FIRST REPORT

FROM THE SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, to be Printed,
6 May 1858.
Martis, 16<sup>°</sup> die Martii, 1858.

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

Luna, 22<sup>°</sup> die Martii, 1858.

Committee nominated of—

Mr. William Ewart. | Mr. Mangles.
Mr. Baillie. | Sir Erskine Perry.
Mr. Campbell. | Mr. Seymour.
Mr. Gregson. | Mr. John Benjamin Smith.
Mr. Kinnaird. | Mr. William Vansittart.
Mr. Knight. | Mr. Villiers.
Mr. Lowe. | Mr. Willoughby.
Mr. Lygon.

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

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 25<sup>°</sup> die Martii, 1858.

Ordered, THAT the Committee do consist of Sixteen Members.

Ordered, THAT Mr. De Vere be added to the Committee.

Jovis, 6<sup>°</sup> die Maii, 1858.

Ordered, THAT the following Petitions be referred to the Committee, viz.:—From Landed Proprietors, Indigo Planters, Merchants, and Traders in Calcutta and the Lower Provinces of Bengal;—and, Indigo Planters' Association in Bengal;—and, British Subjects resident in Calcutta and the Mofussil Districts of the Residency of Fort William, in Bengal.

Ordered, THAT the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

REPORT - - - - - - - - - - - - - - - - p. iii

MINUTES OF EVIDENCE - - - - - - - - - - p. 1
FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of European Colonization and Settlement in India, especially in the Hill Districts and Healthier Climates of that Country, as well as for the Extension of our Commerce with Central Asia, and who were empowered to Report the Evidence taken before them, from time to time, to The House:

Have taken Evidence on the Matters to them referred, and have agreed to Report the same to The House.

6 May 1858.
## List of Witnesses

**Jovis, 15° die Aprilis, 1858.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major-General George Borlace Tremenheere</td>
<td>1</td>
</tr>
<tr>
<td>James Ranald Martin, Esq., F.R.S.</td>
<td>17</td>
</tr>
</tbody>
</table>

**Martis, 20° die Aprilis, 1858.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major-General George Borlace Tremenheere</td>
<td>27</td>
</tr>
<tr>
<td>Joseph Dalton Hooker, Esq., M.D., F.R.S.</td>
<td>41</td>
</tr>
</tbody>
</table>

**Jovis, 22° die Aprilis, 1858.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Baikie, Esq., M.D.</td>
<td>50</td>
</tr>
<tr>
<td>William Theobald, Esq.</td>
<td>55</td>
</tr>
</tbody>
</table>

**Martis, 27° die Aprilis, 1858.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Theobald, Esq.</td>
<td>73</td>
</tr>
</tbody>
</table>

**Jovis, 29° die Aprilis, 1858.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Stewart Jolly Auld</td>
<td>100</td>
</tr>
<tr>
<td>Mr. John Freeman</td>
<td>106</td>
</tr>
</tbody>
</table>

**Martis, 4° die Maii, 1858.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. John Freeman</td>
<td>124</td>
</tr>
</tbody>
</table>
MINUTES OF EVIDENCE.

Jovis, 15th die Aprilis, 1858.

MEMBERS PRESENT:

Mr. Bailie.
Mr. Campbell.
Mr. De Vere.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.
Mr. Lowe.
Mr. Lygon.

Mr. Mangles.
Sir Erskine Perry.
Mr. Darby Seymour.
Mr. John Benjamin Smith.
Mr. William Vansittart.
Mr. Villiers.
Mr. Willoughby.

WILLIAM EWART, ESQ., IN THE CHAIR.

Major-General George Borlase Tremendore, called in; and Examined.

1. Chairman.] WILL you have the goodness to state what rank you hold in India?—I retired from the Bengal Engineers about two years ago, with the rank of Colonel: I am now a Major-General.

2. In what part of India have you been?—I was 25 years in India, two of which I spent on the banks of the Jumna, two at Aligarh, six at Delhi; and after my furlough I was five years in the Tenasserim provinces, and 10 in the Punjab, where I held the position of superintending engineer of the whole of the Punjab.

3. When did you leave India?—In 1855.

4. You are aware that the object of the Committee is to inquire into the question of settlement by Europeans in India: do you conceive that, on account of the peculiar desirability of applying European capital to India, there is a material distinction to be taken between colonization in India, and what we call colonization in other countries?—There is a very great distinction. Colonization cannot proceed in India as it does in Australia or Canada; it must spring from the upper, rather than the lower ranks of society, by the settlement of capitalists; that is, from the capitalist rather than from the labourer.

5. You consider that, whereas emigration generally moves from below upwards, in this case it would have to move from above downwards, by the settlement of capitalists in the country who shall employ the labourers, not by that of labourers who work for capitalists?—Exactly.

6. In fact, the employment of Indian labour by English capitalists?—Yes.

7. In the order of reference made by the House for the direction of the Committee, the first subject refers to the progress of settlement in India. Have we any proper means of knowing what the progress of British settlement in India has been?—The progress of settlement in India has been very slight beyond the settlement of a few gentlemen engaged in the indigo manufacture and in sugar. Very little progress has ever been made in settlement in India.

8. Have we any means of knowing the number of British settlers in India?—I believe, at present, no means exist.

9. Sir Erskine Perry.] Have you seen a return made to this House in 1852?—No, I have not seen it. Formerly, every settler in India was registered by the Government;
Government; but since permission has been given for any one to settle in India, I am not aware that any record has been kept.

10. Chairman.] Formerly, the East India Company kept a register of Europeans who settled in India?—I believe so; but that is a subject of which I have no personal knowledge.

11. You are aware that previously to the passing of the East India Charter Act of 1833, the question of European settlement in India was very much agitated in this country, and excited a great deal of interest?—Yes.

12. The Act of 1833, by the 86th clause, allows the settlement of British subjects in India, by giving permission to all natural born subjects of Her Majesty to purchase and reside on lands within the territories of the East India Company?

—Yes.

13. The Indian Act, which was passed in conformity with that Act, which allowed British subjects to hold land in India, was passed in 1837, was it not?—I believe so.

14. The next subject referred to in the order of reference which directs the proceedings of this Committee, is the best means of promoting European settlement in India. What do you consider the best means of promoting European settlement in India?—The state of the existing means of travelling in India is sufficient alone to prevent the country and its resources from becoming known to capitalists. The ordinary mode of travelling is either by marching in stages from 12 to 14 miles a day, or travelling by dawk in a palanquin. Capitalists will not submit to this tardy mode of progress. I conceive that if railways existed, places holding out prospects of profitable investment would be readily visited, and capitalists would then judge for themselves of the advantages to be gained by settlement.

15. You consider that the want of good communications is the first obstacle?—The first and chief obstacle.

16. Do you consider another to be the want of capital?—Yes, capital is a sine quâ non; but I conceive that before capital can be attracted to India, it is necessary to give the greatest facility for intercommunication. Both the agricultural and the mineral resources of the different localities could then be readily inquired into on the spot. Those resources would not only be accessible to capitalists, but would be placed within easy communication one with the other, which is not the case now.

17. Mr. Campbell.] Would you apply that remark to the transit of commodities when produced, as much as to the introduction of enterprising men with capital, with a view to settlement?—Yes, certainly; the fertility of one part of the country, or the increased means of production arising from means of irrigation, would not only be beneficial to one district, but the advantages would be spread over vast tracts of country, and the present serious effects of drought and famine would be effectually prevented.

18. Chairman.] Can you give us your general views as to the resources, mineral and vegetable of India, which you think would be developed by enlarged facilities of communication?—As to the mineral resources of India, the chief are coal and iron, copper and tin.

19. Can you state the principal localities of those?—The principal localities of coal which is worked in India are those of Burdwan, and on the Nerudda river; the whole of Burdwan (as is well known) furnishes a great deal of the steam coal which is used in India. The coal of the Nerudda has only been recently visited by professional mineralogists, and a coal and iron viewer was sent there last year by desire of the East India Company.

20. One great object of establishing an improved means of communication would be to bring out the mineral and vegetable resources of the country?—Yes.

21. Would it not also be a great object to bring them into a state of connexion with each other?—Undoubtedly; and without railways it would be impossible to effect that.

22. Besides the coal regions you have mentioned, are there not others; is there not coal in Assam?—There are several other localities in which coal is found in India; but from observations of my own, I conceive that it is coal of recent formation, and not probably so well adapted to commercial purposes as the coal beds of Burdwan and of the Nerudda. It has not been economically produced in any other district, that I am aware of. A small working was made in
in the Tenasserim provinces, which I myself visited and reported on, but it is very distant from the coast, and there are difficulties in transporting it, except at one season of the year; the coal itself is not mineral coal, but a lignite.  

23. There is a generally prevailing difference between English coal and the coal of India?—Yes.  

24. Does the coal of India approach more to the anthracite or the lignite character than the coal of England?—It approaches more to the lignite character; not to the anthracite.  

25. What are the principal iron districts of India?—Iron is distributed almost universally in India; I have seen it in many of the different localities, both in the Himalayas and in the Tenasserim provinces. I have seen large blocks of ironstone projecting from the hills in the Tenasserim provinces, which are rich in magnetic iron ore that the particles actually followed the hammer when applied to the rock. The best iron localities I imagine to be those in the Nerbudda, which have been only recently reported on by the mineral viewer who was sent to Bombay, Mr. Blackwell.  

26. Have you any further information to give to the Committee with respect to the mineral resources of India?—In the Tenasserim provinces tin abounds, and is worked by Chinamen. Copper also exists in the Himalayas, but has not yet been profitably produced by Europeans. In Kumaon, and in the Gwalior territory, there are large deposits of iron, also in various other parts of the Himalayas; but from their being utterly inaccessible to capitalists, no attention whatever can be paid to those minerals at present.  

27. Is there not a great want of fuel in Kumaon?—No; there is plenty of fuel, which, if economically managed might be made available for the smelting of iron; that is, wood fuel. There is no coal in that portion of the Himalayas.  

28. Does it not require a great quantity of wood for smelting iron?—There are immense forests of wood which, by proper supervision and renewal, would, I conceive, serve the purpose.  

29. Has not the wood been very much cut down in Kumaon?—Not that I am aware of.  

30. And has it not been allowed to fall into a state of waste?—There are immense tracts of forest upon which no cutting that has hitherto gone on can have made the least impression.  

31. Is it not a great point to bring those different mineral products into contact with each other; for instance, the coal and the iron?—It is the only manner in which they could possibly be made available in an economical point of view.  

32. Will the railway that goes from Calcutta in the direction of Delhi, bring together much coal and iron?—The railway which traverses the continent from Bombay to Mirzapore will pass through Jubbulpore, which is close to one of the principal deposits of coal and iron.  

33. Will not the railway which goes from Calcutta in the direction of Delhi, bring together the coal of Burdwan and the iron of Monghir?—Yes, it might be effected by short branches. Monghyr is one of the principal localities for the production of indigenous iron in India. It is worked by the native methods, and there is a considerable annual export from Monghyr towards Nepal and our own provinces. There is also a native manufacture of fire-arms on the spot, which has existed for a long period; so that, besides the raw material, you have, to some extent, a population accustomed to the manipulation of iron. The coal of Burdwan is not far off, and limestone exists in parts of the same range of hills. I have long thought, and have endeavoured to make known my opinion, that if the district in the vicinity of Monghyr were thoroughly investigated, and the iron, the coal, and the limestone brought within easy access of one another, the most valuable results might be obtained.  

34. One peculiar advantage which England possesses of course is, that the coal and iron and lime are found in contiguity, thereby giving you at once a means of smelting and a means of flux for the article. Is that the case in India?—I believe it to be the case on the Nerbudda. The three materials are in closer proximity to one another there than any where else in India, so far as we are at present informed.  

35. Is it, then, of great importance to establish ready means of communication, so as to bring these invaluable articles into contact one with another?—It is the only way of making them useful.
36. I believe there is, generally, a great want of lime in India—There is in some parts of the country, but there is a peculiar concretion called kunkur, which is made available for building purposes.

37. I believe it is a carbonate of lime?—It is an impure carbonate of lime.

38. Is that available as a flux for iron?—I am not prepared to say that it is.

39. Is there not lime in the neighbourhood of Sylhet?—I believe there is.

40. May not communication, partly by railway and partly by road, bring that lime into contact with the iron, so as to be useful as a flux for iron?—Yes.

41. Has kunkur been tried as a flux?—I am not aware that it has. I should doubt its being procurable in sufficient quantities to be used as a flux in any one locality; it exists in thin beds in different parts of the country, but not in large deposits.

42. With regard to the vegetable productions of India which might be elicited by the application of capital and improved means of communication, will you state what are the most important of those?—The principal vegetable productions of India are wheat and other cereals, cotton, sugar, indigo, opium, hemp, flax, tea, and timber. With regard to wheat, I imagine that there is no limit to the production of wheat at a very cheap rate in India, and especially in the north-west of India, and in the Punjab.

43. I believe that country is a splendid country for corn?—The Punjab is certainly a splendid country for corn. I have seen it one vast sheet of corn in the spring, especially in the upper part of the Punjab, in the vicinity of the Himalayas; there you may look over miles of country, one continued field of corn, which is bounded only by the base of the Himalayas.

44. Mr. J. B. Smith.] When you speak of corn, you mean wheat?—Yes, wheat. When the projected canals are completed in the Punjab, that country will, I imagine, become the granary of India, if not of other countries.

45. Chairman.] Do you think that corn might be exported from India in consequence of the abundance of its production there?—I should consider that it might. I had occasion to inquire into the agriculture of the Punjab in 1858. A series of questions were circulated by the Government to all the civil officers in the district, and from their replies I framed a general report on the subject, which I now hold in my hand. I will mention, with regard to the price of corn, that in one portion of that report I stated that the prices of wheat at Lahore and Moultan were equivalent to 1s. 8d. and 1s. 3½d. per Winchester bushel of 60 lbs. In North America, at the shipping places on Lakes Erie and Michigan, the prices of wheat, the produce of Ohio and the west, as stated by my brother, Mr. Seymour Tremeneere, in 1851, were from 2s. 2½d. to 2s. 8½d. for the same weight, and it sold at Liverpool for 3s. 9d. per bushel.

46. I believe that a considerable portion of the corn grown in that part of India is what the Italians call grano duro?—I believe it is, on the authority of a botanist.

47. It is the same corn of which the Italians make the macaroni?—I believe so. When canals are introduced in the Punjab, the prices which I have mentioned, I have no doubt, will be considerably lower.

48. Mr. J. B. Smith.] Have you any idea at what price it could be brought by canals to a port of shipment?—I have not. Both railways and improved water carriage are in progress, and when the means of communication for the whole distance to Kurrachee are completed, it will very much diminish the cost of conveyance.

49. Sir Erskine Perry.] But you do not imagine that water communication will exist the whole way to Calcutta?—No, to Kurrachee, by the Indus.

50. Chairman.] Will you continue your statement with reference to the other vegetable products?—There is cotton. The subject of cotton is a very large one, and I imagine the Committee would not desire me to go at length into that; what I wish to advert to particularly is the value of European superintendence, and European settlers, with reference to every one of these agricultural productions. The want of improved communications also is a general want, which is applicable to every one of those productions, whether mineral or vegetable.

51. Will you state how far, in any particular district, improved facilities of communication would have the effect of largely developing cotton or indigo?—I am not aware of any particular indigo or cotton district that would benefit more than others by improved facilities of communication. To return to the subject of European superintendence, with regard to cotton, the Committee will no doubt
ON COLONIZATION AND SETTLEMENT (INDIA).

doubt remember the speech of Mr. Turner last year, and the statement which he made with reference to the value of European supervision. That gentleman informed the House of Commons that Mr. Landen had sent to him a specimen of his yarn, to show that if cotton could only be got in this country as clean as he had made it in India, the same results would be arrived at.

52. Has not Indian cotton the advantage of swelling more, and also taking the dye more easily than the American cotton?—I believe that is the case; at present its chief defects are very well known. Mr. Turner stated at the same time that his house lost 7,000 l. a year by the dirt and refuse with which the cotton is mixed; that loss would be altogether prevented if Europeans were living on the spot, and superintending its picking, its cleaning, and its transmission to England.

53. Would you apply the same principle to the development of sugar in India?—The same remark applies to all. The great example, with regard to vegetable products in India, as showing what may be made of them, is in the production of indigo. The planter has resided in the country; he has purchased from the cultivators the plant in its perfect state, or has made advances to secure the crop, and has applied his own science and skill to the manufacture of the drug, which now is not equalled in any other market.

54. Is not indigo a singular instance, not only of the successful application of European capital and skill, but also of the power of transfer from one place to another which capital gives; was not indigo originally Indian in its production, and was it not afterwards transferred, by European skill, to the West Indies, and again retransferred by European capital to India?—Yes, it was first improved in the West Indies by European skill and superintendence, and was then transferred to India. By the same means by which the market was removed from India, it was again planted there, and the indigo of India has now taken the best place in the markets of the world.

55. That therefore shows that European skill and capital are independent of locality, and that cultivation follows them, whether in the eastern as well as in the western parts of the world?—Yes; while on this subject I will mention what has been done by the natives themselves with regard to the cultivation of opium. The Committee are aware that opium commands a very high price in India, and it is found to be worth the while of the native cultivators to take pains with it, and it is a very popular and profitable article. I do not give this on my own knowledge, but from an officer who resided in the district of Behar, and had an opportunity of observing the cultivation of opium over a period of 14 years. I will read an extract from his letter on the subject. He says, "They have paid the greatest attention to the tilling of those fields, and the taste the natives displayed would do credit to a lady's flower garden. From the improved system of cultivating the poppy, the crop is about 50 per cent. more certain than it used to be formerly; and so it would be in the wheat and barley fields if the same attention was paid to irrigation and manure?—I merely mention that circumstance to show that the natives are capable of great perfection in cultivation.

56. Are there any other vegetable products to which the same remarks apply?—Yes; there are other vegetable products; there is sugar. The sugar cane is grown nearly all over India, but the natives do not, in my opinion, cultivate it in a scientific manner. The cane is frequently of a small kind, but containing much saccharine matter. There is another variety which grows much larger and higher; but in all cases it is planted closely together, which prevents hoeing and weeding after a certain time, and the free access of light, upon which the formation of saccharine matter greatly depends. The method of cultivation in the West Indies is entirely different.

57. Has the palm sugar been cultivated in India?—No, not to any extent; it is all the cane.

58. Has not the palm sugar been tried with some success?—I have not seen any; all that I can speak of is the sugar cane. The cultivation of sugar has never been attempted on a large scale by Europeans, but it has been left to the natives themselves. Where capitalists have undertaken the manufacture of sugar I understand that they have pursued nearly the same course as the indigo planters, by purchasing cane and goor or coarse sugar from the native cultivators. In an instance where an opposite course was pursued, which is within my own...
own knowledge, in the Tenasserim provinces, where hired labour was used, the manufacture was a failure, not as to the description of sugar produced; that was very good, but commercially it was a failure. In the upper part of India, sugar is more plentifully produced than in Bengal, especially in the Punjab. I may say that there exist great facilities for the production of sugar in the North-West Provinces. At Shahjehanpoor there is a sugar manufacture, which is successfully carried on.

59. To what do you attribute the failure of which you spoke in Tenasserim?—To the high price of labour in Tenasserim, which is peculiar in that respect as compared with the rest of India, and to the mistake which was made in attempting the cultivation, rather than purchasing the produce of the natives, who can grow it much cheaper; and there were other causes of failure.

60. Would not improved facilities of communication be a very great benefit in preventing famines, which sometimes prevail in India?—Yes: years of scarcity have occurred at Bengal at regular periods, with intervals of from 18 to 19 years. Thus the years 1733, 1752, 1770, 1807, and 1836 are recorded as those of the greatest distress within the last century. In the North-Western Provinces the intervals have been shorter, the principal years of scarcity having been 1782, 1792, 1802, 1812, 1819, 1825, and 1832, the intervals being from seven to ten years; canals and irrigation alone will not prevent the disasters caused by these old recurring famines, because all parts of the country are not adapted for the construction of canals; it is only by affording the greatest facilities for the transport of produce that the true remedy can be applied.

61. With respect to the cultivation of tea, your residence in the north part of India probably gives you some information as to whether by the application of British capital the cultivation of tea could be developed in that country?—There are good facilities for the cultivation of tea in the lower ranges of the Himalayas. The Committee are aware probably, that there is a company carrying on the cultivation and production of tea in Assam, and I believe that from Assam to the northernmost part of Hindostan, at similar elevations and within similar climates, no limit exists to the cultivation of tea in the Himalayas.

62. Is there not a probability that India will be a very large consumer of tea in future?—Undoubtedly; the natives are very fond of tea. If it can be produced at a low price (about 6 d. per pound), the consumption will be very large. There will also be a market for it in the Trans-Himalaya territories.

63. Are they not great consumers of it on the other side of the Himalayas, the tea at present being supplied at a great distance from China?—Yes. I would mention one or two facts with regard to it which I have extracted from Mr. Jamieson's Report. One of the plantations now yields 235 lbs. of tea per acre, which, if sold at 6 d. per lb., would yield 51. 17 s. 6 d. from land, the annual rent of which paid to Government is only 1 s. 6 d."

64.5. You think that by the application of British capital and skill, the cultivation of tea could be developed to a great extent?—Undoubtedly; it is perhaps one of the most important points of all.

66. Mr. Knight.] Do you know the amount of labour required to be expended on an acre of tea?—No, it depends on local circumstances.

67. Mr. Bailey.] Is not labour in that country exceedingly scarce?—In that part of the country which I now speak of Dr. Jamieson mentions in his report that there are 10,000 raijpoos who have no ostensible occupation who would be willing to turn their hands to the cultivation of tea. They are now idle, and obtaining a precarious subsistence.

68. Mr. Danby Seymour.] Are you acquainted with that country yourself?—Yes.

69. You speak of it from your own knowledge?—Yes.

70. Chairman.] Referring to that part of the country with which you are personally acquainted, should you say that there is a very evident want of knowledge upon the subject of the proper application of manure, which would probably be remedied by the introduction of capitalists?—I should not say that there is a want of knowledge of the utility, but that there is very great neglect of the available resources of manure; that is, there is a want of economy. A great deal of manure is burnt as fuel.

71. If
ON COLONIZATION AND SETTLEMENT (INDIA).

71. If Europeans were settled in the country would the application of manure be attended to in a very superior manner to anything which exists at present?—Undoubtedly, if it were superintended by Europeans, and if the science and experience of England were transferred to India.

72. Is there any great extent of waste land in that part of India with which you have been acquainted?—There is a great deal of uncultivated land at the base of the Himalayas.

73. Is there not this difference between the waste land of England and the waste land of India, that in India the waste land is very often land which might, with great advantage, be brought into cultivation; whereas here the waste land is generally land that is least capable of being brought into cultivation?—Yes.

74. Science and skill must of course accompany capital in developing the resources of India?—The application of science and modern improvements. I should like to say a few words on the application of European skill to the cultivation of land. I have some information on the subject from an officer who resided at Poosah, on the Ganges, for 14 years. He had charge of the Government stud, and he has given me a practical illustration of what might be done with regard to farming in India. The subject is so important, and the facts he mentions show so clearly what may be accomplished in that country, that I will read the letter, if the Committee please: "Some time ago I promised to send you a little memorandum, showing what was done by an improved system of cultivation on the Poosah Stud Farm (which contained 2,300 bighas) during the 14 years I had the management of that depot." "From 1833 to 1840 the lands under the management of my predecessors only produced 458,281 bushels of fodder. In 1840 I took charge, and in the next seven years increased the output to 480,017, showing an improvement of only 26,000; during this period the lands were thoroughly cleansed, manured, deeply ploughed, and all thistles and other weeds collected and burnt. During the succeeding seven years, viz., from 1847 to 1854, I had the satisfaction to reap 709,224 bushels off the same fields, minus 100 bighas, which had been taken from the farm and converted into paddocks. This shows an increase of produce in seven years amounting to 248,942 bushels more than the lands had ever produced before; or, I may say, four average crops in addition to the regular old out-turn." He mentions another fact with reference to the cultivation of carrots. "I once cultivated 16 acres of carrots for the horses, using the common country carrot seed, which usually, in Benares, produces a vegetable resembling a small turnip in shape, with a few thin carroty tails attached to it. I trenched this land 18 inches deep, and laid a deposit of six inches of manure at the bottom of each trench, gave it one ploughing, put in the seed and harrowed it down; the produce amounted to 9,066 bushels; many of the carrots were 14 inches long, and weighed four pounds each. The average cost of them, when fed off, was about two tons per rupee" (that is, 2s.). That letter is from Colonel Apperley.

75. Sir Erskine Perry.] Had not that gentleman the resources of a stud of 300 or 400 horses, whose manure was applicable to the land?—Yes, that is very true.

76. Mr. Campbell.] Had not the former superintendents of those studs the same facility of applying manure?—Undoubtedly.

77. Is not the manure generally thrown away or wasted?—Yes, it is generally wasted by the cultivators of the soil; the manure is thrown outside the village; it is there left exposed to the sun and rain, and all its virtues are evaporated or drained off before it is applied to the land, and cattle are not kept up for the sake of producing manure; no litter is thrown under them. Altogether there is a great waste of manure; there are no precautions taken whatever to increase it, or to preserve it. You will see in the neighbourhood of a village heaps of bones scattered, which might be ground into bone dust, and there they lie, and have lain for ages. Dead carcases of animals are allowed to rot in the neighbourhood of a village, infecting the air, whereas if mixed with soil and other substances they would produce most excellent manure. I will mention another circumstance; the surface of the land in India is very often covered by a saline efflorescence, which is an impure carbonate of soda. I believe that to this moment no one knows the correct chemical properties of that substance, or what might be made of it; but I have no doubt that if it were mixed with the carcases of animals, it would produce nitrate of soda, which is very excellent
8. Mr. Mangles. What is the native name of that efflorescence?—In the Punjab it is called “Kullar.”

79. Is there not a sort of infection of the land which is stated in some districts to be spreading over the country?—I have not heard of that.

80. Chairman. You have spoken of the extension of railways and canals; would works of irrigation also greatly increase the productiveness of India?—I think works of irrigation are of the greatest importance with regard to vegetable productions, and that they might be extended by means of private capital; they have hitherto been constructed out of the revenues of the country. There appears to be no reason why private capital should not be applied to public works of this nature, as well as to railways.

81. That would be another means of developing the resources of the country, by the application of European skill and capital?—Yes.

82. Do you think that the want of development of India has been very much caused by the absence of good roads in the country?—I think by the absence of railways; but the ordinary roads have not been an impediment, because the produce is transported at sessions of the year when the country roads admit of the passage of carts.

83. Mr. Mangles. In fact, at that season the whole country is a road?—The whole country; there is no obstacle at that season.

84. Sir Erskine Perry. Is it not the fact that for many hundred years India was superior to Europe as it regards the facility of transit from one part of the country to another during a great part of the year?—Yes; but still you find rivers to cross in India. If the Committee wish a general description of the roads of India, I shall give it in a few words. The main lines of road in India are not yet completed. There is one very excellent road from Calcutta to Delhi, and which is in progress to Lahore and Peshawur; but there are many breaks in it, which are in the course of being supplied. With regard to the district or cross-roads, they have been of late years provided for by a cess at one per cent. on the revenue. Very great improvements have taken place of late years in the district roads.

85. Chairman. But it is not very long that the roads have been much attended to in India, is it?—I am not aware of the date at which the ferry funds were set aside for the express purpose of improving district roads. I think it was in the time of Lord William Bentinck.

86. How long has the Grand Trunk Road been finished?—The Grand Trunk Road is not finished; the trunk road was commenced by Lord William Bentinck.

87. Do you remember in what year it was commenced?—I think about 1830.

88. Do you assent to this observation of a very intelligent, impartial foreigner, Mr. De Valbezen, who has written upon India with regard to the state of the means of communication in that country. He says: “The system of communication by means of roads in India has remained up to recent times in a state of nature. Even to this day the movement of commerce, outside the artery of the grand trunk road, is conducted along little frequented pathways, or on dangerous rivers navigable only at certain seasons of the year;” is that the case?—That is not quite the description I should have given of the means of communication; there are certainly not perfect branch roads; but a great deal has been done of late years since the ferry funds have been devoted to that purpose; many miles of road have been constructed, and many bridges have been made; but I conceive that there has been a want of economy in the application of those funds, simply from the want of engineering assistance.

89. Mr. Vansittart. Are the roads under the surveillance of the magistrates?—They are.

90. Chairman. How are the roads maintained?—The roads are maintained by the proceeds of the ferry funds, and by a cess of one per cent. upon the revenue of new settlements.

91. Are they maintained to any extent by local taxation?—Not beyond the cess of one per cent.

92. Mr.
92. Mr. Danby Seymour.] But they are also maintained partly by Government grants, are they not?—Not that I am aware of. The district roads are maintained by the ferry funds, which have been set aside for the purpose, and by a tax of one per cent. upon the revenue of the country. The main roads of the country are maintained entirely by the Government. There is a distinction between the main lines of communication and the district roads.

93. They are now removed from the magistrates and collectors to the Board of Works?—The district roads remain under the supervision of a local committee, of which the magistrate or collector is a member.

94. Chairman.] Are there any impediments to the employment of capital existing now, in the form of objectionable local transit duties?—I am not aware of any; they have been entirely abolished within our own territory.

95. Are there any objectionable transit duties between our territories and the territories of independent states?—I have no means of stating that of my own knowledge; that is not a subject to which I have paid any attention.

96. What is the state of the police for the protection of property in that part of India with which you have been acquainted?—The protection of the property of travellers is, I think, very complete at every halting place; the police arrangements are such that robberies very seldom occur, either of merchandise or the property of private individuals.

97. I suppose you would not extend that observation to other parts of India?—I am alluding to the trunk lines of communication.

98. One portion of the inquiry which has been devolved upon this Committee by the House of Commons is the possibility ofavailing ourselves of the climate of the hill stations of India for colonization and settlement; have you ever turned your attention to that subject?—I think one of the most important things that could be done would be to make the hill stations accessible by railway from the plains.

99. You mean of course by carrying railways to the foot of the hills?—To the foot of the hills.

100. Sir Erskine Perry.] Do you mean for commercial purposes?—For commercial purposes, as well as for the purposes of settlement in the hills.

101. Mr. Danby Seymour.] To what hill stations do you allude?—I allude to the hill stations of Simla and Mussoorie, Almora, and Darjeeling; there are others also to the northward of Simla, such as the station of Dalhousie, which was formed a few years ago, and Murree for the Punjab.

102. Do they all lie near the East Indian Railway?—No; it would be necessary to have branch railways from the East Indian Railway to have access to any of those stations.

103. They could be easily reached by branches?—Easily.

104. Are you aware that a new road has been made to Darjeeling, which is constructed in such a way that rails could be laid down upon it?—I am aware that it has been sanctioned, but I am not aware that it has been made.

105. Is it not in course of construction?—I am not aware of that; I am aware that such a road has been sanctioned.

106. Chairman.] In a military point of view is it not very desirable to have access to those hill stations?—Undoubtedly it is desirable on every account to have access to them; I conceive that means of speedy access to the hill stations is one of the chief wants in India.

107. Do not a great portion of the families of our soldiers absolutely die for want of access to a place where they can have cooler air than they can get in the lower regions of India?—Yes; we have a large number of English soldiers in India. Taking a period of 13 years, ranging from 1839 to 1851, I find, from the returns, that the average number in the country in any one year of that period was 38,146. The average annual decrease by deaths, invaliding, and all causes, was about 11 per cent., of which one-half, or about 5½ per cent., is due to mortality alone. So that, within this period of 13 years, no less than 27,907 Englishmen have passed away. By the rules of the service at that time, only one-tenth of this number could have been married men, and of the progeny of these it is known that only one out of every five survive the effects of climate during their early years. In round numbers, it may be stated that 2,000 English adults have annually perished without contributing in any appreciable manner to the increase of that element of the population of India which is so much required.

0.54.
108. Mr. Danby Seymour. What are your calculations grounded upon?—
Tabular returns.

109. Who made those tabular returns?—I obtained them at the India House.

110. Chairman. Will you proceed with your remarks on this subject?—The climate of the plains of India is decidedly adverse to the settlement of English families of the labouring class. In illustration, I need only refer to the care which is necessary to preserve the health of our soldiers in the East. For a great part of the day, during summer, they remain in their barrack-rooms, which are darkened by wetted mats fixed in the doorways to cool the air. The sun's rays that at this season are so powerful that the economical employment of European labour in the plains of India is, I conceive, impracticable. In the hill districts the case is different. As you ascend the slopes of the Himalayas the climate, and with it the character of the vegetation, changes gradually, till, at elevations of 4,000, or from 4,000 to 6,000 feet, they become entirely of the European type. Here you feel at once that the temperature and climate are adapted to the European constitution. One of the peculiarities, however, in the form of the Himalaya mountains is the general absence of table land on their southern face. The distinguishing features are sharp ridges succeeding one another with long slopes and deep valleys. Upon the ridges themselves there is little or no culturable land, and consequently no population. The cultivation is confined to a series of ledges or steeples along the mountain sides, and to the valleys which are exceedingly hot, and not very healthy. While the air in the elevated ridges where our sanatoria are situated is pure and invigorating, that of the cultivated valleys is not so, and I should consider it very doubtful whether an Englishman could labour long out of doors, with impunity, among these mountain valleys and slopes. Some portions of elevated table land might be found where the conditions are more favourable for a settlement; but so far as my observation goes, the Himalaya mountains are not adapted to European colonization on a large scale. Of mere manual labour there is no deficiency in India; on the contrary, native labour is abundant and cheap, and at equitable rates, proportioned to the distance men are required to go from their own homes, it is available for any part of our possessions. What is chiefly desirable is, the settlement of European capitalists, and that the indigenous labour of the country should be skillfully and profitably directed. The true function of the European in India is not as a labourer, but as a director of labour. It is very important that some plan should be devised to increase the number of the English in India. As a nation, we are too small a body there; and this perhaps, as much as any other cause, has led to the recent attempt to exterminate our rule. The conquest of the country by the Mahomedan power was followed by a large mixture of Mahomedans with the native population; new cities were founded, and a community of feeling sprang up between the conquering and the conquered race; whereas we live in cantonments, or standing camps, apart from the people, and there is no identity of interests between us. We do not, as a body, understand the native character, its habits of thought, and springs of action. This experience has been seldom gained except by such men as the Skinners, the Forsters, and Van Cortlandt, who have been born in the country, and have grown up in daily intercourse with the natives. When it is combined with the natural superiority of the European, its influence on the natives is irresistible, and may be turned to the best account. It is like the mixture of two chemical substances, by which all their latest qualities are developed. If the Committee will allow me, I will now state my views as to the means of increasing the European element in India, in which colonization to a certain extent is involved. I have already stated that we have a large number of English soldiers in India, and that both among them and their children the mortality is very great. My proposition would be, to rescue the young offspring of our soldiers from the fate which awaits them in the plains, and place them in asylums on the hills, where they would be trained in health and in industrial habits, and become in time an integral part of the population of India. For the same reasons, and with a view not only to improve the soldier but to benefit the country, I would suggest the extension of the permission to marry beyond the present limit of 12 per cent. The condition of the private soldier in India, as compared with that of his officer, is entitled to much consideration. The officer obtains leave to the hill stations, and at stated periods he may visit his native land; he can send his children, either to the hills or to England, whenever he thinks necessary. For the private soldier no such advantages are within
ON COLONIZATION AND SETTLEMENT (INDIA).

within reach; even if sick himself, there may not be accommodation for him in any of the towns in the hills; and as for his children, there is nothing for them but to take their slender chance of life in the plains. The permission of marriage should be conditional on an agreement that the children arising out of it should be sent to one of the proposed establishments in the hills so soon as they are four years old. I am aware that an objection is likely to be made to the separation of parents and children, but it is one of the necessary conditions of residence in India. The children of officers of all classes, and of civilians, are sent to England; therefore there would be no hardship in insisting upon the soldier sending his children away, especially if it were made a condition of his marriage. It would be necessary that those children should be maintained there at the cost of the Government. The Lawrence Asylum is an example of the kind of establishment proposed. There might be another at Murree, one at Dalhousie, and one at Dhamasalla for the Punjab; or one or two in the Almorah hills for the North-west Provinces, and another at Darjeeling for regiments stationed in Bengal. The children, being thus collected at these hill stations, would grow up as healthy and robust as they would have done if reared in England, and in all probability with a ratio of mortality lower than it would be here. I may mention, in passing, that at this moment there are, at the station of Dum Dum, 900 children of soldiers who are employed in the field. What will become of them is very clear from the rate of mortality which usually prevails amongst them. The most important question of course would be, what to do with those children when grown up. If they are properly instructed and trained, with reference to the material and social progress of India, no difficulties will arise on this score; honest, virtuous, well instructed European subordinate agency, is one of the leading and most pressing wants. It is the first difficulty by which every enterprise, every branch of business, every Government officer, and every public employment is met. I do not hesitate to say that a body of well trained mechanics, supervisors, practical agriculturists, and teachers of all the useful occupations of life, from which selections could be made by employers, would be one of the greatest boons that could be conferred upon India. Children so brought up would be familiar with the language, and habits, and prejudices of the natives. They would be imbued to the climate, of temperate habits probably, and with the energy of character, and moral influence of the European. Many of the young men might choose to enlist in the army, or might be formed into corps of militia, which would be a direct saving to the State. When those trained overseers, or subordinates are ready for employment, I would make the railway companies, or capitalists, or agriculturists, pay a premium for those they require, which would in some measure remunerate Government for the cost of their instruction. I believe that settlers, and railway companies would employ them to a very large extent, instead of procuring such aids from England, which they are now obliged to do at great expense and risk; that a very extensive demand is likely to arise for them as the great resources of India become better known and more accessible.

111. You conceive that if properly educated, there will be a European race, possessing great moral and intellectual superiority to the natives, permanently established in India?—Undoubtedly; they would look to India as their home, and they would be a most invaluable element.

112. Sir Erskine Perry.] Do you not contemplate that in such establishments the greater portion would be half-caste?—I do not think so, if soldiers were permitted to marry before they left England; in fact, I think they ought to be encouraged to marry within certain limits. I would take every precaution possible to prevent the mixture of races.

113. Then your plan involves that marriage should be encouraged in this country before the soldiers leave for India?—Yes.

114. Do you mean that a regiment under orders for India, should have the limit as to marriage enlarged?—Yes.

115. So that in the case of a regiment under orders for India a certain portion of the men would have to contract marriages at once?—As soon as it was known that a regiment was likely to go to India the men would give attention to the matter.

116. Mr. Campbell.] Might not the introduction of the half-caste element be discouraged by preventing a soldier, who marries a native, from getting the allowances which he would get upon marrying a European?—I think a rule of 0.54.
that sort would bear hard upon the soldier; I think that if a European wife is available there is no fear of his taking a native.

117. You are perhaps aware that recently the Government has encouraged volunteers to marry in Canada, by the formation of a volunteer corps of married soldiers in Her Majesty's army; do you think that similar volunteer corps, or married soldiers, would answer at the hill stations in India?—I should see no objection to married corps; but it appears to me, that in making a change of that kind there might be some danger that the collecting together so large a number of women might at first produce some inconvenience. I would rather increase the number of married men in each regiment. I think that would be a preferable experiment.

118. Mr. Danby Seymour.] To what extent would you propose to increase the married men in each regiment?—I conceive it should be done gradually. It is now 12 per cent.; it might be at once increased to 20, and if the result were satisfactory, a further extension might be made.

119. Mr. Mangles.] Would it not greatly add to the expense?—I do not think it would; I do not think the expense would be so great as might at first sight appear. Our barracks are now constructed in India upon a very large scale. I think there would be no difficulty in accommodating even 25 per cent. of married men with the numbers that now form the regiment without any additional accommodation; the scale of accommodation is so liberal.

120. But surely you have seen very large expense incurred in providing quarters for married men?—That is very true. I was permitted by Lord Dalhousie to build married barracks for soldiers in India, and I can truly say that it was followed by very great advantages. As soon as they obtained possession of those married quarters, which consisted simply of two small rooms, I was at once satisfied that a change of habits would take place amongst the married men. Instead of being cooped up together, 60 in a barrack-room, with merely sheets and blankets hung up between the beds, they had a respectable and convenient lodging; and there can be no question that a married man will prefer a place of that kind, fitted up by his wife, and made comfortable and convenient, rather than go to the canteen.

121. But what do you say as to the expense?—The expense I do not think would be so great, because the present barracks provide for 12 per cent. of married men; and the barracks for the unmarried men are so large, that I am satisfied that accommodation could be made for a greater number of married without crowding the unmarried men; and that they would be willing to give up a certain portion of accommodation for the married families. Many of the barracks have been made on so liberal a scale, that I think no crowding would be caused by extending the permission to marry to 20 or even 30 per cent. of the men.

122. Would not the expense of the passage from England be considerable?—The passage from England would be increased; but if this scheme was entertained, the wives would come from the hill stations in India after a time; there are many there now that are likely to become so. The Lawrence Asylum now contains 400 children, about one-half of whom are probably female children.

123. Mr. Villiers.] What is the objection to having a native woman as a wife; do the children degenerate?—I think the character they produce degenerates. Although the half-castes possess essentially many qualities of the European, still they have many of the vices of the natives. Probably that arises from defects in early training; but certainly the half-caste in India cannot be compared with the pure European for any purpose whatever.

124. Is not it easier to rear in India the children of native women than the children of European mothers?—Not if you send the children of Europeans to the hill climates; they are just as easily reared as the children of natives. I think you could not reckon upon raising a population in the plains from the European soldier with any success whatever. By keeping them in the plains they grow up generally lanky, degenerate looking men.

125. Mr. Kinnaird.] Are half-caste admitted into the Lawrence Asylum?—I think so.

126. Mr. Villiers.] Have you any experience of children reared in the hills?—Yes. I have seen the children in the Lawrence Asylum; those I have seen are just as robust, and eat as much beef as children in England.

127. At what age have you seen them?—I think nine or ten.

128. After
ON COLONIZATION AND SETTLEMENT (INDIA).

128. After being there how long?—After being there four or five years.
129. Have you ever seen the children of European parents who have been born and kept in the plains?—I have.
130. Do you say that they decidedly degenerate?—Not always; at the same time, I think that, as a general rule, it would certainly lead to a deterioration of the race. It has been stated, though not proved, that at the end of three generations, a European family would become extinct in the plains of India.
131. Chairman.] Are you aware of the height of the Lawrence Asylum at Mount Abu above the level of the plains?—Five thousand feet.
132. Mr. John B. Smith.] Have you had opportunity of seeing the effect of the hill stations upon half-castes in a physical point of view?—Only so far as they are mixed with other children at the Lawrence Asylum.
133. Do you think that they are physically inferior to Europeans?—I think so.
134. Even at the hill stations?—Yes. They will improve, physically, by being reared on the hills.
135. They feed in the same way as the Europeans?—Yes.
136. Mr. Danby Seymour.] Will it not depend very much upon who the mother was; would not the child of an Englishman and an Afghan mother be very different from the child of an Englishman and a Bengalee mother?—Yes, undoubtedly. The principal reason for preventing mixture of races is that we should be enabled to draw soldiers from the progeny of an unmixed race. That would be a decided advantage.
137. Mr. Campbell.] Would not the advantage that would be derived by establishing an European militia force in the hills from the progeny of European parents to a great extent counterbalance the cost of sending those European married soldiers to India?—Undoubtedly, and that would in a great measure counterbalance the expense of rearing them in the hills. I have heard that the transport of a soldier from England to Meerut costs about 130 l.
138. You are aware that a considerable allowance is given to all regimental schools of European regiments on the plains at present?—Yes.
139. Can you state what that allowance is?—I know that the schoolmaster is provided for, but what the allowance to the school is I do not know.
140. Do you think it would be desirable to abolish those regimental schools on the plains, and to establish in the hills asylums for the children of the European regiments, after the example of the Lawrence Asylum?—Undoubtedly.
141. You do not think it would be attended with any material increase upon the existing cost?—That would be a matter of detail; but I think the cost would be less than might at first sight be imagined.
142. Sir Erskine Perry.] Do you anticipate that the class to be educated in the hill asylums would be available for filling stations in the Government of India?—No, only subordinate stations; such, particularly, as superintendents of mechanics, and railway officials.
143. Have you had much experience of the educational experiments which have been made in India; do you know anything of the Martinère Institution?—I have not seen the Martinère. I was a member of the education committee at Delhi, and I watched the progress of the Delhi College, where the English language was taught, and I am sorry to say, not much else of a useful kind. The education given is not, in my opinion, adapted for the future condition of life of the natives.
144. Is not it the case that in these establishments, in which the children of soldiers are educated in India, it is found that they have a great objection to accepting anything like mechanical employments?—They like such situations as overseers, not to work with their own hands, but to be placed over others. There is a great demand for that class of people in India, and a great difficulty in obtaining such agency in public works.
145. Is it not the case that the engineers and contractors have been obliged to bring their own men of that class over from England?—Yes; they are not obtainable in India.
146. Do not such schools as you describe exist all through the Presidencies; are there not public schools for the children of soldiers?—There are regimental schools for the children of soldiers.
147. Mr. Danby Seymour.] Are not many independent institutions now rising
up for the education of children in the hills?—Some exist, which I have seen, but their progress is not very great.:

148. Within a few years, have not several been established in the Neighberries?—Some may have been established there.

149. Sir Erskine Perry.] Does it consist with your general information that youths brought up in those establishments (I particularly allude to the Martinière, at Lucknow) are found to be altogether averse to engaging in anything like mechanical operations?—Probably, as to working with their own hands, but I am not sufficiently acquainted with the Martinière to say what is the particular class of instruction that they receive there. If we took upon ourselves to educate those children in the hills, we should give them that particular kind of training which would make them particularly adapted for the purpose for which they were designed.

150. Mr. Mangles.] Are there not moral reasons why the soldiers, if they are permitted to marry in large numbers, should marry Europeans rather than natives?—I think so.

151. If they married natives, would not the children run a great risk of being brought up as heathens or as Mahomedans?—Yes; when the father died I think it would lead to the demoralisation of the children left behind.

152. Chairman.] You have been in the province of Tenasserim; what is the climate there as affecting European constitutions?—The climate of Tenasserim is generally very favourable to the European constitution; it is a climate cool and damp, and at the same time generally healthy. It is an exception to other parts of India in most respects. There is a very small population in Tenasserim, amounting to not more than one-half or three-fourths of a man per square mile; the consequence is, that labour is very dear, and although the soil is unusually healthy and fertile, and covered with the densest vegetation, it is comparatively an uncultivated waste.

153. What resources does Tenasserim offer to the British capitalist?—To the British capitalist I should say the first resource there would be the production of tin. Timber also occurs. Teak timber is tolerably abundant, but it has been a great deal worked out, and it is now only obtained from rather distant and less accessible localities.

154. Has it ever occurred to you that there might be some mode of transferring labour beneficially from the more populous parts of India to Tenasserim?—The chief want of Tenasserim is an addition to its population. There is voluntary emigration from the Madras coast, but it is carried on under great difficulties and at great expenses. Three years ago I was proceeding from Calcutta to Rangoon, and in the Gulf of Martaban we overtook a native craft of about 150 tons burthen, filled with native emigrants from the Madras coast, and in the greatest distress from want of water. Those people pay, on an average, about 8l. a head for their passage to Tenasserim; they are generally not in a position to command so much money, and on their arrival at Rangoon or at Moulmain, to which place generally they proceed, they pledge their labour, that is, they sell themselves for those 30 rupees, and pay it off gradually by working out the sum. One of the greatest advantages that could be conferred upon that province would be to transport labour at a very cheap rate, or even at no rate at all, landing the people in the province, where there is ample employment.

155. Would not individual enterprise do that, instead of the Government being obliged to do it?—I doubt whether it could be done at a remunerative rate. Probably 1l. a head might be remunerative, if carried on in a systematic way.

156. Do you think that there is opportunity for the development of British capital in Tenasserim?—In consequence of the difficulty of procuring labour I am doubtful upon that point. I think, except with reference to tin, there is no very cheering prospect for a capitalist in Tenasserim until the population is very much increased.

157. Mr. Campbell.] Knowing the Tenasserim provinces, of course you know the capabilities of the port of Ackyab?—From general acquaintance with the country, I have touched only at Ackyab.

158. You know that 20 years ago it was a place which imported its own rice?—I cannot speak with confidence on that point. I believe that in former times, rice was to some extent an article of export from Arscalan.

159. Are you not aware that at present it exports many hundred thousand tons of rice in a year?—Yes.
ON COLONIZATION AND SETTLEMENT (INDIA).

160. Are you not aware that that rice has been entirely produced by the enterprise of Colonel Bogle?—Akyab is in the province of Arracan, of which I have no personal knowledge; I have been only there a few hours. I know Sir Archibald Bogle, who was for many years Commissioner in charge of that province; he is an energetic officer, and has done much towards the development of the resources of Arracan. I believe he introduced Carolina rice into that province; but the indigenous rice is of an excellent quality.

161. Mr. Mangles.] Colonel Bogle is an officer of the Government, not a merchant!—Yes, he is a Government officer. The province of Arracan being connected with Bengal by land, or by a short coasting voyage, there are more facilities for emigration there, than there are in the Tenasserim provinces. To Tenasserim and Pegu, every one must be transported by sea.

162. Mr. Denby Seymour.] What is your opinion about making grants of land to officers and soldiers, when their term of service has expired in India?—I do not anticipate great advantages from that; I think that the European capitalist or speculator would be more successful if he possessed no land at all, and simply availed himself of native labour, and native agriculture under his own direction and superintendence. By giving adequate prices and adequate encouragement to the natives, almost anything may be produced in India. If he attempted to cultivate the land himself, I think the chances are, that he would fall into difficulty and fail.

163. You are aware that officers of the East India Company's army have asked for special advantages in Australia, and have received grants of land from the governments of those countries?—I am aware of that.

164. Do you not think that if they had grants of land given to them in the hill country in India, that would be of greater use to India than sending them to Australia?—It would be of greater use to India, but I doubt the advantages to the holders of the land. I think that if they had means at their command they would employ these means to greater advantage, by not becoming landholders or possessors of lands themselves. Indigo planters possess land occasionally, but I believe it is generally avoided by them.

165. What I meant to ask you was, whether you think that the Government of India should hold out the same encouragement to those officers to settle in the hill districts of India as the Governments of the Australian colonies do?—I see no objection whatever to it if people are inclined to settle there, but till you have those aids to capitalists which I have alluded to, namely, subordinate European agency, consisting of men acquainted with the language and habits of the people, I think that settlers would be under a disadvantage in the country.

166. With regard to private soldiers do you see any objection to giving them grants of land in the hill country, when their term of service has expired?—I do not see any particular objection to it if they are willing to take it in the hills; I see no objection to their attempting the cultivation of tea, or hemp or flax, or any products of that kind.

167. You are aware that in the establishments of the old military pensioners in India, it is found that there is a vast deal of drunkenness and immorality, which is to a great extent ascribed to their having nothing to do; do you know whether they have asked for land to cultivate as gardens?—I am not aware that they have asked for land; I know there is a great deal of drunkenness and great evil, but soldiers, when not pensioners, are not very ready to cultivate gardens; they are not very fond of it.

168. But still if they are willing to do so, it would be a great advantage to make them grants of land for that purpose?—Certainly.

169. Mr. Villiers.] Why do the indigo planters avoid taking land?—They find it more to their advantage to buy the crops.

170. You think that that will generally be found to be the case, and that there would be no preference for taking land?—I think not; I think their preference would be for purchasing the produce of the soil, because they can then induce the natives, by assuring them a market, to cultivate in any manner that they please; they are very tractable, and will do any thing; provided it is worth their while.

171. Is that the reason why the country has not been settled to any extent by Europeans since 1833, that it is not profitable? Do you think that if land had been sold at a fixed price, as it is in the colonies, land would have been bought by Europeans?—There are no obstacles to purchasing land now.

0.54. B 4 172. Where
172. Where can you purchase land in India at 1 l. an acre?—As to the price, I am not prepared to say; but occasionally, when a native is a defaulter for his rent, his land is put up to auction.

173. Mr. R. B. Smith.] What province are you speaking of?—The Bengal provinces.

174. Mr. Danby Seymour.] But when the land is put up to auction in that way, it is still subject to the Government assessment?—Yes.

175. Mr. Mangles.] Is the assessment a heavy one generally in relation to the value of the land?—I should say not.

176. You have stated that the most profitable way, in your opinion, for an European capitalist to deal with the land is by purchasing the produce from the natives, in the case of indigo and sugar. Would there be any difficulty in doing the same with regard to cotton to any extent?—None, whatever. I think it most desirable that the European should purchase his cotton, and look after its production and packing and cleaning.

177. Do you suppose that if European agents were established at the great cotton fields, making advances to the ryots and taking the cotton at certain prices, they would have any difficulty in getting any amount of cotton that they might require?—I think not.

178. Sir Erskine Perry.] You think very highly of European superintendence and science of cultivation in the case of indigo; do you think that the same advantage would accrue in the case of other products, and especially in the case of cotton?—Yes.

179. If that is so, and if the profit has been so great in the case of indigo, how do you account for European capital not having been applied to other products of India?—I do not think that the profit will be so large in other cases as in the case of indigo; because indigo is a very valuable product, and is contained in a small compass. Cotton is a bulky product, and the means of cheap transport are absolutely necessary to make it profitable.

180. Is not the produce of sugar per acre a great deal larger than the produce of indigo?—That I cannot say. I think that one of the first things that should be done to develop the resources of the country is to permeate the land with railways. Before many years have passed we shall have a system of trunk lines of railway, but that is only the foundation of the system which ought to be constructed in India; feeders must be supplied to those trunk lines, just as the feeders of a river are necessary to swell the main stream, and until that is done in every portion of the country, and all the productive parts of the country are penetrated by railways, there will be no progress in the development of its great resources.

