most priests live (ff 96v) well, govern the people, and have the finest women; which they call dancing girls, destined to the service of their favorite idol swamy. We are now and then lucky enough, by means of a few rupees

BM Add MS 4205/90v  
(Exh from State Papers  
N0373 from Frichemph)

properly applied for turning of their temples, to name with them. Their places of worship are called Dharampal Archives CPS-TS-17



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upon the late most astonishing changes in the king's counsels; only assuring you, that no change in the cabinet, or even ~~the~~ in the crown will ever induce me to desert my public duty; the appointment of Mr Charles Fox to the highest office in the state, would not in any degree vary the course and tenor of my conduct, which have been regulated by principles entirely unconnected with the state of politics either at Whitehall or in Leadenhall Street.

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