181. Have you calculated the period in which such a net-work of railways could be established in India?—It is impossible to calculate the period if the authorities do not extend their patronage to it by giving the guarantee of Government, which I consider necessary to attract capital to India. The guarantee of a certain rate of interest is absolutely necessary.

182. Suppose the Government gave a guarantee to an unlimited extent of railways, would the results you speak of be accomplished in less than 500 years?—I would not advocate an unlimited guarantee. I would work through the principal existing channels of commerce, and I would penetrate them with railways in the shortest possible time. I would guarantee the revenues of the country to a reasonable extent; of course, taking the most important lines first.

183. Mr. J. B. Smith.] Are you not aware that 70 miles of the Madras railway is open, and that cotton is still carried to Madras by the road that runs by the side of the railway?—I have heard that so stated, but it is not likely that for a small portion of a journey, the natives will transfer their cotton from their carts to the rail.

184. Mr. Mangles.] Is it not the fact that the railways which are now planned and contracted for penetrate to the principal seats of the cotton growth, and of iron?—That is quite true.

185. Have they not been planned with reference, not merely to the military, but to the commercial wants of the country?—Yes, they have.

186. And you think judiciously?—I think judiciously.

187. As far as they extend, do they come up to the conditions you have mentioned?—Certainly, as far as they go; but I conceive that they are but the skeleton of what is wanted.

188. Are
ON COLONIZATION AND SETTLEMENT (INDIA).

188. Are you aware that orders have gone out to the Government in India to make good roads to the principal stations of those railways, so as to form feeders to them? I am not aware of that; but I should not think that would answer the purpose you have in view. I think the feeders to those main lines of railway communication must be by railways themselves, but of a light construction. I think that where the country is rich enough, and where the minerals are sufficiently abundant, any road at all in connexion with the railway ought to be a railway, and that if a tramroad were constructed, the produce would overwhelm it; you would only have to do the work over again.

189. Mr. Campbell.] It is an extension of the system now existing that you advocate?—An extension of the system through all the principal channels of commerce.

190. Mr. Villiers.] Are any of the products which you have mentioned exclusively products of India, with the exception of indigo?—I should say not.

191. Therefore one of the difficulties that they have to contend with is, that they have to meet the same products in other countries in neutral markets?—Yes, undoubtedly.

192. That is, of course, one reason why the cost of production should be reduced as much as possible?—Yes.

193. The facility of transmission is an item in the cost of production?—Undoubtedly; one main item.

194. Mr. Mangles.] Do not you think that the work on hand in railways in India at present is as much as can be done at once?—No, I think not; I think a great deal more might be done. I am aware that one of the reasons for limiting the present exertions, with regard to railways, is the prevailing idea that sufficient dead weight could not be sent out: but I am satisfied, from inquiries I have made, that that difficulty would disappear, and that the rails and rolling stock, or whatever might be necessary to be made in England for the extension of railways, ad libitum, might be sent out as fast as the embankments and bridges could be made in India. I think the resources of this country are quite adequate to supply to any extent all that might be required.

James Ranald Martin, Esq., F. R. S., called in; and Examined.

195. Chairman.] You have, I believe, been engaged as a surgeon in the army of Bengal, and you have had very great experience on the subject of climate in India?—I have.

196. I believe that you planned a system of sanitary reports on stations, cantonments, and districts throughout India?—Yes.

197. Your experience has extended both to natives and to Europeans, and you addressed the Government of India on the advantage of occupying the island of Negrais, on the coast of Pegu, as a sanatorium?—Yes.

198. In fact, you have had great experience on the subject of sanatoria?—Yes.

199. Have you ever addressed the local Government of India with regard to a plan for the removal of European troops from the plains to the mountainous districts?—Yes, I have; both in India in framing statistical reports, which I submitted to the Government, and in August last, in a very detailed manner, I addressed the Court of Directors on the necessity for the preservation of the European army, of its removal, if possible, permanently, to the mountainous districts of India.

200. On what ground did you urge that measure?—On the ground of the very great mortality and the injury to health sustained by British troops in India, even in time of peace, and of the enormous extent to which sickness and mortality are increased under all military operations in the field.

201. As a medical man, what should you say are the effects of the climate of the plains of Hindostan on the European constitution?—The diseases produced by residence in the plains of India are chiefly fevers, dysenteries, liver diseases, and cholera.

202. Do the effects you describe attach to all the levels grounds of India alike, or to what parts do they particularly apply?—They apply more especially to the alluvial plains throughout India, and the plains subject to annual inundation; they apply less to the arid plains of Hindostan.
203. What are the effects of mountain climate on the European constitution, and what are the peculiar advantages which you think may be derived from it?—The peculiar advantages of the mountain ranges throughout India will, I conceive, at all times, be found in the prevention of disease very much more than in the cure of disease. There are, indeed, certain diseases that seem to be engendered by residence in the elevated ranges of India: I mean certain forms of bowel disorders; and it is on that account that I submitted to the Court of Directors of the East India Company the propriety of determining the respective climates of the mountain ranges throughout India, as well as of the high elevations which we have hitherto occupied, in order to determine their respective advantages.

204. Do you draw any distinction between mountain ranges and mountains in isolated situations?—I conceive that an isolated mountain has an especial advantage, very much the kind of advantage that is to be obtained from an insular situation; and I believe an insular situation of considerable elevation to be the best of all.

205. For what conditions of health are the mountain climates favourable in your opinion?—They are especially protective against the diseases of the plain; they are curative in simple fevers, unaccompanied by organic disease; visceral diseases are rarely cured in the mountains.

206. For what conditions of health are the mountain climates unfavourable?—For bowel complaints generally, and for chest ailments, owing to the cold and damp of the high elevations.

207. Is residence in the hill climates a substitute for the advantages of a voyage by sea, in your opinion?—I found, practically, in Calcutta, that sending a European on a sea voyage of one-half the duration was more effective to the restoration of health than double the time passed in any one of the mountain ranges.

208. Have you any experience of the effect of mountain climates on Europeans, born or reared in the mountain ranges?—Yes, I have; but it is fair to state that the means of observation that any person can have of that kind, are as yet very limited; I should therefore speak with much diffidence as to what I have seen on that subject; but I think I have observed this, that European women brought up in mountain ranges (I speak especially of great elevations) have been of delicate temperament.

209. Mr. J. B. Smith.] What elevation are you speaking of?—Seven thousand to 8,000 feet, or thereabouts. They have been of delicate constitution, and have taken to child bearing and child nursing indifferently; and they were not so long lived as their brothers, nor so robust apparently as their brothers; but I repeat, that the amount of observation upon this subject is not as yet sufficient to arrive at any fixed data.

210. Chairman.] Experience remains to be acquired upon the subject?—Quite so; but as compared to the plains there can be no question that the children reared in mountain ranges will have a long duration of health, and a vastly improved constitution, compared with children reared in the plains.

211. Have the hill districts been sufficiently explored for sanitaria?—I think not at all; I conceive that the whole thing has to be scientifically ascertained.

212. What means would you take of ascertaining the facts which are wanted?—In the way suggested to the Court of Directors, in my memoir, by the employment of a commission of selected officers, consisting of engineers and medical officers.

213. To ascertain the comparative healthiness of different districts of India for European constitutions?—Quite so.

214. Can you recapitulate the hill districts which are at present resorted to for health?—The one nearest to Calcutta is Darjeeling, which is very promising.

215. Can you state the height of the different stations?—I cannot accurately; some are between 7,000 and 8,000 feet. There is Landour, Simla, and others in the mountains of the Punjab. Then there is Murree on the summit of the Ceylon ranges, and the Neighherries. They all possess the same kind of climate, with the same influences on European constitutions.

216. At what height do you fix the position at which European health shows itself, or the tendency towards it?—That has not been ascertained; but we know from observation that in South America and the West Indies, even a low elevation...
ON COLONIZATION AND SETTLEMENT (INDIA).

J. R. Martin, Esq.,

P. R. S.

15 April 1858.

Elevation of 3,500 feet is sufficient to raise the European soldier out of the fever range, while, unlike the high elevations to which we have hitherto resorted in the East Indies, they are not high enough to have the effect of producing bowel complaint.

217. Should not you draw a great distinction between countries to the eastward and to the westward of the river Gogra in the Himalaya range on account of the much greater quantity of rain falling eastward than westward?—Yes; I observed when in Burmah, during the first Burmese war, that the rains were such as we from India had never seen.

218. Do you think that when the facilities for communication are greatly increased in India, it might be possible for a parent employed at some distance to have his children reared in the hills, so as not totally to separate parents from their children?—There can be no doubt about it to my apprehension.

219. You are aware of the extent to which schools have been established in those hill districts?—I am aware that endeavours have been made very successfully during several years past, and that two asylums in particular were founded by the late Sir Henry Lawrence, which have been most successful as far as they have gone.

220. Can you give the Committee any statistical information respecting the number of European children who die now in the plains?—The mortality of European children, as well as of the fathers and mothers, depends entirely upon the locality. It is stated by a distinguished army surgeon whom I know in India, that over a range of years, the mortality of European children in Fort William, Calcutta, was 108 per 1,000 per annum. But it is right to say that he declared that to be the highest mortality at any station in India, unless it were Secunderabad in the Deccan. It depends upon the station. There is another point in respect to climate which I have noted in India, and which I believe to be quite true, that the injury to European health is not so much from the amount of heat as from the long duration of residence in it. That is what eventually destroys the European constitution.

221. Therefore, when there is a greater facility of communication, and Europeans can more easily resort to healthier places, the duration of European life in India is likely to be much increased?—Very much.

222. Are you acquainted with the climate of Ceylon?—Only by observation on persons who have lived there.

223. What is its effect upon the European constitution?—Very good; but the station which I particularly mentioned, Nuvaria, is liable to the same objection to which our own high ranges in India are liable, namely, that it occasions bowel complaint.

224. But both in Ceylon and in India it remains for the test of time to prove how far the European constitution can be improved by permanent residence on the hills of India?—Quite so; and more particularly what advantages might be derived from residence in the medium elevations of from 3,000 to 4,000 feet.

225. You prefer medium elevations?—I should begin my investigations there assuredly. I think it is most important to determine that question, especially when we see what the effect was of removing the British troops in the West Indies even 2,500 feet above the sea level.

226. Is there not an objectionable part of the inclination of the Himalayas, called the terais, which is a haunt of malaria?—What are called the tarais of India, namely, the plains reaching to the base of great mountains, are usually extremely humid, and are overrun with rank vegetation. They are inhabited only by wild beasts; they are extremely injurious to health, so much so that to sleep in any one of them for one night is death to an European.

227. Will not the establishment of railways give the traveller the advantage of passing rapidly through those districts where now he may be obliged to linger, and so to avoid the danger of disease from that cause?—The advantages would be very great indeed, by enabling Europeans to traverse with safety which is now an extreme source of danger.

228. Sir Erskine Ferri.] The breadth of the terais is only a day’s journey generally?—Yes.

229. Chairman.] With regard to isolated hill stations, which you recommend, is it not the fact that the climate is sometimes determined by the nature of the prevailing wind; for instance, is it not in the case of the heights of Camaldoli, near Naples; is it not generally considered that the malarious air from the Lake of

Digitized by Google
of Agnano is felt on the heights of Camaldoli?—Yes. The same fact is observed in the West Indies, but the extent is limited. Certain posts at an elevation of 500 to 700 feet have been found quite deadly, so that no soldiers who went on guard there have survived; whereas those on the plains below were comparatively healthy. That is accounted for by the malaria being wafted upwards, and by the elevation fixed there; but I do not believe that that can exist at any great elevation.

250. Mr. Campbell.] You say that bowel complaint or diarrhoea has been engendered in the hills. Has that remark reference to Europeans who may have been sent there after suffering in their health on the plains, or to those who have been permanently resident on the hills?—It applies very much to Europeans in every class of health, inasmuch as diarrhoea, of a very intractable form, is found to originate in the high elevations. Men present themselves to me every day, who have gone up to the mountain ranges of those high elevations, suffering from what is the least dangerous form of fever that we have in India, intermittent fever, and they have contracted bowel complaint there so intractable that they are obliged to come home. It is so with the European soldiers to a great extent, so much so that a memoir has been written by a very intelligent surgeon of the Bengal army, Mr. Grant, upon the bowel complaint of the hill ranges.

231. According to your experience, would that apply to men who have been resident from their infancy in the hills, as well as to those who with impaired constitutions have gone from the plains to the hills?—It applies particularly to persons who have gone there with impaired constitutions, but also to a certain extent to Europeans who have gone there in health.

232. You think that if the permanent residence of European troops on the hills were impracticable, looking at the military necessities of the country, judicious reliefs of European troops from the plains to the hills would be attended with great benefit to their health?—Very great; it has become, in my opinion, a state necessity. The greater the amount of the European army in India, the greater will be the difficulty of maintaining troops in a state of integrity without such periodic removal.

233. Was Darjeeling established as a sanatorium when you were in India?—Yes, it was. I had frequent opportunities of seeing the influence of that climate upon the European establishments, as well as upon military officers who were there for the restoration of health.

234. Mr. J. B. Smith.] At those heights that you speak of, of 7,000 or 8,000 feet, is not there snow a considerable portion of the year?—There is snow always at that elevation during the winter months.

235. At what portion of the year is the snow there?—November, December, and January.

236. Not more?—Not more.

237. To what do you attribute that tendency to bowel complaint at those high elevations; is it from sudden changes in the atmosphere?—More especially, I think, to the influence of the cold and damp upon a constitution previously relaxed in the plains.

238. There is a great deal of damp there?—There is a great deal of damp in the mountain ranges, at the high elevations.

239. Are they very liable to sudden changes of temperature?—I do not think they are so liable to sudden changes of temperature as to the continuous influence of cold and damp. Of all the injurious influences of the atmosphere, those conjoined of heat or cold with damp are the worst.

240. Sir Erskine Perry.] Have we any reliable statistics as to the mortality of the natives in India; as to the length of native life?—Except in the native army, I do not think we have. Statistical observations referring to the civil population have not been done with accuracy.

241. Can you give any opinion as to the relative value of native life in India, as compared with the life of Europeans in that country?—The value of a sepoy life serving in the plains of Hindostan, his own native climate, is about the value of the best life in England of a native Englishman.

242. Mr. J. B. Smith.] Do you mean an English soldier?—No, in civil life.

243. But that is not the case in the Madras army. Is there not a remarkable contrast, in that respect, between the Bengal army and the Madras army?—Yes; the Bengal army, when stationed in Hindostan, is much healthier than the Madras army.

244. The
ON COLONIZATION AND SETTLEMENT (INDIA).

244. The Madras army is very much unhealthier, something in the proportion of 5 per cent. to 2 per cent.?—Yes.

245. With regard to drawing any general conclusions as to the aptitude of India for European life from the mortality that occurs there, may not the fact be that life is not so long in India, generally, as it is in healthy countries in Europe?—The value of European life in India I have no doubt would be greatly raised above what it is at present, by the removal of European settlers and European troops to the mountain ranges, but on the plains I believe that the value of European life never can be high.

246. I understand you to state that we have no experience as to the power of the European race to perpetuate itself in India?—We have not sufficient extended experience necessary to fix any data.

247. Is there not a general opinion that no instance can be brought forward of a third generation of Europeans born in India?—That applies to those born in the plains; a third generation of European race is not to be found in the plains of Bengal; it does not exist.

248. Is it not generally stated that there is no example of a third generation of Europeans, born in India, being alive there?—That is quite true, but it applies solely to the plains.

249. Do you think it is possible that if stations were made at the hills you would be able to keep Europeans living there during three generations?—I have doubts whether they could be maintained in their native vigour as Englishmen; but I have no doubt also that they might be protracted through several generations by residence in a mountain climate.

250. Must not the establishments in the hills be almost entirely establishments, which would not be of a self-supporting description, consisting either of hospitals or bungalows for the residence of the rich; as there would be no means at the hill stations for settlers to obtain their living permanently there?—That would depend upon the capabilities of the soil; as to the climate I have no doubt about it.

251. Have you visited those stations yourself?—No; I speak from extended experience of the influence of those climates upon the European constitution.

252. But we understand that upon the whole of the Himalaya range there is no level ground at all?—No, that is one of the difficulties; it exists, I believe, only in the elevated ranges in Central India, about Nusseerabad and Mhow, where there are great plateaux, where there would be exercising ground for large bodies of troops, with facilities for water and good vegetation, and they are very healthy.

253. But in the Himalaya stations there is no level ground whatever; the only cultivable grounds, we understand, are valleys which are by no means healthy?—Not at all; if there be any extended grounds I believe they would be found in the district of Kumaun.

254. Therefore, if establishments are made in the hills it seems very improbable that the European inhabitants would remain there for three generations; they would probably only remain there for a certain period, either for education or for health?—But even for those more limited purposes they would be very valuable.

255. Mr. Kinmaird.] You were present while General Tremenheere was giving his evidence, with respect to the mortality among the troops being 11 per cent., or 188 out of 1,000; does that tally with your experience, as a medical man, attached to the army?—Yes; but I understood that to include the loss both by deaths and by invaliding.

256. Do you suppose that by improved methods of placing the troops, the mortality might be materially diminished?—I believe that it might be reduced to the level of England. On the removal of the European troops from the pestilential plains of Jamaica to the Blue Mountains (which was done by Lord Metcalfe), it was found, as was anticipated by the old army surgeons, that the mortality was reduced from 180 per thousand per annum, over a long extent of years, to 22 per thousand per annum.

257. Are you decidedly of opinion that by adopting the same measures, the same results might be obtained in India?—I believe that the same results which have been obtained in the West Indies, may be exceeded perhaps by the adoption of the same measures in the East Indies.

258. With reference to the suggestion of a larger proportion of the soldiers being
being allowed to marry with a view to their sanatory condition, do you also
confirm the evidence of General Tremeneheere upon that subject in a sanatory
point of view?—I do. It has been found in the European regiments of the
Indian army, and particularly in the Bombay European Fusileers, which have
been a remarkably well ordered corps, that by permitting an increase in the
proportion of marriages, and allowing the soldiers to do for themselves what
they may do without injury to their health or discipline, their health is
improved, and crime is very much diminished. They are said to be better men
in every way as well as better soldiers.

259. Do you think they would cheerfully accept the offer of having their
children removed to the hills for education and healthful employment?—I think
that with a little explanation they would willingly.

260. Do you think the children so reared in those hill districts might, as
General Tremeneheere says, be made available both as troops, and for other
purpose of superintending work?—Assuredly.

261. Mr. Willoughby.] Do your remarks concerning the sanatory stations in
India refer particularly to their being a convenient place of resort at particular
seasons of the year for residents in the plains; or are the Committee to under-
stand that you consider that they are adapted for colonization, in the usual
acceptation of the term, for Europeans?—I conceive them to be adapted to colo-
nization by grown up Englishmen, and also very advantageous for the rearing of
the children of the colonists.

262. How are the colonists to be supported in those hill districts?—In the
higher grounds where there are not table lands, they must be supported from the
plains; food must be imported there.

263. They would not be self-supporting?—They would not be self-supporting
except upon the great plateaus.

264. You alluded to great plateaus in Nusseerabad; what particular plateau
do you allude to there?—I allude particularly to the stations of Googoondah and
Goon, both of them on elevated plateaus with an abundance of good water, trees
and grass and vegetation, and facilities for canting troops, provided they are
found healthy; and having also the necessary facilities for exercising grounds.

265. Is that in British or foreign territory?—I think that, unless affected by
recent political movements, they are in foreign territory.

266. Do not the approaches to almost all the hill stations in India lead
through tracts of country that are peculiarly unhealthy?—Generally they do
through deadly terais; but those could be overcome by railways.

267. Would it not be rather difficult to construct railways in a country in
which to sleep one night is death?—That is to an European.

268. Mr. Mangiers.] That is only at certain periods of the year?—Yes.

269. In the dry seasons do not the Europeans go there for tiger shooting
without suffering much from the climate?—Yes.

270. Mr. Willoughby.] Are you acquainted with the Mahabaleshwar hills?—
Not personally. I have seen many who have resided there.

271. Do you know what the average fall of rain is on those hills during the
months from June to October?—It must be very great on account of its being
on the west coast, where the south-west monsoon is arrested by the elevated
ranges. The falls of rain on the Malabar coast are very nearly as great as they
are beyond the eastern part of Bengal.

272. Are you aware that, in consequence of that, every European deserts the
Malavelly station from June to October, being unable to reside there during that
time?—Yes, owing to the geographical circumstance that I have stated; the arrest
of the south-west monsoon by the great western ghauts.

273. Mr. Lowe.] What other places are there, besides this place, near Mah-
abaleshwar, where you think sanatoria might be placed?—I am not acquainted,
because investigations have not been hitherto instituted on that subject.

274. Is there any one on the Vindhya chain?—Yes; I believe there is hardly
a province throughout India where there are not mountain ranges which can be
made available for the residence of Europeans, civil and military. The question
would be the best elevations; that is the cardinal point.

275. You are inclined to think that an elevation of from 3,000 to 4,000 feet
is more likely to be salubrious than a higher one?—Yes; I should be especially
anxious to determine that question.

276. You think that the violent effect on the frame of such a great change of
climate
climater more than counterbalances the good effect of a cooler temperature?— J. R. Martin, Esq.
Not quite so; but it is so violent as to produce bowel complaint, owing to the cold and damp.

277. Mr. Donby Seymour.] Are you aware that sometimes, at a medium elevation, a fever is found to prevail which does not prevail above or below that elevation?—It is found, in the West Indies, that an elevation of 2,000 feet raises the European soldier out of the range of yellow fever and remittent fever, which are the two deadly fevers in Jamaica. That point is not ascertained in the East Indies; but, in a memoir which I submitted to the Court of Directors, I especially recommended an investigation of the diseases of the mountains, and the kinds of fever that may be found there.

278. I asked that question because I have been told that that was the case with respect to some hills resorted to near Trichinopoly; can you state whether that is so?—No doubt there are fevers at different elevations, but they are not of the deadly malarious character of the yellow fever or the remittent fever.

279. Are you aware that the question of the salubrity of the medium range of hills between 3,000 and 4,000 feet has been tried at the Javadi Hills, about 180 miles from Madras, in the plains of the Carnatic?—I am not aware that any detailed investigation, extending over them, has been made.

280. You are not aware that they have been largely settled by European settlers, and have been found to be perfectly healthy?—If that is so, that is an illustration of the theory that I have propounded.

281. Are you aware of another chain of hills near Pallamcotta and Tinnevelly, which are very much resorted to by Europeans, and are found healthy?—Yes, I have heard of them.

282. With regard to the terai; the terai are the richest lands, are they not?—I have no doubt whatever that they might be made very productive by scientific agriculture.

283. Are you aware that the terai, going up to the Neilgherry mountains, is cultivated on each side of the road, as far as the reduction of the assessment will allow it?—Yes, that is so. I have no doubt that in the terais the land might be made not only useful but perhaps even healthy; for all improvers of climate, agriculture is the greatest.

284. Are you aware also that on the slopes descending from the Neilgherries towards Calicut there are coffee plantations, on which Europeans live the whole year?—Yes. I knew several coffee planters.

285. What is your opinion of the climate of Bombay and the country about Bombay, in comparison with that of India generally. Do you consider it healthy?—No, not healthy; but I believe it to be healthier than Calcutta.

286. What part of India would you consider more healthy than the part around Bombay and going up to Malwa?—I should say that, in general, the salubrity of any district or station would very much depend, first, upon the geological character of the soil, which I believe to be the most important element in climate; and, secondly, upon the elevation and latitude.

287. Should you consider the Concan and the south Mahratta country a healthy country?—Yes; where dry, and facility is given for the water to drain off.

288. Do you consider the west coast of India generally more suited to the European constitution than the east coast?—Generally speaking, the western district of India I should consider more suitable to the European than the valley of the Ganges, for instance.

289. And the Carnatic?—In the Carnatic the heat is very great; the heat is greatest in the plains of the Carnatic.

290. I understood you to say, that you consider that, if Europeans were enabled from time to time to leave the plains for the hills, their health would be very much benefited by it?—Assuredly; if they were to leave the plains for the mountain ranges during the hot and rainy seasons, their health might be excellent, and they might be long lived.

291. Might not settlers in India be able to do that, to a considerable extent, when railways are established?—Yes, assuredly.

292. Have you ever known Europeans born in the hills of the third generation?—No; my acquaintance has been with Europeans of the first generation.

293. If you were asked by a gentleman proposing to go to India, to settle there with his family, whether there were any reasons arising from the insalubrity of the climate, why he should not do so, what advice would you give him?—

0.54.

That
That question comes before me every day: and I determine it on these grounds: I ascertain whether the person has any organic disease of any of the three great cavities. If he has, I state that India is altogether unsuited to that person. Further, if he labours under any functional disorder of importance; in that case, I say that he ought not to go to be restored to health; but provided there be neither the one nor the other, I should say that a European may go to India with an average prospect of good health.

294. With reference to what General Tremenheere said about the encouragement of marriage among the troops; do you think that would have the effect of promoting a greater amount of health among them?—I think so; it would save them from many contingencies which now afflict them.

295. Do you see much difference in the Eurasians, according to the different races to which the mothers belong?—My principal experience has been of the Indo-British, whose mother was a native of Bengal proper; a diminutive and inferior race. I have, however, seen others, the sons of more robust mothers of the north, and they were powerful men.

296. Chairman.] Do you mean of the hill districts?—The elevated plains of Hindustan, not especially the hills, but in the northern latitude.

297. Have you seen an Eurasian of a Telegoo, or Tamul mother, or a Caneese, or Malabar mother?—I have, but only in passing through Hyderabad and Madras.

298. But you think there would be a great difference in the vigour and intellectual capacity of the Eurasian, according to the race from which the mother sprang?—According to the race and the locality.

299. Mr. Fansittard.] Do fevers and dysentery and liver complaints prevail to a greater extent in Bengal than in the Upper Provinces?—They prevail immensely more in Bengal Proper, as compared with the plains of Hindustan.

300. We have only two hill stations in Bengal, Cherrah-Ponjee, and Darjeeling?—Yes; the former is in Assam, situated in a country where the rains are so exceedingly heavy, and of such long duration, that I question whether it can ever be a proper sanatorium or place of resort even for healthy Europeans.

301. You would recommend that the 800 children at Dum Dum should go to Darjeeling?—Darjeeling is far preferable.

302. Mr. Mangels.] You heard General Tremenheere's evidence; do you think it would be possible to rear English children in the Himalayas, and to continue the race, so as to retain much of the energy of the European character and habits?—I very much question that on moral and physical grounds; in the first place, however excellent the climate of the mountain range may be as an equivalent for the native climate of England, there would yet be on moral grounds educational difficulties; those however might be got over.

303. You mentioned that you had given in a memorial to the Court of Directors, recommending that a commission should be appointed to ascertain the most healthy stations for European troops, with reference to the large numbers of them now serving and likely to serve in India; are you aware that the Court of Directors have sent out orders upon that subject in accordance with your representations?—I received a letter in reply from Sir James Melvill, informing me that the Court of Directors had been pleased to forward my memoir to the Governor-general for his favourable consideration.

304. Were you not shown a copy of the letter which the Court of Directors sent out to the Government of India, desiring them to appoint such a commission and to institute inquiries?—Yes; you were pleased to show me a copy of the despatch.

305. Mr. Villiers.] May we collect from your evidence that you consider that there is nothing in the climate of India that necessarily conduces to the physical degeneracy of our race?—I believe that the residence of Europeans on the plains of Hindustan, in every part of it, even in the very best districts, leads to a persistent deterioration of the European physical frame, by inducing diseases which belong to malaria and a high range of temperature; and that it is only upon the mountain ranges that the European may hope to live in a state of integrity.

306. But you consider that the Europeans may settle in the mountain ranges consistently with their prosperity, and also with their not degenerating?—In the mountain ranges, I think so to a certain degree not yet determined.

307. What are we to understand you to say with respect to the women who have gone to the hills; have they appeared not to thrive so well as the men?—
ON COLONIZATION AND SETTLEMENT (INDIA).

My observation was on a limited number; but it was that the brothers (as I inferred), from being more out in the open air, were more robust than the sisters. They were persons of the better class, and the ladies did not bear child-bearing and child-nursing well.

308. Are those adult women who have gone to the hills after having lived in the plain, and having been more or less affected by the climate? My observations refer to the children of European officers brought up in the mountains.

309. You have observed that the female children are not reared with the same advantage that the male children are?—That was my observation over a limited range.

310. If that is the case, is that consistent with your opinion that the European race, if settled in the hills, would not degenerate?—If that were generally the case, it would not be consistent.

311. Is it not a general observation that European women going out to India suffer much more than the men?—It depends entirely on the class to which the European women belong. The European soldier's wife, I believe, suffers very nearly the extent of injury that the soldier himself does; but I should say that European women of the better classes enjoy far better health in India than their husbands do; and there is a curious circumstance with reference to them: when I came back, I ascertained, in framing a work which I published on the influence of tropical climates, that it is found that the widows of our Indian officers come at once upon the select scale of life in England, whereas a retired officer does not, until after some years of residence at home.

312. Is that the result of the general experience of medical men who have given attention to the physical condition of women in India?—That is the result of the experience of the Bengal Military Widows' Fund, a very old standing institution.

313. Is it in consequence of the greater care that females of the bettermost class take of themselves in India that they suffer much less, as you say, than the wives of soldiers?—I believe so; that in the case of the wife of an officer, in the first place, her habits of life are better than the average of officers; and, secondly, that she is not exposed to direct solar or malarious influences, as the husband is often obliged to be.

314. Do you confirm the opinion expressed by general Tremeneerse, that it is greatly preferable for a soldier to bring out his wife from home rather than to marry a native woman?—I should say greatly preferable.

315. For what reason, if European women suffer as much as the men from climate?—I do not consider that it is of advantage to increase very largely the race of Indo-British. And if the European soldiers are removed to the mountain ranges, I should consider that they would be accompanied by their families greatly to the benefit of themselves, and also of the State.

316. When they marry native women, do not they live well with their families?—They do, but it spoils the soldier; he becomes domesticated in Indian habits; he volunteers to remain in India when his regiment comes home; he becomes an old Indian, in fact, an indolent man, and too much domesticated in India.

317. Then, in fact, a considerable portion of the Indian army, that is to say, the troops that are raised by the East India Company, do not return home?—They do not return; but they have a better mode of arrangement in respect of the health of recruits than Her Majesty's regiments; they have traditional modes known to themselves; and I think that their habits are of late years healthier than those of the Queen's troops.

318. Do you mean that there is a better system adopted in the East India Company's army than in the Queen's army in India?—I believe with regard to the sanitary condition of the soldier generally, and of the recruit in particular, that it is better in the Company's regiments, the foot and the artillery, upon the average than in the Queen's regiments.

319. Are the East India Company's regiments now removed to the mountain ranges?—No; but I hope they will be, in common with the rest of the European force. I hope and believe that in a very few years the great bulk of the European army in India will be permanently located in the mountains.

320. Has it been the habit of the soldiers of the East India service to marry native women?—Very much.

321. With respect to the religious influence of their marrying native women,
J. R. Martin, Esq., is not it generally the case that the native women become outcasts, and very often adopt the religion of their husbands, if they have any religion at all? — I suppose they do; but a great portion of the wives of the European soldiers that I have seen have been Eurasians or Portuguese, not pure natives.


323. Assuming that the soldier is a Christian, the children are brought up in his faith? — They are; and in the event of his death, they are provided for in the orphan institutions.

324. Then there is no important religious objection against European soldiers marrying native women or half-caste women? — No more than has been stated.

325. You said that it is the long-continued application of heat which is so particularly injurious to European health? — It is the long-continued application of heat that is particularly deleterious to the European frame, even more than its intensity.

326. Therefore it is inconsistent with your view that our race can be propagated with advantage in any of our settlements in India? — Yes, on the plains: it is not inconsistent on the mountain ranges.

327. Your idea seemed to be that there must be European settlers on those mountain ranges without having any productive employment; but is not it possible to cultivate portions of those mountain ranges? — Yes; a large extent of surfaces of course will admit of cultivation and great improvement.

328. And they could exchange the results of that cultivation for the grain or food grown on the plains? — Assuredly, that would be a great advantage.

329. Mr. Willoughby. Did I rightly understand you to say that the South Mahratta country, on the Bombay side, was adapted to European colonists, by reason of its being a healthy climate? — No, I did not mean that.

330. Are you not aware that the mortality amongst the European troops in that part of the Bombay Presidency is greater than at almost any other station? — Yes, I am quite aware of that. I meant that some of the arid plains were healthy as compared with other plains.

331. You did not mean to say that you thought they were adapted for the colonization of Europeans? — By no means.

332. Mr. Danby Seymour. With regard to the general unhealthiness of the Company's European troops, do not you think that if a certain stimulus were held out to them, by employments under the Company, either as overseers of works, or in some other manner, it would contribute materially to promote their healthy condition? — Very much. In the case of the Bombay Fusileers, the habits that they have got into by being permitted to do various things for themselves, and to pursue various trades, have tended to improve their health and their morals.

333. Chairman. Do you think that the health of the soldier suffers very much from the unemployed state in which he is kept during the greater part of his time? — It operates most dreadfully to his injury all over the British possessions, as well as in the East Indies. The monotony of barrack life is destructive both to his mind and body.

334. Mr. Mangies. With regard to the possibility of rearing persons of English blood on the hills, with the stamina and strength of Europeans, your answers to different questions appeared to be hardly consistent with one another: what are we to understand your opinion to be upon that subject? — My impression is rather against a European child being brought up with the same vigour as in the climate of England, but still that he may be brought up in excellent health comparatively in the mountains, as compared with the plains.

335. You think the race might be perpetuated in the hills for several generations without deterioration? — I think so, without very much deterioration; but that must be determined by the result of experiment.

336. Mr. Campbell. Are you aware that the same facilities of returning to this country are allowed to the soldiers in the Company's service as are allowed to the Queen's troops, that is to say, that they are invalided in the same way as the Queen's soldiers are? — If that is the case, it is only very recently; they had not the same facilities of returning to England a few years ago.
ON COLONIZATION AND SETTLEMENT (INDIA).

Martis, 20° die Aprilis, 1858.

MEMBERS PRESENT.

Mr. Baillie.
Mr. Campbell.
Mr. De Vere.
Mr. William Ewart.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.
Mr. Lowe.

Mr. Lygon.
Mr. Mangles.
Sir Erakine Perry.
Mr. Danby Seymour.
Mr. J. B. Smith.
Mr. William Vansittart.
Mr. Villiers.
Mr. Willoughby.

WILLIAM EWART, ESQ., IN THE CHAIR.

Major-General George Borlase Trememheere, called in; and further Examined.

337. Chairman.] YOU gave us evidence, on the last occasion, in regard to the productions of India, and the best means of calling those productions into active development?—Yes.

338. Can you assist us in the composition of a map which would lay before the public very clearly the objects of the inquiry of this Committee, with the districts in which the different articles are produced; indigo, cotton, sugar, and so on; and the mineral productions, coal, iron, and lime, &c.; and showing how far the establishment of railways and canals and roads will bear upon those productions? —I shall be very happy to assist in any manner in my power.

339. In what other way besides the ways you mentioned at the last meeting of the Committee, might European settlement be encouraged?—European settlement in India might probably be promoted by a further increase of the members of the uncovenanted civil service. Their ranks are recruited from young men who, in many instances, have been brought up in India; they have small pensions, and, after serving the Government for a period of years, are very likely to become good settlers. Their local experience will induce them to take advantage of opportunities for profitable investment, which in the course of their career would be sorely forced upon their observation. The strength of the regular civil service is too small for a country of such vast extent. They work hard, and are a most exemplary body of men; but there is a limit to individual exertion, and they look to England as their ultimate home. A certain proportion of highly-educated civilians is absolutely necessary; but much of the ordinary civil business, both revenue and magisterial, might be better administered if a larger number of moderately paid officials were employed.

340. You think that they would be brought into more immediate contact with the natives?—Yes, they would become acquainted with the resources of the country, and by retiring on smaller pensions, would be more likely to settle in India than the civilians of the present day.

341. Besides the advantages which you have already proved, what advantages do you think might arise from the training establishments in the Himalayas which you have suggested?—Besides the benefit to be derived, in a material point of view, from establishments in the Himalayas for training Europeans in the practical sciences, other advantages would follow which might be of the greatest value to the future of India. At present the standard of morality amongst all classes of the native community is so low, that the pure stream of English law is polluted by the corruption of the native officials, who compose the machinery of the civil courts, and are the only instruments which our civil officers can employ. Ability, a fair reputation, quickness in writing the Persian and Hindustanee languages, and an aptitude for business, secure employment to a native. High moral qualities, if only based on the principles inculcated by their own religious creeds, would have influence if they could be found; but, unfortunately, these native subordinates and the whole class from which they are derived are notoriously deficient in good principle, and they counteract the efforts of Government to administer strict justice to the people. The people themselves have no greater respect
respect for truth or upright dealing; they will institute, against one another, prosecutions of the most serious character, on the most false pretences, and support them by a cloud of witnesses; even when they have a just cause for litigation, they know that if they do not possess the means to bribe freely, they cannot succeed; and the feeling among them is, that the party who can pay the most to the subordinate officers of the court, is sure to gain the day. The best way to cure this evil is to make moral worth, and character, the chief qualifications for employment by the State. It is not by books, nor by teaching, that any appreciable progress will be made towards improvement in the national character of the natives. More may be done by the living example of numbers of Englishmen, trained up among them from their infancy in the principles of the Christian religion, who, by reason of their moral superiority, will obtain the precedence in all public employments, and in the favour of the State.

342. Are there not strong reasons why agricultural improvement should be attended to in India?—The application of science to agriculture has made such progress in Europe during the last half century, that the extraordinary results produced are a standing rebuke to all authorities connected with India, where not even a first move has been made in this direction. Although the Government cannot undertake farming on its own account, there are methods of transferring the experience of one country to another, which, as landlords of the soil, the Government of India ought to do. More than one-half of the revenues of the country, that is to say, 15,500,000 l. out of 28,000,000 l., is derived by rents from the land; and four-fifths of the whole value of the annual exports, namely, 17,500,000 l. out of 21,500,000 l., are the direct produce of the soil. Of India it may be truly said that agriculture is at once the greatest, the simplest, and most obvious of her resources. Some years ago, the Indian Government were urged to provide trained agricultural teachers, and to establish model farms in different parts of the country; but the most promising results might be anticipated from an extension of the railroad system, and the settlement of capitalists. They could be assisted by trained agriculturists from one of the proposed European establishments in the hills, who would combine a knowledge of the native methods with all the aids which science can afford.

343. Will you state some of the advantages which would arise from the introduction of branch railways communicating with the central East India line?—In nearly all the thickly inhabited parts of India, especially in the level countries on either bank of the Ganges, in the North-West Provinces, as well as in the Punjab, the scarcity of wood fuel is much felt; when procurable at cheap rates, it is consumed by every one for cooking purposes; but the scarcity is in some districts so great, that cow dung is the only available fuel for the poor, and the land is thus deprived of its natural supply of manure. The consumption is much increased by the influence of caste, as nearly every maw will eat only what is cooked by himself, or by a relation, or by another of precisely the same caste. Wood fuel is deficient where there are no jungle or brushwood tracts, nor forests within a moderate distance, from which roots and pieces of dry wood can be readily brought to market. I may also mention, in regard to the advantages of branch railroads in the Bengal Presidency, that the line of railroad which is now in progress passes through a country which cannot be said to be the most productive part of India; the line is rather situated along the centre of commerce. The productive part of the North-West Provinces lies immediately to the northward of the East Indian Railway. The great marls of India, such as Delhi, Agra, Benares, and Mirzapore, are upon the line, but the produce comes from Roholcund, from Oude, and Jeypore; and in those countries, at seasons of scarcity, the people of the country flock towards the centre of the Gangetic Valley. The lines of traffic, and of the great produce of the country are immediately at right-angles with this line of railway; for instance, the produce of Roholcund comes from Bareilly to Agra and Delhi; the produce of Oude comes towards Cawnpore, Allahabad, and Benares; and other produce comes towards the Ganges, nearer to Calcutta: therefore the line of railway is more in the line of commerce than of production.

344. Was not the line made with a view of following the line of commerce?—It was laid out with a view to convey the products of the country along the line of the valley of the Ganges towards the sea.

345. Mr. Campbell.] The line of railway is more in the line of the ancient marls of commerce than in the line of production?—Yes. In some parts of India,
ON COLONIZATION AND SETTLEMENT (INDIA).

India, in the plains, for instance, which skirt the base of the Himalayas, and in other hilly districts in Central India, there is an inexhaustible abundance of wood, which by the aid of railways might be made available for ages, at a moderate charge for transport, to supply abundant and cheap fuel to the inhabitants of the long exhausted plains.

346. You stated that colonization in India must proceed from the upper or middle classes to the lower; that is, that English capital and enterprise would be most successfully applied in the employment of native labour, which is cheap and abundant.—Yes.

347. Would it not be practicable for small intelligent farmers, possessing a knowledge of soils, manures, and crops, to settle in India with advantage to themselves and the people of India?—Yes, I think so, decidedly.

348. There is a great deficiency in that respect.—Yes.

349. In fact, the knowledge of agriculture altogether is very small in India?—It is about in the same position as when Alexander invaded the country.

350. On the banks of the Ganges they depend upon the alluvial deposit of that stream, and inland there is no attempt at agriculture?—It is simply an empirical art, and no improvement has been applied to it.

351. Is there anything to prevent colonists, if they were established in the hills, from pursuing labour in that country; and do you think that tea could be produced there?—Tea could be profitably produced in the hills, I have no doubt. Whether European labour could be profitably applied to its production is a point that I am not decided upon.

352. Is there anything in the climate to prevent it at an elevation of 7,000 or 8,000 feet?—The climate is not very favourable to European labour, even in the hills. There are parts undoubtedly where a European could labour with advantage; at the same time the valleys in the hills have not exactly a European climate. The sun is extremely hot, and I should think that a European labourer would be rather exhausted.

353. Could not the productions of the hills be sold with advantage in the plains, and the production of the plains in the like manner in the hills, and would not the possession of property in both, enable the owner to command his own climate?—Certainly; an interchange of products would be an advantage in any country, and especially in India.

354. You think it would be an advantage if you could produce on the plains articles of commerce suitable for the hills, and vice versa?—Yes; an interchange of that description takes place in the Kangra Hills, where rice of a very good description is produced, and there is a considerable traffic between these and the plains.

355. Are agricultural and other employments under Europeans popular with the natives of India, and do not they prefer it to service with their own countrymen; that is to say, do they prefer employment by the Indigo planters to employment by natives?—No objection exists on the part of the natives to employment where regularity of payment is certain.

356. They can depend more upon the Europeans than upon the natives?—Yes; I think they are very willing to work under Europeans.

357. Is not that attended with advantage to the people of the country?—Decidedly.

358. Is it not the fact, that several commodities grown in India are produced on the same soils under European superintendence at from 10 to 30 per cent. more value in the manufactured state, than similar staples grown by the natives?—I have no doubt of it; Indigo is a particular example of that improvement arising from European superintendence.

359. The police of India has, you believe, been an impediment in the way of settlement in India?—I have no information on that subject.

360. You have never heard that the police operate prejudicially to settlement?—No, not in the Upper Provinces.

361. You stated that the colonists might be very advantageously employed in the uncovenanted civil service; do you think that the Lawrence asylums might form a good nucleus for young men adapted for that service?—Certainly; I think also that the establishment of training institutions in the hills would probably lead to the formation of others of a higher character.

Do you think that the establishment of an agricultural college would form a practical and useful finish to the education of boys in the hills?—Yes; either an agricultural
30 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

agricultural college in itself, or instruction of that description should certainly form a leading feature in any public institution in India.

363. Do you think that the extension of the English language among the people of India and in the courts of India would be attended with beneficial results?—I have doubts upon that subject; I would rather look to the use of the vernacular, the ordinary Hindostanee language, both for the courts, as well as a medium of instruction to the natives; that is, I would turn our own books of science and learning into the ordinary language of the country.

364. Do not the natives of India generally prefer being tried by an English magistrate or judge to being tried by one of their own countrypeople; have not they more confidence in him?—They have great faith in the uprightness and the sense of justice of the English judge; at the same time they have a great horror of the native subordinates whom he is obliged to employ; and I feel no doubt, that of the two they would rather prefer their own courts to ours; but if we could obtain an honest and native subordinate agency, or an honest subordinate agency of any description, they would prefer the English courts; I think they would have much greater confidence then in the proceedings.

365. And you do not think that the scope for bribery would then exist that does exist at the present time?—Certainly not.

366. Mr. John B. Smith.] You stated that at Mooltan wheat was selling at 1s. 3d. a bushel, whilst at the same time it was selling at 5s. 9d. in Liverpool.—Yes.

367. Are you aware what was the produce of that wheat per acre at Mooltan?—No; I dare say it is contained in a Report which I have here, though it is some time since it was published. Here is a table showing the estimated amount of certain crops produced on an acre of land of different kinds.

368. What is it as to wheat?—It was not exactly in the Mooltan district, but in the district of Thanesur, in the North-West Provinces. The produce of wheat per acre is given at 16 maunds, which is equivalent to 1,280 lbs. per acre.

369. And you say that the wheat weighed about 60 lbs. per bushel?—Calculating the Winchester bushel at 60 lbs.

370. That would be twenty bushels an acre?—Yes, about 21 bushels.

371. Are you aware whether the land that grows wheat is irrigated land?—Yes, it is generally irrigated from wells, but it grows, frequently, without irrigation, when the seasons are favourable. Wheat land does not require much irrigation; at the same time, the cultivator generally has it in his power to irrigate wheat land if he desires a good crop.

372. Do you happen to know what is the produce of wheat on irrigated land, and what is the produce of wheat on unirrigated land?—I cannot state it from memory. The produce here is given, but not the distinction between irrigated and unirrigated land. I should doubt whether it was obtainable with respect to wheat.

373. Is there more than one crop grown on the land in the year?—Yes, two, almost invariably.

374. Does that refer to irrigated as well as unirrigated land?—There is a winter crop, consisting of cereals, a crop of the European type. The summer, or the rain crop, is exclusively of an Asiatic character.

375. Sir Erskine Perry.] Is that grown off the same acre?—Yes; off the same land.

376. Mr. John B. Smith.] The land does not produce two crops of wheat per annum, does it?—No; but wheat is grown continually, year after year, on the same land in various parts of the country.

377. Twenty bushels an acre seems to be a very small produce; do you consider that it is capable of great increase by the adoption of improved agriculture?—Certainly, a very considerable increase; I have seen in some parts of the Punjab crops of wheat so thin, and the ears of wheat containing perhaps not more than six or eight grains, that it seems almost unaccountable that it should be worth their while to cultivate such land; but no pains were taken to manure or to irrigate it; 16 maunds is rather a low average. I find here in various parts of the country 24 maunds, 20 maunds, 19 maunds, and 16½ maunds; 20 maunds is the common produce per acre.

378. But that report does not state whether that is the produce of irrigated or unirrigated land?—No, it does not.

379. Sir Erskine Perry.] In the course of your Indian experience have you come
ON COLONIZATION AND SETTLEMENT (INDIA).

come in contact with many European settlers?—No; I have amongst the indigo planters in the district of Allighur, but not in the lower provinces of Bengal at all. I have known also a sugar planter or two.

380. Had you sufficient intimacy with those persons to learn whether there were any obstacles in the way of English settlers?—No, my impression is that there are no obstacles; that anybody can settle in India; I am not aware that there are any obstacles.

381. Have you ever heard any complaints as to the administration of justice, in deterring British capital and enterprise from settling in the country?—I have heard complaints, but it being a subject with which I was in no way concerned, I have not taken pains to investigate the truth or otherwise of those complaints. I have heard that in Bengal great complaints have been made; at the same time I could not give the Committee any reliable information upon that subject.

382. Mr. Willoughby.] You alluded to the uncovenanted service in India; has not that service very much increased of late years, and has not their sphere of employment been very much enlarged?—Yes.

383. Is not the character that you have given of the native officials rather too general, or do you intend the Committee to understand that there are no trustworthy members among them?—By no means; I believe that there are exceptions, as in almost every class of society, but I speak more of the general character. There are good natives; there are moral men amongst the Mahomedans as well as amongst the Hindoos, but I believe the instances are rather rare in which that morality or principle would come up to the English standard.

384. To what part of India do you refer?—To the parts of India in which I have been, in the North-west Provinces; in fact, I think it is applicable to all parts of India. I think that the character of the natives generally is untrustworthy.

385. Is it not the fact that the natives in their commercial dealings with Europeans, are celebrated for their probity and trustworthiness, generally speaking?—I think, with regard to merchants, that remark may be correct; but with the natives generally, if you order a native to do a thing; take a small matter as an instance; if you order your servant to buy an article, you never can be satisfied that he will not charge you more than he gave, and the same remark applies to purchases on a large scale. If an officer requires materials for a public work, he can never be satisfied that he is doing justice to the Government by the amount that he pays for those materials, because so many influences are against him; in fact, he is surrounded by a set of people on whose word he can place no reliance whatever. I believe, with regard to native bankers and merchants, and men of that class, that faith is kept very strictly.

385*. As a question of policy and justice, do you advocate the employment of Europeans in offices which are now filled by natives of the country in preference to the natives?—I do as a first measure, until you can obtain those qualities which I presume, the Europeans would possess. I think that the quality of the instrument should be looked to, and not the mere national character of the employed. If you could obtain natives possessing the same principle as Europeans, I would have them employed by all means, and I would give them the preference; but until you can do that, let them see that those are the qualities which are required.

386. I presume you are of opinion that we should not govern India for our own purposes solely, but for the benefit of the inhabitants?—I conceive that the employment of high principled instruments under the Government, would be doing more justice to the people of the country than the employment of others who are corrupt, although they may be of the same nation.

387. Although you advocate, as every one acquainted with the requirements of India must do, the construction of branch railways, do you object to Lord Dalhousie's plan, that attention should be first paid to the Grand Trunk lines which are now in course of construction?—By no means; the Trunk lines are absolutely necessary as a foundation.

388. Those lines have been projected as much for a commercial as political and military purposes?—They have.

389. You advocated rather the employment of Europeans in the offices which are now filled by natives in our courts of law; do you consider it possible to obtain Europeans properly qualified to perform those duties?—Not at present; but my idea was, that they should be trained for the purpose.

390. You
390. You would not recommend that they should be employed till they were trained?—Not till you could find men duly qualified by possessing a sufficient knowledge of the languages, habits, and customs of the people.

391. In your examination on the first day, you alluded to the case of Mr. Landon as an example of the benefits of European supervision; are you aware that Mr. Landon, after having established by great energy a profitable cotton factory in that district, has returned to England?—I am not.

392. Is it not the fact that very few persons settle in India with a view to permanent residence, but the large majority keep in view an ultimate return to their native country?—Yes; I have no doubt that that is the case now, and that is the very evil which by the increase of Europeans in India I should wish to see remedied.

393. With regard to the stud farm which you quoted as to the great increase of produce, does that statement show the means by which the farm was cultivated and the expense incurred?—No, it does not enter into a statement of the expense; I read the whole of the statement from Colonel Apperley's letter; of course the advantages of manure there were peculiar.

394. Probably also he had the assistance of his establishment?—No, I should doubt that. The establishment was employed in the care of the horses; with the exception of an unlimited command of manure, I should say there were no exceptional points in that case.

395. Did I rightly understand you to say, that you would relax the rule in regard to marriage to the extent of 25 per cent. in each regiment?—Yes.

396. Would that occasion no additional expense in accommodation?—Yes, but I think it would be very little, provided the barracks for European regiments were constructed on the scale on which they now exist in the Punjab.

397. In many stations in India, are not the quarters of the married soldiers distinct from those of the single?—In the Punjab, only with regard to the Bengal Presidency.

398. Did you also recommend that the children of the soldiers should be separated from their parents at the age of four years?—Yes.

399. Do you think that that would be readily acceded to by the parents?—I think so, provided they have the means of visiting them in the hills by railroads to the foot of the hills; they might obtain leave, and see their children occasionally. I think that the hardship would fall chiefly upon the mother, but at the same time, if she married on those conditions, that would be partially remedied. She would only have to submit to what every mother and father has to submit to in India, in another rank of life. They cannot keep their children in the plains without imminent risk, and the wives of the soldiers would, I think, readily concur in that arrangement.

400. How would you get over the difficulty in regard to regiments stationed in the lower provinces of Bengal or Burmah?—By establishing a sanatorium at Darjeeling, which should be accessible to the foot of the hills by a railway.

401. Mr. Kinnaird.] By the tenor of your evidence, and by the answers you gave just now, did you not recommend the employment of Europeans in those different posts, with a view to the benefit of the natives, and not with a view merely of advancing the interests of England?—Undoubtedly. I have no idea whatever of advancing the interests of the English in India apart from the interests of the people of the country. My object in suggesting the employment of Europeans was to insure a pure administration of the law, by means of high moral character which you cannot obtain, as a general rule, from the natives.

402. Do you think that by proper attention and care that result might be easily obtained?—I think so, by proper training and instruction.

403. Do you think that a better police might be secured?—Yes. I refer to all the subordinate native agencies which the Government officers are obliged to employ.

404. With regard to the great cheapness of production and the price of wheat, do not you suppose that the effect of providing outlets and of giving a market for the produce, would be not to lower, but to raise its value; must not that be the effect of canals and railways?—Yes, provided they have ready means for carrying it out of the country; otherwise, the value would be depressed. The canals will have a tendency to depreciate the value, because the production will be so enormous that the market will be glutted on the spot; but if they had a ready means of sending that produce away, the price probably would be enhanced.

405. The
ON COLONIZATION AND SETTLEMENT (INDIA).

405. The effect of a good harvest at present is really against the ryot?—Yes; the effect is to render it more difficult for him to pay his revenue.

406. And the very fact of reducing the price would materially improve the condition of the people?—Yes.

407. Mr. Villiers: I think we may collect that the resources of India could be much more developed than they have been hitherto?—Yes.

408. Do you account for their not having been developed to the extent that they might have been by the want of European capital, or the want of an intelligent superintendence in the employment of that capital?—With the present facilities, I do not think that the absence of European capital has been the first cause; it is the absence of facilities for communication and for the transport of the products which are raised.

409. Do you believe that if Europeans were to go out there they could develop the resources of the country with any profit to themselves?—Yes, I have no doubt they could.

410. Do you say that there are no obstacles whatever to settlement in India which present themselves to a capitalist?—I am not aware that there are. I think that a manufacturer of sugar, for instance, can carry on his business in the most productive part of India without any obstacle.

411. Have you ever attempted to find the cause why the English people, who go to the utmost parts of the earth, with a view to get profit upon their capital, do not settle more in India, with the object of acquiring riches in that way?—I think I mentioned on the last occasion that one of the first obstacles was the absence of any ready means of obtaining access to those parts of the country where it would be to the advantage of a European to settle and invest his capital. He arrives at Bombay or Calcutta, and finds that he has to go 1,000 or 1,200 miles before he can reach the point to which his inquiry is directed. The only means by which he can reach that point is by a tedious journey, occupying six weeks.

412. Those are difficulties which present themselves to the colonist or settler, wherever he may go, provided it is a new country. Why does not he go to India as well as to Australia?—There are more enticing objects in other countries. The finding of gold, the production of copper, and mines generally, offer much greater inducement than the slow profits derived from agricultural produce.

413. I suppose that in every new country the greatest possible disadvantages are presented at first to the settler; do you consider that the Government in India offer any obstacles to settlers, or do you think that the laws and regulations in the different Presidencies deter a European from settling there?—I am not aware that the Government offer any obstacles whatever. If you compare the absence of enterprise with Canada or the United States, I may remark, that the climate is a sufficient answer. The climate in those countries is suited to the European constitution, but the climate in India is not suited to the European constitution.

414. Do you think that that is a sufficient reason to account for the very few persons that have settled in India?—I think that that is one of the chief reasons, and also the absence of facilities of communication.

415. Is it an erroneous notion that those persons who have attempted to settle there, and who have employed their capital for the development of some of the principal products in India, have generally failed?—I am not aware of any instances of failure myself. We know that there are a great many instances of the reverse with regard to indigo. Many fortunes have been made in the production of indigo.

416. How is it with regard to the production of sugar?—One instance of success I know very well. I have used the sugar of the manufactury, and it is used all over the North-west Provinces, and is as good as any sugar that can be produced.

417. For the markets of the interior it has been successful:—I think so for the plains of India.

418. Do you know of any instance in which the products of India come into competition with the same products from other countries in neutral markets, the products of India have succeeded commercially, with the exception of indigo?—I know of many products which are capable of being brought into successful competition. I should enumerate sugar, hemp, flax, and linseed. Linseed is an article of commerce.
article which has been profitably imported into this country, and commands a very extensive market.

419. Does that continue, or was it occasional? — I believe it increases very considerably; the increase of the exportation of linseed has materially increased of late years, and even in our newly settled country of the Punjab, the increase both of the production and export of linseed has been very great.

420. You do not ascribe anything to the operation of the land revenue upon capitalists or occupiers of land? — No; in the part of the country where I have resided my impression is that the land revenue does not fall heavily on the people.

421. Is that in Bengal? — Not in Bengal exactly, but in the North-west Provinces and in the Punjab.

422. With reference to the purpose of exporting the products of India, you do attach great importance to the want of communication? — I attach great importance to it.

423. Do you know whether Europeans, who have settled there for the last 20 years, have been anxious to promote public works for facilitating communication, and have been resisted by the Government of India? — I am not aware of the opinions of settlers upon that point, for I have not been much amongst them, but I know that it has been the general feeling in England, amongst people interested in India, that the want of communication by railway is one of the great obstacles.

424. It is within the last 10 years that those works have been promoted by the Government to a very great extent? — Yes.

425. You have said that settlers would have to complain of the good faith of the servants and tradesmen; do you contrast what you have observed among the natives of India, with what you have observed among the Europeans in that respect, and is that contrast unfavourable to the natives? — Yes.

426. You think that you can place implicit reliance upon that class of persons in Europe? — I would not say implicit reliance, but I think you can place more reliance upon the word of an European than of a native in all dealings.

427. I suppose the remuneration for labour is extremely low? — It is low; but it bears its usual proportion to the expenses of living, and the wants of the people.

428. Do you think that their extreme poverty has something to do with that species of dishonesty? — No, by no means; it is an inherent vice.

429. You, perhaps, speak rather in a conventional way; I suppose there are good and bad? — There are exceptions, of course; but I think, as a general rule, that is the national character.

430. We have heard, in the late insurrection, of instances of extraordinary fidelity amongst servants? — Yes; and those same servants would take advantage of any opportunity that might be placed in their way to benefit themselves at the expense of their masters.

431. Would that apply to the native master as well as to the European? — I think not. The native masters have a more intimate knowledge of the vices of the servants.

432. Do you say generally that the native has an antipathy to the European? — No, I should think not.

433. Not sufficiently so to deter the European from settling? — Certainly not.

434. Mr. Danby Seymour.] When you say that you compare the native and European servants, by European you mean English? — Yes, English.

435. Are you acquainted with the servants in Russia, in Germany, in Spain, or in Italy? — No.

436. You are not acquainted with the state of morality in those countries? — No.

437. It is generally supposed not to be so high as in this country? — No.

438. Therefore, when you compare the natives of India with England, you compare them with the highest standard known? — Yes.

439. Do you not think that the opinion of the servants of the Company with regard to the honesty of the natives, is lower now than it was 40 or 50 years ago? — No, I think not.

440. Are you aware of many extracts in Sir Thomas Monro's writings where he discusses that point, and disputes the opinions which you have expressed? — No. I merely
ON COLONIZATION AND SETTLEMENT (INDIA).

I merely form my own opinions from extensive dealings with the natives in the course of very large operations in the Punjab and other parts of India, where I have been employed.

441. Do you think that you could trust servants in this country implicitly if they were not looked after?—No, every one is better for being looked after.

442. Have you had much experience in employing labour in this country?—None whatever.

443. Is it not the case that in Bengal it is the practice of those who are settled there to keep 200 or 300 clubmen to assert their rights?—I have heard of such things, and I believe that to be the case, but I have no personal knowledge upon the matter.

444. Do you think that is a state of society that would tempt settlers to go and reside in that country?—Certainly not. That state of things has exclusive reference to Bengal and to the production of Indigo.

445. Bengal is the most populous province of India, and the richest?—It is very populous, but there are very thickly populated provinces in the direction of Benares and upwards, in the Gangetic Valley.

446. But there are 40,000,000 of inhabitants in the province of Bengal Proper?—It is a very thickly peopled country.

447. Are you aware whether Mr. Landon's reason for returning to this country was that he had made a fortune?—No.

448. Are you aware whether he left any successor in his manufactory there?—No, my statement was derived solely from Mr. Turner's speech in the House of Commons.

449. Mr. W. Vaneitall.] You say that generally you are favourable to an increase of the uncovenanted servants. Are the Committee to understand that the covenanted service is inadequate and disproportionate to the duties which they have to perform?—I will not say that they are inadequate to the duties which they have to perform, but I think that they could be done better by a larger number of men. The officers of the civil service are indefatigable in the performance of their duties, but they are overworked, as almost all other officials in India are overworked.

450. Do you think it would be advisable, generally, to have the districts halved? I believe Monghir was 120 miles long and 60 miles broad?—Yes, I should think it advisable to quarter them.

451. Would not the expense be enormous?—Not so much if men were employed who possessed rather lower qualifications, and at lower salaries.

452. Following up what you have said with regard to the native subordinates and officials, do you not think the courts of suddar ameens and moonsifs are very unpopular?—I could give no satisfactory answer to that question. The employment of suddar ameens is a recent measure, adopted with a view to encourage the natives to look to high employment under the State. What the success of that measure may be I am not aware.

453. Are you aware that the suddar ameens and moonsifs generally have behaved exceedingly ill during this late revolt; for instance, the judge of Futehpore was murdered by order of his moonsif?—Yes; that is an instance of what I have specially referred to, the want of principle, honesty, and character amongst the native employes of the Government; they cannot be depended upon.

454. Do not you think, with regard to the salaries that the suddar ameens and moonsifs draw, that we could get young men of good education and family to go out from this country to fill those situations?—No doubt; at the same time, their instruction would have to begin in India, and they would require a long apprenticeship.

455. If we could have a sort of school for them here, similar to what Haileybury College used to be, do not you think that it might be carried out, giving a sort of preparatory education similar to that at Haileybury College?—I would rather trust to their education in India, because it is not simply book-learning they require; they require to know the character of the native population, which is a study in itself; and they can only obtain that by lessons in the country, and by close observation.

456. Mr. Knight.] Do you think that the being rendered amenable to the local courts in all civil matters is considered a great objection by settlers in India?—Yes, I have heard of that as an objection; I have no personal knowledge of it; I have heard it stated, and seen it in the public papers, and I have no doubt of it.
it is felt as a grievance that an European should be subject to be tried by a native.

20 April 1858.

457. Then possibly, if some districts were better than others for settlement by Europeans, it might answer to place more European magistrates there?—Yes, certainly; it would be more satisfactory to an European settler to be able to refer his disputes and complaints to an officer of his own country.

458. The impression is, that there is very little or no justice to be had from a native court?—I think it is more a feeling of humiliation that the European experiences in being obliged to plead his cause before a man whom he knows to be inferior in moral qualities to himself.

459. They are supposed also to be very venal?—Yes, very venal; I do not wish to impute venality to native judges or native sudder ameens; probably the venality would not extend beyond the native subordinates of the court.

460. Mr. Mangles.] A member of the Committee asked you how you accounted for the very small resort of Englishmen of capital to India compared with the resort of Englishmen of capital to Australia and America, and you said you thought the climate had a great deal to do with that circumstance?—Yes.

461. Are you not aware that every class of Englishman who does go to India demands and requires a much higher salary or pay than he would be satisfied with in his own climate, or any other?—Undoubtedly. I think that arises from the great distance he has to go, and the great risks he has to encounter.

462. The civilian is highly paid?—Yes.

463. A Queen's officer directly he embarks to India has double pay?—Yes.

464. Are not the fees of the lawyers and solicitors at Calcutta double, or more than double, what they are in English courts?—They are high.

465. Is a tradesman in Calcutta satisfied with English profits?—I should say not.

466. If you hire a European nurse for your child or a European servant in your family, have you not to pay him much higher?—Yes; all European labour and all European employments are more highly remunerated in India than elsewhere.

467. Do you not think that the induction to be drawn from those circumstances furnishes a very considerable answer to the question why Englishmen do not go to India in larger numbers; that they cannot always secure that high amount of profit that would induce them to make the sacrifices, and submit to the privations and hardships of a residence in such a climate?—Yes, if you speak of the contrast.

468. Is a merchant in Calcutta satisfied with an equal profit to that of a merchant in London or New York?—I should not say that that acted as an obstacle, because it is a generally accepted idea that the profits in India, in any occupation, are higher than in England or in the English colonies, and therefore I think that the prospect of those profits would probably act, or ought to act, as an incitement to settle in India.

469. Would not a man prefer to go to a climate similar to an English climate to make 1,000 L. a year rather than go to India, unless he was sure of making 2,000 L. a year?—Yes, I think he would; and I think any Englishman would be more content in an English climate, or a quasi English climate, upon half the salary, because the pressure is very great upon the European constitution in India; at the same time there are places in India where he could escape those inconveniences when he desired to do so.

470. Do you mean in the hills?—Yes.

471. Is there much opening in the hills for the employment of British capital?—I think there is, with regard to the cultivation of tea, and the production of hemp and flax and timber for the English market. I may mention an instance with regard to resinous products. Every pound of turpentine which is used in India for our gun carriages comes from England or from Europe; whereas the Himalaya mountains are full of resinous trees; those are resources which European capital and labour would develop; again, there is magnificent timber in the Himalaya mountains. There is the Deodar cedar of gigantic size, fitted for mast pieces and for every purpose most valuable both in India and Europe; yet there it grows, without being touched by European or native to any great extent. The hemp also of the Himalaya has been proved to be the strongest fibre with which practical men are acquainted; and no plant is so commonly cultivated as the true hemp plant in many parts of India; if Europeans were settled there, they would
ON COLONIZATION AND SETTLEMENT (INDIA).

would undoubtedly develop natural resources of that kind; at the same time they will not go there for want of the ordinary facilities of travel and transport.

472. You say that you have heard objections raised by English settlers or colonists to being rendered amenable to the native courts?—I have heard of objections.

473. Do you think it would be possible to supply a sufficient amount of English administrators of justice within any moderate bounds of expense?—Yes; I think that all the magisterial duties and the ordinary police duties could be very efficiently performed by an additional number of civil servants of the uncovenanted grades, and could be satisfactorily performed at no great additional expense. I think that their salaries need not be high, and that you could secure, from amongst the young men of England, ample numbers who would administer justice of that kind in a very efficient manner.

474. Would it be just to exclude the native?—Certainly it would not be just to exclude the native; but I would simply employ the European until you could have a native of a proper standard.

475. Is it not something like the old adage of not allowing a boy to go into the water until he can swim, not employing the natives till they are fit for employment?—If you show men what qualifications are requisite for employment, it is their fault if they do not come up to that standard; if you give them an opening, and say we will employ you if you exhibit certain qualifications, I conceive there is no hardship in keeping them out of employment till those qualifications are produced.

476. Do you think that there has been no improvement in the native functionaries, the suddar ameens and moonsiffis, since they have been largely employed?—I think there has been an improvement.

477. Is it not worth while to go on with it then?—I think they have shown during the late rebellion that, as a general rule, they are not fit for the situations in which they have been placed. An instance of that has been mentioned by an Honourable Member.

478. Has it been the general rule that they have proved themselves unfit for the situations which they hold?—I am not sufficiently acquainted with the circumstances to state that it has been the general rule; there are several instances of their failing you in the hour of need.

479. You said that there were two crops of wheat and of other grain grown upon the same land in the year?—Yes, that is the general rule, two crops in the year. The crops have distinctive names; one is the rubbee, which is the corn crop, that is the winter crop; the other is the khurreef, or the rain crop.

480. Are there two crops of cotton?—No.

481. May not that account as one circumstance why the natives do not grow cotton so freely as they grow wheat, that they get two crops off their land growing other crops?—It may have some influence; but I think that the want of a certain market is more likely to affect them.

482. Still that has some influence?—It may have; but I am not prepared to say that the two crops of other produce would be more valuable to the natives than one good crop of cotton.

483. You spoke of the want of railroad feeders to the great trunk lines of railway, and you particularised the East Indian Railway, in the valley of the Ganges, going through the marts of commerce, and not the fields of production?—Yes.

484. Are you aware that the Court of Directors have sent out to the Government of India two or more plans of railways through Oude and Rohilcund for report?—I believe they have been referred to India for report, probably a year or two ago, or nearly so; but I conceive that there is sufficient information in England to proceed in those matters without waiting. The Indian Government is very much occupied at present; and I think sufficient information is procurable in England for proceeding at once, leaving, of course, the choice of the particular direction and locality to be selected by the Indian Government. But references to India are not required to enable us to know whether railways are necessary in the parts of the country to which I allude. They are, perhaps, the most productive parts of India. There is not, probably, in the world a richer valley than the valley of the Ganges. It is highly populated, and it is a level plain, and contains, in an equal area, more cultivated land and more valuable products than, perhaps, any other section of the globe of equal extent.
extent. Therefore there can be no question that railroads are wanted there, and that until they are constructed, the country will never progress; for the main line of railroad which I speak of does not afford any assistance to the producer in that rich country; he has still to transport his produce to the railway. The ordinary roads will not reduce the cost of transport sufficiently, nor will they enable produce to be sent into those countries on the occurrence of any scarcity.

485. Is not the valley of the Ganges very well supplied with water-carriage?—The lateral rivers are not very well adapted to water-carriage, and I am not aware that they are much used for the carriage of produce; they are used for timber. But the rivers of Rohilcund and of Oude, I believe, are not used for the transport of agricultural produce, or only to a very limited extent. Moreover, the minor rivers, such as they are, do not lead to the most frequented marts.

486. Do you think it would be safe, as there are two rival schemes for the Oude and Rohilcund railways, for the Government in this country to decide between them, without reference to India?—It would be certainly desirable to have the opinion of the Indian Government on the subject, or to issue such directions that the Indian Government would have an authority for acting at once in the matter; but delays are very prejudicial to the progress of India.

487. An Honourable Member asked you with respect to a matter connected with your opinion of the native character, and referred to Sir Thomas Munro's opinion: are you acquainted with Sir Thomas Munro's writings?—Yes.

488. Do you remember a passage in a minute or letter of his, in which he says, that of all the principal native officers he had been acquainted with for a long term of years, only two or three had eventually proved not to be corrupt?—No, I do not recollect the passage.

489. Mr. Gregson. At Question No. 58, with regard to sugar, you say, "Where capitalists have undertaken the manufacture of sugar, I understand that they have pursued nearly the same course as the indigo planters, by purchasing the cane from the native cultivators." Are you aware that capitalist and modern European machinery have been introduced into Bengal for the manufacture of sugar?—Yes, I have heard so.

490. Have you heard of two large sugar companies, one called the Dobah and the other called the Dacca Sugar Company?—Yes.

491. Do you know whether they have been prosperous; are they still in existence?—No, I do not; I believe the Dobah works are still in existence.

492. But not the Dacca?—No.

493. Mr. De Vere. In answer to Question 55, you state that the cultivation of opium in the district of Behar has been very much improved, doubled in value, I think you say; 50 per cent. more certain than it used to be?—Yes; that is by the operation of native care and labour alone. The application of European superintendence and capital has not been applied to the cultivation of opium; but in consequence of the great profits derivable from the production of opium, the natives have taken great pains.

494. The great improvement that has taken place in the cultivation of opium has been without the aid of European capital or European superintendence?—Yes.

495. With regard to the scheme of asylums for the education of children, which you mentioned on the last day of your examination, you suggested, in answer to Question 110, that there should be certain industrial asylums established upon the hills for the education of the children of soldiers; and you suggested that, in order to provide a supply of children for those establishments, certain encouragement should be given to the soldiers to marry. You said you made that suggestion with a view not only to improve the soldier, but to benefit the country; do you consider that marriage would be productive of improvement to the moral condition of the soldier, if he were relieved of those responsibilities of married life which relate to the duty of educating and providing for his offspring?—The soldier, at present, neither educates nor provides for his offspring in India; a certain allowance is made to every European woman and every European child in regiment, which assists, in fact almost entirely maintains them, with the help of his own pay and rations. A school is also provided for the soldiers' children in the regimental lines; and therefore the soldier is at present relieved from all care and trouble in rearing his own children. Now the expense of those regimental schools, the construction of the school-room, the expense of the schoolmaster, and the ordinary current expenses of the school, would cease if the children
ON COLONIZATION AND SETTLEMENT (INDIA).

...children were removed and concentrated in asylums in the hills; and I conceive that the effect on the soldier would, so far from being detrimental, be certainly favourable to his moral character.

496. Is it not the case, according to the present system, that the children are still under the moral supervision of their own parents?—Yes; but I am sorry to say that the moral training of the barrack square is a very imperfect one; the children are subject to influences there from which it would be very desirable that they should be removed.

497. With regard to the effect that your plan might have upon the character of the women, do you think it would be beneficial to the character of these married women, the soldiers' wives, that they should be removed from the moral responsibilities attending the nurture of their own children?—I do not think it would be attended with any moral deterioration. I think if the mother was satisfied that her child was brought up in a satisfactory manner, and as a useful member of society, and was likely to gain its own livelihood, and be a credit to her eventually, she would not feel deteriorated in her own self-respect, any more than the mother of a child in another rank of life feels so, in sending her child to England; the mere absence of the child will not loosen those bonds of affection with which she regards her children; it probably might increase them.

498. You have drawn a comparison now, and also upon your former examination, between the proposed plan of taking away the children from their parents, and the present separation of children which takes place when the children of officers and civilians are sent from their parents to England; is there not this great distinction between the two cases, that in the plan which you now propose the children would be altogether removed from the domestic element of education, and put into the hands of the State, whereas when children are sent voluntarily to England they are sent to friends and relatives, and persons who still educate them upon the domestic principle, not upon the principle of the State providing for the education of children?—That is very true; but I conceive that the results would be in favour, not only of the child, but of society in general; that the training and influences which would surround the child in such an institution would elevate his character, and improve his mind, and be beneficial to him in every respect.

499. Are not the hasty and ill-assorted marriages of soldiers productive of much evil?—They are at present, because when a soldier makes an improvident marriage, he finds on his embarkation on foreign service, that he is obliged to leave his wife behind, and throw her upon the charity of the country; but, under proper regulations, those inconveniences would cease.

500. Would not the tendency to form such improvident and ill-assorted marriages be rather increased by a plan which would relieve parents from all responsibility to the nurture of their children?—Such an effect might ensue; it might encourage and give rise to the natural wishes of soldiers; no doubt they possess them now, and they are kept in restraint by the regulations of the service; but I conceive that for every European family you transport to India, provided you take care of their offspring and raise them up in the manner I have indicated, you attain an absolute gain for India and for the advantage of the people.

501. Have you considered the expense of these establishments at all; how do you propose the expense shall be supplied?—I have just stated that there is already a very considerable expense attending the maintenance of every child of a European soldier in India; they have a definite monthly allowance; that of course would go towards the expense of maintaining them elsewhere, the expense of the schooling, and the buildings necessary for them; there would undoubtedly be an additional expenditure, but I conceive that it would have such an ultimate bearing upon the country as to be an ample remuneration to the Government for taking such a plan.

502. I understand you to say that to meet the expense of these establishments you would abandon the present system of regimental schools and personal allowances to the soldiers for their children:—Yes; if the capitalist or the settler required subordinate superintendents from any of those establishments, he should pay a premium for obtaining it, and that also would be one mode of reimbursing the expense.

503. Do you propose that the staff of these establishments should be English, or in any degree mixed up with the native element?—I think the native element ought

Major-General
G. B. TremPhoenix.
20 April 1838.
ought to be combined, because you require them to be trained in the native language especially.

504. You propose, at a subsequent period, that you would make railway companies, or capitalists, or agriculturists pay a premium for those children who have been so educated, when giving them over to him; will such persons pay a premium unless you have some power to give a promise of a permanence of relation between them and the person you bind to them?—Yes, they would, I think, if they possessed qualifications that would be useful to them; they have to obtain that particular class of people from England now, at very great expense, from their passage money and the expenses attending the transport of Europeans from England, which are very great; that would only be equalised by the premium to which I refer.

505. If, on the one hand, you have persons who have received a high industrial education in these establishments, and, on the other hand, persons who could make a profitable use of them, do you not think that the persons in want of them would have to provide for themselves by paying for that labour according to what it was worth in the market?—Certainly.

506. Then you could not promise that the persons to whom you would assign them would enjoy their labour for a stated period?—I think there would be no objection to apprenticing them for certain periods.

507. Are you aware that that experiment was tried lately in the case of emigrants sent out to different parts of Australia at the Government expense, with the attempt to bind them for a certain period to the employers of labour there, and that it was found entirely impossible to retain their services?—I am not aware of the fact; but I think that there are inducements to persons in Australia to turn their attention to other branches of industry which would not exist in India, and that there would be no difficulty in obtaining the continued services of young men drafted from such institutions.

508. Would not the same inducements still continue that they should take their labour to wherever it was best paid for, and where it was most advisable for them to go?—Yes; but I think they would find the best market in the kind of industry I have alluded to. The object of the proposition is mainly to engraft European skill and energy and industry upon the practices of the natives, and upon the country in which they are placed; that is the chief point in India.

509. Have you considered whether very great difficulties would not occur as to the religious education of the children forcibly taken away from their natural guardians?—No; I conceive that if the religious denominations were properly separated there would be no practical difficulty.

510. Is it part of your scheme that there should be separate establishments for the separate religions?—I think that would be desirable.

511. Mr. Lygon.] You stated that the rivers were used to a certain extent for the transit of agricultural produce; is there any reason why the feeders of those rivers should not be used to a greater extent than they are now?—I have not visited the rivers of either Rohulcund or Oude, or the district of Furnes, but my impression is, that in the upper part of the country they are not susceptible of any very great improvement. The Ganges, the Jumna, and the Goomee, to a certain extent, are navigable by boats drawing two feet of water; but beyond that draught there are great impediments, which are not removable by any skill or science. You would not reach either Delhi, Agra, Ailghur, or Hattras, by means of any of the feeders of the main rivers, and these are some of the principal marts in the Upper Provinces.

512. Mr. Campbell.] You mentioned that the opium cultivation was carried on by natives alone, and not under European superintendence; are you not aware that the opium cultivation is under the superintendence of Government officers generally?—There is an opium agency. Several officers of the civil service are employed as superintendents in that manner; but I understand it is more for the collection and transmission of the drug than as applied to the actual cultivation. I may say that what I have stated with regard to opium is not on my own information or observation, but is simply adduced to show that the natives are capable, where their interests are concerned, of effecting very great improvements. Opium is a valuable drug, and bears much the same relation to other agricultural products, as gold to iron in the mineral kingdom.

513. I suppose you generally observe that population and production exist to a larger
larger extent on the banks of navigable streams in India than elsewhere, from the facilities which those streams afford?—Yes.

514. I suppose you would argue therefrom that the establishment of railways would create a similar density of population and production on their borders?—Yes, undoubtedly; that effect has already taken place even on the construction of ordinary roads in some districts.

515. In reference to feeders of rivers, are you not aware that generally those feeders, except in the rainy season, are dry, and that as a means for the conveyance of produce, they would afford no facility?—Only at that season of the year; they are much lower in the dry season, and some of them are comparatively dry.

516. Then as investments, railways in India, compared with railways in this country, present no competing lines, no cost of land, and no Parliamentary expenses to enhance their first cost, and, on the other hand, their remuneration returns are rendered sure by dense population and teeming production?—Yes.

517. So that in every point of view they hold forth to the capitalists of this country great encouragement as safe investments?—I should say so, decidedly.

518. Mr. Willoughby.] You made some remarks with regard to the Deodar timber; are you aware that a considerable number of spars of that timber were sent down to the dockyard at Bombay for trial there, and proved to be perfectly valueless for that purpose?—No, I was not aware of that; I spoke as to the length.

519. Mr. Danby Seymour.] Are you aware that there are very few Deodars remaining in the Himalayas, and that an order was sent out a short time ago to preserve those that do remain?—I am not aware that very few remain; my impressions are the reverse; but the whole subject of the existence of the Deodar timber in the Himalayas was fully reported upon by Major Longden, and full information supplied.

520. Chairman.] Have you read a paper on the public works of the Bengal Presidency before the Institution of Civil Engineers?—It will be ready early in May.

521. Will you allow the Committee to see it?—I will do so.

Joseph Dalton Hooker, Esq., M. D., F. R. S., called in; and Examined.

522. Chairman.] You are the author, I believe, of the well-known Travels in Bengal, the Himalayas, and the Khasia Mountains?—Yes.

523. When did you visit India?—I left England in November 1847, and arrived in India in January 1848.

524. What was the object of your visit?—It was chiefly connected with botanical pursuits, with a view of investigating the climate of India in connexion with botany.

525. What districts did you visit?—I first visited the districts of Behar and Mirzapore; then I descended the Ganges, and went to Sikkim, where I spent a great part of my time; from Sikkim I went to the Khasia Mountains, and the districts of Silhet and Achar. I afterwards went to Chittagong, and from there to Calcutta, and so home to England.

526. Were you at Darjeeling?—Yes, for a considerable time.

527. And you went to the borders of Tibet, did you not?—Yes, twice, and resided there for several months.

528. Darjeeling has been used lately as a sanatorium?—Yes; it was established about 1848, and it has continued as such ever since.

529. Was not it first recommended by Lord William Bentinck?—I think it was during Lord William Bentinck's Government of India that it was recommended, but I think Mr. J. P. Grant first drew the attention of the Government to the desirability of having a sanatorium so near Calcutta as Sikkim, which was under our protection.

530. I think Major Herbert and Colonel Lloyd were the first Commissioners that were sent out?—Yes.

531. Do you recollect that they state in their report on that occasion that such a settlement as that at Darjeeling, in the hill districts, will tend more than any other circumstance to attach English families and capitalists to the soil of India?—That is the view that they expressed.

532. To what extent has the population of Darjeeling increased within your recollection?
recollection?—I do not know the exact numbers; but there were hardly any inhabitants in it when the sanatorium was first established in 1840; and I think that there were some 4,000 or 5,000 settled inhabitants in 1848; and I know that both the European and native population doubled during the two years that I remained there.

533. What do you think of its climate and its uses as a sanatorium?—I think its climate cannot be exaggerated for healthiness, when compared with the plains of India. It is not quite equal to a European climate, an English especially; but, upon the whole, it is exceedingly healthy.

534. What is the elevation of Darjeeling?—The station itself is between 7,000 and 8,000 feet above the level of the sea.

535. What is the best elevation for the European constitution?—I think that, in that part of the Himalayas, that is the best.

536. What did you find peculiar in the climate of Darjeeling?—The climate is exceedingly healthy; but, in consequence of the long-continued rains in the summer, it is not the most agreeable to English residents. The winter is rather cold, and the summers are very rainy.

537. What effect had the institution of this colony of Europeans upon the surrounding inhabitants of the hill districts?—It caused the inhabitants from all quarters to flock into Darjeeling; and the natives of Nepal and Bhutan, and the indigenous tribes of Sikkim itself, all very rapidly settled permanently in the territory of Darjeeling.

538. To what extent in numbers?—I am not exactly aware, but several thousands.

539. Was the effect very considerable upon the natives?—Very great indeed, for there was hardly any person there before that; it was an all but uninhabited range of mountains.

540. Then it had a very civilising effect upon the inhabitants?—It had, at once.

541. In what way?—They came in to take service as police and domestics, and settle as cultivators; they brought provisions for sale, they aided in building houses and making erections of all kinds, and they assisted in conveying things from the plains to the hills.

542. I think you state in your publication that it was more like an Australian colony in its rapid increase, than an Indian town?—Yes; I stated that the increase during the two years whilst I resided at Darjeeling was, in point of rapidity, similar to that of an Australian colony; in saying which, I referred merely to the great increase in the number of inhabitants which took place in those two years.

543. Have you been led to view Darjeeling as a station for troops?—I had a good deal of opportunity to do so, because some considerable bodies of troops were stationed there during the time that I resided there.

544. What do you think of it as a station for troops?—It appeared to be exceedingly good; the reports to Government were most favourable.

545. Has there been any attempt to establish schools for the education of European children in Darjeeling?—There have been several attempts previous to and during my visit; the difficulty has always been to procure good masters.

546. Do you think it likely that in process of time good masters will be obtained?—I have no doubt of it.

547. Is there not a plan to establish a proprietary school at Darjeeling, similar to the schools of King's College and London University College?—I have heard of it, but it is since I was there.

548. Have you turned your attention to the subject of Darjeeling forming a basis for establishing a trade with Central Asia?—Yes.

549. Do you think that it will have the effect of introducing British products towards Central Asia?—I think so to a very great extent. There are a great many European products, which were brought from the plains of India to Darjeeling by the native population around; there are also a considerable number of important Tibet products, which have a market at Darjeeling.

550. What are the products of the hills themselves which you think might be available as traffic?—The commercial products of the hills themselves are very few, but those of the province of Tibet, to which I refer more particularly, are very important.

551. Has the cultivation of tea been attempted in the neighbourhood of Darjeeling?—It has very largely, and especially since I was there.

552. Is
ON COLONIZATION AND SETTLEMENT (INDIA).

552. Is tea likely to be an article by means of which commerce will be established with the more central regions of Asia?—I look upon it as probable that it will be the most important of any.

553. Is it capable of much greater increase than at present?—I think the increase is indefinite; I do not see a limit to the cultivation or consumption of tea in Asia, both in High Asia and in India.

554. There are great capabilities for extending the cultivation of tea along the Himalaya Mountains?—Very great indeed.

555. In what part of the Himalaya Mountains?—In Sikkim in particular, between an elevation of 3,000 and 6,000 feet, the tea succeeds admirably.

556. Are you of opinion that, in various other parts of the mountain districts of the Himalayas, tea may be successfully cultivated?—Yes, certainly; the whole way from Assam, as far up as the Indus.

557. How many hundred miles?—1,300 miles, following the course of the Himalaya; I am speaking from memory.

558. Have the inhabitants of India ever yet developed their taste for tea; have they had the power of indulging it to the full extent to which it might go?—The inhabitants of the plains of India have not; but I understood, when I was in Bengal, that there was a growing desire for tea. I repeatedly gave tea away myself in Bengal, and it was always thankfully accepted.

559. Do you think that tea would be afforded cheap enough to the inhabitants of India in order to meet with a very extensive consumption in India itself in time?—I cannot answer that question. I am not sufficiently acquainted with the habits of the natives of India, but I have no reason to doubt it.

560. So far as your knowledge of the people about the neighbourhood where you were extends, did they show an increasing taste for tea by increased cultivation of the tea plant?—Very much so indeed.

561. What is the quality of the tea?—All the Assam tea that I had was a very strong black tea; it is made in Assam itself; but I also had very large quantities of the coarser, commoner kinds of Chinese tea, which I carried about with me for the purpose of barter.

562. I think Dr. Campbell, to whom the public in that part of the country are very much indebted, established a fair for the hill tribes?—Yes; he established a fair at the foot of the hills, at a place about 30 miles from Darjeeling, and instituted rewards and prizes for improved agriculture and breeds of cattle.

563. Was that fair very much frequented by the natives?—Yes, during the time that I was in India very much indeed.

564. What commodities were brought to the fair?—From Tibet and the hills chiefly ponies, silks, and woollen cloths, shawl-wool, musk, amber, beads, and salt.

565. They were exchanged for the commodities of the plains?—Yes; they were exchanged for the commodities of the plains, but also paid for in money.

566. How far is the territory of Sikkim under British protection?—I am not aware exactly of the present state of the territory of Sikkim itself. After the Nepalese war, I think in 1817, it was taken under British protection, and remained so till 1848 or 1849. I am not aware of our exact relations with Sikkim now.

567. It is comparatively independent under its own rajas, is not it?—I suppose it is now entirely so.

568. But a large portion of the land belongs to the British Government?—Yes, the territory of Darjeeling does.

569. Does Sikkim afford the shortest mountain passage across the Himalayas into Tibet?—Much the shortest.

570. And it is the shortest line from Calcutta to Tibet?—It is the direct route from Calcutta to Lassa, the capital of Eastern Tibet.

571. In the course of your stay in India you visited the frontier of Tibet?—Yes, I did.

572. How far is Darjeeling from Lassa?—The journey may be performed in ten days with good mules and light loads; but it takes, on the average, 30 days. My impression is, that to do it in 10 days the distance traversed daily would be equivalent to about 35 miles; I say equivalent, because it is up and down the whole way, over an exceedingly unequal country.

573. In fact perhaps nearly the most unequal country in the world?—I have never seen any to compare with it.
574. Do you go through passes of an extraordinary description?—Yes.

575. Does not the road sometimes merely consist of planks fixed in the side of the precipices?—In some cases it is so, for a very few yards only; but I think that those roads might be made a very great deal better, with scarcely any labour or expense. The difficulties of the roads have been exceedingly exaggerated.

576. What are the principal productions of Tibet?—Borax, salt, gold, shawl-wool, musk, jewels, and ponies.

577. Tibet is the principal place in the world for the production of borax?—I believe the greatest quantity of borax in the world comes from Tibet.

578. What is borax used for?—It is used in many manufactures in this country; as a flux extensively everywhere; and it is used in medicine, and in glazing porcelain.

579. The other productions are shawl-wool, gold, salt, jewels, and ponies?—Yes.

580. I believe that salt is brought to the Himalayas, is it not, from Tibet?—Almost all the salt consumed in the Himalayas is from Tibet.

581. Is that brought at considerable labour and expense?—At very great labour; it is all carried upon men's, children's, and animals' backs.

582. Do you know from what part of Tibet it comes?—The most that is introduced into Sikkim is procured from salt lakes in a part of Tibet about 15 to 20 days' journey north of Sikkim.

583. Does not it seem natural that in the process of time the salt of India, or even of England, might find its way to the north?—I think as soon as ever the communication is made easy from Calcutta to Darjeeling, the Indian or European made salt will be entirely used in the Himalayas; the natives prefer it very much to their own.

584. Is the wool of Tibet a valuable article?—Yes; it is the same shawl-wool that is woven into Cashmere shawls.

585. You mentioned gold, is not there a very considerable quantity of gold in Tibet?—According to report it must be another California.

586. I think that trade was first heard of with Tibet in the year 1774?—That is the first definite notice that I have met with, regarding the trade with Tibet.

587. A gentleman of the name of Bogle was sent over by Warren Hastings?—Yes; he was instructed to develop the trade between Tibet and Calcutta.

588. The next traveller was Mr. Turner?—Yes.

589. He was also sent by Warren Hastings, in the year 1783?—Yes, for the same purpose.

590. What does Mr. Turner say with regard to the production of gold in Tibet?—He says it is produced in great abundance in the alluvial soil of Tibet, and that the quantity is so great that during severe frost the ground opens, and the value of gold, from that simple cause, becomes very much diminished indeed; going down, I think, from 21 to nine.

591. Do you remember that the Abbé Huc, who, I believe, is the last traveller who has visited those places, mentions the quantity of gold produced?—I remember his mentioning gold as a product of Tibet, but not the particulars.

592. You yourself visited the frontiers of Tibet?—Yes.

593. Had we ever any trade with Tibet in former times?—From the report Mr. Bogle made in 1775 to the Government of India, the trade must have been a very considerable one in broadcloth, and he says the demand for it was still very great in his time.

594. Can you say whether articles of woollen manufacture are much valued or not by the Tibetans?—It was the first thing they asked me about; there was nothing they admired so much upon the frontier as the cloth of my garments.

595. You think that if they had the means of using British woollens, they would be glad to use them?—I am sure they would.

596. To what do you attribute the nonproduction of the gold which lies in such quantities under the soil of Tibet?—I speak from report; it was said that, the Chinese discouraged the digging of that gold, and that the Lamas were required to represent that it was offensive to their deity that the land should be disturbed; that was the answer which both Dr. Campbell and I invariably got to repeated inquiries.

597. The Chinese exercise supreme authority through the intervention of the Lamas?—Yes, indirectly; but they also exercise independent authority, both civil and military; they have a military force at Lassa.

598. Is
598. Is tea largely consumed in Tibet?—It is a great article of consumption.
599. And not only there, but on the whole range of country from Hindoo Kosh towards the frontier of China?—Yes, throughout Central Asia; and to a considerable extent in Siberia also.

600. And also in that region where the Abbé Huc began his travels?—Yes, both in Mongolia and Manchuria.

601. And probably to the borders of the Great Forest which bounds South Siberia?—Yes, it is used there in immense abundance.

602. In what form is it used in Tibet?—It was always made up into a kind of soup, with salt, soda, butter and water.

603. Is it not sold in bricks?—Yes, it is always introduced and sold in the form of large bricks.

604. Is it a good tea or an inferior tea?—An exceedingly bad tea; it is reported to be the sweepings of the stores at the Chinese sea-ports.

605. Would the Tibetans and the inhabitants of Central Asia use the better Himalaya tea if they could get it?—There was nothing they prized so much as a present of a small packet of Assam or Chinese tea from myself.

606. Is the tea which they should be able to grow on the southern side of the Himalayas equal, or superior, or inferior, to the tea used in Tibet?—Infini- tely superior to the Tibetan tea.

607. And the Tibetans could, of course, consume it in preference to the other tea, if they could get it?—I think they would consume the Assam tea in preference to Chinese, or Western Indian, or any other whatever.

608. I believe sections of brick tea are used as a species of currency in parts of Central Asia, are they not?—Very commonly.

609. Is that the case in Tibet?—Yes.

610. And also far away in Northern Tartary?—The whole way to the borders of Siberia.

611. The brick is cut into certain portions, and those portions represent the circulating medium?—I do not doubt it, though I never saw it cut; I have seen it used as a whole.

612. The Abbé Huc mentions its being cut?—I suppose it would be cut for small transactions.

613. The Chinese supply this tea to Tibet and Central Asia?—Yes.

614. From how great a distance does it come, to be supplied to the natives in this manner?—I do not know the distance from the seaboard of China to Lassa; but I was told that the whole of the tea that comes into Tibet is grown not far from the seaboard of China.

615. Therefore it comes 3,000 or 4,000 miles?—Yes, I think so; I speak at random, as to the distance and on the assumption that it is made where reported.

616. Are you of opinion that if we had any negotiations with China, which seem to be imminent now, it would be desirable to stipulate for the admission of our tea and the products of India and Britain generally into the Chinese dominions beyond the Himalayas?—Of very great importance indeed.

617. Do you not think that when the cultivation of tea has extended itself along the southern range of the Himalaya Mountains, it will be a very important article of trade to Central Asia?—Yes; the tea and the broadcloth would be of equal importance, and of the very greatest importance.

618. Not only Assam would come in for its share, but many other places?—Probably it would be the only tea that would be consumed in Eastern Tibet.

619. Is the frontier of Tibet closed against us?—Yes.

620. By what authority?—By the Chinese and Sikkim authorities.

621. Do they show a great jealousy of the English power extending itself in the direction of Central Asia?—I think that has hardly been tried, but I think they would present great obstacles to it.

622. Is there any ingress for commerce to Central Asia by way of Nepal?—Yes, very considerable, as there is through Sikkim, and throughout the whole length of the Himalayas; but this commerce is at present confined to the native tribes.

623. What are our principal means of communicating with East Tibet?—We have no direct communications whatever.

624. Have any roads been made to the frontier of Tibet?—There are none so called but native paths.
MINUTES OF EVIDENCE taken before SELECT COMMITTEE

265. Was it ever recommended that a road should be made up to the Tibet frontier?—I never heard of such recommendation in reference to the frontier of East Tibet.

266. Is it possible to make a road?—Not in the sense of our English coach roads, except at a very great expense, but it would be very easy to make the communication ten times better than it is now, and perfectly adapted to all the purposes of commerce.

267. Such a communication as would give, if not a highway, at least a bye-way to commerce?—Yes, and even a highway. I may mention, as a fact, that they have taken elephants the whole way from the plains of India across the Himalaya into Eastern Tibet; one of the passes seems to be a very easy one indeed.

268. Which is that?—A pass immediately to the eastward of Sikkim.

269. I believe we are very much indebted to Dr. Campbell's exertions in Sikkim for improving the trade and commerce of that place?—He appeared to be a most able and energetic man, who devoted himself entirely, and very successfully, to the development of the resources of the district.

270. You left Sikkim in 1856, did you not?—Yes.

271. And then where did you go?—I then went to the Khasia mountains, in Eastern Bengal; to the north east of Calcutta.

272. Did you go to any hill stations in that direction?—I went to the hill station of Churrah Poonee.

273. What do you think of that climate?—It is the most rainy in the world.

274. How many inches of rain fall there in the year?—Five hundred fell the year I was there.

275. Sir Erskine Perry. How many months is the rainy season?—It commences about the month of April and lasts till November.

276. Chairman. Is that station a very unhealthy one?—No, not at all unhealthy; but it is far from healthy.

277. Is there not great uncertainty in speaking about the climates of India; did you or not find the climate near Silhet healthy, or otherwise?—It is remarkably healthy for a tropical climate.

278. And Cachar?—It was reported to me to be exceedingly healthy for a tropical climate.

279. Do you know it yourself?—Yes, I was there for a short time at several seasons.

280. Were you in Chittagong?—Yes; I visited that after leaving Cachar.

281. Is Chittagong healthy?—Not nearly so healthy, I was given to understand, as Cachar or Silhet.

282. Does not great uncertainty attend our knowledge of the healthiness of different parts of India; are we very well aware how far they would be useful as settlements for the British settlers?—I think our knowledge is very fairly complete of the climate of different parts of India, as far as my reading goes; the knowledge which we have of the districts which I visited was very correct.

283. We have not had sufficient experience to know whether not only settlers, but their descendants, can go on in Darjeeling, for instance; that was only settled in 1840?—We have not.

284. Of course in so short a time we can form no inferences with regard to how far it will suit the multiplication of the European race?—None, but there is no reason to doubt its suitability.

285. Do you know anything of the attempt to establish farms in the neighbourhood of Churrah Poonee?—I heard a little about them, and I resided at one.

286. Can you give us any information about it?—The locality was an exceedingly bad one; the attempt was quite unsuccessful; it was about 30 miles from Churrah Poonee; the farm was quite a failure.

287. Why?—The soil was exceedingly bad; it was a most injudiciously selected spot.

288. Do you think settlement could go on there under ordinary circumstances?—I think in many other parts there might be very good settlements.

289. Has much land been brought into cultivation in the neighbourhood of Silhet?—A great deal.

290. Has that been the case in the Gangetic Delta also?—I believe throughout the upper Gangetic Delta, including the Jheels, within the last 30 years a very great quantity of land has been brought into cultivation.
ON COLONIZATION AND SETTLEMENT (INDIA).

651. To what do you attribute that?—Entirely to the good rule of the East Indian Government in that quarter, and the general security of property.

652. To the repose that has been produced by a settled government in the country?—Yes.

653. Are our relations with the Rajah of Sikkim in a satisfactory state now, do you think?—I think not; I believe we are now on no terms with him at all.

654. Has the bargain with regard to Darjeeling been completed with the rajah?—Quite completed.

655. So far as Darjeeling extends, that is our own?—Yes, and it was very highly paid for.

656. We bought it?—Yes; we had the option of doing so by treaty, I believe; and we certainly paid a great deal more for it than it was worth to the rajah.

657. Are there any farms in the neighbourhood of Darjeeling?—There are small settlements where a little agriculture is carried on, but I do not think they would be called farms in this country.

658. Do you think that hill settlements generally may have a great effect in civilizing the hill tribes, and extending our commerce there?—I think they have had a great effect already, and that it will be increased.

659. You think that the good effects which you have observed in your experience in Darjeeling, may be extended along the lines of the Himalayas?—I think so.

660. There are only two principal valleys, I believe, along the southern range of the Himalayas, the valley of Nepal, and the valley of Cashmere?—There are two or three large valleys in Nepal, but we know nothing about them, except the great central valley, but even that is of limited extent.

661. Would British capital, if it were admitted into Nepal, find a development there?—The valley of Nepal is very low; it is only about 4,000 feet above the level of the sea.

662. I have been told that half the valley of Cashmere is almost in a state of depopulation; do you know whether that is the case?—I have heard that it is so.

663. And that is a very fine country for cultivation?—I think so, from what I have heard and read of it.

664. What is the soil of Darjeeling?—Chiefly a light sandy red clay, overlying mica schist, and covered with fine vegetable mould.

665. Are you aware of any obstacle that exists to Europeans settling in that part of the country where you have been?—No.

666. Mr. Lowe.] Do the Chinese exclude us absolutely from Thibet?—They all but exclude us from Tibet.

667. Would it not be impossible for you to go to Lassa?—Quite impossible; they did allow me to make a short cut in Tibet to avoid a long detour in our own territories.

668. That was a particular favour?—Yes.

669. Is it the same with regard to Bhutan?—That country is in a much worse state; it belongs to independent petty rajahs.

670. Is it a dangerous country to travel in?—A very dangerous country to travel in.

671. Did you go there?—Not at all, though I was for many months within a few miles of it.

672. What sort of a country is it?—Similar to Sikkim.

673. It is an available country if there was a good government?—Yes, in many parts; but as is the case with all these mountain countries, the proportion of land that is available for cultivation is exceedingly small.

674. Does it lie high?—There are elevations from 1,000 to 25,000 feet.

675. Mr. Wilbraham.] Is land obtainable in Sikkim in any quantity?—I believe so; there is no restriction whatever as to the purchase of land.

676. To whom does the land belong?—To the British Government.

677. Of course, the whole of the land of India, in theory, belongs to the Government, but that is simply confined to the rent; there is always a proprietary lease from the Government, is there not; is the land absolutely the property of the Government, or is there another proprietor?—I believe it to be absolutely the property of the Government, except such portions as have been bought up by proprietors, which portions are comparatively exceedingly small.

678. You alluded to the summer being rainy; what is the average fall of rain there?—About 120 inches.
48  MINUTES OF EVIDENCE taken before SELECT COMMITTEE

J. D. Hooker, Esq.,
M. D., F. R. S.
20 April 1858.

679. In the rainy months?—No; that is for the whole year; for the rainy months it is about 90 or 100 inches.

680. Mr. Kimmard.] You stated that tea is a great object of barter; what do you think, with improved communications, good tea could be sold for there in opposition to their bad tea?—I am not able to form any estimate, because the tea in India has hitherto fetched an exceedingly high price, in consequence of the great consumption in India itself, so that I do not know the value that tea is likely to have when produced in abundance.

681. Is there any special duty upon the import of Chinese tea into India?—I do not know.

682. You stated that you still think that tea might be advantageously introduced as an article of commerce through India?—Very extensively and very advantageously.

683. You mentioned, with respect to the passes over into Tibet, one pass as being an easy pass; to what pass did you allude?—To a pass called the Pari Pass.

684. Did you make the journey yourself?—I did not, but I was for several months quite close to it.

685. What is the other pass?—There are three or four others in or close to Sikkim, some more difficult than others. I visited four of them.

686. What are the obstacles to a traveller going over; how is the frontier guarded?—The frontier is guarded by a militia. They do not draw a cordon, but they live in the villages close by, and they hear very soon of any Englishman or white person being there, and they are then upon the look-out to obstruct him.

687. The passes are sufficiently guarded to prevent our trade being introduced?—Quite, to British subjects.

688. Was any attempt made, while you were there, to revive the trade?—Dr. Campbell did all he could to revive it at Darjeeling, but he had no direct influence beyond Darjeeling.

689. Did the Government do anything to strengthen his hands?—Not that I am aware of.

690. What are the feelings of the natives towards us?—They are very favourable indeed; they were exceedingly anxious that we should take the whole of Sikkim, and I believe now the rajah would be glad if we would do so; this would enable us to trade directly with Tibet.

691. Mr. Villiers.] Is the British trade only prohibited in Tibet, or is it all European trade?—All trade carried on by British subjects is prohibited.

692. Did you hear any thing of the contraband trade, smuggling?—Yes, a great deal.

693. It is not that the trade is prohibited, but that Englishmen are not allowed to go into the country, and pursue trade?—There is no objection to an Englishman at Darjeeling sending his goods, if he can get them sent, but no British subject is allowed to go the frontier and trade with Tibet.

694. Are there duties upon the frontier?—Yes.

695. Do they collect them for revenue?—Yes.

696. Is there any trade with Asiatics, or is there a prejudice against trades—No prejudice whatever; the Tibetans are most glad of the articles, and cannot exist without them; they trade with the Asiatics, that is to say, with the natives of the Himalayas who are not British subjects.

697. We trade with the Burmese, do we not?—Yes, but very little through the hills; chiefly through Siam, I suppose.

698. Except that there is no impediment to our trade with Burmah?—Except that there is no part of any of our districts in the Himalayas that borders upon Burmah.

699. You say that there is a market for our goods in Tibet?—A very considerable one.

700. Did the Chinese conquer Tibet?—They took possession of the whole country.

701. Is it a military occupation?—It is a military occupation, quite; but I think that it was quietly done, without any great battle.

702. Are the officers very corrupt?—Very corrupt indeed; they take the salt over at night; smuggling is carried on to a very great extent. The hill rajahs trade for themselves with the Tibetans, and both their officers and their people smuggle.

703. Under
ON COLONIZATION AND SETTLEMENT (INDIA).

703. Under existing circumstances, is not our trade pushed as far as it will go?—No, I do not think so; it is scarcely pursued at all, for we have no access to the Tibet frontier.

704. What particular articles are they that are chiefly smuggled and consumed?—The great article is salt; that is smuggled upon this side; and cloths and silks and tobacco and rice are smuggled into Tibet. Salt is smuggled from Tibet into Sikkim and into all the Himalayas upon this side of Tibet.

705. Do they prohibit the export?—No, they do not prohibit the export trade, but the Rajah of Sikkim levies a duty upon all salt that comes in to Sikkim, just as the Chinese levy a duty upon all that goes into Tibet.

706. What did we purchase?—A small portion of the territory of Sikkim bordering upon the plains.

707. Is that where you say a vast quantity of land was brought into cultivation in consequence of the better rule?—No, that was in Silhet and Cachar, and in the Gangetic delta.

708. What was the government before the time that you refer to?—I believe previously to the time that I refer to, part of Silhet, Cachar, Tipperah, &c. were under the Burmese empire, but I am not well informed on this subject.

709. Is it now under our rule?—It is now under our rule.

710. Is it since its coming into our rule that you have heard of the vast quantity of land coming into cultivation?—Yes; after the Burmese war these countries fell under our charge, and since then the cultivation has increased most enormously.

711. Are there great crops in that country?—Very great, and the rice crops are perhaps the most magnificent in all India.

712. You consider that the future development of that country is dependent upon better government?—I do not know that the government could be better. The people, as far as I can speak as a casual visitor, appeared to be exceedingly happy and comfortable.

713. How is it with respect to the adjoining country?—I have no doubt that if they could be brought under the same rule, their agriculture would be very much developed.

714. You do not say that Cashmere is in a very depressed state, do you?—I have heard that it is in a deplorable state.

715. It used to be a place of great activity?—I have heard so, but do not know what it was before, except from reading and hearsay. It is within the last six or eight years that I have heard of its lamentable condition.

716. Are we not answerable in some respect for the state in which it is?—Not directly.

717. Mr. Mangles.] Have you made inquiries about English settlement in the parts of the country that you have visited?—Only casually in the plains of India.

718. Were any impediments whatever, of any nature, thrown by the Government in the way of settlement?—I never heard of any, directly or indirectly. The great drawback in the plains is the difficulty of proving your legal title to the land; but for that the Government is in no way answerable, in the sense of placing impediments.

719. What do you mean by the difficulty of proving the legal title?—The getting an indisputable legal title to the lands purchased.

720. Do you mean from the number of people who have a lien upon the land?—Yes, or who pretend they have.

721. You mean the number of tenures and under-tenures?—I have always understood that it is exceedingly difficult to get a legal title to the land, because of the corruptness of the native courts, not on account of the opposition of the British Government.

722. Is there a great extent of cultivation in Assam?—I have never been in Assam; I have always understood that Assam is a very improving country in every way; with regard to tea also; but that is a special subject.

723. Do you refer to the tea of the Assam Company, or to tea made by individuals?—To the tea of the Assam Company.

724. Is that sold in India largely?—Yes, it is sold in India largely, but much more largely in this country, to strengthen the Chinese tea, and it fetches a very high price indeed in our market; much higher than the Chinese, I am told.

725. Mr. Gregson.] You say that tea could be produced in an unlimited quantity?—Yes.

726. And of all qualities?—Yes.

0.54. 727. Of
727. Of the best qualities?—Yes, of the best qualities.

728. At what price could it be produced?—I understand that all the tea now drunk by Europeans in the Upper Provinces is made in the Upper Provinces, and I have heard that it averages 6s. 6d. a pound on the spot where made.

729. Is that prepared by the Chinese?—By the Chinese entirely, I believe.

730. Through English capital?—Yes, through English capital.

731. Mr. Villiers.) Can you say to what race the people in Tibet belong?—They are chiefly Mongolians.

---

Joeis, 22d die Aprilis, 1858.

MEMBERS PRESENT.

Mr. Baillie.
Mr. Campbell.
Mr. De Vere.
Mr. William Ewart.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.
Mr. Lowe.

Mr. Lygon.
Mr. Mangles.
Mr. Danby Seymour.
Mr. B. Smith.
Mr. William Van Bittart.
Mr. Villiers.
Mr. Willoughby.

WILLIAM EWART, ESQ., IN THE CHAIR.

---

Robert Baillie, Esq., M. D., called in; and Examined.

R. Baillie, Esq., M. D.

92 April 1858.

732. Chairman.) HOW long have you been in India?—Seventeen years.

733. In what part of India?—In the Madras Presidency.

734. With what portion of the Madras Presidency are you best acquainted?—With the Neillgherry Hills.

735. How long did you reside in the Neillgherry Hills?—Seven years.

736. Are you very familiar with the climate?—Yes.

737. Can you speak with reference to the question of the hill climate generally?—The most important point is the elevation; all elevations below 3,500 feet being extremely unhealthy, and subject to fever. We have some elevations of 3,500 feet that are tolerable.

738. With regard to the temperature of the hill stations, what do you conceive to be the best?—The Neillgheries again; the average mean temperature being 58 degrees.

739. What are the hygrometrical conditions which you think necessary?—That the quantity of rain shall not be too great; because all the hill stations on the line of the Western Ghauts have an exceedingly heavy monsoon, and are quite uninhabitable for from four to five months of the year.

740. What are the hygrometrical advantages in the Neillgherry Hills?—The comparative lightness of the monsoon. Although prolonged, the quantity of rain is very small; it is only about 44 inches in the year, against 120 on the Western Ghauts.

741. What is the fall of rain at Mahalabuleshwar?—Three hundred inches.

742. The maximum is at Silhet; that is about 500?—Yes; there is a place on the west coast of Africa where there is 600 inches.

743. The rain diminishes as you go eastward?—Yes; the difference is so great, that within 15 miles of Mahalabuleshwar there is only 57 inches against 300.

744. There is only a limited proportion of those hills which is suited for the residence of Europeans, is there?—A very limited proportion.

745. What are the reasons which make the proportion so small?—The reasons are, principally, the heavy fall of rain in the monsoon. And in all the western parts, during the monsoon, leeches prevail to such an extent that people cannot move about.

746. What is the extent, and the nature of the soil and surface of the Neillgherry Hills?
ON COLONIZATION AND SETTLEMENT (INDIA).

Hills?—The extent is between 700 and 800 square miles; 40 miles by about 15. Around the outer edge of the hills the soil is very good; in the interior, it is indifferent.

747. What is their adaptation as a locality for stationing European troops?—The very best in India, I should say, from their great facility of access, the mean rate of temperature, and their great healthiness for Europeans.

748. Do you think it would be a great advantage to have stations for European troops in the hills?—The very greatest possible advantage; you would have the troops there quite fresh and in perfect health; ready at a moment's notice to be sent to any part of the low country where they were required.

749. What difficulties are there in the way of a large number of settlers establishing themselves in southern India?—The absence of ground for cultivation; they would have nothing to do. If you restrict the question to settlers of the better class, the country is admirably adapted for them.

750. What are the main ranges of those hills in southern India?—Beginning at the south, there is a range near Dindigul which is very healthy.

751. Will you begin from the south?—Yes; next to Dindigul range are the Neighberries; next to them, a little farther north, a range called the Shambamungalam Hills.

752. There are the Chavary Hills, are there not?—Yes.

753. Are they inhabitable by Europeans?—I am afraid there are none of them inhabitable, except for a portion of the year.

754. You draw a distinction between settlers of the better class and others?—The strongest possible in every point of view; settlers of the better class would be of great use, and find great advantage to themselves, which, as regards the lower orders, is out of the question.

755. Unless they were specially provided for, as in the case of soldiers?—Yes, under strict discipline. We had a small hospital on the Neighberries, and we found it impossible to prevent the natives running about the hills, and doing themselves more harm than good.

756. Have you ever considered the question of colonisation for Europeans in the low countries of India?—Yes, that I have great doubts of again restricting it to the lower orders. The better class, no doubt, might settle with great advantage in the lower parts of India; Mysore, for instance.

757. You draw a distinction between the higher and lower classes?—Yes.

758. Do you think that persons well off in life could live in the hill districts, and that their race could be continued there?—I have no doubt the race could continue there; but whether it would deteriorate is a question we are not prepared to answer; we have not sufficient experience.

759. With regard to the table land of Mysore, have you been there?—Yes, a considerable time; several of the Madras houses of agency have coffee plantations there, which I believe are carried on with great success.

760. But those would not be available as dwelling places?—No; people would not be able to reside there more than a portion of the year.

761. Have any schools ever been established on the Neighberries?—Yes, there are several excellent schools there for all classes; I have a book here which I published 20 years ago, and a second edition has just been issued in India, bringing up the information to the present day; the title of it is "The Neighberries." There are several schools for young ladies, and there are several widow ladies, who take charge of children from an early age; and in connection with the chaplaincy, there is a boys' school for Europeans and East Indians, and a girls' school for daughters of the same class, and a mission chapel for the native Christians; in short, the establishment is altogether very complete.

762. Have those schools increased much; have they a much larger number of scholars than formerly?—I must speak of that from hearsay; I believe they have.

763. Can you give us any further information with regard to the Neighberries?—In addition to other advantages, there are three very distinct climates on the Neighberries at different elevations, so that people of the better class may escape the monsoon in the rainy season entirely. The range is divided in the middle; the south-west monsoon prevails on one side, and the north-east on the other, so you may absolutely escape the rainy season entirely if you like.

764. What is the cultivation of the Neighberries?—Coffee to a small extent, I think, was tried, but did not succeed very well; the native cultivation is that of

0.54.

0 2

R. Babbie, Esq.

W. D.

22 April 1868.
the coarser grains entirely; millet and barley, and a plant called "love lies bleeding," which is cultivated to a very great extent; it is an excellent grain for human food.

765. The Committee have understood that there might be moral objections to the bringing up of families of European children on the hill districts, in consequence of their communication with the natives?—Yes; until the population is so large that you could substitute European servants for native servants, which would be very difficult, there will be deterioration.

766. How far would the establishment of railways affect settlement in the hill districts?—It would be a great advantage, for it would bring you within 10 miles of the foot of the hills.

767. What is the state of the roads in that part of India?—They are very good.

768. Are there many?—There are three excellent roads up to the hills; one from the west, one from the north, and one from the south; they are all excellent roads.

769. What is the state of the roads in the plains?—Very good in that particular quarter; all the way from Madras there is an excellent road quite to the foot of the hills, at least what we consider a good road in India.

770. Have those roads been made for military or commercial purposes?—Partly both; in Salem for commercial purposes.

771. Do you think that the climate may be found suitable for the European constitution, as regards the Neighberries?—Yes.

772. Do you think it is favourable?—Perfectly.

773. For the duration and continuance of the race is it favourable; is that a question solved?—Not in Madras; nothing but time can solve that.

774. Have you ever been acquainted with families that have lasted three generations?—No, the Neighberries were only discovered in 1819.

775. Mr. Lowe.] What is the height of the Neighberries?—Seven thousand three hundred and sixty feet above the level of the sea.

776. Is there any climate in Europe that you could assimilate it to?—No one climate.

777. Can you describe it by a composition of climates?—From the tables of temperature on the hills, it will appear that the mean temperature of the year, the mean maximum and the mean minimum, bear about the same relation to each other as in England, but are about 10 degrees higher, while the daily range is somewhat less. The highest observed temperature, and the lowest, in England, are greatly above and below, respectively, the corresponding points on the Neighberries; that is to say, the extremes in England are greater. The power of the sun's rays, another most important point, is considerably less in the Neighberries than in England.

778. Is there any European climate by which you could describe them; how is the summer on the Neighberries?—We have little or no summer; the sky is completely covered by clouds at that time.

779. You say these places are suitable for settlers of the better class; are there any obstacles in the way of their settling there?—None, that I am aware of.

780. None arising from the Government?—None; they encourage settlement in every possible point of view.

781. No obstacles from the police?—None whatever.

782. Or from the judicial system?—None whatever.

783. Or from the land tenure?—I should think not; there is no difficulty in getting grants to any extent there; always with reference to the rights of the natives.

784. Mr. Willoughby.] What advantages do the hills afford in India to settlers of the better class?—The advantages are, the perfect adaptation to the European constitution, that they could reside there the whole year round; that children would have the advantage of schools, and of being brought up in a European climate; while the settlers themselves, if engaged in cultivating any of the great articles of Indian produce in the neighbouring low country, would be able to descend whenever it suited their affairs to do so.

785. You have not in your observations been referring chiefly to the products on the spot?—There are none. I do not know what things the settlers could cultivate on the spot in which they would not be much undersold by the natives. The wages of the natives range from 1½ d. to 4½ d. a day; and I do not think that
that any European could compete with men that can work upon that, and support
themselves.

786. To whom does the land on the Neelgherry belong?—It is considered to
belong to the Government.

787. Are there no parties possessing a right of occupancy?—Yes, certainly;
the aboriginal race of the hills, called the Todas, are considered to hold a pro-
prietary right in the soil; and they receive a quit-rent from all other natives
there established, as also from the Government.

788. Was it your duty to collect the Government revenue?—No; my duties
were purely medical.

789. Do not the approaches to the Neelgherry Hills pass through an unhealthy
country?—On all sides they do; but the belt of the unhealthy country is so
narrow on the south side that it is only six miles; on the other side it is wider.

790. Mr. Villiers.] You said that there were no obstacles presented in any way
to the settlement of people on the Neelgherry Hills; do you state that after
inquiring into the matter, and satisfying yourself of the fact?—Yes; when I was
in India, 16 years ago, there were no obstacles. It is 14 years since I left India;
but I have not been in the Neelgherry since 1842.

791. And you said that they had only attracted the attention of the English
Government in 1819?—I believe so.

792. Did the Government seize upon the territory?—No.

793. You say it belongs to the Government?—In the sense that all land in
India is supposed to belong to the Government; strictly it is called.

794. It is land which they have appropriated?—They have paid the natives a
quit-rent for a portion of the ground, which has been occupied as a cantonment;
itag was regularly sold to us.

795. It was occupied then for military purposes at first?—As a sanitary station
at first.

796. For soldiers?—For officers more properly.

797. Then the salubrity of the place had been observed by the Government, and
it was selected as a station for officers and servants requiring their health to be
restored?—Yes.

798. You stated that the roads were good from every quarter, communicating with
the hills?—Excellent.

799. What communication do you speak of?—From Madras, from Bangalore,
from Calicut, and from Coimbatore.

800. When were those roads made?—They have been made at various periods.

801. Do you speak of when you were there; were they then finished?—Yes,
they were then in very good order.

802. Were they made by the Government?—They were made by the Govern-
ment.

803. Are they available for commercial purposes?—Perfectly so.

804. You state that the neighbourhood of these hills is capable of producing
various things?—The top of the range of the Neelgherrys is capable of producing
the coarsest grains.

805. Have you known any settlers go there?—Yes, there were a few there when
I was there.

806. Can you tell us if they had succeeded?—I think there was a Mr. Groves,
who cultivated coffee then with some success, and one or two people tried silk-

807. Can you tell us anything about the success attending any experiments that
were made?—No; I can only speak from hearsay upon that part of the subject.

808. Probably from no experiment that has been made; can you tell us anything
about the products?—No, except to a very small extent, when I was there.

809. You cannot account for the fact that no more settlers have gone there?—
Except that I presume they found they could not cultivate the products to any
extent with success.

810. Not with any commercial profit?—Not with any commercial profit.

811. Had you any practical experience as a medical man there?—Yes, I was
there seven years.

812. Did you see Europeans there yourself?—Yes.

813. Did they recover their health?—Yes; I had 630 officers in charge when I
was there, and about 300 soldiers; the large majority of the officers recovered;
the soldiers did not succeed so well.

0.54. 0 3 814. Why
814. Why was that?—The soldiers were under no proper control.

815. They were merely sent as invalids?—Yes; and they were not under proper discipline; there was no means of restricting them to their own part of the hills; they used to go into the bazaar and get drunk, and they came into constant collision with the natives.

816. Was there nobody in command?—There was a gentleman in command, but he did not live upon the spot.

817. Had any of those people families?—No; there has been a wing of a European regiment for some years upon the hills, and I understand they have succeeded perfectly.

818. Mr. W. Vansittart.] You say you were 17 years in the Madras Presidency?—Yes.

819. Do you know any thing of Ganjam?—Yes, by reputation.

820. Was not there a colony of Portuguese there?—Yes, in former days, but Ganjam became so exceedingly unhealthy that it was given up as a station 40 years ago.

821. Do you know any thing about the condition of the Portuguese colonists there?—No; I presume they have become amalgamated with the natives, but I cannot speak positively.

822. The Madras railway is constructing a branch railway?—Yes, and it already reaches the base of the ghauts, about 90 miles from Madras.

823. Mr. Villiers.] You said that the soldiers came into constant collision with the natives; was that upon any question of the rights of the natives to the lands?—No; it was simply as Europeans of the lower class generally do come into collision wherever they are allowed to mix freely.

824. Had the Government any right to take the land from the natives?—Certainly not.

825. Therefore they could not do any thing they pleased with the land?—They might.

826. But not justly?—Not justly, and they have acknowledged the rights of the natives quite distinctly.

827. Mr. Mangles.] Is there not waste land there, belonging to the Government, not appropriated?—No; the original inhabitants of the hills, a very peculiar race, are completely nomadic; they shift about from one portion of the hills to another, with their flocks, and if they were much restricted they would perish for want of the means of feeding their flocks.

828. Has the Government allowed that the whole of the property belongs to the Todas?—Yes; all they have taken they pay an annual quitrent to the Todas for.

829. Have you seen the descendants of Portuguese with high names in India?—Yes.

830. Had not they very much degenerated?—Dreadfully; they are worse than the natives themselves, both physically and morally; I consider them very inferior to the natives themselves.

831. Do you suppose the Portuguese are pure European blood, or what they call Creoles?—At Goa, no doubt, pure European blood.

832. Have these very much degenerated?—Yes, very greatly.

833. You do not believe it is possible for the European race to be propagated in India upon the plains without degeneration?—Decidedly not in the plains; my belief is, that they would die out in the third generation.

834. In the Neighberries do you think the race might be continued?—I think it is possible.

835. Without degeneration?—That I doubt; I should be disposed to say, speaking as a medical man, that there are not sufficient extremes upon the Neighberries in point of climate.

836. What articles of commercial value do you think might be raised by European settlers of capital in the Neighberries?—Nothing in the Neighberries themselves; I do not think they could compete with the natives.

837. I mean as capitalists employing the labour of the natives?—I do not think they could raise anything with advantage upon the hills except a small quantity of coffee, but that could be grown to much greater advantage in Mysore, not far off.

838. Is the climate in that part of Mysore which is fit for the cultivation of coffee suitable for European residents?—Yes, for a great portion of the year Europeans might reside there; it is a fine climate.

839. Is
ON COLONIZATION AND SETTLEMENT (INDIA).

839. Is it on the table land of Mysore?—Yes, on the west; coffee requires a great degree of shelter; you cannot cultivate it in the open plain; you must have shelter for it.

840. Were you acquainted with the officers employed at Mysore?—Yes.

841. Do you know Colonel Onslow?—No, I do not recollect him; I know almost all the others except him.

842. Mr. Gregson.] Are there any diseases peculiar to the Neilgherry Hills?—None whatever.

843. Have you seen any old persons who have resided there permanently?—No; we have only known them since the year 1819; the first settlement was made there in 1825.

844. You speak of growing coffee, and you say it requires shelter; could not coffee be grown upon those hills?—Yes, on the Neilgherries most certainly; there it would not require shelter, because the sun is not sufficiently powerful on the hills; but in the low country coffee requires a considerable degree of shelter.

845. How many years are the coffee plants before they bear?—I think they are about three years before they bear.

William Theobald, Esq., called in; and Examined.

846. YOU are a barrister, I believe?—I am.

847. Has your experience in India been extensive?—I have been 14 years in India, and was practicing as a barrister the whole time, but I had great opportunities of becoming acquainted with the country and the people. I left Calcutta at the end of 1856, on behalf of the British and Christian inhabitants, meaning by Christian the East Indian inhabitants, in consequence of the alarm into which they had been put by the apparent determination of the Government to pass measures which involved the enactment of what we have always called the Black Acts; measures for the abolition of the supreme court; and for the enactment of the Penal code, without those alterations which we, as British people, thought important; and measures which also would have had the effect of converting Calcutta from what it has hitherto been, a Crown settlement, into a Company's zillah; and my object was of course to communicate our objections to the Government. But it was not merely a negative mission, but also to press on the authorities here the adoption of reforms which we have long been asking for.

848. You appear as the agent of a considerable body of planters and merchants in Calcutta and Lower Bengal?—Yes, I do.

849. How long have you resided in India?—Fourteen years.

850. Have you become acquainted with the interests and wishes of the British in India by other means besides your instructions?—Yes; about seven years ago, I think, the planters and merchants who were agents and proprietors of concerns in the Mcfaren Company, determined to establish an association to represent their complaints as to the local administrations, and their wishes as to reforms, and I was appointed the secretary of that association from the first; and that has led to my having a great deal of correspondence and personal acquaintance also with our people in the country, and I have also had a great deal of correspondence with the Government.

851. How long is it since you were appointed secretary?—Since 1854. I was appointed by a popular election, in fact.

852. You have had ample means of being acquainted with the interests and wishes of the British in India by other means besides your instructions?—Yes; these are the means, as the secretary of that society, and through the acquaintance which I have made with our people in the interior; my residence has been in Calcutta.

853. How are the Europeans distributed in the interior, and what are their pursuits and occupations generally?—There are Europeans in all the great towns in the Lower Provinces; and the Europeans are distributed throughout the interior, especially in those parts adapted to the cultivation of indigo, as indigo planters; and they carry on a very considerable commerce in the produce of the country as capitalists, making advances upon, and purchasing the produce; consequently they are found all over Lower Bengal. I speak entirely of Lower Bengal.

854. Will you state to the Committee the exact locality of which you speak?—In India the technical name of that part is the Lower Provinces of Bengal; I
think that is the official designation; and it includes the whole of Bengal proper, and the part of the country which used to be called Behar; it is said to have a population of about 40,000,000, but that has never been satisfactorily ascertained. I believe that the territory is as large as France, and is the most fertile of all India, and the nearest to the great port of export.

855. Do you not include Tirhoot?—Yes, and Tihoot; that was part of Behar.

856. What are the pursuits and occupations generally of the settlers there?—They are indigo planters in the country parts; in the towns they are agents connected with the Calcutta capitalists and merchants, and produce dealers; in fact, they have every occupation which a European as a capitalist, and a man of intelligence knowing the country, can have.

857. Have the Europeans increased in number since you have been in India?—They have increased, certainly, because railroads and steam communications have increased, and many other things which originate in European enterprise, and require European management; that class of persons has certainly very greatly increased, but I am informed, and I believe it is true, and the general opinion certainly is, that Europeans in the interior connected with agriculture, and the interchange of local products, have not increased in number, and that that class is declining in numbers. The proprietors of large concerns, I understand, find a difficulty in getting the assistance of respectable Europeans; first-class young men are required for the management of these concerns; there is a difficulty in getting first-class Europeans for employment in the country, and that is an increasing difficulty.

858. Have you observed the effect of the climate on Europeans in that part of India?—The Bengal climate is a very fine climate. The doctors and some other people would make us afraid of it; it is hot, and the Upper Provinces are hotter still; but I think we have a very comfortable existence on the whole there, and I should say that the planters and people who live in the interior, from what I have seen of them, and we have the opportunity of seeing pretty nearly all of them once a year, are a very healthy and hearty set of people; and, without giving a medical judgment on the matter, I should say that Bengal would bear a comparison with countries in the same latitude in every part of the world. We do not wish to be taken care of in that respect; there are none of those small aches and pains, and none of the chronic complaints, which keep people in this country so much in the doctor's hands; no doubt the fever and cholera, and some other diseases, are rapid, but we are comparatively free from small ailments, and generally enjoy a very fair health. There is the question, of course, of the general deterioration of health, and the more rapid consumption of life, but that does not appear to be any difficulty with those who are disposed to go abroad.

859. Have not the European inhabitants the advantage of a change of air?—Yes.

860. To what place do they generally resort for that purpose?—The European inhabitants of Calcutta, when they have their regular holidays once a year, generally take a sea voyage; Darjeeling has been too far and too inaccessible for them. A visit to Darjeeling usually is for the repair of a serious illness to health; the Neighheries now are open to them. There is a railroad open for the greater part of the way to the Neighheries, and they are becoming a very favourite resort; but, generally, it is a sea voyage that people resort to whose health is not seriously impaired, and Darjeeling.

861. They combine the sea voyage with an expedition to the Neighheries?—Yes, that is the case. We now have steamers twice a month to Hong Kong and the northern ports, and consequently there is a facility for sea voyages, which used not to be the case: and a trip to Europe is very easy now.

862. From the facilities of access to the hills and the greater facilities for sea voyages, Europeans now enjoy advantages which they never possessed in former times?—Yes, and which ought to remove many of the prejudices against India.

863. In respect to communication by sea as well as ready access to the hills, is it not probable that India will become a much more habitable place than it has been hitherto?—No doubt.

864. Do not persons with whom you are familiar in Bengal much more frequently visit England than was the case in former times?—Yes; the East India Company has modified its rules, and given the official class opportunities of doing so; and as for the non-officials, the Europeans can visit this country; the indigo
indigo planters can come over after the season, making the voyage to England to see their principals. The only thing we want is, that the monopoly which one great company has of the transit to England should be broken down.

865. You refer to the Peninsular and Oriental Steam Navigation Company?—I do; we now pay 100 guineas for a passage. There is a longer voyage to Australia, for which people pay only 601. to 651.

866. Do not you think that facilities of access to the healthy parts of India, and the facilities of returning to England by the superior speed of vessels, will still further increase hereafter, and that India will become much more connected with England than it is now?—Yes; we all of us have our children at home for education, and we should have them out earlier; and it would lead to a great increase of European settlement, supposing other circumstances to be favourable.

867. Increasing communication and increasing commerce, therefore, will greatly increase the hold of England upon India?—Yes, I think so.

868. Has any plan for European colonization ever been formed in India?—I am not aware of any plan for European colonization ever having been formed, but there was a plan for East Indian colonization in the Bombay Presidency, patronised by Sir John Malcolm; the East Indians formed a society called the East Indian Amelioration Society.

869. What was the date of the formation of that society?—I think it was in 1830, or shortly before; the object was to transfer the surplus population of the East Indian community from the town to the country, and with a view of their learning agriculture and becoming farmers. Sir John Malcolm, I believe, assisted their object to the full extent of his power; I fancy he granted some buildings belonging to the Government, and they wanted some land to settle upon. The Court of Directors disapproved of the project, and would not grant the land, I understand, on the terms which were necessary for the project of colonization, and I believe it fell to the ground: that was at Phoolshahir, a little above Poonah. I am not aware of any other scheme for colonization in India.

870. Were any objections made to that scheme of settlement?—I understand (deriving all my information from Sir John Malcolm's book on the Government of India) that the Court of Directors thought it would create a body of landlords, and they seem to have considered that the bare enunciation of that proposition was a sufficient objection. Sir John Malcolm met that by advertizing to the Merchant Tailors' Company in England which had made very good landlords, and had been very useful in promoting colonization. That was, I understand, the state of the argument. I have taken the number of the page of Sir John Malcolm's book, in which the information may be found, and from which alone I have derived my information. It is Sir John Malcolm's book on the Government of India, p. 87, and Appendix (A), p. 65. I am not aware of any other scheme for colonization. Indeed, of course, until 1833, there could be no European colonization, because Europeans were not permitted to enter without licence, and that of course only in very small numbers.

871. Are there any legal obstacles to the settlement of Europeans in India in the present day?—That is a question which is not entirely free from doubt. My own opinion on the question is, that all legislative restrictions have been removed by Act IV. of 1837, of the Indian Legislature. The case stands thus: that Act permits any of Her Majesty's subjects to hold land in any part of the territories of the East India Company in the largest possible terms. But after that Act was passed, the Indian penal code appeared; and in the code there was a chapter, "On illegal entrance into the territories of the East India Company," providing penalties for illegal entrance into the territories of the East India Company, and that chapter proceeded upon the supposition that the 82d section of the Act of 1833 was still in force, and that section prohibited Europeans from entering without licence provinces acquired during the present century. Therefore it appeared that the authors of the penal code who, by the way, were also the authors of Act IV., were of opinion that Act IV. had not repealed the prohibition, and so the doubt arises, and the British and Christian inhabitants of Bengal, in 1853, petitioned for its repeal. My opinion is that there are no legislative restrictions, but that is the doubt which arises upon the view which, presumably, Mr. Macawley and the Indian Law Commissioners must have taken; for if that Act had repealed the prohibition of the Act of Parliament, there would have been nothing upon which the chapter of the penal code could have operated.

872. Have any practical evils arisen from that remnant of restriction which seems
seems to be preserved by the Act of 1833?—There was the case of Colonel Ouseley, who was removed by Mr. Plowden, the Commissioner of Nagpore, but whether that took place under the authority of the Act of Parliament, or from personal objections and general views of policy respecting Colonel Ouseley upon that occasion I do not know. That case was decided after I left by the Supreme Court. Colonel Ouseley went as agent of the Ranees of Nagpore, for the purpose of protecting them against the East India Company, and he was removed by the Commissioner, under the authority of Lord Dalhousie, but on what ground of law or policy I am not acquainted. The Supreme Court gave Colonel Ouseley a verdict and damages. I might also mention that I believe the East India Company does prohibit its own civil servants from holding land; on a policy which, probably, this Committee might think worth considering, because they are an important body of persons; they are wealthy and well connected, and they are not, I understand (I speak not, perhaps, on the best information), allowed to hold land while in office.

873. Can you state to the Committee the law or regulation which prevents their holding land?—No, I cannot. I think it must be in consequence of the views of the Court of Directors of the general interest of the service of the country: probably it was to check abuse. I am not acquainted with it.

874. You cannot lay your finger upon the law enacting that restriction?—No; and I doubt whether it is a law. I think it is a general regulation for the service.

875. There is no question as to the existence of the restriction?—I believe not.

876. Supposing the legislative restriction which you have just referred to still to be in force, would it apply to East Indians and to the children of European parents born in India?—I think not; because East Indians and the children of European parents born in India are natives of India. My son, who was born in India, is a native of India as much as an Asiatic. Such persons never required a licence to reside in India, I understand; and, consequently, the restrictions of the Act of Parliament never could have applied to them. There was the case of Mr. Dickens, of the Calcutta bar, who came out without a licence because he was born in India, and the President of the Board of Control held that he was entitled to do so.

877. Can you give the Committee the result of your experience respecting the settlement of Europeans in India?—If by settlement is meant the migration, either with or without Government aid, of large numbers of persons from this country to India, the idea, I should say, is not a practical one; but I think that something like colonies ought to be established for the retirement of our invalids, and other classes of British soldiers in India; and a well-constituted colony would, I think, attract a great many East Indians and Europeans; but I have no plan. With respect to Europeans generally, what they want is to have the country put into such a state as will permit of their penetrating it in all directions; for this purpose they want roads and railroads, and improved internal communications; and they require such an administration as would afford them tolerable security for their persons and property, if they settle; that is not the character of the present administration. It is surely not too much to enforce on the Indian Government such an administration; and if that were gained, the spirit of enterprise would carry Europeans through the length and breadth of the land; they would find out the places where their settlement would be advantageous to themselves, and must be so to the natives, because they must employ native labour, the value of which they raise wherever they go; they carry capital, extend trade, introduce new ideas amongst the people, and teach them how to improve.

878. Are you acquainted with the mineral parts of Bengal; where are they, and what are the minerals which they contain?—Yes; accidental circumstances brought the question of the mineral parts of Bengal very much under my consideration; it was from the circumstance of my being early a supporter of the project for railways in India; I therefore do know what are the mineral parts. There is coal in Birbhum; that is commonly called the Burdwan coal. There is coal in Palamow, a little further to the north-west; there is coal in Hazaarabagh, and also in Sylhet. There is iron in Birbhum, contiguous with the coal, in very large quantities; probably an inexhaustible stock of iron, in large blocks, and of very great richness; and there is iron in Palamow. There is copper in Birbhum: also in Singbhum, Hazaarabagh, and in various parts of the Himalayas; about the latter I know very little. There is silver in the Birbhum jungles, and there is lime-
ON COLONIZATION AND SETTLEMENT (INDIA).

stone in Silhet, and limestone, I believe, in Palamow; and I fancy there is limestone in some other parts. I believe, if properly explored, it is a very rich mineral country.

379. The lime may be brought to bear upon the iron and coal by the railways:
—The limestone is not contiguous to the iron; and I believe the opinion, according to the calculations of the cost, is that the Silhet limestone is too far off for the purpose of working the iron. But there is also limestone in Rottasgur, which is just across the Soane, on the Grand Trunk road, and I should think not above 160 miles from the iron, certainly; whether it can be brought near the iron, I do not know, but it is very rich ore. I was told by an Englishman, accustomed to smelting works, that there was at least 40 per cent. of iron. It is called, I think, the grey-stone iron, in England. You see it cropping out in the Grand Trunk road.

880. You have not mentioned the coal of Assam, I think?—I am not acquainted with the coal of Assam; there is coal in Assam, I know.

881. Is it not of a very good quality?—I believe it is a very good coal. The only coal good enough for sea-going steamers, I understand, is the Silhet coal; that is the most distant and the least accessible.

882. Is that like the Welsh or anthracite coal?—I believe it is; it is worked on a small scale, but it is too expensive to be brought to Calcutta without better modes of conveyance. I imagine that the Eastern Bengal Railway will open a trade in that coal; the coal is worked by Europeans.

883. What is the present state of the development of the mineral resources, and what are the mining concerns in the hands of the Europeans engaged in them?
—At the Damodah coalfield, the Burdwan coal, there are five or six collieries; and the coal of Hzaarasabag has been worked, but I think that the working of the colliery at Hzaarasabag was stopped for want of a road. I knew the parties who proposed to work the coal in Hzaarasabag; they represented the want of a road to the Government, and an engineer officer was put on to make a road, but it was not carried on. The Silhet coal is worked to the extent to which the demand for it at its high price goes. The Palamow coal is, I believe, not worked; I fancy there is a deficiency of carriage, which probably railways also will partially remove.

884. Have those mineral resources been developed by European settlers, and would they have been developed without the existence of European settlers?—In the Damodah coalfield there is one native proprietor, but the coal there was discovered by a European. The natives were not aware of the wealth that they had in that great field. The first collieries were established by Europeans. Out of five or six collieries, there is one native proprietor. The Silhet coal is worked by Europeans, and the Hzaarasabag coal was worked by Europeans.

885. In fact, the capital and skill and science, we may suppose, are generally European, and without them those resources would not have been developed?—Certainly; the natives very willingly join Europeans in those speculations and operations, but they are not the managers in the first instance. With respect to copper, which is a most important mineral, the imports from Europe amount to something like 300,000l. a year. The copper has only been raised by rude means, and in small quantities, by native copper workers. There is a very large consumption of copper in the country for drinking vessels, and other vessels. Of course the imported copper supplies that to a very great extent, but they do raise copper in Singhboom; I know that, because I have myself seen specimens, and samples of the regulus which were sent to Swansea to be tested, and the samples were very valuable; I think the best was 37l. a ton; there were four samples, and the most inferior one was worth 34l. a ton. The copper in Beerbhum has not been worked at all, but I know a highly scientific gentleman acquainted with the existence of that copper, and he told me that he had been, as I understood him, in negotiation with the Government for working that copper, but that he could not get any terms that he thought sufficient. I do not put that forward as a reproach to the Government, because I do not know what the terms were, but that so I was told.

886. You have mentioned that there is only a small number of Europeans settled in the interior; how do you account for that fact?—I believe it is owing to a great variety of causes, some of which operate in one part, and some in another part, and some in all parts of India. The people who go to India are capitalists and of the middle classes, and they require to be tolerably secure in their persons and property. In some parts they cannot get a footing at all as capitalists, in consequence of the land revenue system in those parts; the land revenue system in other parts does not exclude them; but where, as in Lower Bengal, the land

0.54

H 2 revenue
revenue system is more favourable for capitalists, and where, consequently, Europeans have settled, their position is one of danger and difficulty; danger to their capital from many faults in the revenue system, which still admits of their settlement, and danger both to their persons and property in consequence of the bad state of the local administrations generally. Another cause is the want of proper laws, among others, a lex loci, for Europeans and East Indians; and I must add to those causes the constant apprehension in which, for many years past, they have been kept, of being put in a worse condition by the repeated proposal of measures, such as the late Affray Bill, such as the Black Acts, and such as many parts of Mr. Macaulay’s Penal Code, which I think would be much reprobated by all classes in India; and our position is often made very disagreeable by the conduct of the ruling branch of the civil service towards us. And lastly, there is the want of inter-communications, such as roads, railroads &c., and the want of improvements to facilitate travel and traffic. I should be very glad to be allowed to give an explanation of those causes in detail.

887. To what do you refer when you speak about the land tenure preventing Europeans from getting settlements in some parts of India?—I refer to the Ryotwarry Settlement, as it is called, a term very well known in this country; under that tenure the Government is the immediate landlord, and in its transactions with the ryots and cultivators is represented by an army of what I should call Revenue Police, who, I think, it sufficiently appears now by the Madras torture report, are men without any principle whatever. I am now referring to the Madras territory, and I believe that the same revenue settlement, that is the Ryotwarry Settlement, exists to a great extent in the Bombay Presidency; and where that is the state of things, that is, with the Government as the landlord, and being represented by such a revenue police as exists there, an army of something like 60,000, I apprehend, it is self-evident that, with a pauperised tenantry, the capitalist cannot possibly get a footing; and he cannot get a footing for another reason, that the settlement is an exclusive settlement, and does not involve any plan for introducing a class of landlords intermediate to the Government. I state that as the conclusion of my own mind as to that settlement.

888. Would your answer be represented by the opinion that the frequent interposition of the Government agents, between the producer and the consumer, is productive of much evil?—By the interposition of the existing class that is the case. The existing class is a revenue police; large numbers of them are very ill-paid, and from what we have lately known through official reports, they are a very unprincipled, rapacious class of men, who pauperise the population; and I think it is stated in Mr. Kay’s book, that the Government are of opinion that they cannot extend cultivation any further (I do not know whether they admit, under that settlement); that no more land can be brought into cultivation, although there are large tracts at present uninhabited, and large numbers of persons are constantly migrating eastward from the Coromandel Coast, where this settlement prevails, for employment elsewhere.

889. Where do they go to?—When I was down in the Straits Settlements I found that there was a regular migration of certain classes, though not in large numbers, who came to better their condition; they were sometimes cultivators of mixed classes.

890. Do you ascribe that to the Revenue system?—That would be the conclusion in my own mind; it excludes the capitalist and prevents that expansion of prosperity which the introduction of capital always leads to.

891. What is the nature of the Revenue Settlement that you refer to in Lower Bengal, and what faults do you impute to it?—The settlement is known by the name of the Permanent Settlement. It is also called the Cornwallis Settlement, because it was established by Lord Cornwallis under the authority of an Act of Parliament, and with the full consent, and, after great consideration of the Court of Directors here, it was established by Lord Cornwallis. I mention that, because I have seen publications in which it appears to have been imputed to Lord Cornwallis as rather an arbitrary act, arising out of a prejudice of that nobleman for the institution of great landlords; but I believe that was the origin of the Permanent Settlement; it was Lord Cornwallis acting on the views of the first-class statesmen of that day; and it was called the Permanent Settlement, because the settlement already established had been only for 10 years; it was a settlement already existing, which was converted from a settlement for a term into a settlement for perpetuity. Then, with reference to the faults of that settle-
ment, the Government imposed very strong terms on the zemindars for the purpose of realising its revenue, such as if there was any default in the payment of the revenue, what we should call in England a statutory execution might immediately issue; that is, the mere fact of default entitled the collector immediately to sell the zemindary. That was done, and it had the effect, I believe, of sweeping away the zemindars, who were the proprietors, and most of the great families, who were the zemindars when that settlement was established. I think that proves that it was, as respects the terms of the settlement and the amount of the payment of the revenue, not a particularly favourable settlement. Then the condition of the settlement to which I adverted, and to which I should refer as a fault in the settlement prejudicial to us, was this, that, whenever an estate had to be sold for default of the payment of revenue, all under-tenures created subsequently to the date of the original settlement, that is, all under-tenures created after 1793, were swept away by the fact of the forfeiture; and that affects us in this way: we take parts of a zemindary, perhaps on a lease or under some other tenure, such as a putnee tenure; we become perpetual leaseholders of a part of the zemindary, and that interest is forfeited by the mere fact of the estate being sold, free from that tenure, free from our lease; our lease is cancelled by the act of sale, and as the tenant or putnee holder has not necessarily, or had not originally notice of the forfeiture, his property is lost, without his being at all aware of it. Since I have been in India there has been an improvement in that respect.

892. Does that grievance exist now?—To a much less extent than it did formerly, but it is still a very great grievance, and it has been under the consideration of the Government of India.

893. The sub-renter is affected by the default of the superior landholder, without the privy of the sub-tenant to it?—Yes, he may have given 10,000 l. for a valuable lease, and also be under an engagement to pay a portion of the Government revenue accruing in respect of that lease, and that is swept away. By the simple act of the non-payment of the zemindar, the estate becomes liable to be sold; it is accordingly sold peremptorily. It is a forfeiture which cannot be appealed against. The zemindar is not allowed to become the purchaser. The zemindary is sold, and, by the terms of the Settlement, it is sold, to use the language of the Regulation or the law, “free from all encumbrances created subsequent to the date of the Settlement,” all encumbrances created since 1793. And under that word “encumbrance” they include all kinds of leases, all kinds of subordinate interests created subsequently to 1793; and those interests include the interests which have been obtained by Europeans for valuable considerations, the consideration being sometimes an annuity, or sometimes a premium; the consideration being sometimes also an enhanced rent, because the zemindar pays the rent, and the leaseholder pays what he engages as rent to the zemindar, and not to the Government. That is quite a recognized inconvenience; and Mr. John Peter Grant, a man of very distinguished ability undoubtedly, brought in a Bill for the purpose of removing this inconvenience, and altering the law. The Indigo Planters’ Association entirely approved of the object of the law, but it was connected with practical inconveniences. The new law would have produced practical inconveniences which obliged the Europeans to oppose that form of the law, and as too often happens where we oppose partially, and on grounds so strong that the measure is postponed, we did not get the better measure which we ourselves suggested. We are, therefore, still under the old arrangement and the old law, and that is a law which ought to be altered. And although a reform of the law was undertaken by a member of the Government in consequence of our partial opposition, the matter appears to have been dropped. That is one of the inconveniences under which capitalists suffer.

894. Do Europeans seriously suffer under the existing state of the law?—Yes, I believe they do; it affects the value of their property as a security.

895. I understand you that the grievance is simply this, that the rights of the sub-renter are swept away, together with the proprietorship of the zemindar?—Yes; all new interests created since 1793.

896. Mr. Lowe.] What was Mr. Grant’s proposition?—I cannot give the details of it. It was a plan for registration of sub-tenures and divisions of zemindaries, but registration involved a large amount of preliminary inquiry which we thought would be almost as mischievous as the resumption operations were formerly; we suggested a plan which would have answered all the purpose;
Mr. Grant's Bill was very just as respects the principle, but objectionable as to the details.

897. Chairman.] Have you any idea that a new Bill was brought in?—None was brought in.

898. Will the necessity of the case urge it forward?—We have no information that the measure will ever be resumed, and it is in consequence of that and similar things, that we have been petitioning for the enlargement of the Legislative Council: our experience is, that when the Government, in consequence of any opposition on our part, is obliged to drop a measure, although we approve the principle, it is often indefinitely postponed.

899. Do you wish to have some representative of the interests of the commercial community in the Legislative Council?—In consequence of our observation that our interests do require something better than official protection, we have wished that, and petitioned for it.

900. Are not the European commercial and agricultural community now represented in the Legislative Council?—They are not at all represented in the Legislative Council. The Legislative Council is entirely official.

901. You said that the principal superior statesmen at the time of the passing of the Perpetual Settlement Act called Lord Cornwallis's Settlement, were cognizant of Lord Cornwallis's scheme; can you give us the names of those statesmen?—It was in the time, I think, of Burke, when India was very much the subject of party discussion; I will state whence I derive that opinion; it is from a native petition; when Mr. Grant's Bill was proposed, the natives were disposed to oppose it, on the ground that it was an interference with the permanent settlement; that is, it involved danger to the principle of the settlement; the settlement is very popular with the zemindars; they call it the great charter of Bengal, and most deservedly and properly so; and they traced in this petition what I call the pedigree of the permanent settlement, and showed that it had its root in the Act of Parliament, and the sanction of the Court of Directors; I have not made any original investigation upon that question, but that is the ground of my belief.

902. Was it not under Mr. Pitt's Government?—Yes, I think so; it was in 1793: the natives generally perfectly understand the value of that settlement, and it is invaluable to them and to us too, for it has saved Bengal from insurrection.

903. In what relation is the cultivator to the landlord under the permanent settlement?—The cultivator has no relation to the Government. The zemindar is the landlord. It is a question very much disputed what is the nature of the cultivator's interest in the soil; there are certain classes of cultivators who have vested and permanent rights by the law of the permanent settlement. Those classes of cultivators are recognised in the permanent settlement, and their rights are secured against the consequences of a forfeiture. They are the old cultivators who had a customary title or an ancient title; hereditary cultivators.

904. Is it a kind of Ulster tenant right in Lower Bengal?—Yes, it is a tenant right, no doubt.

905. Which they still adhere to, and it is supposed to be a remnant of the old common law of the country?—Yes; but wherever an estate has been sold for Government revenue, all excepting those classes of cultivators are liable to have their rents enhanced, as I understand; and I apprehend that where a tenant is liable to have his rent enhanced, where the landlord has the power of enhancing the rent at pleasure, the cultivator must be considered a mere tenant at will; but the law of the rights of those ryots is I think very uncertain. I myself issued some questions to many parts of the country for the purpose of ascertaining what the rights of the cultivators were, and I could not obtain a uniform or consistent answer; consequently the law is unsettled. This was elicited, that there were two views. Some people thought that the cultivator had by the common law of India, which is adverted to by Mr. Mountattur Elphinstone, the right of occupying wherever he paid his customary rent; and no doubt a large class have that right, but a very large proportion are mere tenants at will, I apprehend.

906. The majority of the ryots are mere tenants at will?—I cannot affirm that absolutely; but where the landlord has the power of enhancing the rent, I should call them tenants at will.

907. Does the landlord exercise that power which a landlord can exercise over tenants at will? are the tenants frequently turned out of the holdings if they do not pay their rent?—Yes, they are.

908. And,
ON COLONIZATION AND SETTLEMENT (INDIA).

908. And, therefore, the tenant right is not a universal protection to them?—W. Theobald, Esq. No, it is not universal.

909. Can putneedar save their tenure from the effects of a sale for arrears of revenue by depositing their own rent with the collector?—I think not by merely depositing their own rent. I think they have to deposit also the rent of the zemindar. I know what happened once to myself, when for a certain purpose I was a putneedar; my interest was a third of a putneeb estate which was subject to the Government revenue. I had not merely to deposit the rent to which my portion of that estate was liable, but also the portion to which the other co-sharers were liable. I had my remedy over against the others this way. The collector in those putneeb districts collected the revenue from the tenants of the whole, and paid the defaulters share to me.

910. The ryot cannot pay directly to the Government; he must go through the intermediate agency of the zemindar; the zemindar being not only the landholder, but the collector?—Certainly.

911. How are the izarahdar's rights protected?—The izarahdar's rights are entirely unprotected.

912. What is an izarahdar?—A leasholder.

913. Under whom?—Under the zemindar, the landholder.

914. The ryot is a tenant at will, and the izarahdar a leasholder?—Yes; the izarahdar is a leasholder.

915. A tenant for years?—Yes.

916. Can he be a tenant for life?—The term is immaterial; that is not the form of leases in India; it is for terms of years, or in perpetuity.

917. Are indigo planters generally holders of landed property?—Yes; they are holders of landed property, both as zemindars and as izarahdars and as putneedar; every sort of interest in the land they acquire; it gives them a position of safety.

918. By a putneedar do you mean a tenant at will?—No; a putneedar is a permanent tenant; it is a peculiar tenure.

919. What do you mean by a permanent tenant?—He has a perpetual interest, but still it does not constitute him a zemindar; these are all leasholders.

920. A putneedar is a leasholder?—Yes.

921. For 999 years, perhaps?—It is an interest in perpetuity; we have nothing exactly like it England. The putneedar is absolute proprietor, but is swept away if the zemindar makes default in payment of the zemindary revenue.

922. Are the indigo planters generally landlords?—Yes, they acquire by purchase that interest; it gives them position in the country, and gives them influence in the territory, and enables them to carry on with more success their operations; I believe they do not become landholders generally, for the more purpose of being receivers of rents, but that they may carry on their operations with more success; they want security against the zemindar; the zemindar is an influential prejudiced man; is jealous of the improvements which we introduce, and is jealous of our race in point of fact; and consequently we want that stability in the country which nothing but becoming landholders will give us, as I understand it.

923. The principal object of the indigo planter is, security in holding the land which produces the indigo?—Of course; that is his primary object, no doubt.

924. And that he has not got at present?—Not to the extent desirable. Of course everything that puts capital to hazard, even theoretically, diminishes the value of security. If you want to borrow money upon your interest, a lawyer looks at your title; and if he sees that it is dangerous, although the danger may be very small, yet, owing to the defect of the security, abstractedly it has a diminished value for the capitalist.

925. Before the time when an indigo planter could hold land, what security had he for his crop?—Before that time he had the security usually of an alliance. I am now speaking only of what I have heard.

926. You speak from the year 1837, from which date the proprietorship of the land by indigo planters commenced?—Yes.

927. Before that time what security had he?—I have heard it stated that he had the security, which must be considered of an irregular kind, of an alliance with Government officers and with capitalists connected with Government officers; and before we were admitted into the country, the chief capital of Europeans, I understand, was supplied by gentlemen in the services, and they took care,
care, by their local and official influence of the concerns which were carried on chiefly or partly for their benefit. I am told that that was the extent of our enterprise antecedently to the opening of the country.

928. He must have been a kind of second-hand proprietor?—Yes. In fact, the domestic history of the country has not been sufficiently investigated. I think it will be found that the root of independent British enterprise in Bengal is to be found in the civil service.

929. Are you speaking of a time antecedent to 1837?—Yes, long antecedent to 1837.

930. But they could always hold leases?—Europeans could not hold leases.

931. Could not they hold leases before 1837?—They could only go into the country by licence, and I am not aware that they could hold leases.

932. Then the Act for holding land applied to lessees as well as to the proprietors of the land?—Yes; the Act goes on to say, they may hold land for a term of years, or in perpetuity, to hold it in every variety of way.

933. You have spoken of the bad state of the local administrations as operating to the discouragement of European settlers; what do you mean by the local administrations?—I refer to the police, to the magistracy, both covenanted and uncovenanted, and to the administration of justice generally in courts of all descriptions.

934. Will you begin with the first point to which you desire to call our attention?—The police is entirely a native police, under the superintendence of only one principal European officer, who is a magistrate. I would refer, to save the necessity of detailed description, to a minute of Mr. Halliday, the Lieutenant-Governor of Bengal; Mr. Halliday's minute was brought very fully before the notice of the House of Commons last Session, by an Honourable Member whom I see here. Mr. Halliday, I believe, only repeated the official opinions which had been given 20 years before respecting the police, that they are either the perpetrators of crime, or are connected with the criminal population of the country; that is the state of the police confessed by Mr. Halliday, and that representation by Mr. Halliday came out only two years ago; but we have made representations to the same effect, both in our petitions to Parliament and to the local government, with a view of obtaining the necessary reform. If the Committee will allow me, I will quote what we have said about the police; here is our petition to Parliament in which we describe the police, the magistracy, and the courts: "Police, magistracy, and courts, are the means established and on which all regular communities rely for the preservation of the peace, the enforcement of civil and criminal responsibility, the defence of the rightful possession of property, and expulsion or dispossession of those who have no title to it. The connexion between these means and order and security is that of cause and effect in all civilised communities. In Bengal the means are established; there is a police force, a magistracy, and courts, criminal and civil, but it cannot be affirmed that there is anywhere order and security; the means, therefore, which succeed elsewhere, fail in Bengal; obviously, on this state of the case, a very grave suspicion (of incompetency) rests on the police magistracy and law courts of Bengal. As to the police, there is but one opinion of it throughout the mofussil (country). In its chief duty of affording protection to persons and property, it is nearly useless; as a sword, as a shield, for defence, for attack, it cannot be trusted; at the same time it is universally reproached with many corrupt habits and practices, among them extortion on all sorts of occasions and pretences, and great vexation, and to these your now petitioners add the practice of torture. Such being the state of the police, the laws for the preservation of peace are not enforced; the authority of the police is much abused, the inhabitants have to rely on their own resources for the most common protection of themselves and their possessions, and are left free in their quarrels. The poor protect themselves as best they can by combinations and otherwise, and the propertied classes and persons engaged in traffic by the employment of large and costly establishments. In the opinion of this committee" (that is the gentlemen with whom this petition originated, and the representation to the local Government originated) "the state of the police is in a considerable degree a cause of affairs, and of all sorts of agrarian disputes and disorders." And Mr. Halliday, in his minute, quotes, I think, from a member of the council, who had said that the police were all thieves and robbers, or in league with thieves and robbers, and that probably the most effectual means of improving the state of the country would be to put them all in prison, or words to that effect.
ON COLONIZATION AND SETTLEMENT (INDIA).

We have represented to the local Government, we have represented it to Parliament, we have represented it to the authorities here, the Court of Directors and the Board of Control; and it is, I believe, as bad now as ever. In 1836 it was in the same state; in 1836 the Court of Directors seem to have been perfectly aware of that state of things, for, by a despatch in January 1836, they directed that no financial considerations should stand in the way of a reform so urgently required; so that the Court of Directors have shown their knowledge of the state of the police at that time, which was what it is now, and at the time Mr. Halliday wrote nothing was done, and nothing has been done to the present day. That is what I mean when I say that the police, as a part of the local administration, is in a state that makes life uncomfortable to us.

935. Does not the mischief, in the case of the police, as in many other cases of the administration, lie in the inferior moral character of the natives as administrators of the police?—Undoubtedly, in their extreme want of moral principle, and humane principle of every kind.

936. The material with which you work is bad!—They are the worst materials to be found in the country. They are said to be the sweepings of the gaols.*

937. Is it not desirable, therefore, that European agency should extend further downwards, among the natives, so as gradually to infuse and communicate a better moral character to the natives?—That is the one reform essential, and which has never been suggested in any despatches of the Court of Directors; that is the one reform, without which the police cannot be improved.

938. Would not such an infusion of European character among the natives be of great advantage to the natives themselves, as well as favourable to the employment of Europeans?—I think there cannot be a doubt of it. It is the opinion of all Europeans, and it would scarcely diminish the amount of native employment; there is a jealousy of the increased employment of Europeans, on the supposition that it involves a diminished employment of the natives. I do not consider that that ought to be conclusive upon the question of the right or expediency of adopting it, but I do not think that would be the effect of it. Just as the introduction of our arts improves the native arts, so the introduction of Europeans into the native police force would improve the natives; but whether it would improve them or not, our eye and our principles would be a protection to the population. At present the police are held in abhorrence and horror by the population, there is no doubt; and it is a curse upon the country which is disgraceful to English humanity and sternness and government.

939. An increased use of Europeans in such cases would be a point of amalgamation, at which the European and native character would meet and fuse themselves together?—Yes, no doubt; and the native would learn our better morality, and unlearn his own habits to a certain extent.

940. Can you judge whether such a policy would be popular among the better class of natives themselves; would they appreciate such a policy?—Everything which acted beneficially upon them, upon the whole, as soon as they found it out, would be acceptable to them, there is not the smallest doubt.

941. But if they did not appreciate such a policy as the infusion of Europeans at first, their own interest would gradually induce them to do so?—No doubt. I dare say it might be at first unwelcome, and especially to the zemindars.

942. You have complained of the magistracy; will you state the reasons for which you complain of them?—The magistracy is of two classes; one is the covenanted, composed of Europeans, what I should rather call the ruling class of magistracy, and the subordinate class of magistracy, which is chiefly composed of natives. Of course, my answer to that question is injudicious towards a class of gentleman for whom we must entertain a great deal of respect in many points of view; but it is a public question, and there are such evils connected with the defects, as we say, of that branch of the magistracy, that I hope the Committee will not impute to me any feeling towards the class if I state what is our view respecting the covenanted magistracy. But I might save that trouble by simply again referring to Mr. Halliday's minute. Mr. Halliday treats the magistracy, of course, not as having vices, but as utterly inefficient, and he ascribes that utter inefficiency to two causes (I should add some other causes), from their youth and want of experience; and, moreover, he says that no reform in the police would be possible without having a more efficient magistracy, by which he means the ruling branch of the magistracy; and Mr. Halliday shows how the deterioration has been going on for 0.44.

* See this answer corrected in Question 1214.

W. Theobald, Esq.
22 April 1838.
the last 10 years, I think. Mr. Halliday says that formerly the magistrates were men of 10 years' standing; he then gives the progressive diminution of the average of their age, till at last he states that the average now is only about six years. The magistrate is the most important officer in the country; he is more important than the commissioner, or the judge, or the collector; he has a great province under him; he represents the Government in all those offices which in England are distributed among all sorts of different administrations; he is a judicial officer with very important judicial functions; he is the head of the native police of his district; this one magistrate, in a population of 1,000,000, with this debased police, is the superintendent of that police. Therefore the youth and inexperience of the magistrate is a very great evil; and I was going to remark that it is an evil, as Mr. Halliday predicts in his minute, which unfortunately must go on increasing for some time to come; and the prediction has come to pass. In this way I think the Committee will see at what rate it is increasing: viz., that in 1855 the number of students in Bengal was 11; in 1856 the number was 25; in 1857 the number was 58. The Committee see that the increase of young men in the country has been going on, and consequently the average age of the magistrate, as Mr. Halliday says, must diminish, and diminish to a most alarming extent. There is now, I think, in one of the most important districts of Bengal a magistrate who has been less than two years in the country.

943. Mr. Villiers.] How does the increase of students diminish the efficiency of the magistrates?—The average number of young gentlemen who have gone out from Haileybury to Bengal was 25, and that produced in the college in 1855, I think, 11 students; in 1856, 25; and in 1857-58, in consequence of Haileybury being broken up, all the young men seem to have been at once transferred to India.

944. How is it that the increased number of these young men coming out tends necessarily to weaken the qualification for the magistracy?—To state it generally, I should state it thus, that the proportion of students or of writers to the whole service in Bengal was in the beginning of 1857 much greater than it ever had been in any former period. Suppose the proportion of young men introduced has been 25 to 100, if you raise the 25 to 50, and make the proportion in any one year 50 to 100, evidently you lower the average; your 100 men have been in the country six years, and you introduce 50 new men, who have no experience at all.

945. Do you mean that more magistrates are appointed in consequence?—No; but there is a greater proportion of very young men. Mr. Halliday states that the evil of youth and inexperience in the magistracy must go on increasing; that is, the average standing in the service of the men will be lower, and it must fall still lower. It has fallen from ten to six years, and it has fallen from six to five, and Mr. Halliday has said that the average age is still diminishing. Mr. Halliday has made this assertion, that the evil must go on increasing for a certain time, and on what does that depend? My object was to explain how Mr. Halliday's anticipation has been verified. I am sorry to state this, because it involves a certain amount of criticism, which I would have avoided; but when the Court of Directors had notice that its lease of patronage was to expire, it took advantage of the occasion, very naturally, to fill Haileybury, and having filled Haileybury, when Haileybury was broken up, it had to put these young men into India, and therefore had to send a much larger proportion of young men than it ever did before.

946. Chairman.] What you complain of is, the increased number of youthful and inexperienced men?—Yes, that is the point.

947. Are not Europeans exempt from the local criminal jurisdiction of the magistrates, and, therefore, how can they be affected by them?—Europeans are exempt to a certain extent from the local magistracy; they are exempt from certain punishments, that is, from the punishment of imprisonment. The magistracy consists of two branches, one branch of which I have already mentioned, without giving instances of the way in which we suffer; but there is another very important branch, the un canvanted, the members of which are appointed by the local Government, and from, of course, the resources which the local Government has upon the spot; and that magistracy is composed of Hindoos and Mahomedans, and East Indians and Europeans, but a very small proportion indeed of Europeans.
Europeans. I believe the intention was that that branch of the service should be filled up in equal proportions by the three classes, but the inducements were not sufficient to lead Europeans to take the service, or if they did take the service, their number has declined, because it was disagreeable to them, consequently that branch is filled with Mahometans and Hindoos, and a few East Indians. We have a large experience of those men; they are very inefficient; they are magistrates in subdivisions, subordinate to the upper magistrates. They have only a divisional authority, in divisions often of very great importance, and with a great population. They are very inefficient, and often worse than inefficient. We suffer in all sorts of ways from their prejudices; their unfitness in point of fact, for the exercise of criminal jurisdiction. The Hindoos have their prejudices of caste, and we are of no caste, and they look upon us with an aversion which appears inherent in the race, and with a contempt and dislike which is inspired by the prejudices of caste; and the Mahomedan is worse than the Hindoo. I speak now of the existing class of deputy magistrates, who are very ignorant and prejudiced, and ought not to be employed by the British Government at this time of day in a magisterial capacity. Then as superintendents of the police, they are terribly inefficient, from apathy, inactivity, indifference to duty, and other personal qualities very common among nations, and important districts fall into the greatest disorder very often through their inefficiency as local superintendents of the police; I could give instances of that.

948. If I understand you rightly with regard to European magistrates, you have raised two objections, their small numbers in proportion to the population, and their inexperience, particularly in the languages of the country?—Certainly.

949. Does that inexperience in the language of the country make them dependent upon the native officials?—I think you will hear that stated by any number of gentlemen who may be examined before this Committee, who may come from the Mofussil, and who are in constant communication with them. They are to a very great extent in the hands of their Omahas; but necessarily they must be guided by persons who are utterly untrustworthy as to what takes place at a distance; they do not understand the languages.

950. Are the Omahas very much objected to?—It is so stated. I can read extracts from correspondence, in which the Omahas are described as the most corrupt, and for their purposes, nevertheless, able and skilful men.

951. With regard to the uncovenanted service, I understand that the same reasons for which you would recommend an infusion of Europeans among the police would induce you also to recommend an increase of Englishmen among the uncovenanted service?—Yes, most certainly, and the employment, where natives are employed, of men of altogether a different class of character and qualifications. The Government has not done justice to the country in its selection of native servants.

952. This would be another point of contact at which you would bring the European and native service together, extending and combining them in the uncovenanted service?—Yes, undoubtedly.

953. Except that you would command the other to a certain extent?—Undoubtedly.

954. In that point, in regard to the infusion of Europeans in greater number into the uncovenanted service, do you agree with General Tremeneere, who was examined the first day?—Yes, I agree entirely with his proposition, that the first consideration is the good of the country; and if the best service can be obtained from Europeans, the natives have no claims; but still I think that Government has not done justice in its selection of native employés.

955. You think that there might be more care displayed in the selection of native employés also?—Yes; certainly the class who are employed are very improper; I could mention cases of grievous incapacity, and grounds which ought to have disqualified.

956. Are there not complaints of the want of proper laws, especially of a lex loci, and of proper courts for Europeans and East Indians; will you explain your views on these points?—As respects the lex loci, there has been a report by the Indian Law Commissioners, which has established the great want in the country of a lex loci; and it arises in this way: Hindoo law is the law of the Hindoo, and Mahomedan law is the law of the Mahomedan; and they are personal laws; they are also deficient for the purposes even of native laws. Then there are the East Indians, and others, to whom those laws are not properly applicable.
We, the Europeans, also want a lex loci. The courts of the East India Company having no authoritative body of law in the character of a lex loci, have to make the law pro re nata, and that they do with more or less success, according to their power of reasoning and their general information; and they are now, to the best of their ability, supplying that law which is wanted by constant reference to English law; it is the only general law to which the courts can have resort, but we want it to be established authoritative. Our opinion of the want is not ours alone, but it has been declared authoritative by the Indian Law Commissioners, and the Indian Law Commissioners are supported by two of the members of the English Law Commission in their view of what ought to be the lex loci. I think the Right Honourable Member for Kidderminster was one of the members who supported the view of the Indian Law Commissioners, and the other was Sir John Jervis, with modifications to be given by the courts. Then we want proper courts. We say we ought not to be tried to the extent to which we are now triable in the native courts; the fact is, the natives have courts which are suited to them, but those native courts are not suited to us, and therefore we do want better courts; but that raises a question of reform.

957. You wish the law to be raised superior to persons, and to be made a local law applicable to all persons equally?—No; we do not wish to interfere with the Hindoo and Mahomedan law, but there is no source from which the defects of those laws, which are ancient and religious laws, can be supplied, and for the purpose of supplementing those laws where they are defective there is a lex loci wanted; and for the purpose of creating a law for us in the courts of the East India Company and for East Indians, and other classes not Hindoos and Mahomedans, we want a body of law which the Commissioners have characterised as a lex loci. Put the two sets of Commissioners together, the Indian Law Commissioners and the Law Commissioners in England, the opinion of the majority of those gentlemen, all of great eminence, is in favour of the establishment of English law as a lex loci, and I do not know what objection there is to it.

958. It would be a general law for Europeans, and a supplemental law for Mahomedans and Hindoos?—Yes, in substance that would be it, and we want other proper laws; that is a very debatable question. We have transactions with the natives, and we think that there are laws which are desirable to regulate our transactions with natives, such as in the case of indigo contracts and advances. There was a law for instance relating to indigo contracts; it was repealed when the Indian Law Commissioners went out; it was established by Lord William Bentinck. The population is so depraved, and the lower classes are so deficient in good faith, corruption seems to be so much increasing under the influence I believe of our institutions, that we want something like a strong pressure of law and police upon them for the protection of our interests and capital. That is a question with which this Committee probably could hardly deal in detail, but that is our view; the laws are very defective.

959. Did the law exist in the time of Lord William Bentinck between the proprietor and the tenant?—The law I referred to was passed by Lord William Bentinck. Its importance arises in this way; almost the whole industry and cultivation of the country is carried on under a system of what is called advances. If you want anything to be done by a native, you must give him an advance, whether he is an artisan or a cultivator; that is the habit and custom of the country. We have large capitals advanced to the population, and Lord William Bentinck thought, having reference to the peculiar character of the native population, that we ought to have an effective law, such as exists, in point of fact, in many branches of industry and trade in this country,—a penal law for the enforcement of contracts, where the breach in point of fact involves fraud, as it very often does in the case of broken Indigo contracts; and Lord William Bentinck gave the planters a law that was effective, not by reason of being enforced, but by reason of being the law; it was a power over a very debased population; which had the effect of producing the consequences which were contemplated when Lord William Bentinck gave us that law; it was repealed, I think, in 1836, not upon any examination which could have influenced the opinion of the Council, but upon the general view in England, that a breach of contract was a mere question of damages, and not a question for enforcement by penal law. I merely advert to that as one of the proper laws which we want, but there are many others. We want an improvement of the revenue laws, and many others.

960. By
ON COLONIZATION AND SETTLEMENT (INDIA).

960. By what name is that law of Lord William Bentinck's known?—I think it was for the enforcement of indigo contracts. It was like a law which existed for the enforcement of contracts with respect to cattle and carriages, and for certain services, and for the growth of opium under advances. It was annexed to the class of laws; and in an Act passed only last year, in which the opium laws are consolidated, the Government has, for its own protection and security, passed a penal law to operate upon those who have taken advances for opium cultivation. We have nothing of the sort; we are merely left to sue in the civil courts; and we say that, having reference to the state of morality, we ought to have a different law. I merely mention that as one of the defects.

961. Have you gone on during this want of a proper law for contracts since the year 1837—No law of contracts has been passed since the year 1836. It was repealed then, and we were sent to the civil courts. Now the justification of the old law, I apprehend was, that a breach of the contracts referred to was a case of fraud; and wherever that is the case, I cannot see the objection to making it the subject of a penal law. Lord William Bentinck's view evidently was, that those contracts were broken by fraud.

962. A contract is not necessarily broken by fraud; it must depend on the case?—No; but when a man engages to do a certain act, and breaks his engagement, with the full means of performing the act, with his eyes open, and does something by which he gets the same money a second time from another person which he got from us, that is a case of fraud. I am only suggesting the ground upon which Lord William Bentinck gave us this law.

963. The Government, then, is protected by a penal Act, and the planter is not protected?—The Government is protected by a penal Act as respects opium cultivation, and is not sent to the civil courts for a remedy, but the remedy is enforced by its opium agents.

964. That is the only case almost in which the Government can come into contact with individuals as a matter of commerce?—Yes.

965. You stated that Europeans had been kept for the last 20 years in a state of constant apprehension of their condition being made worse by the proposed legislation, and you mentioned the Affray Bill, the Black Acts, and parts of the Penal Code; will you shortly explain those?—The Affray Bill was proposed about four years ago, for the purpose, as the name of the Bill denotes, of putting down affairs which were very prevalent in Bengal; but the means by which the Government proposed to do that, we say, would have rendered it impossible for us to remain in the country. I have not a copy of that law, but it produced very great alarm, and, if the Committee will allow me, I will read a very short passage from the representation which was made respecting that proposed law. The Bill proceeded on the supposition that those affairs were the result of organised and deliberate violence; a habit of violence on the part of all classes within the operation of the law, and that servants were deliberately entertained for the purpose, in point of fact, of carrying out by violence the views of zamindars and planters in their quarrels; and the principle of this new Affray Bill was to prevent that, simply by depriving us of all the means of committing violence; and amongst other things, the law provided that a magistrate, without giving any reason, upon an apprehension of his own, the ground of which he need not declare, that there was to be any affray whatever, might order a proprietor or a master to dismiss any one or more of his servants. That was a part of the proposed Affray Bill. But our opposition was effectual, and I conceive that the opinion of the Government eventually arrived at, after a great deal of discussion and remonstrance, was, that it was a bad law: and that is what I wish to represent, that we were justified by the result in our remonstrances; we should have been placed by that law in the very greatest danger both from the zamindars and the police in the country, where our position is now one of great danger both from the police and zamindars. The law was abandoned. And in that case, as in the case of the improvement of the Revenue Sale Law, we suggested improvements of the law, and when the original Bill, in consequence of our opposition, was withdrawn, amended and better laws were proposed, and we petitioned that they might be passed, but they have been dropped just like the amended Sale Law. That is one of the things to which I refer when I say we are kept in a constant state of apprehension of being put into a worse condition by proposed laws. I may state now another of the laws to which we object. There is a law for taking recognizances to keep the peace; that law applies to natives and Europeans indiscriminately. Now that law may be put in force at the mere arbitrary
arbitrary will and discretion of a magistrate, without his giving any explanation whatever of the grounds of his applying that law to any individual whatever; and he does put it in force by putting people under recognizances for very large and often oppressive amounts. When we made that a subject of representation, it was admitted that it was a bad law for the natives and for us, and it has been so far admitted that it was so, that an amended law, which would meet the requirements of justice, and of a proper administration, was actually brought into the Council. We petitioned for that law to be passed; it made the enforcement of securities to keep the peace a judicial proceeding, instead of an arbitrary proceeding; that is, a proceeding upon which the magistrate has recorded grounds for his proceeding, and carries out his proceeding upon evidence, and after hearing defence. No one could object to that law; but we have not got the law.

966. Mr. Willoughby.] Who brought in the amended Bill?—I think Mr. Peacock.

967. In what year?—It was about the year 1856. Those are not capricious or factious objections, I apprehend, to the existing laws, and our opposition, I apprehend, to all those things was just and reasonable; they now can take those recognizances of us, and of natives too, without giving any reason whatever, and the consequence is, that a policeman, one of that corrupt body, goes to a magistrate and states his own personal apprehension, and, according to the confidence which the magistrate may repose in that man, he demands a recognizance or not. The man reports of a native; this recognizance is obtained from the native, or if it is not obtained, it is probably because the officer has received a bribe.

968. Chairman.] You referred to the Black Acts; have you anything to state to the Committee upon that subject?—Yes; it is a name which does not originate with me; I used the name as bringing to the recollection of the Committee what the Black Acts are. Those are the Acts by which it is proposed to bring us indiscriminately with the natives of the country, under the local tribunals in all those serious cases in which at present we are under a court of English law; and I think the way in which we put our objection to that, as far as I have found in this country, since I have been here in making my representations against it, is thought to have been fair and reasonable. We base our objections to the courts on the character of the courts; on the unfitness of natives to try Europeans, especially those who are capitalists; and we are quite willing, if proper courts are established, to be brought under the local tribunals.

969. You mentioned the penal code?—Yes; we find that there must be a code, and, consequently, our objections are only to particular parts of the code, in which the code deviates most widely from what I should think are sound principles of jurisprudence, and would place us, and I think the natives also (but we are of course contending for our own case), in circumstances of great danger and difficulty; I have the penal code here, and I may read from it as to responsibility for wrong. The principle of English law is, that every person who exercises a power or an authority given by law, must exercise that power or authority according to law, and that is a universal principle; and then whether a breach of the law is to involve penalties or simply damages depends, I apprehend, by the principles of English law, merely on the character of the injury. If it is a general injury, or public injury, or injury of a serious character, then a breach of the law comes under our penal law; if it is a mere private matter which admits of compensation by damages, then it belongs to the civil law. Now here are the two first provisions of Mr. Macaulay's code—"Nothing is an offence which is done by a person who is in good faith believes himself to be commanded by law to do it." Now that establishes an irresponsibility for what is done contrary to law; on what ground? Simply that the person who violates the law, in good faith believes he is acting according to law. It is monstrous; I think it does not require any comment. I only quote this as an example.

970. Have you any other objections to the proposed penal code?—The code has been brought into Council, and has been read, I believe, a second time, but it has undergone some alterations by Mr. Peacock. The popularity of this code in England rests, I believe, mainly on the authority and high name of Mr. Macaulay; but a code deviating from English law, and merely on the authority of a member of the Indian Council, would have no authority in this country, I apprehend. The second proposition in Mr. Macaulay's code is, "Nothing is an offence which is done by a person in the exercise, to the best of his judgment exerted in good faith, of any power given to him by law." I confess I do not quite
ON COLONIZATION AND SETTLEMENT (INDIA).

quite see what is the operation of that distinct from the former exception, but it is a principle unknown to and utterly at variance with English law; it establishes an irresponsibility upon the part of all persons having powers of any kind given by law, and places them in a state of irresponsibility, notwithstanding a breach of the law; and that merely on the ground of supposing that they were doing right, and that there was no malice towards the persons whom they have injured. That is a monstrous principle; we who know the English law, and know how much of the security we enjoy in this country rests upon principles of an altogether different character, of course cannot believe that principles of that kind can bear anything but the worst fruits to us in India. I confess I went to India a very advanced law reformer, and was very much in favour of the penal code. But when I examined it, and, as an English lawyer, compared it with English law, I found these objections. I do not object to it in a scientific point of view as a form of law, but I object to those parts which widely deviate from English law. There is, for instance, the right of private defence. I apprehend the law of England on the right of private defence is a most satisfactory law; it certainly adequately secures the public against the violence of private individuals, and, on the other hand, secures individuals satisfactorily against wrong improperly attempted against them. The right of private defence is well defined by English law. The penal code is very different.

971. [Mr. Villiers.] What do you mean by the right of private defence?—A man defending his person and his property by the inherent strength which every man possesses; I am using the term of the code. The right of private defence is literally taken away by the provisions of this code, and the only case in which the right of private defence is reserved is where a person defending himself or his property has reason to think there is danger to his life.

972. Chairman.] You mean that you wish the principles of English law to prevail as applicable to British subjects?—Yes, we say they ought. This code is to be a penal law for all India, and for all classes in India. Now we object to certain provisions of the code as great deviations from the principles of English law. We admit that a code is necessary. We no longer object to the form of a code; we no longer insist, as formerly we did, upon having the English criminal law as it exists at present; but we do object to those parts of the code which are so widely different from English law as the parts I am now advertting to. They are objections of detail; but we do also say, as I have submitted in a printed paper, that the code is of much too high, refined, intellectual and scientific a character for the existing judicial authorities in the country, and especially for the native magistracy and native judicial officers. We say that it is quite beyond their comprehension; put, for instance, that exception to responsibility into the hands of a native officer, and he would do just as he likes with us, and set up the plea that he was justified, because he really believed he was authorised. If you are to have Mahomedan and Hindu magistrates, you must give them the advantage of the plea of acting in good faith, and you must make allowance for the ignorances and prejudices and peculiarities of those men. With respect to the penal code, what would be its very merits in the estimation of persons who wished to see a scientific expression of the law, would be very great faults in relation to the condition of a great many persons who would have to administer the law; but this code has been so long persisted in, that we no longer offer the opposition which we did in the first instance, but we say, only make it more conformable with English law.

973. You do not object to a code?—No; probably I am influenced by my own personal feelings in favour of a code, but my constituents have ceased to object to a code. I ought to state, that Mr. Macaulay's code has undergone very great alterations by Mr. Peacock. Those two sections which I have read are altered, but there is still a wide deviation from the English law, and I apprehend that the authority of that code in England rests upon the authority of Mr. Macaulay.

974. You want an approximation to English laws?—Yes.

975. That being done, you do not object to a code?—No.

976. You spoke of the conduct of the ruling powers to Europeans?—Yes. It is a constant matter of complaint that we seem to be the objects of prejudice on the part of the civil service; a prejudice which exhibits itself in all sorts of ways in administration, both of administrative and judicial functions. And I think it can
be very well understood how that happens, when you recollect the great youth and great inexperience of the magistrates; a young man who has only been two years in the country is caroused by worthless natives, who may have a dislike or spite against an European, which cannot be traced to any rational or good origin, and that young man yields under that influence. The persuasive and argumentative powers of the native to insinuate his own views in the mind of a person who does not understand the native thoroughly, are very great; and I cannot conceive that Englishmen, except under influence of that sort, would feel prejudiced against their own countrymen, because I can say the planters are a very hearty, genial set of men, and generally educated in such a way as that they might be considered gentlemen.

977. You do not mean that there is any prejudice against them on the part of the Government? — On the part of the Government also the treatment is very cold; it is, in effect, repulsive. As respects the Government, that is, the authorities at the seat of Government, it depends very much on the Governor-General; and fortunately with most of our Governors-General, they have shown much consideration for the British inhabitants. The Governors-General have received our representations most readily, and paid what I may be permitted to call a polite attention to them generally; but our opinion and experience is, that so far as the influence of the upper part of the civil service is concerned, we are not treated handsomely. And I may say now, because I do not in the least impute it to Lord Canning, who came out without any knowledge of the country, and of the Europeans in it, that it appears to me that under influence which must have been from the Secretaries, the Government has abridged our right of representation, which is a very important thing, the right of representation, of the want of better protection, and better courts, and particular evils as they arise, of an important character.

978. You mean the right of remonstrance? — Yes; a right which ought rather to have been enlarged when the press was gagged, because, of course, now we cannot proclaim our complaints as we did formerly.

979. How has Lord Canning abridged the right of representation? — I do not say it is Lord Canning; I will give an instance: after the Santhal rebellion the Legislative Council passed an Act to constitute non-regulation districts, or to constitute, under a particular administration, the districts containing the Santhals; that was an Act establishing an exceptional administration in the districts where the Santhals were settled — a very right and proper measure of course. The Act, by a mere blunder, I apprehend, or by mere mistake, included certain parts of the country in which there were no Santhals at all, but in which there were European settlers; and when the Act was brought into force the administration of the law was taken out of the hands of the magistracy, and out of the range of the proper law of the country, and I think the magistrate who was appointed had never been a railway surveyor; he was a man of great activity; just the person perhaps to administer a province which this barbarous tribe merely was inhabiting; but, by a mistake of course, we were very much injured, and the indigo planter's society made a representation to that effect, pointing out the mistake, and we considered it quite a public matter. My impression is, that under any former Governor-General that representation would have been received as a perfectly justifiable one on the part of all the Europeans connected with the Mofussil; but it happened, that through the change which was made, a particular planter had a grievance; and so, no doubt, that which you may call a private case, became complicated with the objection to the law; and this society, composed of the most respectable merchants and a great many planters, made a representation to that effect. Lord Canning treated it as the case of the particular planter, who complained of what had happened, and denied the right of the society to make that representation to him. I do not know whether that satisfies the Committee, but that is about what I mean. From the time of the establishment of the society up to the time Lord Canning came out, nothing of the sort ever happened. Lord Dalhousie complimented the society on its fairness, courtesy, and moderation, and admitted also that we were very persevering. Those were the terms on which Lord Dalhousie parted with the Europeans and with that association. Another case was that of a very great outrage perpetrated by the retainers and servants of a native rajah, which was nearly fatal to a European. The local authorities, in the opinion of the parties interested, were very deficient, and did not do their duty, and the society took it up as a matter of great importance to the Europeans
in the interior, and thought that such an outrage, committed by a man in such a position, was not merely an injury to the individual, but was dangerous to us in the country. We represented this to Lord Canning. I think our prayer was (this is since I have been away), that a special inquiry should be instituted into the circumstances of the case, and looking at the position of this great rajah, and looking at our dangerous position if things of that sort were not repressed, was that a reasonable application. Lord Canning’s Government chose to regard that as a mere private matter, and reproved us for having addressed the Government. Another case happened of which I am not master of the details, but still it illustrates the principle; and it is not from one case, but from this succession of cases that I deduce this opinion. That case was between a Moonsiff and a European of the name of Warner. I cannot state the details, but the result was the same, a reproof on the part of the Government for this society. And there is another thing which happened to myself, that seems to me to illustrate the ill-will, certainly not of Lord Canning, but I say of the service which is permanently located in the country. I happened in a speech to speak of the “Friend of India” as the Government organ; it was the common mode of speaking of the “Friend of India;” there was nothing certainly disrespectful in it. My speech was reported, and it appeared in the course of the proceedings of this association. In order to secure the accuracy of the reports of our meetings I usually reported them myself, and signed my own name to them, but still it was a mere report of a meeting of a society, and signed with my name, in which I had spoken of the “Friend of India” as the Government organ, and for that the Governor-General of India in Council administered a most severe rebuke to me for having called the “Friend of India” the Government organ. Of course I accepted the rebuke, and made a most humble apology, and everybody, of course, was pleased with my having done that; I had made the amende honorable, but everybody thought that the Governor-General in Council had demeaned himself very much in taking notice of a thing which, after all, the public said, was true nevertheless. Then I say that since Lord Canning has been in India there appears to have been (I ascribe it entirely to the influence of the service over his Lordship) a disposition to limit the right of representation, and I refer that to the more general view that there is a disposition not to treat us handsomely. If you go to the interior the illustrations can be given without number.

980. Do you believe that is the general feeling of the planters whom you represent, that they think they are slighted by the Government?—Yes; that they are slighted very much by the authorities.

---

Martis, 27* die Aprilis, 1858.

MEMBERS PRESENT:

Mr. Campbell.
Mr. De Vere.
Mr. William Ewart.
Mr. Gregson.
Mr. Kinnaid.
Mr. Lowe.

Mr. Mangles.
Mr. Danby Seymour.
Mr. John Benjamin Smith.
Mr. William Vansittart.
Mr. Villiers.
Mr. Willoughby.

WILLIAM EWART, ESQ., IN THE CHAIR.

William Theobald, Esq., called in; and further Examined.

981. Chairman. YOU have complained of the difficulties arising from the want of roads, and means of travel and transport; will you explain the difficulties that exist with regard to roads?—I beg to observe that it is a mistake to suppose that roads are not as useful and necessary in India, as in all other countries. I heard the opinion given by General Tremeneheere about the Upper Provinces, and I have heard the same from gentlemen who are members of the Court of Directors. But I know a young merchant who went to settle in Central India South of 0.54. K Jubbulpore,
MINUTES OF EVIDENCE taken before SELECT COMMITTEE

27 April 1854.

W. Theobald, Esq.

Jubbulpore, and his investment in the first year I believe turned out a dead loss from the injury which it received in transit to Mirzapore, and that was entirely owing to the want of roads and bridges; the fact is that the country, though a plain, as General Tremeneere stated, and level enough for Sepoys to march over, is full of hollows and seams and dry channels in the hot season, and of torrents and gullies in the rainy weather, and requires roads and bridges at all times. It is the same in the Lower Provinces. I circulated questions about roads among the planters, and found that roads were just as useful there as anywhere; and I have marked passages in the answers sent to me from the planters, which I will take the liberty of handing in for the Appendix. There are no roads to connect even Calcutta with any of the great cities of the interior. No road to Mooshedabadd; no road to Dacca; none to Patna; no such roads as parish roads in England to connect villages and market towns in the interior; consequently, in the rainy season, every town is isolated from its neighbours, and from all the rest of the country. Besides roads, bridges are wanted; there are hardly any bridges in the country; their place is partially supplied by ferries. The grand trunk road within the Lower Provinces is only partially bridged, and half the bridges I believe have been washed away from defects of construction.

g82. Are tolls taken on any of the roads in India?—Yes. Act 8 of 1851 was passed to enable the local governments to levy tolls on public roads and bridges. I know one toll-bar placed on the grand trunk road, about 35 miles from Calcutta; and I see by the newspapers that others have been established on the grand trunk road, which used to be free.

983. Under what management are the roads?—The grand trunk road is under the management of engineer officers, who are military engineers, each having charge of a portion of the road two or three hundred miles. The district roads, such as they are, are under the magistrate, who until last year was assisted by a committee, called the Ferry Fund Committee, composed of planters and Europeans living in the district; but the Lieutenant-governor, Mr. Halliday, has dispensed with that committee, and given the magistrate, I am told, the surveyor instead. This is a change, in my opinion, for the worse. I think that a better plan would have been to have dispensed with the magistrate, increased the powers of the committee, and given the committee a surveyor. I know that the planters take great interest in the roads; it is of great importance to them, and they would be found very useful in promoting the establishment of roads in the interior.

984. You would make it more a matter of local management?—Yes, of unofficial management.

985. Would you have a committee of landholders?—Yes, of European landholders everywhere; and probably the respectable natives would unite with the Europeans, and even contribute largely in the way of donations, just as the Europeans have done.

986. What funds are there at the disposal of the magistrates for roads?—The profits of the public ferries, which are now paid in to one fund, and distributed annually by the Lieutenant-governor; and besides the profits of the ferries, which I believe were formerly the only funds applicable to those district roads, Lord Dalhousie gave the Lieutenant-governor of Bengal the surplus tolls of certain rivers, called the Nuddia Rivers, which surplus formerly went to the general revenue.

987. Do the landholders contribute a per-centage on their revenue assessment?—Not in the Lower Provinces; but I think they ought, or at least that the wealth and labour of the country ought to be put under contribution to make roads; and I think that both a per-centage and a requisition of labour should be resorted to, and that no tolls should be collected.

988. Can you state anything as to the transit by the rivers?—Yes. I can speak of the Ganges and the Nuddia Rivers; but respecting the Ganges, I would only say generally that it requires a better police and some engineering appliances to deepen its channel in many parts in the dry weather. In consequence of the want of police, there are very great losses of property, and a very great difficulty in the transit by river arises from the state of the channels in places.

989. You referred to the Nuddia Rivers; explain what you mean by the Nuddia Rivers?—At 120 or 130 miles from Calcutta, the Ganges, after coming a course of several hundred miles, turns off to the east and empties itself into the Bay of Bengal, 100 miles below Calcutta; but from the point where the Ganges turns off there is a network of rivers called the Nuddia Rivers, which comes down direct into
into the Calcutta River, called the Hooghly; those rivers save a circuit of about 50 miles, which is equal to several days downwards, and of course upwards very much longer. The Nuddea Rivers are supplied partly from the Ganges and partly from the drainage of the country. But as the Ganges falls, of course these rivers fall, and are all but dry. But the opinion on the spot of everybody acquainted with those rivers is, that one might be kept open for the country boats and for steamers all the year round, if proper engineering skill and mechanical arts were applied. The Indigo Planters' Association and the merchants have been pressing the Government for the application of proper appliances to keep one of the rivers open, but we can get nothing done; the Government refers to its engineer officer, and the last engineer officer reported, I believe, unfavourably; but whatever merits he might have in his department of the engineering service, I think he would hardly be an authority on the question of keeping these rivers open. He was a military engineer, and his skill was in architecture, and, of course, eminent in his branch; but the local superintendent of these rivers, who has been for years past an infantry officer, has recommended that he should be supplied with steam power for the purpose of keeping one of the rivers in a better state, and making the communication by the river better; but still he is not supplied even with the power he wishes, and it is a matter of contest between the mercantile and the planting classes and the Government whether one of the rivers could be kept open. In consequence of this state of the rivers, large boats and steamers are obliged to go round by the Ganges, when the river is low, and for smaller boats going by these rivers in the dry season there is immense obstruction and destruction of cargoes, all of which I could show by papers containing correspondence between myself, as secretary of the society, and the Government, which, with the permission of the Chairman, I will hand over.

989.* Are there any canals in the Lower Provinces of Bengal? I know of only what are called the Calcutta canals, so called, because they enter the river Hooghly at Calcutta, and they are of the greatest importance to the trade and traffic from the eastern side of Bengal, as well as from the Upper Provinces. Like the Nuddea Rivers, they save a very long and even at certain times of the year a very dangerous circuit. The canals were made 30 or 40 years ago, and there have been no improvements so as to make them adequate to the vastly increased commerce. The consequence is, that although there is a tidal stream at each end, and they are only two or two-and-a-half miles long, it has taken, up to a very recent period, 9, 10, 11, 12, and 13 days to get through; and the boats, which it has been impossible to get through, have been subject to heavy demurrage tolls. The Bengal Chamber of Commerce, the Indigo Planters' Association, and the merchants generally, have complained of that, and the press has complained loudly and angrily ever since I have been in India; and at last the gentlemen who had charge of those canals told an indigo planter, whose boat had been kept 13 days in the canal, and who had applied for relief from the demurrage toll, that if he did not like the canal, he could take the circuitous route. That brought the matter to a crisis; the affair was taken up in good earnest by the Indigo Planters' Association, and some little change was made which has produced an improvement; and so sensible is the Government of the want of a larger canal, that it was determined to make a new cut, which probably would have made the canals adequate to the increasing commerce; it was begun; but since I have left India, I understand Lord Canning has stopped the progress of that canal, so that, with the exception that there is a little better management, and the boats are got through rather faster, those canals are in a state quite inadequate to the traffic, and perfectly disgraceful to the Government.

990. Do they go through the Upper Sunderbunds?—They join on another canal which goes through part of the Sunderbunds.

991. Have lands been conceded to European settlers in that part of the country?—Yes; there are many European grantees of lands in the Sunderbunds, and it is in direct communication with the Eastern part of Bengal, where European settlers are very numerous. A planter's boat, his servants, and I believe himself, had come up to this canal. At the head of the canal, only two miles from Calcutta, he got out, and came on to Calcutta, leaving his servants to get through the canal with the boat, and they were 13 days in getting through, and he went down every day to see that it was not the fault of his servants, and the boat was damaged. At that time, two or three years ago, there were very great extortions by the native police, and I understand that the only improvement that has been made
made (the new canal having been abandoned), is, that the native establishment is superintended by an European, and he takes care that the illegal exactions of the natives have ceased.

992. Under what management are the canals?—They were formerly under an engineer officer who had an office in Calcutta; but that office was abolished, and then the superintendent was the collector of Calcutta, who took no care about the canal, but only about the collection of the tolls.

993. You have stated that your object in coming to England was to promote certain reforms; what are the reforms that you would suggest; first you mentioned the police?—Of course, I hope I have satisfied the Committee by referring to Mr. Halliday's minute, that the police is in a very bad state, and requires reform; and we regard one thing as essential; and I mention that because I believe it does not enter into any plan of the Government; it is the introduction of European superintendence, to a sufficient extent to curb the vices of the native police; and for this purpose I would suggest that there should be at least one European serjeant to every three or four darogahs, and one European superintendent to every three or four serjeants, and an European at the head of the whole, quite distinct from the magistrate. Now, in Upper India, there is a land frontier, on which a police is established for the purpose of preventing smuggling, and securing the revenue; and, according to the information which I have, the European element has been introduced into that police to a sufficient extent, for the purpose which I have indicated, that is, of curbing the vices of the native police. The Government has not trusted, where its revenue has been concerned, to a native police, and it ought not to trust to a native police without adequate European superintendence, where the object is the prevention and detection of crime, and the general protection of the population.

994. In this, and many other cases, the single remedy is the infusion into an Indian system of a greater amount of European character?—No doubt.

995. With regard to the reforms in the magistracy, which those whom you represent deem important, what are they?—Resting on Mr. Halliday's evidence, as to the youth and inexperience of the magistrates, we think that an immediate step should be put to the employment of young and inexperienced men as magistrates, and that native deputy magistrates, from the experience which we have of them, should have only judicial duties, if duties at all of that character, and not at all the superintendence of the police; and then we think that magistrates and judicial officers of all classes should be put under a direct legal responsibility to the public for misfeasance and malfeasance, as they were up to 1850, when legal responsibility was in effect abolished by Act 18 of the Local Legislature, entitled, "An Act for the Protection of Judicial Officers." We also say that the Government ought to enforce responsibility to itself in the interest of the public in cases of magisterial misconduct, which it rarely does. I may mention the origin of the Act of 1850. Up to that time, the law of responsibility was the English law. An Armenian gentleman brought an action against a gentleman of the covenanted service for some extraordinary excess of jurisdiction, and recovered damages in the Supreme Court. The case was appealed to the Judicial Committee of the Privy Council, and the Judicial Committee of the Privy Council affirmed the decision of the Court below; they held that the law of responsibility was substantially the same as in England. From that time the Government and the influential class of civilians were determined to get the law altered, and they did so by this Act 18 of 1850, by which they have, in effect, abolished all responsibility to the public. It would be a great benefit to place them under proper legal responsibility.

996. To what authority would you make them responsible?—The official classes are liable to be sued only in the Supreme Court. I am not quite sure that they might not also be sued in the Company's courts, but no one would sue a Company's civilian in a Company's court.

997. You would make them responsible to the Supreme Court?—Yes; as the law was from 1773 till 1850; the Supreme Court was, in point of fact, established to protect the natives from the services, the view at that time being that the natives were very much oppressed by the Government. Government has turned round, and says the oppression is by us.

998. Do you suggest any qualifications for admission to the judicial office?—Yes; we have asked that no one should be made a judge, or admitted into judicial employment, without having professional qualifications derived from practice as a barrister,
barrister, pleader, or attorney, or, as I should also add, a special legal education for judicial office. To carry out this principle, it would be necessary to make a separate branch for the judicial service, and in some way to open the so-called "civil service." Now a gentleman enters the service in one branch, and goes to another, and at last goes into, perhaps, the judicial service; and there are instances, I believe, of gentlemen being put into very high judicial office the first time, without having had any previous judicial practice; and into that service (that is, the judicial service, of which I would make a separate branch) barristers and pleaders in the Indian courts should be admissible, and then such only of the covenanted class should be admitted as had special educational qualifications. If Lord Macaulay's plan for a double examination had been carried out, I presume many young men would have paid attention to the legal part of education in preference, and we should have had gentlemen go out with a basis on which proper qualifications for judicial office, through a supplemental education, could have been engrafted.

999. Would not an Act of Parliament be requisite to carry those recommendations into effect?—I think not, because, by the 40th section of the Act of 1853, there is a power given to the Board of Control which would be sufficient. I think that section invests the Board of Control with power to open or modify the civil service by resolutions to be laid on the table of the Houses of Parliament.

1000. On what principle are the different kinds of judicial offices now distributed between the covenanted and the uncovenanted services?—I cannot discover any principle or rule in it; but the fact is, the highly paid offices are given to the covenanted, and generally those which are given to the uncovenanted are underpaid. It amounts to a privilege of the covenanted of holding certain offices which may be best explained by an example which I will offer—the Lieutenant-governor, Mr. Halliday, lately appointed a principal sudder ameen (who is a judge of unlimited jurisdiction in civil matters) to act as a civil and sessions judge.

1001. Was he an European?—No, an East Indian. There being a vacancy in the office of civil and sessions judge, this principal sudder ameen who was uncovenanted, was appointed to act during the temporary absence of the judge of the district, that being an office which had been hitherto only held by the covenanted service. The Governor-general in Council refused to confirm the appointment, on the ground that the office of civil and sessions judge belonged to the covenanted service, and the principal sudder ameen, who had been selected by the local government, was removed. I call that the exclusion of a whole class exemplified in the case of an individual. And more recently the judges of the Sudder Dewanny Adawlut, which is the chief court of the Company in Bengal, were consulted by the Lieutenant-governor, and gave it as their opinion that the members of the covenanted service alone could be appointed to the offices now held by them. I do not know what the offices were, but they were certainly the offices of judge of the Sudder Dewanny Adawlut, of civil and sessions judge, and of magistrate. I beg to observe that the judicial offices held by the uncovenanted are to the public of quite as great importance as those held by the other branch of the service; therefore it is an arbitrary distribution of offices.

1002. Could that privilege be abolished by a resolution under the section which you refer to without an Act of Parliament?—I think it could be done by a resolution, and it ought to be done certainly.

1003. Had you in view any courts differing from those now existing, when you spoke of the want of proper courts?—Apart from a general reform of the judicial body, which we have suggested, and the general reform of the courts, I certainly think that there ought to be in all the great cities, like Mooreshabad, Patna, Dacca, Mirzapore, Cawnpore, Agra, Lahore, and commercial places of certain promise, like Rangoon, a court whose language should be English for all causes of a certain value, and with both civil and criminal jurisdiction; and in such places the English criminal law should be the law for natives as well as Europeans, as it is in Calcutta, and the judge should be a barrister. That is the principle; I have not developed it. And wherever there is a court of that kind, the only other court might be a small-cause court, such as we have in Calcutta, and a magistrate or magistrates like those in Calcutta; and those courts might have jurisdiction over Europeans; an English court, in fact.

1004. Would you adopt anything like the English county court?—The small-cause court much resembles an English county court; but I suggest also another court,
78 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

W. Theobald, Esq.
27 April 1838.

1005. Do you mean that the small-cause courts which you suggest should have justice administered in them by English or native judges?—It would be essential, in small-cause courts, that there should be native judges; we have three judges in the small-cause court in Calcutta, the chief judge, who is a barrister of the Calcutta bar; and there are two gentlemen, one a native, and another a European, who is a perfect master of the native language. The native causes are insignificant to a great degree. And then there should be a court of greater legal and intellectual competency for important cases in those large towns.

1006. With regard to the lex loci, can you give the Committee some further information upon that subject?—The East Indians have asked for it, and they are much interested in it, as a large and respectable body of Christians; they have asked that the lex loci prepared by the Indian Law Commission, printed and read in Council, should be made the law. The only part of it which has been passed is the law of inheritance and toleration. Here is the draft Act which was read in Council, and sent home. The following clause embraces what we particularly wish for: "It is hereby enacted, that from and after," such a date, "the substantive law of the place in the territories subject to the government of the East India Company, without the local jurisdiction of Her Majesty's supreme courts aforesaid, shall be so much of the substantive law of England as is applicable to the situation of the people of the said territories, and as is not inconsistent with any regulation of the codes of Bengal, or Madras or Bombay, or with any Act passed by the Council of India, or with this Act; provided, and it is hereby enacted, that nothing in this Act contained shall apply, so far as regards marriage, divorce, or adoption, to any person professing in good faith any religion other than the Christian religion." That is what the East Indians want; and that is what the Europeans want in the courts of the East India Company, because it would be the authoritative establishment of English law. I believe the courts of the East India Company, where we are concerned, do, as well as they can, apply the English law to our cases; but I am not aware that that is authoritative upon them; but this would make it authoritative, and the English law would be the rule of their decisions. Twenty years ago the East Indians sent a representative to England, and one of the complaints was that no law was applicable to them, and their case was taken up by the Indian Law Commission, and this law was made mainly with regard to them, and here it is standing over still. They petitioned in 1823, and now, through me, petition again. They are a Christian body, and yet have not the advantages of Christians, but are mixed up with Hindoos and Mahomedans, and are altogether in a most unjust position.

1007. Is that the last edition of the lex loci?—This is the only edition of the Act which has appeared. There is a great weight of authority in support of it; putting the two sets of Commissioners together, that is, the Indian Law Commission and the late English Indian Law Commission; there is a majority of those gentlemen in favour of this Act; Mr. Cameron, I may say (I think I have his authority for saying it), wished that there should be a code prepared; but Mr. Cameron, seeing that even the penal code has not been passed, and that there is no constituted body qualified to prepare a civil code, is now in favour of passing this law as it is here, making English law the lex loci.

1008. The law would apply to all English, and to Mahomedans and Hindoos where the Mahomedan and the Hindoo law was silent?—Certainly, it would have that further advantage.

1009. And to Indo-Britons as well?—Yes.

1010. At present the Mahomedan and Hindoo law is (as it were) carried about with them by the natives personally?—Yes.

1011. That is the distinction which you draw between a local law and a personal law?—Yes; the Commissioners say that Hindoo law is the law of the Hindoos, and Mahomedan law is the law of the Mahomedans; those are not laws adapted for other classes than Hindoos and Mahomedans, and there is no other law; that was their opinion.

1012. Have those whom you represent made any demand for the reform of the Sudder Court?—Yes, they have; and the reform of the sudder formed part of the plan of the English Law Commissioners, but that plan has broken down, and not so much from our opposition as from the Council and the authorities on the other side having found that it was an impracticable plan; and that plan being abandoned, we still
still wish for the reform of the Sudder; and our suggestion is, that, as it is admitted that what is wanted is the introduction of professional lawyers into the Sudder Court, you can best have that by increasing the number of Supreme Court judges. We say increase the number of the Supreme Court judges, and establish a rota amongst those judges to go and sit in the Sudder Court, whenever business is being transacted; and in the present state of the Sudder Court it would require three new judges, because, although there ought to be only about four Sudder judges, there are now actually nine; so that the Sudder Court is sitting in divisions of three courts, and if you have the professional element in each court, you must have three English judges; and as the Supreme Court judges are overworked at present, double the number would be required. Instead, then, of having nine Company's judges, and not a professional lawyer among them, you would have six of one and three of the other class. If the number of Sudder Courts were diminished, the number of Supreme Court judges might be diminished.

1013. Have or not those whom you represent asked for any reform in the Legislative Council?—Yes, we have petitioned, and think it a matter of great importance, especially after the experience we have had of its working under its present constitution. It has the whole field of legislation before it, and it does not deal merely with questions of the constitution of the courts, and the constitution of the authorities, but it deals with questions affecting the mercantile interests and the social interests of the community, and we say that the council wants to be strengthened from without, and that the official element is not qualified to the full extent of its functions. And we can point out instances, we think, of failure from the want of that knowledge which could be supplied.

1014. Have you, or not, made any representations with regard to the recent Act for the restriction of the press?—Yes; we say it is essential to the safety and comfort of Europeans in India that those restrictions should be removed. We shall have no hope of any improvement till that is done. Our security depends upon the right of free discussion, and of representation to the Government of mal-administration of all kinds, and we can hope for no reform if the press is under the existing restrictions. The press law has been passed since I left.

1015. Do you think there should, or not, be an infusion of British commercial knowledge into the Legislative Council?—That is one of the things we desire.

1016. You think that indispensable?—Yes.

1017. Do you think that there should be an infusion into the Legislative Council of native knowledge?—We said in the petition that it should be left to the discretion of the Crown; that the Crown should have an unlimited discretion to appoint natives or Europeans; and we do not wish to hold natives disqualified.

1018. You think that the further introduction of the English language into India, by all proper means, is very desirable?—Certainly; its introduction into the courts is in every way desirable.

1019. Have you ever considered whether it might be desirable gradually to introduce, principally through European agency in the first instance, the system of free municipal government into India?—Yes, certainly, in the Presidency towns; and I think the municipal element has been employed with success in the Mofussil, in the Ferry Fund Committee; and after the great inundation, in 1855, it was determined to grant a large fund for the relief of the population, and that was employed in making roads for certain districts; it was placed, I believe, chiefly under the management of the Europeans of the district. I have asked many people in the country whether they could not relieve the magistrates of local duties in the nature of conservancy and duties of that kind which must be done; and they have always answered affirmatively that the element of self-government exists to a considerable extent, but it would require to be called out.

1020. Are there any vestiges of old municipal government traceable in the country in India?—Not in Lower Bengal so much as in the upper parts of India; the village communities are entirely, I fancied, broken up; I am not quite sure whether the rights of the villages and of zemindars to appoint Chowkedeers is not a remnant of the old system of self-government.

1021. I think I gather from your evidence that we require in India an infusion of more locally distributed influence and power, and not centralization, to the extent to which it has hitherto existed?—I certainly think that a great deal of administration might be entrusted on the spot to unofficial persons, and without a constant reference to the supervising authority now given to the Government; the
Lieutenant-governor is employed about trumpery matters now, which, whether rightly managed or not, ought to be concluded on the spot.

1022. Have you ever considered the policy of the redeeming the land tax?—I would rather retain the land tax. I should be afraid that if the land tax was redeemed, the Government would spend the principal, and then want a substitute for the tax. The land tax saves us from a host of small taxes.

1023. That was recommended in a report by Mr. Thomas, an officer of the civil service, given in the Appendix to the Indian Cotton Committee Report?—I think it very unwise. The missionaries suggested it, and Mr. J. T. McKenzie has suggested it.

1024. You represent the planters here; do the planters pay attention to the education of the people about them; have they established any schools?—I do not know; I think they have in Kishnagar, but I am not quite sure. I know many of the planters are highly religious, and take a great interest in the welfare of the population.

1025. Do you think that probably they will hereafter pay attention to the establishment of schools and other means of enlightening the people?—Yes, I know there are amongst them patrons of everything of that kind.

1026. Mr. Meng's (es.) You say you think the climate of Bengal a good climate, and that if greater facilities existed of intercourse with England, people would have their children out earlier; have you any knowledge of cases in which children have been brought out earlier?—I certainly think it a very fair climate. I was not aware that I made the proposition of having the children out earlier; but I think that if the voyage was shorter, even that would happen. We send our children home much because the hill stations are not accessible, and because they get a better education; but the East Indians keep their children in the country, and give them a very good education; and if we were more numerous, probably we should find the means of keeping our children at the risk, perhaps, of impaired strength; but that risk is run by Europeans in all parts of the world.

1027. Did you ever know a European child trained up to maturity in Bengal?—I have seen several young persons who, I believe, were brought up in Upper India, the children of European parents; but I have seen none in Lower Bengal; and the only difference perceptible in them was, I think, the pure result of an inferior education. I could perceive no difference in strength and vigour; I apprehend we send our children home for the sake of a better education.

1028. Are you aware that it is said to be impossible to raise a second generation of Europeans in India?—Yes, I have heard that; but I am not at all aware on what evidence it rests. I suspect it is a mere matter of opinion, or founded upon the observation merely of official families; and I do not know that their position is the most favourable for health. I should doubt very much whether planters, and people who are living very active and have out-of-doors pursuits, would deteriorate and suffer the deterioration which is supposed.

1029. Do you think the climate of Bengal is favourable to out-of-door pursuits?—I know planters whose pursuits are entirely out of doors, are a healthy, hearty people. I know that it is desirable to avoid the sun; but I find that those people who are much out, and apparently run what would be thought very great risks, still go through them. And look at what the army has gone through now in this last rebellion. I have friends who have been greatly exposed to heat which would have been supposed to be fatal to Europeans; I have two brothers who have been out during the whole of the contest, and they have not suffered in health.

1030. Are you not aware that there has been a great mortality in the army owing to the weather?—I am not aware.

1031. Has there not always been on such occasions?—It may be so.

1032. Has not it always been found, that though the excitement may keep up a European during the campaign, there is a dreadful loss of life afterwards?—It depends upon the constitution; some people are very excitable, and some not, and some people can go through a great deal of exertion without much suffering. But the circumstances of the army in the field in India are exceptional. There can be no doubt that the climate is in a certain way unfavourable; but in a public point of view I regard it as of no importance at all on the question of colonization and settlement.

1033. Do you think what is called in common parlance colonization, as it exists in America and Australia, is practicable on the hills of India?—Certainly not;
ON COLONIZATION AND SETTLEMENT (INDIA).

I do not think that has ever been affirmed by anybody, because there people go out in large masses, and speculate on finding a profit; but in a thickly peopled country like India, that can never take place; but we could go in larger numbers, and with success, if we had proper local administrations. With respect to the hills, I cannot answer, without seeing some plan, whether it would be practicable.

1034. You stated that the settlement of Europeans must be advantageous to the natives, and at the same time you stated a strong opposition to what has been called the Black Act; are you not aware that the Act of 1833 positively enjoins, that laws should be passed at the same time that it gives access to Europeans to India, that measures should be taken for the protection of the natives?—According to my recollection of that Act of 1833, it does not enjoin that the same law should be enacted for all classes, or that no discrimination should be made between different classes, because if that were the case, it would go to give Mahomedans and Hindoos and English the same law; but, according to my recollection of the Act of 1833, the Commissioners were to have instituted inquiries before they began to legislate, and they did not institute inquiries; for instance, into the character of the courts they did not inquire; if they had, I think they would have found that the objections which we take to the extension of the jurisdictions over us were justified in the character of those courts; but the Commissioners, especially Lord Macaulay (who was also Legislative Member), took it for granted that if we were put under the courts they would have been reformed, but we say reform your courts first; but Lord Macaulay chose to give the Government credit for making those alterations, which would have adapted the jurisdiction to us; and in answer to our objection, I think in a Minute of Council one reason alleged by Lord Macaulay for bringing us prematurely, as it were, under the local jurisdiction, was, that we were people who knew how to complain, and that our complaints would immediately lead to reforms that would adapt the courts to us. Now we have been complaining from that time to this, and the courts are not reformed, and still this measure of the Black Acts is threatened. I do not, however, apprehend that the proposition of those Acts is at all a proper consequence of the direction given in the Act of 1833.

1035. What, then, do you think was the meaning of the Legislature in 1833?—I cannot suppose the meaning to be, at least what has been proposed; without the Act of Parliament before me, I could not answer that question; but I have read it attentively, and I do not conceive that what has been proposed is a just performance of the intentions of that law; and I never understood that the Black Acts, as they were called, were pressed forward on that ground, because if the Act is imperative, why then cadit quæstio, and our attention would be directed to having the Act repealed or modified; but I apprehend that there was no such intention.

1036. What protection does the existing criminal law in India afford to a native who is maltreated, or wounded, or murdered by an Englishman at a distance from Calcutta?—All over Bengal there are magistrates who have the powers of justices of the peace, and those justices of the peace have an unlimited power of investigating as respects Europeans and all other classes; and where a case occurs which is beyond the jurisdiction of the local courts, that case can be tried by the Supreme Court in Calcutta.

1037. That is to say, that it is only in cases of a very aggravated character, in which the consequences are very important, such as involving transportation or imprisonment, that the jurisdiction of the Supreme Court is wanted, because the local tribunals have the power of fining heavily, and in anticipation or prevention of crime they have the power of putting persons under recognizances?—Yes.

1038. Do you think that is a sufficient protection to the native from the hazard of violence from an Englishman at a distance?—I think practically it is a protection, considering the small number of the class and their ordinary good habits; but I think a better protection is desirable by the institution of proper English courts, such as the East India Company has pertinaciously persisted in refusing.

1039. You are aware that the Supreme Government has to legislate, not only for Bengal, but for countries far more distant from the seat of government than any part of Bengal. Do you think it just that a native of Agra or Delhi, aggrieved criminally by an Englishman, should have no recourse but the Supreme Court?—I think it is not just, and we petitioned for better tribunals; the danger to the native ought not to exist, but then what is the remedy? not putting us under
under corrupt native tribunals, but appointing proper courts. We say, Let us have rather the benefit of a court-martial, or try us by any means rather than by the native tribunals.

1040. Are the tribunals of the English judges, the covenanted servants in the country districts, corrupt?—They are not corrupt, but their om lah s are, and they have a corrupt population to deal with, and they are much open to influence, and we want protection, which those courts do not give us; certainly we do not impute corruption to the judges.

1041. Do you think if you had barristers located in the districts they would be free from corrupt native om lah s, if they be corrupt and a corrupt population around them, more than the covenanted officers are?—Yes, I think they would, but I think the om lah s should be reformed as well as the judicial part of the court; it is one of the standing evils of the judicial system that the om lah s are thoroughly corrupt, and must be great impediments, under the best judges, to the administration of justice.

1042. Have the om lah s necessarily much to do, under a competent judge, in the administration of criminal justice?—Undoubtedly; in point of fact, they have much of everything to do; whether they ought to have so much to do is another question, and there are various grades of judges, not all equally open to influence. I fancy the sessions judge is a much older man, and is less open to influence, but he has less to do.

1043. Having less to do, he would be more at leisure to take up these things?—He applies his mind more effectually to the case; but if the question is, whether that would afford a satisfactory tribunal to us, I should say it would not be a satisfactory tribunal to us for many reasons, chiefly what may be termed the absence of all professional qualifications.

1044. Would a barrister coming out from England be competent to administer justice to the natives of India?—Not as he came raw from England, certainly. We have the advantage in the Supreme Court, of course, of having the proceedings taken down in English; and we should hope to preserve that privilege, if we were put under a reformed tribunal, in the Mofussil courts. I say we should expect the advantage of being tried by a jury in our own language, not under the sessions judge. You give the native that advantage, and why should we be deprived of it?

1045. Would that be practicable in every district?—Undoubtedly, because we are a small body of persons.

1046. Would it be possible without an enormous expense?—The expense ought to be no obstacle. I think there would be a considerable reduction of expense if the judicial offices of the highest kind were open to gentlemen not belonging to the covenanted service.

1047. Would a man knowing merely English law, and necessarily unacquainted at first with the language, and unacquainted for many years with the habits and manners of the people, be competent to administer justice merely from a knowledge of English law only?—I think in a month I would answer to get up the whole of the Regulations out of Mr. Marshman's Civil Guide.

1048. Do you think that a man is competent to administer justice in any country who has a knowledge only of the law, without a knowledge of the habits and manners and customs of the people, and of their modes of feeling and opinions?—Certainly I should think not; but I apprehend that that knowledge would be very easily obtained, supposing that he had a knowledge of the language, especially when he takes up an official duty with a conscientious wish to discharge it properly.

1049. You think the degree of knowledge of India attained by gentlemen of the civil service generally, after a service of from 10 to 15, 20, and 30 years, could be acquired sufficiently to enable a barrister from England to administer justice shortly after he arrived?—Yes; I apprehend that a barrister who had been 10 years in the country would have all the knowledge that a civilian has when he goes on the bench.

1050. Sir Thomas Munro held that no man was fit to be a judge in India who had not been a collector, because he would not be acquainted with the rural habits and agricultural pursuits, and the nature of the people. Would a man be qualified to be a judge in this country who did not know a field of wheat from a field of oats, or potatoes from beans?—I cannot accept Sir Thomas Munro as an authority, because I think that none of our public men ever made so many mistakes as Sir
Sir Thomas Munro: apart from that, of course I think so. A minute knowledge of differences of crops is not necessary in a judge. We say that the advantages referred to in the question are possessed in a very inferior and inadequate degree by the class whom the question supposes to be highly qualified in those respects.

1051. Do you think that a man would be qualified to be a judge in this country who knew nothing but law, however deeply read in that, if not well acquainted with the habits, pursuits, callings, and trades of the country?—I should say no, as an abstract, general question; but if any practical inferences were intended to be drawn, I should require to qualify it.

1052. Is that to be acquired by any man going out late in life to India, and sitting at his desk?—No, certainly not. But barristers going out at 28, if office were open to them, and a proper salary attached, would soon acquire a sufficient knowledge of the people.

1053. You stated that very young men were appointed magistrates; are you aware that orders have gone out from the Court of Directors to place the magistracy in the hands of older men?—I did say that; but of course it is in the recollection of the Honourable Member that Mr. Halliday said it, and I rather brought forward his authority than my own. I am not aware that orders have gone out.

1054. Have not you seen the letter published and printed by order of the Court?—Not on that subject. I am aware that Mr. Halliday, taking a strong view of the inexpediency of employing young and inexperienced men, has recommended that the collectors should be made magistrates. The collectors are much older persons. I presume that is the only resource to which Mr. Halliday can go to obtain an older class of officers; but, without seeing the despatch and knowing what means the Honourable Court has suggested to carry out its own order, I should have no faith in that order; if it is merely in general terms, “Employ older men,” it will not be carried out, I am quite sure.

1055. As this despatch has been laid before Parliament, and as you have taken up this subject so thoroughly, do not you think that it would have been wise as well as fair to have read a despatch published, which went to India, to reform the police and the magistracy?—I have endeavoured to make myself acquainted with every despatch at all relating to any of the objects of my mission; and I have seen most of the police despatches, but none of the character referred to in the question.

1056. You spoke of the magistrates being ignorant of the languages of the country; are you aware of the examinations to which all civil servants are now subjected in Bengal?—Yes, I am aware of the examinations to which civil servants are subjected, and I am aware that they are exceedingly ineffective; and that it is the general opinion, that they go into the performance of their duties with very inadequate knowledge of the language of the country. I think I can state in respect to two instances, two batches of young men; one certainly passed the examination by contrivance, by art, without the qualification which the examination was supposed to prove. That was reported to the local government, and by the local government it was reported to the Court of Directors, and the Court of Directors of course reproached it as a most scandalous thing. I cannot quote the terms used by the Honourable Court, but they expressed just indignation at this batch of young civilians having passed by improper and disreputable means, and gave directions that if it happened again, the most serious consequences would be visited upon those young men. It did happen again, and the only consequence, I believe, was, not a reference again to the Court of Directors, but that those young men were sent into the country to be under senior members of the civil service, to learn the language.

1057. Was that an examination to pass out of the college in Calcutta?—Yes, both examinations; and there is a despatch of the Court of Directors relating to it.

1058. Are you aware what examinations a young civilian is subjected to now under the existing system?—I cannot describe them with proper precision and accuracy.

1059. Are there one, two, or three?—I do not know what they are now. I have no doubt they are framed so as to be complete, and if carried out properly, they would have the proper result of securing the best knowledge of the language obtainable.
1060. Are you aware that when a civilian gets out of college he is obliged to pass and show a certain knowledge of the native languages; that then, before he gets a single step in the service, he is obliged to pass a second examination, and before he takes a second step, a third?—I think it likely that there may be all those grades, but they fail to produce the results, as I hear from my friends in the Mofussil who come in contact with them, and see the effects.

1061. Are you aware that one of the tests applied in the second examination is to place in the hands of the young civilian a report written by a native officer of police or of revenue, which he has never seen before, and to require him to translate it then and there, without a dictionary or any book, and then and there sit down and write in the native language his own answer?—I have no doubt it may be the case.

1062. Could a man do that without a competent and sufficient knowledge of the native languages?—I should say, if it is bonâ fide carried through, it is a security for a proper knowledge of the language; but I have known young men distinguish themselves greatly upon an examination by cramming, who have really had very little practical command of the vernacular.

1063. Can a man be crammed to read a letter put into his hands in a foreign language for the first time?—I should say, certainly not. I understand the question is, whether he is entitled to promotion; he has necessarily acquired a certain knowledge of the language at that time, and I can conceive many young men fail in that test, and many young men succeed.

1064. Yet you said that the covenanted magistrates were ignorant of the native languages?—The magistrates, according to Mr. Halliday, are very young men, and I state upon the information which I have from persons in all parts of the Mofussil, that they do not know the languages.

1065. Do not those examinations take place considerably before they become magistrates?—A young man, now a magistrate in some district, has been in India under two years.

1066. Can a young man be a magistrate, under the rules of the service, till he has passed the three examinations?—By the rules of the service a young man ought not to be a magistrate till he has been 10 years in the service.

1067. You say that the uncovenanted magistrates, the Mahomedans and Hindoos, are bad men?—That is not the expression I used; it comes to that certainly, as respects fitness for office.

1068. The uncovenanted magistrates, Mahomedans and Hindoos, though bad men, are not chosen by Government?—The general opinion is that a very bad selection has been made for the very important office of deputy magistrates.

1069. Has not the Government a strong interest, as well as a duty, in the good administration of justice through the country?—No doubt it has an interest and a duty.

1070. Why should you suppose that intelligent rulers, like Mr. Halliday, for example, should voluntarily choose inefficient instruments of Government?—Because he is the creature of circumstances; he has only young men at his disposal.

1071. I am speaking of the natives?—The question, I understood, had reference to the selection of persons.

1072. The selection of natives?—The same observation applies. Mr. Halliday is the creature of circumstances; if he can only appoint a man at a very insufficient salary, he is obliged to take an inferior man; or if, for any reason whatever, he systematically abstains from employing natives educated in our colleges, he is necessarily driven by that circumstance to Hindoos and Mussulmans of inferior position; and consequently he and his predecessors have filled, undoubtedly, that important service of deputy magistracy with persons who are very improper to be in the deputy magistracy; there is no doubt about the fact.

1073. You said that there is danger to capital from the revenue system in Bengal; what is the danger?—In stating that proposition I referred, as a proof of it, to Mr. Grant's view on that question, and who, in consequence of the view which the Government has taken, brought in a Bill for the purpose of so amending the revenue system as to give proper security to capital.

1074. Do not Englishmen hold land now in Bengal as zamindars, or as under-tenants, with perfect practical security?—Yes, they hold every kind of interest in land; they have both zamindaries and puttees, and izara. Every sort of interest they have, and they owe the safety of their position to being men of capital and property; but nevertheless their property is not in a state of proper security.

2075. Do
ON COLONIZATION AND SETTLEMENT (INDIA).

1075. Do not the indigo planters of Nuddea and Jessore and other districts practically carry on their operations in perfect security?—I think, when they appear before the Committee, they will probably say there is a great deal of insecurity and danger from the absence of law and justice.

1076. You said that at Madras, in consequence of the ryotwary system, capitalists cannot get a footing?—Yes, that was the expression I used.

1077. A capitalist can buy land of the ryot at Madras, cannot he?—Yes, from a ryot, no doubt he can. I believe, now, the ryot has a saleable interest; but I should think it is a perfect impracticability for a capitalist to buy up a whole population, because it would come to that, and what is to become of the population when it is bought up. The question supposes a thing to be practicable, which is only theoretically possible.

1078. Are you not aware that many of the ryots of Madras have large holdings?—Yes, I think it is very likely. I am not aware whether they are numerous. I understood that the mass of the ryot population had very small holdings, and were in a very impoverished condition, something like the Irish peasantry until the exodus which followed the famine.

1079. Are you not aware that there are large holdings in Madras?—I am not acquainted with the details of the holdings, but I should think the large holdings are very few.

1080. You said that the people were emigrating to Tenasserim, and the Straits settlement, in consequence of the revenue system of Madras?—I stated, certainly, that there was an annual emigration, I understood, from the Coromandel coast, and by conjecture I imputed it to the impossibility of living on the spot. The native of India does not emigrate very willingly; but there is at present emigration going on, and I have heard it ascribed to the condition of the permanently settled population.

1081. Are you not aware that the wages of labour upon that coast are extremely high?—No, I have no information on that subject.

1082. Therefore having no information, you thought it best to ascribe it to the undue amount of the Government assessment?—My information led me to draw the conclusion that it was owing to the revenue system, and not merely to the amount of the assessment.

1083. You said that Lord Cornwallis was unjustly charged with having made the permanent settlement precipitately; are you aware that Sir John Shore, then the senior member of council, afterwards Lord Teignmouth, earnestly pressed upon Lord Cornwallis not to make the permanent settlement without more careful inquiry?—There was some difference of opinion in council I believe about it, but Lord Cornwallis was supported by all the most eminent men of the East India Company's service, by the court of directors, and I presume also by the Parliamentary statesmen, and that was the case I think is also corroborated by this circumstance, that the next settlement was in the northern Circars; and although that was only a settlement for a term of years, it was made professedly with the object, and under a sort of promise to the parties concerned in that settlement, that it should be a permanent settlement; but it was a mere question of time as between Lord Cornwallis and any of the council when it should be made permanent, and I have no doubt Lord Cornwallis took a wise resolution, and that the settlement was a wise one the result has shown.

1084. Do not you think it was precipitately made?—Approving of the measure, I think it was not precipitate.

1085. Do not you think that there was a great sacrifice of all subordinate rights to the zamindar?—No, I think it was the salvation of the country, for if the permanent settlement had not been established, we should have been under the influence of those opinions which led to the Ryotwary settlement, and then Bengal would have been under the Ryotwary settlement.

1086. Did not the 30 years' settlement in the North Western Provinces result in very beneficial effects?—Not such beneficial effects as the permanent settlement; and I rather think that the civil rebellion which has supervened upon the military rebellion is very much to be ascribed to the effects of that revenue settlement. The old talookdars were displaced by that settlement; they were the persons analogous to the zemindars in Lower Bengal; and they are now returning to their lands, having the affections and respect of the people, and are resuming the place which they had before we took possession of those provinces.

1087. You stated that before 1837, that is, before Europeans and Englishmen were
were allowed free tenure of land in India, the indigo planters formed an alliance with the Government officers, who found capital, and so managed that they should get the kind of land they wanted?—That is rather a matter of reproach, and justly so, which I do not wish to dwell upon, because it conveys a reflection upon gentlemen of former days; but I state that from the information which I have received.

1088. You do not intend to justify that statement?—I do not withdraw it, because I believe it to be true; but I cannot justify it by a knowledge of the facts.

1089. Then your general opinion of the state of the police and of the magistracy is founded on Mr. Halliday’s minute?—No, it is not; it is founded on my knowledge of and communications with the whole of the planting community of Lower Bengal; but I put Mr. Halliday’s minute forth as a basis of opinion which the Committee is likely to accept at once.

1090. Have you or have you not read the letter which has been laid before Parliament containing the orders which the Court of Directors sent to India, with regard to the reform of the police and the magistracy of Bengal?—I have read that despatch.

1091. Are you not aware that part of the orders there given related to the separation of the magistracy from the superintendence of the police?—I do not think that has been carried out; the magistracy has the superintendence of police still, according to the information which I have.

1092. Were those the orders?—Those may have been the orders; I think they were; but I think also they have been the subject of discussion, and that the Council are not agreed with the Court of Directors upon the subject of that despatch. They were not peremptory orders.

1093. Has there been time, in the state of India since that event, to carry those orders into execution?—Yes, I think there has been; but I do not think any orders will be carried out without a special agency, if they are to go to the extent of a thorough reform, such as is needed. And moreover I may refer to the memorandum of the East India Company in defence of its administration: there is a short paragraph about the police, from which it appears that that despatch is not to be carried out. The memorandum is headed, “East India (Improvement in Administration),” and this passage is as follows:—“This plan has undergone careful deliberations from the Government of India. The various members of that Government and the Lieutenant-governor of Bengal have individually recorded their sentiments in minutes characterised by a frank recognition of existing defects, an earnest desire of improvement, a remarkable amount of knowledge and understanding of the subject, and a great ability in the statement and discussions of the merits and defects of the various plans advocated. For the present, so far as regards the Bengal Presidency (including the North-western Provinces), the recommendations of the Government of India are limited to a better choice and ampler remuneration of the native police, and to the aiding and strengthening them in certain localities by police corps of a semi-military character. These measures have been sanctioned, and until their effect has been tried, the Court of Directors have consented to put in abeyance the more fundamental changes which they had recommended.” I say that puts an end to the despatch.

1094. Mr. Gregson.] In answer to question 857, you state that Europeans in the interior, connected with agriculture, have not increased, but are vastly declining in numbers; can you briefly account for this, while during late years the productions and the exports to Europe have considerably increased?—The operations of the Europeans are to a much larger extent; they would have a larger business each if their numbers are not increased.

1095. You further state that the proprietors of large concerns in the interior experience increasing difficulty in obtaining European assistance; to what cause do you attribute that difficulty?—To the state of the local administrations and to the several causes which I have enumerated in answer to a question that was put to me; I include in the local administrations the state of the police and the magistracy.

1096. Chairman.] Do you mean that those causes deter Europeans from going there?—Yes.

1097. Mr. W. Vansittart.] Are you of opinion that the abolition of the Supreme Court of Calcutta would be prejudicial to the interests of the Europeans generally?—Certainly; they sent me here to oppose that as ruinous to them.

1098. Would
1098. Would not the amalgamation of the Supreme Court of Calcutta with the Sudder Dewanny and Nizamat Adawlut answer every purpose?—No, certainly not, on the plan proposed, because that involves the abolition of the Supreme Court. The Commissioners themselves say that it does. We wish to preserve the Supreme Court distinctively as a court of English law.

1099. In point of fact you would keep the Supreme Court, and the Sudder Dewanny and Nizamat Adawlut entirely separate, as they are at present?—No, not exactly; for we have a plan for reforming the Sudder Court, which would bring the two courts very much together. We would establish a rota of Supreme Court Judges to sit constantly in the sudder, but the courts would be no doubt separate still.

1100. The indigo planters have been accused of keeping a body of lateeals or bludgeon-men, to protect them and coerce the zemindars; is that the case?—No doubt there is an absence of protection, which obliges the planters to employ their establishments in protecting themselves. An indigo concern spreads over a great extent of country. Their capital is out in small and large advances to a very large number of persons, and in a great variety of places, and they have to employ large establishments to look after their agricultural interests, their indigo and other interests in the various stages of growth. Those are what are called the lateeals, and no doubt they are capable of being combined for the purpose of forming a large body of men, but they are a large body of men distributed over the country, and they are not kept in the sense in which the question was put, as a body of men for the purpose of violence.

1101. Do you think that the indigo planters generally are prepared to give their local knowledge, and assist the local magistrates, in the apprehension of offenders?—I am quite sure of it. The Lieutenant-governor has lately appointed a considerable number of indigo planters as honorary assistant magistrates, and I believe it answers exceedingly well. I only wish that that system of employing Europeans and natives too, may be extended.

1102. You do not think that the zemindars and ryots view with any jealousy the appointment of indigo planters as deputy magistrates?—As honorary magistrates. I am not aware; certainly not the ryots. The indigo planters are largely employed now in judicial functions; their jurisdiction, of course, is a voluntary one entirely.

1103. Do you think that it is desirable to appoint indigo planters as deputy magistrates in the locale where their factories are?—The locale of their factories may be very extensive, and I think there is no objection to it, if they are prohibited from acting as magistrates in cases in which they are at all interested, directly or indirectly; but I cannot say to what extent their jurisdiction goes; whether it is merely inquisitorial, and with a power of police, or also judicial; no doubt limits should be put upon a jurisdiction of that kind.

1104. You do not think that their mercantile pursuits are incompatible with their duties as magistrates?—Certainly not, any more than the appointment of tradesmen and merchants as magistrates in England is incompatible with their interests. Their interests are to keep the country in order, and their power to do so is very much greater than that of the official classes.

1105. You speak of the bad administration of justice in our courts; do you allude to courts presided over by members of the civil service or to the courts of the Sudder Ameen and the moonsifs?—To all the courts; not merely on account of the European judge, but on account of the atmosphere in which he acts.

1106. You do not allow that every civil servant is under the influence of his omiha, do you?—I have already stated that the civil and sessions judge is less under the influence of his omiha than the magistrate; but the magistrate is under influence in proportion to his experience, and knowledge, and ability: there are good magistrates and there are bad.

1107. Mr. De Vere.] You have recommended requisitions for labour in maintaining the roads; will you explain a little more clearly what you mean by that?—I have no detailed operation in view, but to put forward this proposition, that roads are so beneficial to the country, that the resources of the country should be applied to making them; and one resource of course is the supply of money from the wealthy classes and supply of labour from the agricultural classes. Having regard to the constitution of villages and of a native society, I rather think that they would supply labour: I put that as a general principle.

1108. You propose that it should be a compulsory requisition for labour?—If necessary;
necessary; but I think that the population would soon understand the benefit to be derived, and that no compulsion would be necessary.

1109. Do you propose that the labour should be paid for?—That goes not quite to the point. If a district chooses to employ its population in performing labour, that would be a performance of the obligation; if it chose to make a money payment, that would be equally a performance of the obligation.

1110. Mr. Dandy Seymour.] Forced labour has been given up generally through India now, has not it?—Yes it has.

1111. And there has never been a dearth of free labour since that has been done, I believe?—No; what I contemplate would resemble statute labour in this country.

1112. Do you wish permanently to see one law for the natives and another law for the Europeans?—Yes, I do wish permanently to see one law for the natives and another law for the Europeans. The natives have always had one law, and we cannot have their law. There is the Hindoo law for the Hindoos, and the Mahomedan law for the Mahomedans; I do not see why we should not have the Christian law for the Christians.

1113. The natives in the other Presidency towns are quite content with the Supreme Court, are they not?—Yes, certainly, so far as I know.

1114. Then it is on principle that you object to the propositions of the Indian Law Commissioners?—The question is so very comprehensive that I cannot answer it.

1115. As a general principle, you would not wish to see any one law for the whole of India?—No; I conceive that there cannot be one law for the whole of India. India is a world in miniature, and one law for all India is like one law for all the world; so the proposition occurs to my mind.

1116. In the interior there are great defects, are there not, in the administration of justice?—Certainly.

1117. How do you propose to remedy those defects?—I have not gone into a detailed examination or statement of any plan.

1118. You would not attempt to form a law for the whole country?—I think it is a mistake to legislate for all India at once.

1119. Or even for one Presidency?—I think that one criminal law would do for pretty nearly all Bengal, and I should prefer the English law, and we do object to the Penal Code, chiefly as it deviates from the English law, and substitutes some law not so good as English law.

1120. Do you think that, as long as you have the great diversity of law which exists at present, you can improve the administration of justice?—Yes, most certainly.

1121. In what way would you do that?—By putting more qualified men into judicial office.

1122. How would you get better qualified men?—I think that the civil service should be opened for judicial office to persons professionally qualified.

1123. What do you mean by professionally qualified?—The practice of the law is one qualification, and, by the scientific study of the law, I conceive that there may be a legal education which qualifies for even judicial office; but you cannot give a young man the qualification by any education.

1124. Supposing you had to draw out a practical scheme for the improvement of those who had to administer justice in the Company's Courts, would you take English lawyers, or whom?—I would take English lawyers; and I would take from the civilians every person available. I mentioned the forming a judicial service.

1125. Would not that be separate from the civil service?—Yes; it would be a separate branch, variously composed.

1126. Would you appoint any one acquainted with law, or would you oblige any one placed in the position of judge to have practised in court?—You send out a body of young men, who immediately after they have acquired a sufficient knowledge of the language, go into all the offices in the various departments of the government, and in their turn they become judicial officers; and being judicial officers, then they go into the revenue. I would change that in this way: after a young man had attained those qualifications which fit him for office, consisting of a knowledge of the people and of the languages, I would give him an opportunity, if the civil service is to be maintained as a separate body, of having separate qualifications for the judicial office, by studies which might be carried on either in India or at home, but he should have an opportunity of choosing the judicial
ON COLONIZATION AND SETTLEMENT (INDIA). 89

judicial office, and of superadding to his qualifications the legal education which I think desirable.

1127. Would you make him—choose the judicial line as soon as he went out to India?—No; I think that the whole civil service is on an erroneous constitution, but I take it as I find it. My proposal being to have a judicial service, here being the raw material of the civil service to form a portion of the judicial service, I would give these young men who have a taste for the judicial service an opportunity of acquiring special qualifications.

1128. How would you fill their places up; would you keep the judicial service entirely separate?—Certainly.

1129. How would you draft them into the judicial service?—After a young man has been three or four years in any service he should be drafted in.

1130. Still be should be a civilian?—Yes.

1131. Do not you think that some practice in courts of justice is necessary to make a good judge?—Certainly, and I accept the civilian class merely as one that is existing, and of which you must avail yourself, because, with all the resources to which you could revert, you would still find a difficulty in getting the proper number of judges, magistrates, and judicial officers specially qualified.

1132. If you chose barristers who had been in practice in Calcutta to fill the judicial situations, do you think that that would answer?—Most certainly it would.

1133. The character of the bar would probably improve?—Yes, it might be so; I do not quite understand the question.

1134. Civilians are obliged to pass in two languages now, in nine months, are they not?—I was not aware that it was in so short a time; it is made stricter than it used to be.

1135. And within three years are they not placed in magisterial positions very often?—Yes, in less than three years, unfortunately.

1136. If a barrister of three or four years' standing went out to India, and passed in the native languages in the same time as the civilians, he would be fitter for magisterial duties than a young civilian who had no judicial training?—Yes, inasmuch as he would have seen the administration of justice, and known something about it practically.

1137. With regard to the Black Act, are you aware that there was lately a murder committed by a railway engineer in the Presidency of Madras, in the interior of the country?—I will assume the fact.

1138. To try that man, you would be obliged to bring both him and all the witnesses in the case to Madras, would you not?—Yes, under the present system.

1139. If such a case took place on the railway which is now making in the Punjab, you would have to bring all the persons down to Calcutta?—Yes.

1140. That is a very great inconvenience and expense, is it not?—Yes; but if we were liable to be tried by the local tribunals, there is not a European in the country that would not be charged with murder.

1141. But still the present system gives impunity to Europeans, does not it?—No; if it does, it is a very great reproach to the Government; I do not believe that it does at all. But that can be ascertained by a return of the number of persons who have been brought before the magistrates for inquiry, for there is nothing to prevent the magistrates recording a charge.

1142. With regard to young magistrates, is it not useless to send out an order about taking older men, when there are no older men to be had?—Supposing that to be the case it would be useless.

1143. Are you aware that the Lieutenant-governor has represented that there is a great dearth of servants, and that he wished to remedy the youth of the magistrates in another manner, by taking uncovenanted persons better suited to the post?—Yes.

1144. Are you aware that in that way he appointed Mr. Reilly?—Yes, to the office of civil and sessions judge.

1145. That was a still further step?—Yes.

1146. That received the sanction of Lord Dalhousie, did not it?—No; I think it was disallowed by the Governor-general in Council. Mr. Reilly was removed from the appointment, and another put in.

1147. But it was disallowed also by the Court of Directors, was not it?—That I am not aware of. It may have been that the disallowance was by the Court, and not by Lord Dalhousie in the first instance.

0.54.  M  1148. Did
1148. Did Lord Dalhousie, generally, when there was a dearth of civil servants, wish to appoint uncovenanted servants?—I am not aware of that.

1149. Are you aware of the case of a postmaster in Bombay whom he put into office, and whom he was obliged to change, by order of the Court of Directors?—No; I know that four were appointed, and two were of the uncovenanted service, the one in Bengal and the other in Bombay, and why either of the uncovenanted ones should have been removed I do not know, but the fact may be so.

1150. You are not aware that it was because all those posts were considered to belong to the covenanted service?—No; and I should not have supposed that, because the postmaster of Bengal is uncovenanted to the present day.

1151. You are not aware that Lord Dalhousie proposed to repeal that clause, which was supposed to reserve all the great offices to the civil service?—No; I was not aware that it rested on an Act of Parliament; and I do not think that it does; it rests on custom.

1152. You are not aware that the Court of Directors consider that there is a clause in the Act of the old charter of George the Third, which reserves posts to the civil service, and that it is contrary to law to place uncovenanted servants in those posts?—I was not aware that that opinion was entertained.

1153. With a great extension of territory must you not either increase your civil service considerably, or place the uncovenanted servants in many posts to which they are not admitted at present?—Undoubtedly.

1154. The great expense of the civil service prevents its increase, does it not, looking at the finances of India?—Yes.

1155. The uncovenanted servants cost about from one-half to two-thirds of what the others cost, do they not?—Yes, less than half; many of their officers are much underpaid, and the others overpaid.

1156. You would be in favour of a greater extension of the uncovenanted service?—Yes; but I think it is an odious distinction in the judicial service that should not exist, and that is the only service that I have thought much about. I would not take a judicial office to be snubbed as uncovenanted, and no man with the high qualities of head and heart, which a judge ought to have, should do so. I have known uncovenanted officers of very great merit leave the service because that distinction exists, and I believe it is much owing to that that the uncovenanted service is of the lower stamp, which it is; they are not only underpaid, but there is a social degradation attaching to them.

1157. If the civil service were abolished, do you think that the whole tone of the service would be improved?—I will not say that, because that assumes that the civil service should be abolished, and I rather think that the civil service should not be abolished, but it should be recast, and the scope of its duties reduced.

1158. With regard to the police; you are aware of that despatch sent out by the Court of Directors for the reform of the police?—Yes.

1159. Is not the general fault that you have to find that the intentions are very good, but that there is a delay in carrying them out?—Yes; but there is a radical deficiency in that despatch. The defect of that despatch is, that it does not at all provide for the increase of European superintendence.

1160. Are you aware that that despatch provides for an European head in every district in the Presidency, and that that is not the case now?—Yes; it makes a European head—one head—I observed that there was that superintendence.

1161. In each district?—Yes; but what is a district—it is a zillah containing, perhaps, 8,000 square miles. It does provide for that superintendence which does not now exist.

1162. Does not that despatch provide that there should be an officer over each district, whose sole duty it should be to pursue thieves and have the superintendence of the police?—I think it does; it amounts to nothing.

1163. Are you aware that that system has been tried in Bombay and has been found to answer?—I have heard that the police has been much improved there.

1164. And that is the system which has been adopted in Bombay?—I think it very probable.

1165. With regard to the increase of European superintendence, are you aware that some years ago the heads of the police in Calcutta were English sergeants?—Yes, and they are now. I recollect that reform being made, and a very beneficial one it was.

1166. Do
ON COLONIZATION AND SETTLEMENT (INDIA).

1166. Do you not remember that on one occasion they were all found to be as corrupt as the natives?—No, I do not believe that that has been discovered, and I should like to know the evidence of it. There was some such case before the Calcutta police was put on its present footing.

1167. Are you aware that in Bombay, some years ago, the European superintendents were tried with a bribe, and as far as it went they took it and were dismissed?—I am not aware of that.

1168. Are you aware that the police of Bombay were found to be radically bad, although there was a large European superintendence?—No; I am not aware of that.

1169. Mr. Villiers.] We understand that these grievances which you bring before the Committee apply strictly to Europeans, and have no reference to natives?—I have applied them to Europeans, but I apprehend that they equally affect the natives. The native population is very much and grievously oppressed by all the things from which we suffer.

1170. In all the particular instances which you have enumerated, you consider that the natives are as much aggrieved as the European settlers?—Yes, certainly, by the police and the courts. I refer to the whole of the honest part of the population.

1171. You seem to refer to several matters which require reform, and of which you say people have to complain; amongst those are the land revenue system, the state of the communications, and the administration of public justice regarded judicially, and also in its execution, and in the constitution of the Legislative Council?—Yes, I complain of all those matters.

1172. You adhere to your position that they have not been remedied?—Yes, I do.

1173. You have been asked about despatches which have lately been sent having reference to those evils, but you contend that they are still unreformed?—Certainly.

1174. Can you inform the Committee whether there has been any sanction given to, or an admission made of the evils of which you complain by persons in authority?—I refer to Mr. Halliday's minute as a complete sanction to a very great extent as regards the police and the covenanted branch of the magistracy, but not as regards the uncovenanted branch of the magistracy, because he is silent as to that.

1175. Looking at Mr. Halliday's minute or report, and at the despatches that have been sent out or prepared, do you consider that they do in the main recognise the existence of the evils in question?—Yes, I should say they do, as respects the police, the magistracy, and the land tenures. It is rare that you can quote an official admission of the state of things that I have described; but I have an official admission of Mr. Halliday as to the police and covenanted magistracy, and of Mr. John Peter Grant, as to the insecurity of the land tenures.

1176. And you mention all those evils as really, in your opinion, from your experience, operating seriously in deterring Europeans from taking capital there and from settling?—Yes, decidedly.

1177. Do you apply that also to the influence upon the Asiatics in deterring them, as far as they are so disposed to develop the resources of the country?—It has that effect, no doubt; but the native does not improve, he wants an example.

1178. Are you prepared to say that, looking at the character of the police and the inefficiency of the magistrate, there is insecurity to person and property in consequence?—To a great and grievous extent. It is distressing to every one who cares about the welfare of the country.

1179. Do you say that Europeans have no certainty of justice, and do they complain that they do not get justice in consequence of the inefficiency of the magistrates?—They complain greatly of those things as far as the jurisdiction extends over them.

1180. When you recommend a reform of the Legislative Council, has that reference to the complaint that remonstrances are not attended to, and that the interests of the Europeans are not sufficiently understood in the Legislative Council?—Partly on that ground, but not merely on that ground. Even matters with which they do deal fairly, according to the best of their judgment, they still deal with in an unsatisfactory manner.

1181. You speak of the want of communications in the country, and of the great neglect in keeping the rivers clear, and the want of other great public improvements;
improvements; do I understand that remonstrances have been made on this account to the Legislative Council, and that they have been disregarded?—No; those things which I have particularly mentioned belong to the Executive Government.

1182. Do you mean that decision upon effecting a great public work belongs to the Executive Government?—Yes, entirely; the Legislative Council has nothing whatever to do with that.

1183. Do not you require Acts of Council or Legislative Acts for that purpose?—That was the case in one instance, and I think the Legislative Council made default in its duty. We said that those demurrage tolls assessed on boats for delay, which they could not help, and which in point of fact was a grievance to them, were taken under an Act which had been unfairly construed to have that bearing, and we petitioned the Legislative Council to have that Act amended. Mr. Peacock either brought in a Bill, or asked for leave to bring in a Bill for the purpose, and some member of the Council I think objected to it merely on this ground, that it was a reproach to the Executive Government to suppose that after this abuse had been pointed out it would be allowed to continue, and it was assumed that it would be remedied, and, therefore, a law was unnecessary.

1184. I presume that you have some wider grounds to go on than those you mention when you reflect upon the constitution of the Council?—I spoke of the Council as deficient of knowledge and information. I do not put it reproachfully upon the Council, as far as their information and judgment go.

1185. Do you object to the constitution of the Council?—Yes, it is composed only of official persons; and we have prayed for the appointment to this Council, by Her Majesty or otherwise, of persons selected from the Indian communities without distinction of race or creed, but having an acquaintance with the country, and being connected with its business, commerce, professions, and agriculture.

1186. Chairman.] I understand your complaint to be the inadequacy of the representation in the Council of interests which ought to be represented?—Yes, no doubt.

1187. Mr. Villiers.] Do you believe that it would be at all prejudicial to the natives if Europeans were to settle more freely, and the distinction between covenanted and uncovenanted servants was removed?—It would be highly beneficial to the natives, and to all classes; and if you go into the indigo districts, where the planters are numerous, you will find the district a garden compared to those parts of the country where there are no planters. Where there are no Europeans there are no improvements. The zamindars are of the same character in every respect that they were a century ago.

1188. You have not a doubt that it would be to the advantage of the natives if Europeans were to settle there?—Greatly to their advantage.

1189. Mr. Wiltshire.] I understand you to state that you have resided principally at Calcutta; with what other parts of India are you acquainted?—I am only acquainted with Lower Bengal.

1190. Where have you resided?—I have resided merely in Calcutta.

1191. Then all your information is derived from others?—Yes; as the secretary of a great society.

1192. With regard to the question of holding land, has not an Act been passed by the Government of India, namely, Act 4 of 1857, removing all restrictions?—I am not aware of the Act of 1857. The Act I am acquainted with is of 1837.

1193. Have not the Supreme Court at Calcutta recently decided that sections 81 and 82 of the Indian Act of 1833, which prohibited the settlement of Europeans in the provinces acquired during the present century, except by licence, were repealed by the subsequent Act of 1853?—The case of Queen v. Bowden has been decided since I left India, but I think that that must be the effect of that decision.

1194. Are you aware, when the licence system existed, of any licence being refused improperly and capriciously by the Court of Directors?—That is anterior to my information.

1195. You stated that officers in the civil employment are prohibited from holding lands in the district in which they exercise authority, and from holding farms and other obligations; do you object to that?—I think it is a question of policy which deserves to be reconsidered.

1196. Is not the object of the rule to prevent abuse, and to prevent the attention of
of those officers being directed from their public duties?—No doubt that is the object of it.

1197. You have alluded in strong terms of objection to the Ryotwarry system as prevailing in Madras, and also, but more partially, in Bombay; are you prepared to suggest any remedy for that system?—I am afraid it is irremediable; the country is covered with a pauper population, and I do not see how it is to be remedied.

1198. You have stated also, upon the authority of Mr. Kaye, that the Government considered that an increase of cultivation was impossible under that system; are you aware that a new system of survey and assessment has been in operation for many years, and that wherever it has been completed it has been followed by a very rapid increase of cultivation?—I am not aware of that.

1199. Do not the evils resulting from the Ryotwarry system result as much from the Hindoo law of inheritance or from the system itself?—No; I should say certainly not.

1200. I refer particularly to the matter of equal partition?—No; I think it results from annual settlements, coupled with the necessity of employing a very large native agency which could not possibly be controlled. The native agency uncontrolled is the bane of the population.

1201. The number of holdings has increased by the Hindoo law of inheritance?—It may have led to a great subdivision, but it people in other respects are in prosperous circumstances, as in France, I apprehend there are social checks upon the increase of subdivisions to an inconveniently minute degree for the interests of each family, especially where, as in India, there is plenty of unoccupied land to be had.

1202. You referred to the great number of agencies required to collect the Government revenue under the ryotwarry system; how do the great zemindars of Lower Bengal collect their revenue?—They must have large native establishments, but they have not the same authority by law, and they are responsible to the law, whereas the native police are invested with the law and are beyond control.

1203. Do you think that the ryot fares better at the hands of the agents of the zemindar than at the hands of the agents of the Government?—Yes; and I have no doubt that the population of Bengal is in a much better state than the population of Madras.

1204. Chairman.] Is it in a good state?—It varies in different parts of the country; the difference is patent even to travellers in the country.

1205. Mr. Willoughby.] With regard to the law of sales, you stated that an amended law to remedy a great evil, that is, the cancelling of all sub-tenures, was proposed by Mr. Grant, and objected to by the Indigo Planters' Association; what was the ground of their objection?—I think I rather overstated their objection in my former evidence; I have since referred to the petition which they sent in, and I find that it was only a strong suggestion of the practical defects of the law; it did not amount to an opposition.

1206. The law itself was a good law, was it not?—Yes; it was an admirable principle.

1207. Did not the proposed law provide that the lessee, on satisfying the collector that a fair amount of revenue sufficient to satisfy the demands of the Government was reserved, might have his lease registered, in which case the effect of a sale for arrears would be, not to cancel the lease, but to transfer the obligations of payment to the Government, instead of to the zemindar?—Yes; that question of the sufficiency of the rent reserved on the under tenures.

1208. And yet the Indigo Planters Association were not willing to accept that as the law?—The objections were of various kinds; the chief was, that the benefit of the Act could not be obtained without inquiries which opened the door to disputes and litigation. Notices had to be given by parties claiming the benefit of the Act; and on those notices parties might come in to dispute titles and question boundaries; and the Association thought that the principle of the law might have been very beneficially carried out without that practical objection. There was a difference of opinion among the planters; some wished that the law should be passed.

1209. Do you think that a law of that kind could be carried on without some precautions of the nature to which you refer?—According to the plan which we proposed, the law might have been passed without danger to the revenue.

0.54. M 3 1210. Can
94 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

W. Theobald, Esq.

27 April 1858.

1210. Can you state the extent of the European population in Lower Bengal?—I do not think there are any authentic returns upon that subject; I have heard it variously computed.

1211. Can you account for the increasing difficulty, as stated by you in answer to Question 577, of getting first-class Europeans for employment in the country; and how do you reconcile that decrease with the increase referred to in the first part of your answer?—Public opinion, and private opinion, and the apprehension of circumstances in which individuals may be placed, influence emigration and travel, and everything. The country is in bad repute, and our discontent affects settlement.

1212. In one instance you referred to an increase, and yet there is an increasing difficulty in obtaining European superintendence?—I said that they had increased because enterprises, such as the employment of steam, which require European management; and railroads have increased, but the class who are settled on the soil, the planters, and persons engaged in local business, have not increased.

1213. Will you state more particularly what you mean by the want of a lex loci for Europeans, throughout India, not referred to English law?—They have English law; I would put it on the authority of the Indian Law Commissioners, that a lex loci is wanted. There is the investigation of the Indian Law Commissioners, and the report establishing that.

1214. With reference to your answer to Question No. 936, do you mean seriously to say that the police paid by the Government are the sweepings of the gaols?—That is the prevailing opinion of them; that is what Mr. Halliday has said in effect; I might better say sweepings of the population.

1215. You have recommended that serjeants from the army should be employed in police duties; that is, one serjeant to several darogahs?—Yes; I take that name rather as a name than as meaning that they should be military men; I think you would get East Indians and persons who have never been in the army, but the army would supply a certain proportion.

1216. What salary would you recommend?—I am not a judge of that.

1217. The salary must be high, in order to secure the services of such persons?—The same salary that secures their services on the land frontier would, I presume, secure their services in the police.

1218. Are you aware that the experiment was tried in Bombay, and that the whole number of serjeants who were employed were detected in bribery and corruption, and were summarily dismissed?—I am not aware of that; if it be so, it would not be conclusive in my mind against trying the experiment.

1219. Are you aware that the employment of planters and other European residents has recently been proposed to the association of landlords in Calcutta?—Yes, I can conceive that that may be so.

1220. That shows the desire on the part of the Government to make use of that respectable class of Europeans?—Yes, and very wisely.

1221. To what period did you refer when you stated that the Court of Directors had notice that its lease was to expire, and it took advantage, very naturally, to fill Haileybury with writers?—About 1853, when it was known that Haileybury was going to be abolished, an inordinate number of young men, as I understand, were put into Haileybury; at all events an unusual number came out of Haileybury, and went to India when Haileybury was closed.

1222. Haileybury was not abolished till very lately?—There were 58 students in one year in Bengal, which I fancy must have been more than double the proper number, if I recollect it to Haileybury having been emptied.

1223. Does not the number of young men whom the Court of Directors can annually appoint to the civil service in India, depend entirely upon the annual requisitions of the local Government?—I am not aware that it does; I am told that the expense of the service is a limit upon the number.

1224. The Court of Directors have no power, nor is it their custom, summarily to increase the number of writers sent out to India?—They certainly were increased at that time.

1225. There was an Act in 1834—5 permitting, as an exception to the rule, writers to be sent out to India without passing through Haileybury, do you refer to that?—I am aware of that, and I am aware that some of the most eminent men of the service went out under that privilege.

1226. You do not refer to that when you say that the Court of Directors, seeing their
ON COLONIZATION AND SETTLEMENT (INDIA).

their lease was up, sent out a number of men?—No; I failed to explain satisfac-
tory how the increased number of young students lowered the average of age,
and I added that Mr. Halliday had stated, that the evil would go on increasing
for the next two or three years; and I said that this appeared to have been
verified, for I found so and so; that last year 58 young men were students; then
and it said must have happened in this way.
1227. Then it was a conjecture of yours?—Yes, but I believe it be perfectly
true.
1228. To what extent are Europeans amenable to the jurisdiction of the local
magistracy?—That is a very comprehensive question; I cannot answer it in a
few words. They are subject, for the purpose of inquiry into their conduct, to
the general jurisdiction of all magistrates who are justices of the peace, and only
those who are justices of the peace; and the Government constitutes for that
purpose whatever number it chooses as justices of the peace; but they are liable to
be punished for "petty trespasses," which is a very elastic term. Then they
are liable to be put under very heavy recognizances, without judicial inves-
tigation, as a precaution against wrong.
1229. In the complaints they have to make against others, should they not
always apply themselves to the magistrates of this district?—Yes, no doubt.
1230. What effect would the introduction of the English law, as a lex loci, in
India have upon the natives as to their employment in the judicial branch of the
services?—I think that the native is very apt at learning anything; and I dare say
that the native, if he knew the English language, would learn as quickly as the
civilian.
1231. You think that it would have no injurious effect upon their prospects?
—No, none. I think that the Government ought to use some subsidiary means
for diffusing an acquaintance with the law.
1232. Are not the affrays in Lower Bengal very often the result of organised
and deliberate violence?—I do not know as to that; they are very common, and
very serious in number.
1233. What were the particular objections of the planters to a Bill, the object
of which was to repress such affrays?—The extraordinary character of the Bill.
The Act consisted of 16 clauses, each of which had a different operation. I
mention one as characteristic of the Bill empowering the magistrate of the
district to dismiss the servants of a planter. If a man was obnoxious, the magis-
trate could order him to be dismissed; and that was a power which was intolerable.
Then it placed us entirely under the power of the local police, as we said,
for all the purposes of mischief and wickedness which that police could possibly
device.
1234. What has been the effect of a law which authorises the magistrates to
take recognizances to keep the peace; have the Europeans suffered under it?—
Yes, they have.
1235. The effect has not been favourable to the peace of the country?—
I would not say it has not been favourable to the peace of the country, but it has
been accomplished at a monstrous injustice.
1236. How do you think the natives would view an approximation to the
English criminal law?—We know the opinion of the natives of Calcutta as to
that, and it is entirely favourable; they do not wish any new law.
1237. You have advocated the introduction of barristers and pleaders into
high judicial office throughout India; what qualification would you exact from
them?—A knowledge of the languages; and if they practised in the country
they would have a knowledge of the people, and of the institutions and customs
of the people.
1238. Do you think that barristers and pleaders who have never been out of
the presidency towns would be able to acquire that knowledge of the manner and
customs of the people in the interior?—Yes, I think they would very soon, after
being there a short time.
1239. That presupposes that they are to be appointed, and then acquire the
knowledge?—My answer presupposes that; I have not proposed any plan; I do
not admit that they are not qualified; it would be desirable that they
should have those qualifications to a greater degree.
1240. I think you stated that you had objections to the plan of redeeming the
land tax in India?—Yes, upon grounds of political economy and finance I would
retain the land tax, and pay off the debt in some other manner.

W. Thobold, Esq.
27 April 1858.

1241. You
1241. You were regarding the interests of the Government?—Yes, it was regarding the interests of the State.

1242. Mr. Lone.] What are those grounds of political economy?—First of all, if the land tax were redeemed, the Government would be in the position of having a large amount at command which it would probably expend, and it would then have to meet its annual expenditure, and would have to resort to modes of taxation exceedingly objectionable.

1243. If the Government were to sell land yielding 100 rupees a year, and were to extinguish by that means 100 rupees of debt, would the Government be a loser or a gainer by the transaction?—It might be a question which, Inasmuch as the annual revenue is a permanent source of income, I think it should be preserved in the shape of revenue, and the debt be paid off in some other manner.

1244. Is not the cutting off a permanent source of expenditure just as advantageous as the retaining a permanent source of revenue to the same amount?—It would seem in that general form of question that it might be, but I think that there are other resources for paying off the debt of India.

1245. Would not the Government be a gainer in the first instance, by saving the expense of collecting the revenue?—That must be very small under the permanent settlement.

1246. Would not the Government be the gainer in the second instance by the greater inducement that persons would have to invest capital in land?—The Government would not be directly a gainer in that. No doubt it is a favourite scheme with many capitalists; on the other hand, many capitalists, who look not merely at the interests of capital, but at the long interests of the State, are much of my opinion.

1247. Is not the Government a gainer by anything which enables people to put capital in a fixed state, instead of carrying it about their persons in a tangible shape?—Yes.

1248. Do you claim that Europeans should be tried by a different set of courts from the natives?—It is not my claim; it has been made for the last 20 years.

1249. That is the claim?—Yes, that is the claim put forth.

1250. As a permanency, or only depending upon the present state of the courts?—Depending upon the present state of the courts.

1251. Under what condition should that claim cease?—When courts qualified in every way as the Supreme Court is, to do justice to them, are established.

1252. The claim comes to this, that the Europeans are to enjoy immunity from all jurisdiction, except the jurisdiction of the Supreme Court, till the Europeans themselves are satisfied with the jurisdiction substituted for it?—It does not strike me that that is an absurdity at all. The alternative is, that they will have the country.

1253. What I ask is, whether that is the claim?—If I put the claim in my own words, I should not put it in that way, and I submit that I should not be compelled to make an admission.

1254. Do you claim that the Europeans resident in the Mofussil should continue to be subject to the jurisdiction of the Supreme Court alone, until a system of courts can be devised in the Mofussil with which those Europeans are satisfied?—I would modify the latter part of the question, with which “those Europeans are satisfied,” to “with which Europeans may reasonably be satisfied.”

1255. Who is to be the judge of the reason?—The Supreme Government; I mean Parliament. We hope that we have sufficiently succeeded in giving good reasons to depend upon Parliament as our protection.

1256. If the Supreme Government be of opinion that the present judicial system, however defective, is such as that the Europeans, who go into the Mofussil, ought to be satisfied with it, they are content?—By the Supreme Government, I mean the Parliament of England, not the local government, for since the recent outbreak, Lord Canning is reputed to be still in favour of putting us under the county courts.

1257. You do not think that the Europeans should themselves be the judges?—We should be very content; but of course it is a question of imperial policy, on which we must submit to the wisdom of Parliament; but we hope that nothing less than a decision of Parliament will deprive us of the privileges that we possess.

1258. What position do you contemplate for the Europeans resident in India? is it that of equality, or that of a dominant class?—Not that of a dominant class, certainly;
certainly; we are not a dominant class; we are exempted from what has pro-
strated the whole of the native population, and we are anxious to preserve our
privilege as necessary for our own preservation.

1259. Do you think that the offences which natives may commit upon Euro-
ppeans ought to be tried by tribunals which should not be able to try the offences
which Europeans may commit upon natives?—No, I think they ought not; I
think that the tribunals ought to be reformed for the sake of the natives; and if
reformed to the standard at which I would place them, I should not object to be
tried by them.

1260. But in the meanwhile you do think that which I have stated?—I think
that they are a sort of pestilence till they are reformed.

1261. Until they are reformed you think that the Europeans should have the
power of invoking their agency against the native, but that the native should not
have the power of invoking their agency against the European; is that your
opinion?—Undoubtedly, under the circumstances, and for the reasons I have
stated.

1262. That the courts should only act against the natives, and not against the
Europeans?—Yes, as I stated before.

1263. What is your opinion as to the position of the European in India; is he
to regard himself as a person of a dominant caste, or as equal before the law with
the native?—We do not put our claim to exemption on the ground of the domi-
nance of the race; one man is as good as another in the sight of God, and ought
to be so in the sight of the law; but here is a state of things which operates
cruelly upon the whole native population, which by circumstances we are exempt
from, and we wish to retain our exemption. It is an anomaly, I admit. We do
not defend it as an institution.

1264. Have Europeans difficulty in obtaining land in the Mofussil?—There
are no legal difficulties in the way. They are purchasers in the market, and of
course in the market, it depends on the quantity of land in the market. They purchase in all
sorts of ways.

1265. Can a zemindar be sold without the consent of the Government?
—Yes.

1266. Can you buy part of a zemindary?—Yes.

1267. What is the tenure, then?—It still remains under the settlement of the
whole zemindary.

1268. Do you become, or the person who purchases part, responsible to the
Government, or are you a feudatory of the zemindary?—It requires a little defini-
tion. The interest purchased might be what would be called here a joint tenancy,
or a tenancy in common; it might be part geographically distinct from the rest,
but still as respects the liability to revenue, there would be no alteration.

1269. There is no apportionment of a zemindary?—No, except by a regular
partition suit; that was one of the objects of Mr. Grant’s Bill, to divide zemini-
daries, and apportion the revenue among the different co-sharers. The case of
under-leases was distinct.

1270. Is not that a difficulty in the way of obtaining land, that your land is
deniable for a larger portion of the revenue than its fair share?—No doubt.

1271. Can you suggest any remedy for that?—I think Mr. John Peter Grant’s
Bill offered a perfect remedy. It was only the adjuncts to the principle of his
Bill that made it unacceptable. It involved a survey and an ascertainment of the
boundaries, and opened questions of title, and we thought that that was quite
unnecessary.

1272. Have you known an individual case of a European being deterred from
settling in the mofussil by the land regulation, or the police, or the judicial sys-
tem, or by the union of them altogether?—I have heard people say, “I will not
go into that vile mofussil, where there are such and such difficulties,” but only
in that way; but undoubtedly it is the case that no one will leave Calcutta to
settle in the mofussil who can possibly keep there, and the native landholders
settle in Calcutta for the personal security they enjoy there.

1273. Mr. Campbell.] You are of opinion that colonization, or English settle-
ment in India, has been impeded by the laws existing; that the mode in which
those laws have been administered is inefficient; that there is a venal police, and
that there are difficulties of communication and transit?—Undoubtedly.

1274. As regards the first of those impediments, the administration of the
laws, revenue and judicial, might not a remedy exist in a more practical training
and
and selection of the revenue or judicial service of the State confining, after such selection, the law officers to their department and the revenue officers to theirs, and at the same time utilising the local knowledge which they may acquire in the district they are first appointed to, by confining their advancement in employ-
ment as much as possible to those districts?—Undoubtedly.

1275. Is not local knowledge in a country where false evidence is so general, as necessary as a knowledge of the revenue or judicial laws; and will not the pos-
session of it by a magistrate, judge, or collector materially reduce crime, false
suits, and false evidence, by curtailing the power of the corrupt native officials,
and the general tendency to litigation in the people?—Certainly, I think so.

1276. Is it not the fact that the security to life and property, in any district, is measured to a great extent by the efficiency or otherwise of the judge, magis-
trate, or collector?—Certainly; the difference between a good magistrate, and a
bad one, makes all the difference between order and the greatest anarchy.

1277. Would you advise throwing the service open, and having deputy collec-
tors, deputy magistrates, and sudder ameens, taken from competent English-
men in India, and as an incentive to increased efficiency and exertion, owing to such
higher grades in the existing civil service?—I would open the service, certainly;
and I affirm the rest of the question.

1278. Do not you think the facilities that have hitherto existed, of overland
communication, for civil officers visiting their native country, has diminished that
necessary class of civil servants that, previously to the introduction of the over-
land route, existed; that is to say, the overland facilities reduce the available
number of officers for the duties of the State?—Very much so, no doubt.

1279. At present there is generally a greater number absent than before the
introduction of steam?—Yes, I think so.

1280. And that would naturally call for an increase of that service?—Yes.

1281. Is not the number that can be absent on furlough at any given time in
one Presidency limited by regulation?—I suppose it is so.

1282. Admitting that it is limited, does not the facility of coming home encou-
rage a greater number to come home than did come home round the Cape,
having a six months’ voyage staring them in the face?—Yes, no doubt.

1283. So that, practically, the regulation alluded to has not that bearing that
it might otherwise have?—I think that the new regulation of the Government,
permitting furlough at the end of seven years, has operated very mischievously in a
public point of view; a young man no sooner gets located than he comes home;
and there is less feeling of settlement in the country than under the old system,
when they had to stay 10 years.

1284. How are the native officials generally regarded by their countrymen,
either in the administration of the laws or the discharge of other duties, with
comparative distrust?—Of course it is a matter of opinion; I think there is an
amount of distrust; but I think that is a point upon which I would rather not
pledge myself as to the opinions of the natives of their own countrymen.

1285. Until the moral code of the Mussulman and the Hindoo is higher, are you
of opinion that in the interests of India and its people they should not, unless in
exceptional cases, be employed in responsible positions?—Certainly, I think the
creed of caste and the creed of the Mussulman is a bad creed for persous entrusted
with the administration of justice; a man who looks upon another man as not of
the same human kind as himself is not fit to administer justice to that man.

1286. As regards the police, do not you think that distinct and responsible
officers should be accountable for the efficiency of that department; that it should,
to some extent, have a military organization, as in the Punjaub; that respectable
Europeans should fill the place of darogah, and that even in subordinate positions
to those the steady intelligent European would fill the places well?—Yes, I think
that is much like the opinion I have already expressed.

1287. With such a police, life and property would be more secure and litigation
materially abridged?—Yes.

1288. As regards the facilities of communication and transit, they have hitherto
been prohibitory, almost; you are aware that the roads of the Ganges and the
Jumna to Upper India are most tedious, hazardous, and costly, and that the time
occupied from Calcutta to Meerut, on the Ganges, and Delhi, on the Jumna, is
usually six months for a distance of only 1,000 to 1,100 miles, and at a cost of
four times that by railway?—Yes.

1289. You are of opinion that the extension of roads and railways will remedy
those
ON COLONIZATION AND SETTLEMENT (INDIA).

those difficulties, and make general settlement profitable and possible?—Cer-
tainly.

1290. I suppose you are aware of the general respect and estimation that Sir
Charles, afterwards Lord Metcalfe, enjoyed in India?—Yes.

1291. Are you aware of the opinions which he expressed upon the subject of
colonization as early as in 1814, and the confirmation those opinions had at his
hands when Lord Metcalfe, in 1836?—Yes; I will read what he says. On the
question of colonization, Lord Metcalfe writes thus: "It is impracticable, per-
haps, to suggest a remedy for the general disaffection of our Indian subjects.
Colonization seems to be the only system which could give us a chance of having
any part of the population attached to our Government from a sense of common
interests. Colonization may have its attendant evils; but with reference to the
consideration above stated, it would promise to give us a hold in the country
which we do not at present possess. We might now be swept away in a single
whirlwind. We are without root. The best affected natives would think of a
change of government with indifference, and in the North Western Provinces there
is hardly a man who would not hope for benefit from a change. This disac-
nection, however, will most probably not break out as long as we possess a pre-
dominant power; and it has only been alluded to as one source of weakness, and a
necessary object of attention in the consideration of our situation." Then, again,
says, "The Europeans settled in India, and not in the Company’s service,
and to these might be added generally the East Indians of mixed breed, wil-
never be satisfied with the Company’s government; well or ill-founded, they will
always attach to it the notion of monopoly and exclusion; they will consider
themselves comparatively discomfited and unfavoured, and will always look
with desire to the substitution of Crown government; for the contentment of this
class, which for the benefit of India and the security of our Indian empire ought
greatly to increase in numbers and importance, the introduction of Crown govern-
ment is undoubtedly desirable."

1292. Is the commercial or agricultural interest in India at all represented in
the Legislative Council by members of those bodies?—No, they are all official
persons in the Legislative Council.

1293. Are the agricultural interests themselves represented?—No, they are not
represented.

1294. You observed that the planters generally were a very healthy class?—
Certainly.

1295. Are they a more healthy class than the general body of Europeans not
engaged in open air planting avocations?—Yes, I think they are.

1296. Is it not a common remark, on their annual visit to Calcutta with indigo,
that they are pictures of health compared with the residents of Calcutta, whose
avocations are sedentary and in-doors?—Yes; but I do not think we are a very ill-
looking set of people, nor objects of compassion.

1297. In reference to a question put to you by Mr. Willoughby, as to the
objections by the planters to the boundary surveys, had those objections reference
to the exactions and impositions which native officials generally enforce against
the planters and others, in discharge of any such delegated duty?—With refer-
cence to Mr. Grant’s Bill, the objection was, that it was impracticable; that the
territorial inquiries and divisions necessary in every case would indefinitely post-
pone the operation of the Act, because there would be thousands of estates to be
divided, and all sorts of objections made.

1298. You stated in your evidence that it was the survey that rendered it
impossible?—Yes; surveys and measurements, and valuations and questions of
title, which would open the door to endless dispute.

1299. Mr. Willoughby.] In answer to a question by the Honourable Member,
Mr. Campbell, you stated that the transit from Calcutta to Delhi was four to six
months; have not steam navigation companies been formed for the River Ganges?
—Yes, there are steam boats; the observation does not apply to those.

1300. There is a speedier transit than prevailed in former years?—Yes.

1301. Mr. Campbell.] My question had reference to the general staple com-
ommodities of the country. A steamer is a mere conveyance for light and valuable
commodities and passengers, but I referred to grain and everything that the
country is dependent upon?—Yes.

1302. Do not the steamers only go as far as Allahabad, which is only half the
distance?—Yes.

0.54.

27 April 1858.
W. Theobald, Esq.

1303. Mr. Lowe.] Is it easy to form joint-stock companies in India on account of the law?—Yes.
27 April 1858.

1304. How do you form joint-stock companies in India?—Under an Act of the local Legislature.

1305. Is that attended with expense?—No; and since that Act, an Act for limited liability has been passed, I think.

1306. Do you know whether it has been used?—I am not quite sure whether the Act for limited liability has been passed since I left. There are plans for the formation of limited liability companies.

1307. Mr. Villiers.] Is there anything now to distinguish the dependencies of India from any other dependencies of the Crown in the facilities offered to any Englishman in settling and domiciling himself there?—No, I am not aware that there are any distinctions; there are no legal obstacles.

1308. Mr. Danby Seymour.] In some parts Europeans are not allowed to settle without a licence?—I apprehend that has been repealed by Act 4 of 1837. (The Witness delivered in the following Papers.)

Vide Appendix.

MINUTES OF EVIDENCE taken before SELECT COMMITTEE

Jovis, 20° die Aprillis, 1858.

MEMBERS PRESENT.

Mr. Bailie. Mr. Lygon.
Mr. Campbell.
Mr. William Ewart. Mr. Mangles.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.
Mr. Lowe.

Mr. J. B. Smith.
Mr. William Vansittart.
Mr. Villiers.
Mr. Willochby.

WILLIAM EWART, ESQ., IN THE CHAIR.

Mr. S. J. Auld.

29 April 1858.

1309. Committee.] Be so good as state what is your business?—I am an Indigo Planter, and a manager of an estate.

1310. Have you recently returned from Lower Bengal?—I have been only two months in England.

1311. How long have you been manager of an estate in India?—Sixteen years.

1312. In what part of India?—I was 11 years in Midnapore, and the rest of the time in Rajhae.

1313-14. They are both in Lower Bengal?—Yes.

1315. The Committee have been informed that the Lieutenant-governor recently appointed several honorary magistrates, of which you were one?—Yes, I was, for a short time.

1316. Had you given your opinion previously to the Lieutenant-governor as to the expediency of those appointments?—Yes, I had.

1317. What are the duties of an honorary magistrate?—He has principally to assist the magistrate; he is an assistant magistrate without being a covenanted one; he is an unconnected assistant magistrate.

1318. And unpaid?—Yes, and unpaid. In fact, he is a justice of the peace, neither more nor less. With the permission of the Committee, I will read a letter which I wrote to Mr. Jackson, the officiating sessions judge at Rajhae, in answer to a letter which I had from him, requesting my opinion upon the scheme under the consideration of the Lieutenant-governor: "Sir, I have the honour to acknowledge the receipt of your letter of the 29th ult., calling upon me for my opinion as to the scheme under the consideration of his Honour the Lieutenant-governor for investing some of the Europeans in the Mofussil with certain magisterial powers, and particularly directing my attention to the following points; viz., the probable effects of such a measure, the willingness of planters to accept such functions, &c.
ON COLONIZATION AND SETTLEMENT (INDIA).

My opinion is, that it would be beneficial to all parties: to the Government, to the ryots, and to the planter; and, in stating my reasons, I need hardly revert to the oft-told tale of the inefficiency of the Mofussil police; it is well known, and cannot be disguised, that, much as Government has done and is doing for the better regulation of that branch of the service, they are corrupt, and often in the case of a robbery the natives would rather put up with the first loss than call in the aid of the police; for, in many instances, they have to pay in fees to the inferior officers as much, and sometimes more, than the value of the property stolen. Now, the immediate tenants of a European landlord or agent do naturally come to the sahib for redress in all their grievances; but in the case of robbery, &c., he has at present no power to award the punishment that such acts deserve, and can only tell the sufferers to go to the police. Taking this view of the case, and I think a just one, I say that not only would the effects of such a measure as is now proposed be beneficial to the natives in general, but that there are few planters who would not only conscientiously accept of the functions, but discharge them, for the benefit of the natives, and for the suppression of crime. I have,"

1310. Was your opinion also taken by the Lieutenant-governor as to the powers with which European magistrates should be invested?—Yes; the powers were not defined when I left India; with the permission of the Committee, I will read what I said: "We have voluntarily taken the office of assistant magistrates for the purpose of assisting Government, and that can only be done by assisting the magistrate in whose elakah we exercise our powers, and I consider that it should be left in a great measure to our own discretion, as to what cases we take up." (I meant judicially). "Entire supervision of the proceedings of the police is indispensable. Darogahs should send all original reports to the magistrate, and the schedule of them to the honorary assistant magistrate; I say this, because the magistrate or covenanted assistant magistrate, in whose elakah we exercise our powers, is a paid Government servant, and, as such, responsible for all that happens within his jurisdiction; we are not. As I said before, we assist the magistrate to the best of our abilities, without interfering too much with our own immediate avocations. On receiving the daily reports from the darogah, if it should appear that any case mentioned therein could be better decided by the honorary assistant magistrate on the spot, the same ought to be intimated to the darogah; of course in all heavy cases, such as murder, dacoitee, &c., the honorary assistant magistrate would consider it his duty to go at once to the spot, and report, &c. As to the judicial department, that should be left much to his own discretion; if he can assist the magistrate by taking up cases, he will do so."

1320. How long were you employed as assistant magistrate?—Only three months before leaving India.

1321. What assistance and service did you render?—We tried petty cases, and we were of some assistance to the magistrates in cases of dacoitee and murder; I have a letter from the magistrate thanking me for my assistance.

1322. Do you think such appointments of very great use in order to preserve the peace of the country?—I think so.

1323. On your return to India shall you be willing to accept the appointment again?—Quite.

1324. Your opinion is, that such appointments are of great use in preserving the order of the country?—I think so.

1325. Do the ryots acquiesce in the appointment of such honorary magistrates?—They do.

1326. Do they consider it a benefit or an evil?—I think that the ryots think it good, for this reason, that they have not, in most instances, to go so far for justice.

1327. Do they voluntarily refer their difficulties to the arbitration of a European settler?—Always.

1328. Then this is only giving effect in a more formal way to the proved necessities of the country?—Nothing more nor less.

1329. Mr. Mangles.] Do you believe that there is any hostility on the part of the Government to the settlement of Europeans in India?—I did not come prepared to answer those questions. I never personally found hostility; it would only be the state of the laws and the police that one could construe into hostility on the part of the Government.

1330. Do you think that the Government manifests by its acts any wish to injure or impede the action of Englishmen in carrying on industrial occupations?
in India? — I should say not. As I said before, the state of the laws and the state of the police would deter many Englishmen from settling; it is very easy to find fault, but very difficult to name a remedy.

1331. You think that there was no desire on the part of the Government to prevent settlement? — Decidedly not.

1332. Do you think, on the contrary, that there was a desire on the part of the Government to make the laws, and the administration of those laws, as good as the materials at their command enable them to do? — I think that we have had bad tools to work with; and what is to be done? the natives that we have to work with are the worst possible in the world.

1333. That is not the fault of the Government? — That is not the fault of the Government, certainly; you cannot change the nature of the people.

1334. It has been said by a very able man, writing upon Bengal, that the attempt to administer that country by means of native agency, is like carving upon rotten wood; do you think that that is correct? — I think that that is a true representation; the people are bad and corrupt.

1335. Do you think that the Government have made the best and the most honest use of the materials which they possess? — They have made an honest use of them, decidedly.

1336. It has been stated that bad men, in the sense of being bad instruments, have been appointed as deputy magistrates by the Government; do you believe that? — Yes, I have heard of instances of that.

1337. Do you not believe that the Government have appointed honestly and conscientiously the best men that they could find? — Yes, so far as they have been aware of it.

1338. Have you found any hostility in the districts where you have been settled on the part of the covenanted officers? — I have not personally, never.

1339. On the contrary, have you found cordial assistance? — Always.

1340. Have you, or have you not, found any overbearing conduct on the part of the functionaries? — Not personally.

1341. Have you known any instances in which good and peaceable British settlers, who conducted themselves honestly and fairly towards those around them, have been interfered with or wronged in any way by the local authorities? — I cannot at present call to mind any. As I said before I did not come prepared to answer such questions. It was only yesterday, in fact, that I got the summons from the Committee.

1342. You say that you were the manager of an estate? — Yes, belonging to Messrs. R. Watson & Co.

1343. Had you any impediments thrown in your way by the local authorities in the management of those estates? — No, excepting in a general way, with regard to the working of the police; that has always been an impediment.

1344. Perhaps you will describe to the Committee in what way the police are practically an impediment to the management of estates of Europeans? — Principally because they are so open to bribery.

1345. Are the omlah very corrupt? — They are.

1346. Do not you believe that, practically, a great many of the bribes which are believed by planters and other Englishmen to be given to the omlah, go no further, in fact, than the hands of their own mokhtars, or agents; do not you believe that it practically happens that an agent tells you he must bribe this or that officer, and he gets the money, and keeps it himself? — He takes a percentage, not the whole.

1347. Do you think that very often he keeps it all? — He may.

1348. Is not that done? — I have no doubt that it is done in some instances.

1349. In spite of the impediments which you have mentioned, were the Messrs. Watson able to carry on business in a profitable manner under your management? — Yes.

1350. Do you believe that any other Englishman managing in the same way, and conducting his business with equal skill, could also have carried on a profitable business in any of the districts where you have been settled? — Yes; I was not in a disturbed district.

1351. Generally speaking, till this last mutiny broke out, were there any disturbed districts in Bengal? — No; perhaps I was wrong in making use of that expression.

1352. What
ON COLONIZATION AND SETTLEMENT (INDIA).

1352. What did you mean by the use of the term "disturbed"?—That where I have been we have always been quiet, and there has been very little litigation.

1353. Do you know of any instances where well-conducted British settlers, conforming to the laws, and behaving themselves justly and properly, have met with any impediments?—I cannot call to mind any instance now, not being prepared, as I said before.

1354. Mr. Villiers.] I understand that you are only speaking of a particular district; you have not moved about much?—I was 11 years in Midnapore, and five in Rajshia; I can speak most of Midnapore.

1355. You acted as assistant magistrate only three months?—Yes; the appointments were only made three months before I left India. I left India in December.

1356. Had the appointments of those assistant magistrates reference to the inefficiency of the magistrate or to the amount of business?—To the amount of business.

1357. You do not speak as to the character for efficiency of the magistrates that are usually appointed?—No.

1358. If there were more highly qualified persons appointed as magistrates, they cannot dispense with the assistance that the honorary magistrates are to them?—No; they require more assistance.

1359. Is there anything like the omlah in our administration of justice; is he a sort of clerk to the magistrates?—Omlah means officers of the court.

1360. What are the duties of omlah?—They have various duties: one has to read the petition, another to write the evidence, another is in the collector's office, and there are various offices.

1361. I am talking of the judicial office; what are the duties of the omlah there?—There are three or four of them.

1362. Do any of them write the evidence?—Yes, they do.

1363. And it depends upon their accuracy what is received as evidence?—Yes.

1364. We have heard some reflections upon those officers; it is very important that they should be thoroughly honest?—Yes.

1365. What have you heard about the character of those persons generally?—I think that few of them are honest.

1366. How far is the judge dependent upon them; does he take down the evidence in the native language?—He makes memoranda in his own book as to the evidence, but the evidence of the witnesses is taken in the native language.

1367. Is the evidence taken vivâ voce, or upon deposition?—Upon deposition.

1368. And it is produced in court upon the trial?—Yes.

1369. Have you ever known an instance of omlah being suspected of taking bribes?—I have known them; I dare say that men have been discharged for that fault, but I cannot recall to mind any particular instances now.

1370. Is there any general distrust, in consequence of the bad character of those officers of the courts themselves?—Yes, there is.

1371. Do you think that the distrust which there is of the judicial officers amounts to anything like a sense of insecurity among settlers or persons who have gone out?—It must be so in a certain measure.

1372. Chairman.] Therefore it is injurious to settlement?—Yes, it must be so.

1373. Mr. Villiers.] You have spoken very decidedly about the police; you think that they are generally recognised to be as you describe?—Yes; at the present time I think they are.

1374. Looking at the character of the police and the character of the officers of the court, and regarding their importance, you think they offer a fair ground of complaint on the part of settlers, and might operate to deter Europeans from settling and employing their capital in many of those districts?—I think it might.

1375. Those are your observations in a particularly quiet district?—Yes.

1376. I think you do not state any opinion with respect to other districts?—I do not. I have heard of them, but I do not like to state anything about them.

1377. You say that there is notoriety with respect to the character of the police and of the courts generally in the other districts?—Yes.

1378. Have you any commission to act as magistrate?—I hold my appointment from Government.

1379. Is
Mr. S. J. Audle.
29 April 1858.

1379. Is it from the idea that you could prevent any of the evils in question that you attach so much importance to the appointment of those assistant magistrates?—Yes; I think that for the repression of crime they are of great assistance, or will be eventually; the system has hardly worked long enough for me to form an opinion upon it.

1380. Are you better able to judge of the credit of witnesses from local acquaintance with a district?—Much so from being on the spot.

1381. Are people exposed there to having false charges made against them?—Yes.

1382. Is that used as a means of extortion?—That may be one cause, and pique and enmity another.

1383. Do you believe that the Government is perfectly well aware of the state of the courts and of the character of the police?—They must be aware of it now, as it has been brought to their notice so frequently.

1384. What is the expectation of settlers generally; is it that there are going to be great improvements in that respect?—Yes.

1385. But they have not begun yet?—No.

1386. Have no reforms in the police been carried out yet, so far as you are aware?—I do not know that you would call it a reform, but there has been a raising of the pay of the daroghas, and putting in better educated men.

1387. Do you consider that the police are underpaid?—Yes.

1388. I believe you are going to return to India?—Yes, at the end of this year.

1389. You have no objection to state so much as you know in consequence of that, have you?—No, not at all.

1390. Mr. W. Fanzlett.] You say that in your opinion the greater part of the omilah are corrupt; what agency do you think could be substituted for them?

1391. If Europeans were employed as magistrates, they would be obliged to have omilah?—They must do so.

1392. Would not they be of exactly the same character and stamp as those who are now employed in our courts?—Yes, the tools must be the same.

1393. Do not you think that the Asiatic character, generally, is in such a degraded state that it is very difficult to get a better system than that which exists at present as regards native omilah?—As I said before, it is very difficult to find a remedy; the employment of more European superintendents would be one great remedy.

1394. Mr. Gregson.] At what distance from Calcutta did you reside?—One hundred and thirty miles.

1395. Mr. Danly Seymour.] Do not you think your evidence that the police of India are not worse than the police in European countries, contradicts Mr. Halliday's opinion about the police?—I merely said that the police were corrupt, but I have no doubt that you would find them corrupt in most other countries. I did not intend to say that the police in other countries were as corrupt as they are.

1396. Can you tell the Committee the names of the various officers of the court who are directly under the magistrate?—The first is a sherishtedar.

1397. Do you know how much the sershiedtar is paid?—Fifty rupees a month, I think.

1398. Who is under the sershiedtar?—The peshkar.

1399. How much is the peshkar paid?—Thirty rupees a month.

1400. Is there any officer under him?—Yes, the nazir.

1401. What is his pay?—I think it is the same.

1402. Is it not notorious that all those officers live far above their salaries?—It is.

1403. Have you known planters regularly keep omilah in their pay?—I have not known any instance of that kind.

1404. We have read in evidence of planters having 200 or 300 decrees lying by which they have not been able to get executed; can you inform the Committee what those decrees are about?—That depends upon the nature of the decree: a decree may be for rent, or anything else.

1405. Is it the fact that planters sometimes have a great many decrees unexecuted?—Very often.

1406. Why are they not executed?—It is sometimes the fault of the omilah.

1407. What
1407. What is the object of getting those decrees if they are not executed?—I must know the nature of the decree before I can tell the object.

1408. What are those decrees obtained for generally; are they for debts?—You may have a decree for debt, or for rents, or for anything else.

1409. What use are those unexecuted decrees put to?—You may get a decree against a man, and hold it until you find an opportunity, or it is worth your while to execute it.

1410. Do you hold it as a screw upon him in future under a threat?—Unless you get a decree within a certain time it would be worthless.

1411. You mean unless the decree is executed within a certain time?—Unless it is executed within a certain time.

1412. Have you known instances of planters having 300 decrees unexecuted?—I have heard of such instances.

1413. Mr. Baillie.] You do not know it of your personal knowledge?—No.

1414. Chairman.] But do you believe it?—I believe that many decrees have been unexecuted.

1415. Mr. Danby Seymour.] If the omlah were paid better salaries, would you get more efficient and more honest men?—No.

1416. If you got a higher class of natives, would you get more honest men?—No, for I think you have got the highest class of natives that you can get.

1417. Do you agree with what was stated in the evidence in 1852, that there is a much greater amount of perjury in the provinces that have been longest settled, than in those which we have recently taken?—I am not prepared to answer that question.

1418. Mr. Villiers.] Can you devise any check to the dishonesty of the omlah?—Nothing, but European superintendence.

1419. Mr. Willoughby.] You stated that the evidence is taken by deposition; are not the witnesses also examined vis à vis?—They are in some instances.

1420. What powers were vested in you as magistrate, with regard to your jurisdiction?—It was not settled when I left India, what should be the exact powers that we should hold; but we only had the powers of an assistant magistrate to take up petty cases of assault where no bones were broken, and cases of theft not exceeding in value 50 rupees. All the heavier cases were sent to the magistrate.

1421. What extent of punishment were you empowered to inflict?—Twenty-five rupees fine and a fortnight’s imprisonment.

1422. What number of European settlers were there in Rajshah?—Say 100.

1423. Were they employed in the same way as you were?—Yes, some of them, and some of them in silk factories.

1424. Was the measure of appointing gentlemen of your class honorary magistrates petitioned against by anybody?—No, I am not certain that it was.

1425. Was it petitioned against by the Indigo Planters’ Association?—No, decidedly not.

1426. Did not the Government of Bengal appoint yourself and others as honorary magistrates in a cordial spirit, and with the intention of giving you every confidence and support?—Yes, I believe that was the case.

1427. According to your experience, were the covenant officers with whom you were acquainted efficient or inefficient, hard-working and diligent or otherwise, and acquainted or unacquainted with the languages?—I have found some efficient and some inefficient, some acquainted with the languages and some of them ignorant of the languages.

1428. Could the Government get better native officers than they have at present?—I do not think they could.

1429. Mr. Lowe.] Have you ever known any gentleman prevented from settling in the Mofussil by the badness of the police, or from the effects of the courts, or from any cause connected with the Government of the country?—I cannot call to mind any particular instance.

1430. Have you ever known any one driven out of the Mofussil by those causes?—I cannot call to mind any particular instance.

1431. Does the tenure of the land in the part of the country with which you are acquainted present any difficulties to the settlement of Europeans?—No; in the part of the country where I have been, so far as my own knowledge goes.

1432. Are you an occupier of land?—No; I only manage for others.

0.54.

1433. What
1433. What is the tenure of the land of those for whom you manage? — They are zamindars.

1434. Have they the whole property in the land, or is there any one under them? — In some instances they hold from the Government, and in some instances they hold under native zamindars.

1435. Do they hold part of the zamindary or the whole? — A part of the zamindary.

1436. Do they hold that for a term of years, or in perpetuity? — For a term of years.

1437. In the case of a person holding from the Government, is there any other person under him with a title not derived from him? — He must have his title derived from the zamindar.

1438. Could the zamindar sell the land absolutely, so as to give a complete title, subject to the payment of a rent to the Government, or is there any other native underneath who would have a claim? — I do not quite understand the questions.

1439. Mr. Bailie.] Is there any practical difficulty in the way of an Englishman acquiring land, either as a landholder or as a tenant? — No, I know of none.

1440. Mr. Campbell.] You are and have been in the management of the Messrs. Watson's concerns in India? — Yes.

1441. They are very large planters and zamindars? — Yes.

1442. And very powerful men? — They are.

1449. Was not your appointment as deputy magistrate more connected with the late mutiny than from a desire to improve the law before the mutiny began; were you appointed before or since the mutiny? — Since.

1450. Did you see any attempt made, on the part of Government, to create honorary magistrates before the mutiny? — I think not.

1451-4. Do you think it was a necessary step in the state of feeling in the country at the time? — Yes.

1455. Chairman.] You have said that the natives are almost universally corrupt; is that corruptness of the natives a reason why you think the superintendence of Europeans more necessary? — It is.

Mr. John Freeman, called in; and Examined.

1456. Chairman.] YOU are a proprietor in various parts of Bengal, are you not? — I am.

1457. In fact you are an English zamindar? — I am, and have been for a great many years.

1458. How many years have you resided in Bengal? — Deducting the time that I have been in Europe, I should say 25 or 26 years.

1459. You have, I believe, resided in various districts in Bengal? — I have, in most of them.

1460. You are not only a landowner and zamindar, but also an indigo planter? — I am, and always have been.

1461. In what districts of Bengal have you been? — I was first in Radhaia and Purna; I was afterwards in Jessore and Furriedpore. I was not proprietor in either of those districts at the commencement of my business, but I have been a resident proprietor, both as zamindar and planter, in Nudda or Kishnagur, and Burdwan and Bhagulpore, Purnea and Monghyr; and of late years in Benares, Juanpore, Azimgur, on the frontiers of Oude; and I also lately invested a large sum of money in land in the district of Hooghly, close to Calcutta.

1462. Do you consider that the land tenures in general are secure in those parts of India? — No.

1463. Will you state the reason why? — From reasons which have been already stated by witnesses who have preceded me: the unsatisfactory state of the administration of justice, the state of the police, and in some parts on account of the great Sale Law, which affects all the permanently settled districts of Lower Bengal, and also, of course, to the inefficient state of the administration of justice, which applies to the incapacity of the civil service in general. Perhaps I may say one word in explanation of the evidence which I am about to give, so that it may not be misunderstood. I would wish to observe, that, with my long experience in India, I have no personal complaint to make against any
of the civil service as gentlemen, excepting in one instance, which was a matter of exception; and therefore I have no kind of ill-will nor animosity, nor any passion against any of them. What I blame, and have always found fault with, is the system that prevails, and not so much the individuals who administer the system.

1464. What is the state of the police in the parts of India with which you have been acquainted? — I may state a case in illustration, which occurred when I was in Rasshaie, in the early part of my career in 1826; that was a case of a false accusation of murder against a gentleman who was an assistant in another gentleman's factory, owing to which he had to undergo the greatest indignity and suffering, and it was clearly proved to be a false accusation altogether. It was more particularly owing to the darogah’s performance and those employed under him, and also to a state of animosity and a proneness to revenge on the part of a native zemindar, to gratify a feeling of enmity or dissatisfaction.

1465. Was it a European against whom the charge of murder was brought? — Yes; he was an Englishman. It involved great suffering on his part, and very considerable loss to the proprietor of that extensive concern; for it took place during the manufacturing season, when the rivers were rising, and several of the factories being stopped, the crops went under water, and what did not go under water was plundered; immense boats loaded with it were taken up the stream to the opponents’ factory.

1466. By whom was the charge brought? — By a native zemindar, in consequence of the refusal of the proprietor to make him a loan of 10,000 rupees.

1467. Was the man who made the charge prosecuted for perjury? — No, he was not.

1468. Before what authority was the charge made, tried, and disposed of? — It was at first made before the darogah; this was at a distance of 40 to 45 miles from the civil station. There had been a regular conspiracy got up beforehand, and I afterwards became aware what the darogah had received. Two days afterwards I saw this gentleman in a hut in the bazaar; I took food to him. The darogah was bribed to a very considerable extent, and this conspiracy was got up. This gentleman had commenced manufacturing owing, to the rise of the river, somewhere about 10 days before. A dead body was being taken to the Ganges, either to be burnt or thrown into the water, and this body was stopped by the zemindar's people, and they took it into a field of indigo. I should say about 500 yards from this gentleman’s factory; they had a kid, and they cut its throat. They then inflicted post mortem wounds on the body, and poured the blood over the body; they then marched away with the corpse to the tannah, which is about a mile and a quarter distant. They then presented a petition against this gentleman, and all the servants in his factory, from the highest to the lowest, stating that this gentleman created this affray in the indigo field, and that the dead body was the consequence of the affray; thereupon the darogah, it being a thing that he had agreed to do, forcibly entered the factory of Mr. B., of which he had charge. The darogah entered the premises, and seized the gentleman in his bungalow, and subjected him to great abuse and ill-treatment, as he himself told me afterwards. He was then marched away to a tannah, in a small bazaar; in all those small bazars there are prostitutes, and here happened to be two prostitutes living in the same hut; they were turned out, and this gentleman put into the hut, where I saw him. Not satisfied with that, to show the animosity which the natives have when they do get Europeans into their power, I may mention that they actually made those women do over him what I will refrain from mentioning, and there he lay between four or five days. I went nearly every day to see him. I was residing with Mr. C., whose head factory was managed by Mr. B., near the Ganges, and about 12 miles from ——. There was another factory between those, superintended by a country-born gentleman. Mr. C. got intelligence of this affair, and he went immediately to that other person's factory, but he had run away, from fear of being treated in the same way. Mr. C. arrived there, and did not find him; he had gone down to Calcutta. Then he wrote to me, begging me to come and give him what assistance I could; when I saw him, he asked me if I would venture down to B.'s factory, for B. had been seized by the police. I volunteered my services, and went there; I went into the bungalow, but not a servant was present. There was the indigo, some of it fermented, and some in the boiler, and indigo plant spoilt and strewn about. I saw boats passing by, going up to the native factory with Mr. C.'s plant. Of course Mr. C. was very much excited; the two factories were completely stopped. 0.54. O 2 stopped.
stopped, because it is an invariable custom, when these false complaints are made, to include all the servants and men in the service of the planter, either as a zemindar or an indigo planter. I went down there. Mr. C. then started for the sunder station, where the authorities reside, about 45 miles off; he was in a dreadful state; he brought his case before the magistrate. He was sending me frequent messengers on horseback to let me know what was doing, and also messengers were being sent to let him know what was going on. I wrote to him that it was the intention of the darogah to make Mr. B. walk up to the station in irons; this was in the month of July. Upon that intelligence reaching him, the magistrate interfered, and sent a special order to the darogah, that Mr. B. should be accompanied up to the station, but should have the use of a palanquin; he went in that way; part of his little finger was cut off during the first ill-treatment he was subjected to on his arrest; and finally it was proved to be a complete case of invention and forgery.

1469. How was part of his finger cut off?—In pulling him about, and striking and beating him, which invariably happen when the natives get a European into their power. Even in Calcutta you may see the police, when they get a European into their power, poke their sticks in his ribs, and treat him in a cruel way.

1470. Was the charge proved to be an unjust charge?—Completely so; it was a perfect invention.

1471. How was that proved?—By the inquiries of the magistrates, and the darogah was dismissed the service. Inquiry was made, and this case was proved to be completely unfounded. Mr. B., of course, was released. In the meantime, while these proceedings were going on, in the course of about a week I began to get the servants and the people together, and managed to get plant cut and to save what we could. From investigation, the case was proved to be unfounded. Mr. B. did not return to the factories. Mr. C.'s factory got to work; the darogah was dismissed the service; I believe there was some fine also in the matter.

1472. Mr. Baitlie.] Did Mr. B. ever apply to have justice done against his accusers?—Not that I am aware of. I left that part of the country shortly afterwards.

1473. Chairman.] You give this only as an instance of what occurs?—Of what occurred at that time; but since then, of very late years, I have had, in consequence of my purchasing an extensive estate close to Calcutta, false charges made against me, and to such an extent that I left the place, and put in a manager at 500 rupees a month. I would not subject myself to having false charges brought against me, arising from the fact of my purchasing this zemindary, for which I paid down 20,000 l. cash.

1474. Where is that estate situated?—In the Hooghly district. I purchased it in 1849-50.

1475. What were the reasons for which you gave up the management of that property?—I purchased the estate, and a few days afterwards entered into possession, when a dispute took place in consequence of some of the under-tenants claiming to hold certain villages which they said they held under a lease; that was a Musulman family. Then another family, a Hindoo family, claimed to hold a great extent of land rent-free; of which lands they had from time to time dispossessed the poorer ryots, and seeing me come there, they were apprehensive that inquiries would be made into these things, and of course it was with a jealous eye that they saw me come; there had been no resident proprietor, native or otherwise, upon that estate for upwards of 40 years, and in consequence, great abuses had crept into the estate. A few days afterwards they got up a case, falsely accusing me of going out with 150 or 200 armed people; every servant, from the highest to the lowest, in my employ, was put down in the petition. They stated that I had gone out, and seized their nets, beaten and thrashed them, and prevented their fishing in a large fishpond which formed part of the estate; and got a number of false witnesses against me. I was hauled up by the magistrate to appear and answer these complaints within three days. I was going to make complaints against them, but I was met with the statement that they had an hour before filed false charges against me in the court. This case was supported, on the one hand, by the ignorance of the magistrate who presided in the court, and, on the other hand, by the bribery of the police and of the native omlah. The orders which the magistrate passed were such, that I was actually dispossessed, while I had to pay to Government about 400 l. per month for revenue of several villages, besides the expense of the administration of the estate; and I could not get
get in a penny of my rents from the people, who had been incited by these men to withhold their rents. I went down and applied to a high authority in Calcutta, and brought the case before him, and said, "This is what is going on; I am being ruined, not only in money, but in my own person." And my wife and family being in Calcutta, I was apprehensive of danger; at last I quitted the estate, and put a gentleman in charge, who received 500 rupees a month as salary.

1476. You complain generally of the want of security in your property?—Yes.

1477. To what cause do you attribute the want of security?—In the first instance to the bad interpretation of the laws, and the incapacity in many instances of the civil servants in the Mofussil courts to interpret the laws, such as they exist; and in the next place to the corrupt state of the omlah, and also of the police; the prevalence of false charges and false witnesses. They are the grand causes of insecurity for in no country can property be secure where such a system and practices exist as those I have described.

1478. What became of those charges?—Fortunately the gentleman to whom I applied had been a very experienced revenue officer, and was then superintendent of the police in Bengal; he told me, "If you will put the case in the shape of a petition before me, with a copy of the orders of the magistrate as passed, though I cannot interfere in a direct way, still, as all magistrates are under my power, I will write the magistrate in correspondence with me, and tell him how wrong he is acting, and that he will get himself into a scrape." He added, "You had better go back, and I have no doubt but that the gentleman will pay some attention to my remonstrances." I did go back, and had to appear as a defendant. I was the plaintiff on the one hand, and the defendant on the other. I put this very clause of the Sale Act, clause 26, Act I, of 1845, before him; it is impossible to see anything more positive and clear, that an estate being sold for arrears of revenue, the purchaser gets the estate free from all incumbrance since the decennial settlement, with five single exceptions. I said, "I only purchased this estate the other day; here is my certificate, and how can you listen to these people saying that this man is entitled to hold these two villages; this man is entitled to hold this land free from rent, and the other to go and cast nets into the fishery? You can refer it only to the civil court. I, as purchaser, have come and paid up the arrears of Government revenue, but you place me in a false position. That is dead against the Government regulations." The consequence was, that, owing to his ignorance on the one hand, and the bribery of the omlah on the other, instead of being a guide to him, the omlah led him quite astray.

1479. As a resident and landowner there, you complain of the corruptness of the natives, and of the incompetency of the magistrates?—I do complain, generally speaking, of the incompetency, which I apply more to a want of knowledge of the language of the country, and to ignorance of the regulations, and of bad application of them.

1480. What had the magistrate to say?—When the witnesses were called, some of them brought in forged leases, others brought in other leases, cancelled de facto by the act of sale, and of course the magistrate referred the parties to the civil court, which it would have been his duty to do in the first instance; they were so referred, and then I went back, and got my rents.

1481. That case was decided in your favour?—Yes; after a great deal of unnecessary expense, and very great anxiety and inconvenience to me, besides the fear of getting myself into a scrape; I was afraid to put my foot out of the house.

1482. Is there any case in which you consider wrong to have been done to you which was not decided in your favour?—Ultimately I have generally managed to get redress, either by a memorial to the Governor-general in Council, or through the superior authorities in Calcutta, but after a vast deal of trouble and expense, and a great deal of demoralization; that was the case at Bhauagulpore; I had to memorialise the Governor-general in Council against the decisions of all the civil servants of that station, and after great suffering and loss, I got redress, minus heavy expenses.

1483. You have heard the Sale Law complained of by a former witness; have you in your experience as a landowner felt the mischief of it?—Yes, certainly; nobody can be interested in land in Bengal in any way but what he will feel dissatisfied with the state of that law; it affects everybody, whether European or a native landholder.

1484. What is the point in the sale law of which you specifically complain, or rather...
rather the law attempted to be amended by Mr. Grant's Sale Law?—The principal item is that bond fide leases, such as putnees, isaraha, or farms, from three to nine years, all acquired at considerable expense, are cancelled by the Act of Sale, as well as leases for extensive plantations of date trees for sugar, &c. &c.; they are the greatest grievances; that a man may purchase a putnee, we will say, consisting of seven or eight villages, in an estate composed of 20 villages. The zamindar gives him a perpetual lease, and the man who takes the putnee pays him a certain sum in cash, and agrees to a certain annual rental in perpetuity. Then if the zamindar of the estate, of which this forms a portion only, thinks proper to keep back wilfully, or otherwise, a tribe of the Government revenue of the whole estate, the consequence is that the estate is sold, and that gentleman's money, whether it was 20,000 rupees or 50,000 rupees, which he has paid down in the first instance for a lease of that property, is lost in toto.

1485. You confirm the statement made by Mr. Theobald on that subject?—Of course I do. I have given putnee leases myself. I have an estate paying me 1,000.4. a year in perpetuity upon a putnee lease. I prefer giving a putnee lease, and would prefer taking a putnee lease to taking a farm for a limited period, for a variety of reasons.

1486. What is a putnee lease?—A perpetual lease, under certain conditions. These were introduced about 1812. I do not see any regulations in reference to that tenure before that period. The whole estate of the Rajah of Burdwan is divided into putnee leases; they are perpetual leases. So long as the putneedar continues to pay his rent at stated times, the zamindar cannot increase it, or interfere in any way with that portion of the estate. On the putneedar making default to pay the rent regularly, then these regulations enable the zamindar to apply by petition to the collector, praying that the right and title of the party to that portion of the estate should be sold by public auction; and then it is optional with the original holder of the estate to bid for that right and title which he sold for the sum of money which he received in the first instance.

1487. Mr. Vildera.] Does he take all the interest which the former leaseholder had?—The purchaser takes all the interest and all the rights which the putneedar had.

1488. Does the purchaser take all the right which the original leaseholder had?—Yes, he enters into his shoes.

1489. Then it is not a forfeiture of the lease?—Yes; the leaseholder forfeits his money and tenure in consequence of default of the zamindar in the one case, and also by his own act of default to the zamindar in the other. The putneedar pays down a certain amount in the first instance, and an annual rent for ever subsequently.

1490. Mr. Campbell.] You mention that in reference to the remedy of the zamindar against the putneedar?—Yes.

1491. But the putneedar has no remedy against the zamindar for default; but his putnee may be forfeited unless he pays the rent?—Yes; the regulation reserves to any under-tenant a power of going and paying up the Government revenue, provided he has knowledge that default is contemplated by the zamindar.

1492. Chairman.] The zamindar being in arrear, the putneedar's tenure is sold?—In the case of a zamindar making default, the whole estate, including putnees and other farms, &c. is put up for sale by the Government. There is one way of preventing that from being done; that is to say, the different owners of under-tenures and others, or the part owners of the estate, have power by law to pay up that Government revenue, if it is done before sunset on the particular day. But I have known instances where it has been contrived that they should not get any intelligence that the zamindar was going to make default, and when sunset came there were parties who would have paid the revenue had they suspected the fraud; but it was a stratagem used to oust them out of their property.

1493. Whose fault is that?—It is owing to the immorality and dishonesty of the native character, and the inefficiency of the present law to prevent such evils, which persons of practical knowledge could easily provide against.

1494. You do not complain of the judicial system upon that ground?—No; this is a matter of revenue law; but the law requires great modifications to make it safe for under-tenures. Take the case of a man holding for 10 years; his lease is done away with by the fact of the sale of the zamindary by the Government; any interest that he has is sacrificed and gone. Then he comes, despoiled of his lease,
ON COLONIZATION AND SETTLEMENT (INDIA).

Mr. J. Freeman.

29 April 1858.

lease, to the new proprietor, and gets into the same position that he was in before, if he can, after agreeing to pay a second time. 1495. Mr. Villiers.] Do you consider that what you have just now stated follows from the state of the law? Of course it does, and from nothing else; but there are many other very great defects in this Sale Law. 1496. Mr. Campbell.] Take the case of a zemindary at an annual rental of 100,000 rupees. You may hold a putnee for which you have given 30,000 or 40,000 rupees, and the zemindary is put up for arrears of Government revenue; your putnee is forfeited when the zemindary is sold?—Yes. 1497. All that you gave for it is gone?—Yes; that is one of the great hardships. 1498. Chairman.] Has any amendment of the law been proposed to meet this point? From having had a very great deal of experience in this matter, and bearing great complaints in Calcutta against the Sale Law during a moment of sickness, I devoted my time to making suggestions and draughting modifications of this law; and owing to my leaving India just at that time, I handed them over to Mr. Grant, member of Council, and told him that I had not time to bring the matter forward before the Government itself, but that I would venture to put it into his hands. 1499. What did Mr. Grant say?—He said that he would see to it, and about eight or ten months after I left. I heard that a new law had been introduced into the Legislative Council, and a discussion took place upon it, providing for a reform of the Sale Law. 1500. Has such law been carried into effect?—I am not aware that it has. 1501. Is such law under the consideration of the Legislative Council?—I believe there is. 1502. Mr. Willoughby.] Was not it in consequence of the objections made to the amended draught by the Indigo Planters' Association that that law has not been passed?—I am not aware. I cannot speak to that. I left India in 1855. 1503. Mr. Danby Seymour.] What was the general principle of the draft sale law? I can only judge by the public papers, in which I have seen long discussions, and from those discussions I am justified in believing that Mr. Grant has adopted many of the suggestions which I took the liberty of recommending; but many sad consequences also to the purchasers of estates, under present circumstances, at a Government sale are owing to the preliminary steps to be taken by the authorities being improperly carried out; in fact, you may say in general that where a sale, after having taken place, is disallowed by the Government authorities (I should say in nine cases out of 10), it is owing to the formalities not having been carried out by the revenue authorities; the collector principally, free from all blame on part of purchasers. That has been the case with me. I have purchased several estates, and wherever the purchase has been disallowed, it has been owing to ignorance or neglect of his duties on the part of the collector. I suggested that the preliminary inquiries should take place before the property was put up for sale, to obviate the ruin which is sometimes inflicted upon a purchaser coming forward to pay the Government revenue. He is brought into the net, and after having become the purchaser of the estate, and having had possession of it for two or three years, his possession and purchase may be upset; the alleged proprietors or late defaulters get up a case called a wasallat; they draw up an account of the gross collections of the estate, and instead of being satisfied with filing their claim for a fair amount, or something below, it almost always turns out that their claim amounts to more than double or treble what it was possible for the estate ever to collect. The consequence is, that by a civil suit the possession of the estate may be disallowed after two or three years, and your money is returned to you with interest at the rate of 5 per cent., or whatever the Government securities may be worth at the time; and that money cost me, perhaps, 18 or 20 per cent. in the first instance; and I may be made to pay large sums for rents falsely alleged to have been collected. 1504. Chairman.] What is your specific complaint, in the case which you have been describing?—I complain of the inefficiency and defects of the Sale Law not calling upon the defaulters to state all his reasons why his estate should not be sold before the sale takes place; in fact, the principle admitted in publishing the banas of intended marriages. 1505. I understand you to have complained, in the course of your evidence,
of the corruptness of the police, of the incompetency of the administrators of justice; also of the laws themselves, and of the incompetency of the European civil officers?—Yes, with respect to the tenure of lands more particularly.

1506. Mr. Danby Seymour.] I understood you to say that your objection was, that the tenure was incomplete when you bought at a Government sale?—No; on the contrary, you get then the best title that you can have.

1507. You complain that when you have simply bought at an auction, then your tenure is not completed?—You may not know of what you will get then.

1508. When the collector has ratified your sale, then it is complete?—No, it has to be confirmed by the Commissioner of Revenue, and in some cases it may be upset by the Board of Revenue.

1509. Chairman.] Are you of opinion that the adoption of the English language in the courts of law, which has been advocated by some witnesses, would be a benefit both to the European and ultimately to the Indian population?—I do not think that it would be of greater benefit to the Europeans than to the natives, but I think that it would be the greatest beneficial reform that could be introduced into India.

1510. Do you confirm the opinion of those who have stated that the want of good roads, of water-carriage, and of general means of communication, has been of great detriment to English settlers in India?—I think that it has operated very much against settlers, but not more so than against the welfare of the country in general, natives as well as Europeans.

1511. Do you think that it has been detrimental to the settlement of Europeans?—Decidedly.

1512. From your experience, can you speak of the influence which has been produced by the settlement of the British in the large towns and in those parts of India where they are more numerous, and where their capital is applied?—Yes; I may first of all take Calcutta, where the European residents within my recollection have more than doubled; whereas in the Mofussil I do not believe that there are 30 Europeans more, if there are so many more, than there were 35 years ago.

1513. To what do you attribute that?—I attribute that to the want of security in the Mofussil.

1514. Do you attribute it to the mischiefs which you have already laid before the Committee, namely, the bad administration of justice, the inefficiency of the police, and to the other cases which you have mentioned?—Yes, principally.

1515. To what other cause do you attribute it?—The capitalist in Calcutta feels so insecure, that although he is ready to advance money to you upon mortgage, upon securities within the Queen’s jurisdiction, to any extent, at 5 and 6 per cent., yet whenever money is required for an indigo planter, or silk grower, or to develop the resources of the interior of the country, you cannot get it at less than 15 per cent., and very often more than that; that is a clear proof of the distinction which exists between the Queen’s jurisdiction and the Company’s jurisdiction.

1516. Do you attribute that to the different administration of the law in the Queen’s courts and the Mofussil courts?—Yes, I attribute it to that and to the insecurity of the land. Then as to the influence of the great number of Europeans, I must beg to refer to the advancement of education and intelligence, to the improvement in the habits, and the intercourse and influence in a commercial point of view existing in Calcutta, and the extent of the use of the English language. The Government and merchants’ offices are filled with natives, writing and reading for the purposes of the English, just the same as English clerks are employed in England; all these combined have great influences upon the state of the people there. I see natives there reading English books, whereas in the Mofussil I never saw a native read any book at all; but in Calcutta young men study English, and take to reading English books in their leisure hours, and acquire information. I never saw anything of that kind during my whole residence in India in the Mofussil. That has been done by the greater intercourse and friction between the European and native communities and facilities afforded to acquire the English language. A native merchant in Calcutta comes to me, and talks and writes English better than I do myself; but you never see anything of that kind in the Mofussil. If a native goes to pay his respects to a landlord, servant in the Mofussil, he asks how he does, and after the few set phrases of civilities, &c., have passed, there the matter ends.

1517. That
ON COLONIZATION AND SETTLEMENT (INDIA).

1517. That greater intercourse proceeds from the greater number of Europeans in Calcutta, and that greater number of Europeans proceeds from the administration of English law and the security of property? — Yes; from the fact of their being a European community, there is a greater protection; every man feels secure; he has the benefit of English law administered by trained and professional officers, and of many of the institutions which exist in England.

1518. Do you contemplate, from your past and present experience, in the event of a considerable increase of the English there, and the employment of English capital, that a very much greater degree of prosperity will take place? — Undoubtedly; it is that which is wanted so much for India.

1519. You have had great experience of the capabilities of India, in the production of various agricultural articles, have you not? — Yes, I have.

1520. Do you attribute the limited extension of the production of those articles to the absence of the means of transit down to the seaports from the interior? — Certainly I do, both as regards the produce of the country, and more particularly the produce of Europe, English manufactures and such like.

1521. Has your attention been called to the evil of the great difference in the price of salt in the different provinces of India? — That is one of the greatest hardships in Bengal; it is one of the greatest and most oppressive taxes that bears upon the poor; I refer more particularly to the distant parts of Bengal; I know that the salt used to cost them, up in the northern part of Bhaguaulpoore district, 10 rupees a maund. In Calcutta it used to be sold by the Company by auction, and bring four rupees a maund, sold in large quantities. That, of course, is a very exorbitant price in the first instance, but, owing to the system of the natives of putting in 50 per cent. adulteration, in three or four instances, before it reaches a distant part, there is a great enhancement of the price added to the expense of the conveyance; but that is a trifle compared with the adulteration, and I do not think that the Government have taken the proper course to remedy those evils.

1522. What has been, within the places where you have been, your experience of the introduction of many European articles of cultivation? — I do not know of the introduction of any European articles of cultivation, except more particularly European vegetables; that has been wonderful. When I arrived in India, you could not get a carrot bigger than your little finger, or a lettuce fit to be put upon your table; and I appeal to any gentleman acquainted with India now, whether the exhibition of vegetables in Calcutta is not equal to any exhibition in Covent Garden, also the successful introduction of some European fruits, apples, grapes, strawberries, and others.

1523. To what do you attribute that superior cultivation? — To the introduction of good seed, and changing it every year, and improved method of cultivation.

1524. To what do you attribute that? — To the introduction of Europeans; those things never would have been in existence without them.

1525. Have you ever been in Ceylon? — I have been there five or six times, but not as a resident.

1526. What has been the effect of the introduction of Europeans and European capital in Ceylon? — The introduction of European capital has had the same effect wherever it has extended. Coffee was introduced there by Europeans. I know many gentlemen in Calcutta who went down to Ceylon, and had large estates there; in fact, I was on the point of investing a large sum of money in an estate there myself. The cultivation of coffee has succeeded to a wonderful extent.

1527. What has been the reason of the difference between European capitalists going to Ceylon and European capitalists going to India? — They go to Ceylon with a perfect security, owing to the administration of the country; while in the other case they are deterred from a great number of causes.

1528. Have you turned your attention to the probability of any advantages resulting from small colonies of Europeans being established in the hilly parts of India? — As far as the influence of climate goes, I do not see why people of small means, soldiers and other persons, should not be induced to follow something like the system pursued by the French in Algeria, to colonise on or to settle the hills.

1529. Do you know anything of the colonization of the French in Algeria? — I do; I have a connexion of mine who is managing superintendent of the Settiff Company's grant in Algeria.

1530. Do you think that a great improvement in the habits, morality, and comforts of the European community will be produced in India by the much greater.
approximation to the mother country; by the facilities afforded by steam and the employment of British capital?—The bringing India near to the mother country has created a complete revolution in India within the period of the last 18 or 20 years, compared with what the state of things was when I first went out to India, whether you take the habits or morality of the Christians, or the progress of the natives who have been within its influences.

1531. Have the native merchants of late years been engaged in shipping products of various kinds to England?—Yes; some to a considerable extent. I know many natives in Calcutta who are large shippers of country produce to England, and who send out orders direct to England; nothing of that sort existed 20 years ago.

1532. You think that this great advantage of the extended commerce of the natives may be traced to the employment of British capital?—It gave the example, but the natives employ their own capital.

1533. But for the English, they never would have employed capital to the same extent?—Certainly not; they follow our lead; they do not take the initiative in anything in the shape of improving what already exists, or in introducing anything new.

1534. You want European superintendence to direct the labours of the people of India?—Yes; the same as a schoolmaster is necessary to teach young children.

1535. Have you ever been in any other parts of India besides Bengal?—Yes; I travelled from Bombay to Calcutta by dawk some years ago; I was 22 days and nights on the road; and being given to make observations, I made certain observations during that journey.

1536. Mr. Campbell.] What is the distance from Bombay to Calcutta?—About 1,000 miles, and may be more, on account of the great semicircle one is compelled to make.

1537. At what rate per hour did you travel?—It depended upon the roads; where there were good roads, we went about four miles an hour.

1538. Chairman.] The railway in that direction will make a complete revolution in the travelling system in India?—Yes, as between Bombay and Calcutta.

1539. What will be the cost of going across India by railway as compared with going across by dawk?—The dawk would be more expensive; it comes to eight annas a mile, and in Hyderabad it is a rupee a mile; you are carried on men's shoulders and upon men's heads when there is no road, and you have to be carried over the water; I had to be carried on men's heads in my palankee, and they let me down frequently.

1540. Mr. Willoughby.] How did you go to Poonah?—By dawk. That was in 1841 or 1842; it is only lately that Europeans have established carriage by horses.

1541. Chairman.] Are there any articles of great consequence to the natives of India which have been principally discovered, worked or introduced by Europeans?—Yes; the British settlers were the first to establish direct steam communication between Calcutta and Suez, and I had the gratification of being one of the passengers that proceeded by the first experimental steamer which crowned their efforts, the first pioneering enterprise before the existence of the Peninsular and Oriental Company's steamers appeared to the east of the Cape of Good Hope. It was through the untiring exertions of the British settler, that, after years of research, coal-beds were discovered and extensively worked, and have for results the present prosperous and useful Bengal Coal Company, paying about 2,000l. per month to the railway, for the transit of their coal from Raneeburg to Calcutta. There are other companies of minor importance, and individuals, including natives, also engaged in working coal-mines. What would the Indian Government have done during the late rebellion without these coals, and without the fleets of inland steamers belonging to the Indian General Steam Navigation Company and to the Ganges Company, that were of such vital service in conveying the British troops, the Naval Brigade, and the ammunition and stores for the army? Yet, how much greater services might they have rendered had there been a canal to Rajmehal, or had one of the Nudda rivers been kept open from Nudda to the Ganges. The British settlers first introduced, and have steadily persevered in increasing the number of sea-going tugs, for facilitating the intricate and dangerous navigation between the pilot station at sea up to Calcutta, and thence back. This was considered so important a guarantee against accidents, that for many years the insurance offices spontaneously paid the hire of the steam tugs up and down. The wet docks and shipbuilding yards were all erected by the settlers;
settlers; the Government established none, but were happy some years ago to purchase that vast establishment of Mr. Kidd. A great source of benefit has been conferred upon England, as well as upon India, by the perseverance of the settlers in overcoming many obstacles, after repeated failures. They succeeded in the cultivation of good tea, even before it was discovered to be indigenous in so many places in the hills. I see, by a report, that the imports into England in 1856 amounted to 700,000 lbs.; and should the flames of rebellion have spared that part of Assam, I have no doubt but that the imports of 1857 will have far exceeded that quantity. It is but through the initiative and exertion of the Europeans that the valuable iron and copper ores lately discovered will ever be brought into the market. The British settlers established the inland transit, by means of small carriages drawn by horses; by means of which, Sir Colin Campbell and some hundreds of officers and soldiers were conveyed from Calcutta to the seat of war. Through the instrumentality of the British settlers it was that the transit through Egypt was finally brought into existence, and that the first steamer was placed on the Nile. That is as to resources and matters in which the Europeans have taken the initiative, and have prospered to a very extraordinary extent. I am interested in many of those undertakings, both in the coal-mines and in the tugs, and we receive very large dividends.

1542. Do you think that there is likely to be great improvement in the production of wool in India?—I see nothing adverse to it.

1543. Has the production of it increased much of late years?—No; there is no wool in India, properly speaking; it is a kind of hair; it may be turned into very good wool, by crossing with English or merinos sheep.

1544. What sort of hair is it?—It is a coarse wool; the people call it wool.

1545. It is imported as wool, is not it?—The term is used. The wool is used for manufacturing coarse blankets, and all those sorts of things; but improvement in cattle is a very desirable object, and easy to effect.

1546. Does the indigo which is made by the natives sell at a lower price than that which is produced by Europeans?—Of course it does.

1547. To what reason do you ascribe this?—First of all, wilful fraud is extensively practised by the former; no gentleman will go and purchase native indigo with that implicit faith that he will purchase of Europeans.

1548. Is that attributable to the superior skill and to the capital of the Europeans?—To skill, care, attention, and honesty.

1549. Is the native indigo mixed?—Yes; the inferior quality is mixed up with the good quality; the chest is packed with good cakes and colour, down the sides and on the tops and bottoms, but the middle is bad, sometimes far from being dry, &c.; there are, of course, exceptions.

1550. You think that the higher price is a proof of the superiority of English capital and skill?—Yes.

1551. It also proves the inferior character of the natives, both as manufacturers and also as respects their want of honesty as dealers?—There is that nonchalance and indifferent kind of feeling, that they do not take so much interest, zeal and good faith in the matter.

1552. Do you find that your health has suffered very much during your residence in India?—I never took a dose of medicine for 16 years on one stay, and never knew what a doctor was; I think it a most healthy country, so far as my knowledge goes.

1553. From your acquaintance with the other planters in your part of India, can you state that they are healthy men?—Yes.

1554. Do not you think that the stories which we have heard of the unhealthiness of the country are somewhat exaggerated?—Very greatly. People who live in an artificial state must expect it, but the people in the Mofussil are destined by nature to lead a life more natural, or more harmonising with the requirements of a healthy state. Their employments are out of doors, and they are exposed to the air and other elements, and to other beneficial influences, and to these I attribute their better health.

1555. To what do you attribute the want of health amongst the soldiers in India?—To a great extent to the laxity of discipline. And to illustrate that, I may mention, that Fort William, in Calcutta, where the European soldiers are garrisoned, is about three-fourths of a mile from the Government House, and there is a beautiful plain between the two; to go to the town, the soldiers pass it; and I have seen there three or four British soldiers at a time sprawling on their

0.54. P 2

backs,
backs, filled with liquor, fermenting in the sun, and foaming at the mouth; they
are taken into the Fort; they fall sick, and many die; and that is attributed to the
climate. If in a warm climate such things as these are tolerated by those who
ought to keep men in order, what body can resist? I say none. The same applies
to sailors, as well as to soldiers.

1556. Has the attention of the gentlemen who, like yourself, reside in the Mofus-
sil, been called, as that of an English gentleman would be, to the amelioration
of the people, by the foundation of schools, and other means of instructing them?—
Not that I am aware of; no more than that in every village there is a native school.

1557. The Europeans do not seem hitherto to have devoted much attention to
that subject?—The occupations of the British settlers are so constant that they
have not done it. In some of the civil stations I have heard discussions on the
subject, and many planters have co-operated with persons more particularly
engaged therein, and many others have subscribed liberally for building churches
in the stations.

1558. Is there not a school at Jessore?—I believe there is; I do not speak
positively.

1559. Have you any observations to make upon a subject that has formed a
portion of the evidence given to the Committee with regard to the Black Act?—
Yes. I have here Sir Arthur Bulier's speech in a discussion in the Legislative
Council in February 1857. Sir Arthur Bulier has been one of the Queen's judges
for 14 years. He says, "Then who are they who thus come forward with this
language of remonstration?" (This refers to the British settlers.) "Are they
some ignorant or insignificant or worthless section of our community? Far from
it; they represent the life, the vigour, the best hopes of our Indian possessions.
To the industry, the skill, the indomitable energy of the British speculative in the
Mofussil it is no little that we already owe; and it will be the height of impolicy
as well as of ingratitude heedlessly to discourage so valuable a subject in the on-
ward course of improvement, along which it is his mission to lead the destinies of
his country." I will only read one other passage. "But, sir, while I instance
without any horror these deviations from the principle of equality in the scheme of the Commissioners" (that is, the Law Commissioners), "there is one other
such deviation to which I cannot help drawing your attention, and on which I
confess I look with very different feelings; I refer to that most extraordinary
provision by which an exclusive right to be tried before the sessions court is re-
served to certain four classes of public servants; namely, to judges of every
description, to all members of the covenanted civil service, to all officers of the
Queen's and Company's army, and to all officers of the Company's navy. Sir,
I could hardly believe my eyes when I first saw this provision in the Blue Book.
I could hardly believe that, at the very time its authors were professing to abolish
on principle all distinctions between natives and Europeans (distinctions which,
merely as distinctions, the natives cared very little about), they should have gone
out of their way to invent this new distinction between different classes of British
subjects; and that they should have selected, as the objects of exclusion, precisely
those who have always been most clamorous for the maintenance of their ancient
privilege, and who would be so sure, not only to resist such an attempt on prin-
ciple, but to resent, with all the bitterness of insulted pride, an act of favouritism
so offensive, so uncalled for, and so palpably unjust."

1560. Mr. Campbell.] Have you watched the increase of the exports of
commerce from Calcutta since the period that Europeans were allowed to hold
land in their own names, and compared the period between 1832 and 1838, and
the period between 1851 and 1856?—Yes.

1561. By a tabular statement which I hold in my hand, I find that in the first
period 52 crores represented the exports when Europeans were not allowed to
hold lands in their own names, and in the latter period they have increased to
124 crores; in other words, they have increased to 237 per cent., after Europeans
were allowed to hold land in their own names; are you aware of that?—I am aware
of that, in consequence of this: Mr. G. Brown, who is the managing partner
of one, if not of the most considerable commercial firms in Calcutta, Jardine,
Skinner & Co.'s firm, went very deeply into these things; and I have here his
address upon these matters; and he being a commercial man, I consider his obser-
vation is of some value. He states that in examining the commercial returns
he has gone back as far as 1824-25; from that year to the year 1831-32, a
period of eight years, the exports and imports of this country amounted to
59 crores
ON COLONIZATION AND SETTLEMENT (INDIA).

59 crores and 85 lakhs. From the year 1832-33 to 1837-38, the exports and imports amounted to 52 crores and 36 lakhs, which period of six years thus shows an increase of upwards of 11 per cent., as compared with the former period of eight years. That was a small increase, but it was an increase effected at a time when the country was just being freed from the monopoly which the East India Company previously enjoyed. "Observe," he says, "the increase of trade during the year following 1837-38; and, from that, judge what a serious thing it would be to interfere with the judicial administration of this country in the manner that is proposed." I have divided the space of time intervening between 1838-39 and 1855-56 into three periods. From 1838-39 to 1843-44, the total amount of the trade of this country, in exports and imports, was 80 crores and 74 lakhs; from 1844-45 to 1849-50, it was 98 crores and 537 lakhs; and from 1850-51 to 1855-56, it was 124 crores and eight lakhs, being an increase upon the years 1832-33 to 1855-56 of upwards of 237 per cent.

1562. Do you attribute that to the fact of Europeans being allowed to hold land in their own name, or to the course of trade?—No; it is certainly not my opinion that it all arises from the facilities of Europeans being allowed to hold lands in the Mofussil, but it is owing to the increased introduction of British capital, and the great increase of Europeans in Calcutta, who have agents in the interior of the country for purchasing produce, and giving facilities for capital at such places as Cawnpore, Mirzapore, Patna, Benares, Dacca, Siwargunge, Commerceilly, Moorshedabad, and the like. This caused the produce to be more known and exported. I may mention linnen; I was the first man who sent linen down to Calcutta; I recollect the first invoice to England; and it has risen now to that extent that in 1856 Bengal exported upwards of 60,000 tons of it; and the same may be said of all other seeds, and of hemp and jute, for example. I may mention that India supplied, including tallow, and vast quantities of hides of all kinds, during the Crimean war, what Russia was unable to supply, owing to the blockade.

1563. You alluded to the inefficiency of the present examinations and acquirements of the magisterial officers; can you suggest any remedy for that?—Of course if a man is intended to preside on a bench of justice, whether as a magistrate or as a civil judge, we think that he requires a certain apprenticeships and a certain training; a special education, for a certain period. These would cause a great improvement; but what I consider would lead to greater improvement is the means of the English language being introduced into the courts of justice throughout the country, the same as in Calcutta. In that case, though the magistrate might not be more efficient in professional knowledge, we should have the advantage of his common sense, which he cannot exercise at present. He does not understand at present the witness, and he cannot make himself understood; this applies also to the written petitions or plaints, as well as to written answers and written depositions; therefore, he is in a kind of shivering, anxious, and hesitating state; whereas if he had the privilege of speaking his own language, and having an interpreter, instead of the omiah, he would understand and make himself understood, and would feel a much greater satisfaction in his own conscience as to his responsibility, and in his deciding according to the merits of the case, which he would thoroughly understand; and that would be a greater means of improving the administration of justice in every sense.

1564. What remedy do you suggest for the defects of the police?—It has been my impression for many years that the only means of effecting an improvement in that direction is by the further introduction of the European element into every district.

1565. You alluded to the hardships that the indigo planters underwent when false charges were brought against them, more especially during the period of the manufacture; perhaps from your own practical experience you can state what those losses are, if a planter, at the commencement of his indigo operations, is simply incarcerated, in the case of a property yielding 1,000 maunds of indigo per annum; if the managing planter were removed from the active scene of operations during the two months that he might be manufacturing, what would be the effect upon the property of such removal and degradation to him?—Very extensive indeed. It might involve a loss to the extent of one-half to two-thirds of his whole outlay for a year, and have for effect very considerably to depreciate the value of his factories.

1566. And the outlay for a year of a planter realising 1,000 maunds of indigo 0.54. P 3 might
might be how much?—My concern averages from 1,000 to 1,400 maunds, and my outlay is, in cash, about a lac and 15,000 rupees, 12,000l. actual cash outlay, independent of block, interest, and charges. Down in Jessore and Kishnagur, where the planter is on the ryotwari system, in such a case as you mention, the losses would be very considerable.

1567. What effect do you think the transfer of the Government from the Company to the Crown will have on colonization or British settlement?—Colonization as applied to India in the present circumstances would have a very great effect I have no doubt; because the change in the form of Government from the company to the Queen leads one to expect ulterior reforms more closely connected with India itself; and therefore as there is such a vast call for reforming in every branch of the service in India, we naturally suppose that a great portion of those reforms will result in consequence of this change in the system of the Government in England, where independent men having a knowledge of India will be allowed to take a part in any Council or Indian Board formed there. But the great demand of the community, both native and European in India, is the opening of the Legislative Council in Calcutta; and we look upon that as much more important than the change of Government here. The Legislative Council do not possess the necessary knowledge of the practical working of the laws they enact; and so long as light and practical knowledge are kept out of the Council, its members must continue to grope in the dark, or abstain altogether from proposing acts so urgently called for by the extension of commerce, &c.; if you will not open the window to let in light, they legislate in darkness.

1568. Are the agricultural interests of India at present represented in the Council?—Not at all.

1569. There is no member of the agricultural interests in India in the Council to represent those interests in any way?—None whatever.

1570. Are the commercial interests represented?—No.

1571. Would you recommend their representation in India?—Certainly.

1572. Have the members of the existing Council in India competent knowledge of agriculture and its interests, and of commerce and its interests?—They have none whatever, to the best of my belief; how can they have?

1573. Then you think that agriculture and commerce in India at present suffer from not being represented in those councils?—They most urgently require to be represented; they suffer very much from not being represented; we feel the want of it ourselves, having our capital invested in the Mofussil.

1574. Mr. J. B. Smith.] You stated that you went from Calcutta to Bombay by dawk, and that it took you 22 days and nights to be carried on men's shoulders a distance of about 1,000 miles?—Yes.

1575. Are you aware that in the United States of America you can travel that distance in two or three days?—Yes, I believe so.

1576. In the course of that long journey did you travel through any of the native states?—Yes; you have to go down from Bombay to Hyderabad, and then up again; and you go through the whole Hyderabad territory.

1577. What was the state of the roads in the native states; were they as good as those in the English territory, or better?—The only good road is from Bombay to Poonah, and a short way thence on to Shulapare; there was a track, rather than a road, for some short distance; but beyond Shulapare we could scarcely see any road at all.

1578. Did you find the roads in the native states better or worse than those in the English territory?—I had greater facility in going through the Hyderabad territory than through the other parts.

1579. That is a native state?—Yes. The roads there were better than certain parts of the roads in the Company's territory?—Yes.

1580. In the course of your journey through the English territories did you see the remains of ancient roads?—Yes, in some parts to the eastward.

1581. Had those roads formerly been good roads?—I presume they had; they were fine broad roads, planted with trees; but they were no longer in the state of roads when I passed them.

1582. They had been so much neglected that they were almost impassable?—I could not pass them.

1583. Mr. Mackie, the commissioner sent by the Manchester Chamber of Commerce to report upon Western India, states that part of the country that it is a misnomer to say that there are roads in Guzerat; for roads, in the civilised
and ordinary sense of the term, there are none in the province, it being utterly impossible to convey to anyone who has never seen them any correct idea of what are called roads in Western India; he furnished also a variety of diagrams. Will you look at those diagrams, and inform the Committee whether they be anything like a correct representation of what are called roads in Bengal?—With respect to Bhaugulpore district, where I was resident for eight years, and in parts of Kishnagur, where I was also resident, and in parts of Burdwan, I say that is a fair representation of the roads there, of those not called metallled roads, such as the great trunk road. Then there are other roads, which by the regulations the zemindars are supposed to repair; that is a very good likeness of those roads. Then come the roads round about the civil stations of India, in and immediately around which there are beautiful roads, but they are pleasure roads, chiefly drives for the civilians and their ladies; as commercial roads, I know of no others but those I have mentioned.

1584. I have shown you a diagram of a single road; I will now show you a section of a parallel road; will you look at that?—I cannot say that I have seen the ruts so deep as this; but there is another one, with the ruts two and a half feet deep. On such a road we cannot carry on a cart more than seven or eight maunds; whereas on a good road a cart and two bullocks carry from 25 to 30 maunds.

1585. Are not the parallel roads mere ditches?—Those I have seen are such; the pleasure roads and the great trunk road being excepted.

1586. Mr. Mackie also stated that, in the district of country which he visited, comprising an area larger than that of England, those main roads are barely passable during eight months, and utterly impassable during the four remaining months, except to pedestrians; is that true of Bengal?—Where the periodical rains prevail, that is so; the inundations also help; they use boats then.

1587. I think you stated that you had an estate somewhere in the neighbourhood of Calcutta?—About 40 miles off Calcutta.

1588. Do you grow sugar upon that estate?—Sugar, tobacco, and vegetables for the Calcutta market, and rice to a great extent.

1589. Does a bad state of roads exist there?—So much that the men who come to take the sugar away are obliged to use bullocks, and they put leather bags upon the bullocks' backs, each bag containing a little less than a maund; and the only roads they have there are the lines separating one rice field from another, which are generally about a foot in breadth, somewhat elevated above the field, acting also as ledges to keep the water in the fields; and the bullocks tread along those little passages; but some distance from there, where there is a little bit of road, they will take 20 and 25 maunds of produce with a cart and a couple of bullocks.

1590. I understand you to say that that road is impassable for carts?—There were no roads practicable for carts.

1591. They are obliged therefore to send the sugar two maunds at a time on the bullocks' backs, because there is no road fit for a carriage?—Yes, exactly.

1592. But if there were a road fit for a carriage, as I understand you, a cart would take 25 maunds?—Certainly.

1593. How many bullocks would be required for a cart of that kind?—Two.

1594. It requires, then, 12 bullocks to do the work of two?—Yes, it does.

1595. Does not that very much enhance the price of the sugar?—It enhances it on the one hand, and causes a loss to the producer on the other.

1596. That is to say, if the producer of the sugar could carry 25 maunds with two bullocks, instead of carrying 25 maunds with 12 bullocks, he would have so much greater profit?—Of course, the grower would get a greater value for his produce. This applies as well to rice and wheat. In Bhaugulpore there is a great wheat cultivation, both white and red; Indian corn is one of its great productions. It has been imported into England.

1597. There are some good roads in the neighbourhood of Calcutta; is there not one to the Governor-general's house?—Yes, 18 miles long.

1598. Is that the only good road out of Calcutta?—There is one to Dum Dum, which is the artillery station, close by; and there is a bit of a branch road that leads out in the Buraset direction.

1599. I understand you to say that the Government monopoly of salt was felt to be a great grievance in India. Is not that grievance increased by the enormous expense of the carriage of salt into the country?—That is a component part of 0.54. P 4 the
120 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

the enhanced value of it by the time it gets a certain distance. But there is another cause, which is the quantity of adulteration which the salt has undergone, which might be prevented by the Government having depots at various stations, &c., on the French system. There is no doubt that if there were facilities by roads, the price of transit would be very considerably reduced.

1600. That adds very much to the price of salt to the consumer, does not it?—It does, when it gets to a certain part of the country.

1601. Therefore, that increases the grievance which you complain of in the price of salt?—It does; for where water communication stops, a great expense is incurred to get the salt.

1602. You stated that since the Russian war there had been a great increase in the exports from India?—Yes.

1603. Has not that increase of exports been occasioned by the great advance in the price of different kinds of produce which were formerly supplied by Russia?—I was in Calcutta during part of the time, and my observation was this, that as to hemp and jute, oil seeds, tallow, and hides when the blockade took place, they no longer found the issue from Russia to the same extent as before the war; and then Calcutta was applied to to see how far it could supply the deficiency; and India distinguished herself in that capacity, in supplying, to a very great extent, the calls made upon her resources.

1604. Has not that increase in exports been occasioned by the great advance in the price of the different articles which were formerly supplied by Russia?—I cannot answer the question put in that way. The enhanced price, no doubt, contributed in enabling India to pay greatly enhanced prices for freight, from 7 l. 8 s. to 10 l. per ton, instead of 3 l. and 5 l., ruling freights.

1605. Are you aware that the price of those articles has doubled?—Many of them did much more than double in India; jute, for instance.

1606. And did not that rise in price enable merchants to bring that kind of produce from a greater distance than it had been brought before?—It brought down a much greater quantity.

1607. Why cannot they at all times bring this produce down to market?—Owing to the want of facilities of communication.

1608. Supposing the price of those commodities were to decline to what it was before the Russian war, do you think that there would be the same quantity of produce brought to the ports that there was during the war?—To a considerable extent, I should say, there would; because when once an article has been made known in the market, and a demand for it in Europe, it is produced in greater quantity, and is made an article of export, which, in the first instance, it was not; and without the effect of the Russian war intervening, you would not have had a knowledge of the capabilities of the country in respect of those particular items, or of India's capabilities to produce such large quantities. And I am satisfied now, that though prices have not remained quite so high as during the Russian war, still those articles have been exported with a very fair and tempting profit in general, and I think that will continue to be so, freights having come down to the standard that prevailed before the war.

1609. Do you not think that the great cost of bringing, over the bad roads of which you speak, the produce which has been substituted for the produce which was formerly received from Russia, will add so seriously to the price of the articles as to disable India from competing with Russia when prices fall to what they were before the war?—That would be a great ingredient in the difference, no doubt.

1610. And you would not, therefore, be surprised if, now that the Russian ports are open, there should be a great falling off in the exports from India?—I should not be surprised at some considerable falling off, though not in toto.

1611. Supposing that India had the facilities of good roads and cheap conveyances, is there anything, in your opinion, to prevent India from supplying our markets at all times, at as cheap a rate as Russia?—That alone would not be sufficient, but coupled with a better administration of justice and a better police, and experienced men competent to make commercial laws, &c., it would I am convinced.

1612. Mr. Campbell.] The natural capabilities of India would do it, with the facilities of roads?—The natural capabilities of India are amply sufficient.

1613. Mr. J. B. Smith.] You are an indigo planter; do you grow your indigo-
by means of irrigation?—No, we do not; it would be too expensive, unless irriga-
tion was made available.

1614. It would be too expensive to dig wells, but would it not be practicable
to bring canals and irrigation into your neighbourhood?—I dare say it would be;
the Ganges has such an immense length, and there are other rivers down to the
Ganges; there is a great slope, and you might dam the water up, as the barrage
on the Nile, or otherwise, as done in other countries.

1615. Would that not be a great advantage?—Yes, of course, a very great
advantage, and most desirable; we might then have grass lands, so much
needed.

1616. Does indigo yield a larger crop by means of irrigation than without it?
—Much larger, and more certain. With one-half the quantity of land, and one
half the expense, we would produce an equal quantity. With irrigation you have a
full field, whereas without irrigation you have half the field fail, except in Tirhout,
where the moisture is kept in the soil by superior cultivation of the soil. Down
in Lower Bengal, all Behar, Benares, Juaapore, irrigation would be of great
benefit where the land will not retain moisture.

1617. In your opinion, is the navigation of the Ganges capable of great improve-
ment?—It is of less consequence, because you can manage to use it as it is.

1618. The Nuddea rivers are capable of great improvement?—Yes, one of
them we have for many years urged the Government to keep open, or to construct
a canal.

1619. Is the Nuddea, in the dry season, navigable?—No, the Nuddea rivers
are not navigable.

1620. Is not the Nuddea capable of being made so?—Part of it is navigable
all the year round, but not from the Ganges; it is only a small part inland.

1621. All the traffic coming by the Ganges during the dry months is shut out?
—Yes; it has to go round 200 or 300 miles, through a very intricate and dan-
gerous navigable part of the country.

1622. Is it not proposed to make it navigable for the whole year?—I do not
see why it should not be done.

1623. And would not that be a great advantage to the traffic?—Immense.
Now that the railways are coming, it is of less consequence, except for bulky
articles, and of low value.

1624. Mr. Lowe.] You suggested as an improvement in the judicial system
that the proceedings should be in English?—Yes.

1625. Then you would want interpreters?—Yes, exactly as in Calcutta.

1626. How would you get them in the Mofussil?—The country-born Christians
are an excellent class; they are employed in the Supreme Court in Calcutta, and
elsewhere in such capacities.

1627. And you think that they could be trusted to interpret truly?—Decidedly.
The advocates on either side would be there, and if any mistake took place they
could correct it. The system has prevailed for 80 years in Calcutta.

1628. It might prevail in Calcutta, and yet might not succeed so well in the
Mofussil?—I will not say quite so well; that would depend upon proper control
and discipline in the courts.

1629. You have given a great many reasons why things go easier in Calcutta
than in the Mofussil?—Yes.

1630. Have you any other suggestion to make with respect to the judicial
system?—Yes.

1631. What remedy have you to suggest?—A greater standard of qualification
on the part of the gentlemen presiding on the bench, independent of the change of
the language. I would have men trained to be judges, such as those gentlemen
are who are sent out from England to preside in the Supreme Court, who have
practised in England at the bar, and having undergone a sort of apprenticeship,
which has taken a certain number of years, they are able to assume their duties
at once with satisfaction to all parties.

1632. You would recommend a higher standard of legal qualification?—Cer-
tainly.

1633. In what way would you distribute those judges; would you make them
occupy the same districts as now?—Yes, they should preside in the same courts
as the judges at present existing, but I think that an extension of judicial and
magisterial offices would be required. Take Tirhout, there are a million of inha-
bitants there, and only one magistrate and one judge to do the business.

1634. Is
1634. Is there any other suggestion which you can make?—The reform notion is this, that the introduction of the English language would cut at the root of all this heap of corruption, and do away with the native omiha.

1635. You suggest the introduction of the English language, and a more highly qualified judge?—Yes.

1636. Nothing else occurs to you at this moment?—No, so far as the courts go.

1637. Then with regard to police, what are your suggestions?—To have an extension of European agency, the same as has been adopted in Calcutta for some years past, from which we see that amazing benefit has arisen.

1638. Do you wish that the common policemen should be Europeans, or only the superintendents?—I would wish that in every district, according to its extent and population, the superior grade of policemen should have the superintendence of three or four tannahs, which would employ three or four darogahs, because there is a darogah in every tannah; and they should keep a surveillance over them and have reports; and when any serious case takes place, such as burglary, affray, or murder, they should go and investigate the case upon the spot, or watch over the proceedings of the darogah with scrutiny; and from that control the magistrate would get a better insight into the truth of the case; the European would have to depose to the truth of his inquiries, all of which is unattainable under the present system.

1639. What class of European would you recommend?—The class of men who are employed in England. In France it is the same; many soldiers are employed there; and in India, where material life is so very cheap, it might easily be done. Our assistant indigo planters receive a salary varying from 200 to 500 rupees a month, and under such circumstances, and even with less, the officers might live very comfortably; and one or two grades might be made. For Europeans I would have two different grades at least.

1640. With salaries varying from 200 to 500 rupees a month?—Yes, according to their rank and to the trust reposed in them; say from 150, the lowest; and 300, the highest grade.

1641. Do you propose that the body of the police should continue to be natives?—Yes.

1642. What class of natives?—Much the same, with this distinction; I must say that, within my own knowledge, the selection for the police might be better made. I know instances of gentlemen who have made darogahs of their own private servants when they have shifted to another station, and that I think improper.

1643. Who should select them?—Ten or fifteen years hence I would not select any darogah unless he could pass an examination in the English language; that would be a means of divesting him of his system of corruption; they should be appointed by the magistrates, subject to confirmation.

1644. Could you get darogahs who could speak English at present?—Not immediately; but if a proclamation was issued to say that it was necessary for the future that they should be able to speak English, I dare say, before 12 years hence, you would have your courts filled with persons able to carry on the police or the administration of the country, such as pleaders, moochtaars, and others.

1645. What class of people are they who furnish the police; are they Bengalese?—Generally speaking, they are Bengalese; but they are sometimes upcountrymen, who are more moral, of a better standard, more trustworthy, and more brave: the natives of Bengal of that class are a bad set.

1646. They are bad material?—They are very bad material.

1647. Is it not objectionable to employ them as police?—Not if they are properly looked after.

1648. Are they not notoriously wanting in physical courage?—They are, to the extreme.

1649. You do not see how you could get over employing them?—No; you want the closest European superintendence and surveillance.

1650. Mr. Lowe.] Would not there be some advantage in bringing police from a distance, from the fact that they would be free from local influence?—Decidedly; no doubt.

1651. Is it a good system that the darogah should be allowed to examine prisoners himself?—Certainly not; it ought to be put a stop to, though I would allow this power to a certain extent to the European police, to save an innocent man from being sent a distance of 50 miles to the station.

1652. Is
ON COLONIZATION AND SETTLEMENT (INDIA).

1652. Is there anything else that you could suggest with regard to the police?
   —I think that darogahships, after a certain number of years, should not be given without an examination in English; I maintain that the natives of Bengal are corrupt as far as they are in a needy position, and if you go to a higher class of people, you meet with a higher degree of morality.

1653. What is the pay of a darogah?—In the part of India that I know, it was from 20 to 25 rupees a month; peons 4 rupees, and jammadars 8 rupees.

1654. With regard to the land, can you make any suggestion which would improve the tenure of land, and facilitate the possession of it by Europeans?—Certainly; in the country, where most of the land is occupied in one way or another, except in the sudderbunds, there is a difficulty to surmount. Those gentlemen who have invested their capital in indigo and so forth, have managed it in this way: for the sake of peace and quietness they have come in as purchasers of leases for 8, 9, and 10 years; they have purchased putnee talookas or perpetual leases. Therefore when this unfortunate sale law comes into effect upon an entire zamindary these are all swept away.

1655. You wish some measure like Mr. Grant's sale law, which should give the lessee a security that his large tenures, unprotected by the sale law tenure, should not be destroyed by the sale of the zamindary?—That is one thing; our other method is to rent the land from the small tenant; I am obliged to pay six rupees a bigah for rent.

1656. How much is a bigah?—Thirty thousand superficial feet, where I am; but the bigah varies.

1657. From whom do you take it?—From the ryot.

1658. Who is himself the tenant of the zamindar?—He generally is, or the tenant of Government. In Bengal, where land is so much cheaper and better, there is the ryotwar system of indigo cultivation, and there they have to make contracts; some planters make 10,000 contracts with 10,000 different cultivators; one makes a contract to cultivate indigo for one acre, another for half a one, and another for ten; and it is from the natural disposition of those people to break the contracts that those innumerable suits arise; and out of those suits, by the time you get a decree, very often the man is left with nothing.

1659. What other remedy would you suggest with regard to titles for land?—In my knowledge of India, where the village system prevails, and the country has been surveyed by the Government, and the limits fixed, instead of adhering to that system, I would create estates containing 8, 10, 20 villages together, of from 4,000 to 10,000 acres, and I would sell those estates, and that would create a proprietary class, which is so desirable.

1660. You would sell them out and out?—Yes; and of course realise an enormous sum of money, or I would bring them under the perpetual system.

1661. Those would be zamindaries?—Yes; they are not at present.

1662. Is there not some native right to extinguish?—No, none where the village system has been introduced.

1663. Take Bengal, for instance?—That does not apply; in Bengal these rights are defined, and more or less protected.

1664. Do you see any objection to allowing the zamindar to redeem at so many years' purchase the tax assessed upon him by the permanent settlement?—I do not see any.

1665. Why not?—Because, in the permanent, settled districts of Bengal, the tax on the land was reckoned at one-half the produce of the soil at the time of perpetual settlement; and if a man has purchased an estate, paying for it 20,000 rupees annually to the Government, he is supposed to collect at least 50,000 rupees from that estate. The land-tax is so great that it would depend upon the number of years' purchase at which the estate should be redeemed; but to redeem the land-tax in India, it would take a large capital to redeem a property where the value established had been based upon one-half the produce of the soil. Lord Cornwallis's settlement was made upon that principle.

1666. If an equitable agreement could be come to between the Government and the zamindar, do you think that such an operation would be beneficial to the country?—I think that it would; but I doubt whether the natives would have sufficient confidence in the present Government to do so.

1667. Would the Europeans do it?—They would be more likely.

1668. Would not you, as a European, estimate very highly the advantage of being free from Government interference?—Yes, and so would every one.

0.54.  q 2  1669. And
Mr. J. Freeman.

29 April 1838.

1669. And of being in the position of holding a fee-simple in England?—Yes, if the Government would only limit my estate, or send out a person at my expense to mark the boundaries of it.

1670. Would not such a plan tend very much towards the encouragement of the investment of capital in India?—No doubt very greatly.

1671. Are there not rights besides the rights of the zamindar that would require to be extinguished?—None such that I consider necessary for agricultural purposes.

1672. Still the people would be glad to get rid of the land-tax, even maintaining those rights?—No doubt they would; that is, those who are more enlightened.

1673. You have mentioned a case where a man makes a lease to another, and then the Collector may sell that property, if he is in arrear?—Yes, at the request of the owner of the property. This applies exclusively to putnee leases.

1674. Would it not be more convenient for all parties if, when there was a lessee of the land, that person should become the Government tenant, and you should have nothing more to do with the rent payable to the Government for that portion of the land?—Yes.

1675. But without redeeming it, the tenant has two payments to make?—Yes, he may, in certain cases.

1676. Would it not be a great convenience to you that he should pay directly to the Government, and that you should have nothing to do with the payment?—No, I do not see any advantage in that, any more than it might prevent the fraud of the zamindar.

1677. Mr. J. B. Smith.] Suppose the case of a zamindar paying 10,000 rupees a year to the Government, do you think, if he had the power of redeeming that payment by the purchase of so much Government stock as would yield that amount, he would be glad to do so?—Certainly, if he could, and if he had sufficient confidence in the Government.

1678. Chairman.] But you think that in many cases the sum required for redemption would deter persons from redeeming?—That would be one of the difficulties to be overcome.

Martis, 4o die Maii, 1858.

MEMBERS PRESENT.

Mr. Campbell. Mr. Mangles.
Mr. De Vere. Mr. J. B. Smith.
Mr. William Ewart. Mr. William Vansittart.
Mr. Kinnaird. Mr. Villies.
Mr. Lowe. Mr. Willoughby.

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. John Freeman, called in; and further Examined.

Mr. J. Freeman.

4 May 1838.

1679. Mr. Willoughby.] In what year did you go out to India?—In 1825.

1680. Did you go out in any particular capacity, or as a settler?—In 1825 I went out as a settler.

1681. And you commenced by purchasing land?—By going to an indigo factory, where I remained.

1682. As a principal or as an agent?—As a man of business; an assistant, properly speaking.

1683. You stated that you considered the land tenures in Bengal to be generally insecure; that when you buy at an auction sale you know nothing of what you will get; that in purchasing an estate you are brought into all kinds of difficulties; but notwithstanding all this, you have purchased several estates, and have lately invested a large sum of money, 20,000 l., in land in the district of the Hoogly, which, it appears from your answer to Question 1478, you purchased at
an auction sale for arrears of revenue. With all this insecurity, all these difficulties, and all this experience, do you not think you might have found some better investment for your money?—My answer to that is, that I had money at that time, and have still a very considerable amount, invested in a variety of ways in India: in indigo factories, in zemindaries, coal mines, and steam tugs; on mortgage of land in the Mofussil, and in a variety of ways; and as I had been for 30 years at that time, and more, a zemindar, from the time I first purchased an estate at a public sale in 1835, I was conversant with that kind of business; but I could never anticipate that I should meet with the difficulties which I have related connected with that purchase.

1684. On the whole, you have found those investments which you have made in land in India profitable to yourself?—I can say so; in most instances they have turned out well, in some they have turned out a failure.

1685. You have stated, in answer to Question 1492, when speaking of sales for arrears of revenue, that you have known instances where it has been contrived that the owners of under-tenures and others should not get any intelligence that the man was going to make default; will you explain more clearly how the intelligence was withheld from them?—In this way: the law provides for cases where the more wealthy zemindar of an undivided estate may be disposed to oust the smaller proprietor, by withholding any portion of his share of the revenue, thereby causing the estate to be sold, which he will cause to be bought in the name of some relative. Then, as to under-tenures held from the zemindar, they are often forfeited by fraudulent detention of the Government revenue, in the following manner, and by other means; for instance, suppose I am a large landowner, paying 5,000l. or 6,000l. Government revenue, and I have leased out to a party say 5,000 or 6,000 acres, or 10,000 acres, under a lease called a putnee. The putneedar has spent large sums of money for the purchase of those putnees or farms, and I may wish to get rid also of the parties who have a proprietary interest in my zemindary, in an undivided estate, the only way I can do that effectually is to withhold at the last moment my portion, or any portion of the Government revenue; if it was known some time previous to the last day of payment that I was going to do so, the other parties might concert amongst themselves, pay up the whole balance, and save the estate. But my object is to oust them, and therefore I keep quiet till the last moment before sunset; and when that comes, I abstain from paying the money in, and the estate is sequestered from that moment; then, to carry out my purpose, I, in the name of another party or relation, or somebody I can confide in, when the sale day comes, bid for the whole estate; thus I am perfectly possessed of the entire estate. The only thing is to provide sufficient capital. I require to be prepared to pay down the full amount of purchase-money before I can receive from the collector the proceeds of the sale of my estate; in fact, I am the seller on the one hand, and buyer on the other, but acting a fraudulent and illegal part; for, were it known I was the purchaser under such circumstances, I should be punished, and the sale annulled otherwise. Consequently, if the estate is worth 30,000l., you must be possessed of 60,000l., because you cannot touch the 30,000l. paid to the collector, and yet you must pay down 30,000l. purchase. To provide against such practices, clauses were enacted in the sale law, called the Benamee clauses, to protect the weaker against the stronger.

1686. Mr. J. B. Smith.] Suppose an estate worth 20,000l., and the Government dues only worth 1,000l., if the Government sell the estate, what do they do with the balance?—They pay over the surplus to the proprietor.

1687. Mr. Willoughby.] The zemindars go through a fictitious default in order to get a title to the estate; was not that the reason of the law which swept away all under-tenures, because it was found, not that a very respectable gentleman like yourself, but that zemindars under those fictitious sales got rid of a portion of the estate, and the liability upon it, so that when the estate was sold it could not pay the revenue, and was not the object of Mr. John Peter Grant's law, that provided the putneedar could show that that lease embraced a fair proportion of the whole revenue of the zemindary, it should not be interfered with?—At all events, since 1845, by the sale law it is provided that the Commissioner of Revenue, or the collector, has the option to sell an estate with those leases binding upon the new purchaser, but I have never known it acted upon (Act 1. of 1845, clause 58); it has always remained a dead letter, the collector's sale cancelled and the responsibility involved in after part of that clause. I have bought a great many

0.54.

q 3

properties,
properties, large and small, at public sales, and sold them again a short time after, but I never knew that clause acted on while they had the facility of doing so.

1688. But you would admit that the object of that which certainly appears a very extraordinary law, that all under-contracts shall be null and void by a sale, was to prevent the fraudulent appropriation of the public revenue?—Yes; from this very reason, that in the case of an estate which had been sold several times since the decennial settlement up to the present time, it might arise that the estate would not realise the amount due by the fraudulent under-tenures granted by dishonest proprietors who had been in possession of the property.

1689. Is not public notice given of any intended sale?—Yes, in the Government Gazette; but, once in the Gazette, it is too late to tender arrears of revenue.

1690. Is not the day of sale always fixed and specified in such notice?—It is.

1691. Is not the omission to make such specification in the notice of sale ipso facto sufficient to vitiate any sale that may follow on such imperfect notice?—Yes; but I may state a case of some importance. Unfortunately, the officials break through the regulations, and do not carry them out. There was a case in 1850, where a very fine estate in Monghyr was advertised in the Government Gazette. I and another gentleman made up our minds to purchase it. I started with 10,000l. about my person, for you have to pay 25 per cent. down on the day of sale. It took me three days and nights to get up there in a palanquin, at considerable expense, and just as I passed through Bhagulpore, about 25 miles nearer to Calcutta than Monghyr, I met a gentleman who had been employed by me before, and he told me that the collector had received the revenue of this estate. I went to the Commissioner of Revenue at Bhagulpore, and I said, "Here is my position; this estate has been advertised for a fortnight regularly in the Gazette, and in consequence of that I and a friend have made up our minds to raise the capital to buy the estate for 40,000l., if it should not run higher; and I have heard that so and so is the case." His reply was, "Mr. Freeman, I am very sorry that it is true, but it is a mistake of the collector, from a misunderstanding of the orders which I sent to him." He regretted very much himself that the collector should have misconstrued his orders. But that over, I went into the collector's court at Bhagulpore, where it was also sale-day for arrears, and bought a small estate for 1,000l., and I had every reason to believe that the collector had issued the proper notices and gone through the formalities. I purchased the estate and went down to visit it, and was very well satisfied with my bargain; but when I returned a fortnight afterwards, the sale was cancelled by the Commissioner of Revenue for want of the proper formalities having been gone through by the collector. That is an inconvenience that happens constantly, but it is better that it should happen in that stage than a year or two afterwards, because, when a sale is disallowed after you have been in possession for a year or two, it may involve you in absolute ruin.

1692. Do you know what constitutes sufficient notice of sale?—They are prescribed in the regulations. A proclamation is issued on the estate by the collector, warning the under-tenants from paying the revenue to the late proprietor, who is a defaulter, that if they do pay to him, they will not get credit in the account hereafter, on the part of the new purchaser. Independent of that, a notice to the same effect is to be stuck up in the collector's office, in the magistrate's cutcherry, and other places, and in the village, and in some of the tanahs about the estate; there are many instances in which defaulter's have some good reasons to bring forward why the estate should not be sold, but unfortunately those inquiries have been allowed to take place after the sale has taken effect, and that is why, in the draft of the law which I submitted to Mr. Grant for altering the present law, I obviated that, by causing all those objections to be made prior to the day of sale, which can be easily accomplished; and then the sale is made, and you know that the property you have purchased is yours, and you are not subject, six months or two years afterwards, to be called upon to refund an amount of rent such as you never collected from it during the time it was in your possession. And that is one of the great hardships of the sale law, keeping away intending purchasers on the one hand, while you inflict entire ruin on the other. The first estate for which I bid, so soon as the law allowed Englishmen to purchase lands, was knocked down to me for 8,000l. That sale was disallowed; six months afterwards the estate was put up for sale, and I bought it for 3,400l. only, and
that sale was confirmed; that estate I kept for upwards of 20 years, and sold it last year. That shows you that both to the defaulter and the seller the state of the law is very often a ruinous thing, and if a man has been in possession of his estate for two years, and the sale is disallowed, the defaulter turns round upon him, and out of a spirit of revenge he will file a case of wassail or; that is to say, to recover collections during your possession, which claims are so exaggerated as to be made to amount to three or four times beyond what you could possibly have ever collected from that estate.

1693. Chairman. You would have all those obstacles cleared away before the sale?—Yes.

1694. Mr. Willoughby. Are you aware that the notice is always such that with the most common diligence no party interested in an estate need fail to obtain timely intelligence of an intended sale?—No doubt, though not of an intended default.

1695. If it afterwards happens that the collector, or revenue commissioner, receives a complaint that the formalities prescribed by law have not been attended to, what other option have the authorities but to act according to law?—It is partly owing to their negligence in going through the proper formalities, and partly from not calling upon the defaulter to state any and every reason he has why his estate should not be sold prior to the day of sale, that such matters are laid hold of by the defaulter after the sale has taken place, and are brought before the Commissioner in the first instance, when he frequently sees reasons for cancelling sales; while in some instances, if he should confirm the sale, they will frequently resort to the civil court.

1696. Can you prevent persons who consider themselves aggrieved filing a case in the civil court; that cannot be the fault of the administration?—The system and acts and deeds of their inefficient servants are the cause of all this; their acts of omission or commission are the cause. I have a case now of 20 years' standing arising from a collector's ignorance of his elementary duties, aided, I have no doubt, by the misdirection of his native omlah, who had been bribed; it arose in 1838.

1697. You have spoken, in answer to Question 1503, of the great hardships resulting from the upsetting of auction sales, after two or three years' possession on the part of the purchaser, in consequence of the preliminaries of sales not having been properly observed by the collector; are you aware that any objection, on such grounds, must be preferred to the collector within one month from the date of sale?—I am.

1698. How does it tally with the complaint that it is made two or three years afterwards?—The defaulter whose estate is about being sold will wake up reasons to try and show why his estate should not be sold, but he does not always bring them all forward, and the fact is, when an estate has been sold the Commissioners of Revenue find grounds, from the proceedings of the collector, to annul the sale.

1699. Still the law is that he must prefer his complaint within one month?—The law is that, but I am telling you what the practice is, and what the state of things is; and I maintain and can cite many instances in which purchasers at Government sales have had their purchases cancelled by decrees of civil courts, several years after possession.

1700. Chairman. Do you complain of the law, or of the administration of the law?—I complain of the law on the one hand; the theory of the law may be good in many instances; but those who make the laws are unacquainted with the practical working of them; while they are badly construed, and too frequently misapplied, by the Mufussil authorities.

1701. Mr. Willoughby. Does not an appeal lie from the collector's order to the Commissioner of Revenue, and again from the order of the Commissioner to the Sudder Board of Revenue?—Yes, to the Board of Revenue is the exception.

1702. That shows a desire upon the part of the Government to secure the people?—Yes; but it is from want of practical knowledge, particularly in details, that the Government are not able to adopt such measures as are required, and they receive little or no assistance from their officers.

1703. Is it also the case, that the civil court is precluded from hearing and trying any objection to the regularity of the sale which has not been preferred to the revenue authorities?—That is also the law, but the practice very often varies from it; my case was a six years' lawsuit upon that estate, which I pursu-
Mr. J. Freeman.

4 May 1838.

1704. You are in favour of a law for the protection of under-tenures; is there not some difficulty in affording such protection in such a way as to afford protection at the same time to the Government revenue?—No, none whatsoever. I made that very clear in my draft where a bona fide tenure has been granted by any proprietor of an estate, whether putnee or farm, shall be duly registered at the time of its being made, that the collector may inquire to see that it is a fair transaction at the time; and there is nothing to prevent that affecting the Government or Government revenue in any way whatever, because that estate can be sold with that incumbrance or under-tenure upon it, which is the case with the law at present; but it is never done, as under clause 28, already referred to.

1705. Take the case, for instance, of an estate which pays 20,000 rupees a year to the Government. The proprietor lets it in putnee to himself in the names of creatures of his own in three separate lots at 5,000 rupees a year each; he then falls into arrear to the Government, the estate is put up for sale, and for want of a purchaser falls into the hands of the Government at a nominal price. Such fraud would be prevented, if, when those putnees were taken to the collector for registration, he were called upon to inquire as to their fairness, equitable terms, and good faith, as already suggested in my draft. The Government would get 15,000 a year from putnee instead of 20,000 a year from the proprietor; are you aware that such things are attempted even under the existing law?—I really am not; a case of that kind has never come under my observation; really I do not think it is done, or would be practised to anything like that extent (such a transaction would become too notorious, from my long knowledge and experience in such matters. It is so easy to provide against an act of that kind, by causing inquiry at the time as to the fairness and validity, and bona fide nature of the transaction, and have it registered the same as mortgages at present; where a man does take a putnee, he has it registered for his own security.

1706. Chairman.] Is registration compulsory?—It is not compulsory; but any deed registered takes precedence over a deed unregistered.

1707. Mr. Willoughby.] You speak at Question 1671 of extinguishing the rights of the tenants, by which I presume you mean the rights of the cultivators of the soil; are you aware that the protection of the rights of tenants forms as much a part of Lord Cornwallis's system as the protection of the rights of proprietors?—Yes, in theory; and if those protective regulations were properly applied by the authorities, they would do good.

1708. How do you propose to extinguish the rights of tenants?—There are two classes of tenants whose rights are respected: the kood-caste ryot, whose predecessors have been on the estate for generations, who appear to have acquired a certain right to hold land in that particular village; but still they are qualified in this way, that the new purchaser is entitled to revise and re-measure the estate purchased, and to revive the holding of those very people. Independently of the kood-caste ryots, there are four other exceptions respected by the sale law, such as buildings for certain purposes, tanks, wells, and gardens, for a period of about 20 years; but there is a very singular thing with respect to the plantation of date-trees for sugar, which are not excepted. I know two gentlemen, one of whom has planted many hundred thousands of trees, and it was a source of great torment to him in Calcutta, in consequence of this kind of planting not being respected; and when his trees begin to yield a few years afterwards, he may be called upon for any conditions and enhancement of rent that the proprietor may think fit to ask for, in case of sale of estate for arrears of revenue.

1709. How do you propose to extinguish the rights of the cultivators of the soil?—The intention of the regulations of 1793 and subsequent regulations has been to define and protect their rights; but, unfortunately, they are not sufficiently defined on the one hand, and on the other hand the native zemindar is so prone to exercise an undue influence which is illegal, that the ryot seldom has recourse to a court of justice, that is to say, either to the collector or the magistrate, to see his claims enforced such as they are recognised by law; and there is again the bad administration of the state, so that the bad people are principally deterred from coming forward; and on the other hand the apprehension of their landowners, who can persecute them and ill-treat them if they venture to make a complaint against them; I do not wish to see the kood-caste
ON COLONIZATION AND SETTLEMENT (INDIA).

caste ryots' rights extinguished, nor is it necessary for any agricultural pursuits by Europeans that they should be, since those ryots would only be expected to cultivate a portion of their tenures in cotton, hemp, silk, indigo, or opium, &c., and the object the Europeans have in taking puttees, or in purchasing estates, is to obtain this end and no more.

1710. Then it appears that the zamindars already extinguish the rights of the cultivators of the soil: how do you propose to extinguish the rights of the cultivators, when we know perfectly well that the cultivators all over India have the right of occupancy? — Yes, with us in the permanently settled country, the cultivator has only the right of occupancy on the lands belonging to his own village, and he is distinguished by the name of kood-caste from the pie-caste ryot; who belongs to one village, and comes to cultivate the land of another village.

1711. Then you have no remedy to propose for this evil which you state to exist? — No, unless it is more adequacy in the collector's office and the magistrate's to meet the requirements of public justice, that those people can bring forward their complaints, and have them remedied.

1712. In the answer I allude to you talk of extinguishing their rights? — No; I do not wish to extinguish the rights of the kood-caste ryots protected by the laws.

1713. In answer to Question 1668, "Would not you, as a European, estimate "very highly the advantage of being free from Government interference?" you say, "Yes?" 1669. "And of being in the position of holding a fee-simple in "England? Yes, if the Government would only limit my estate, or send out a "person at my expense to mark the boundaries of it. 1670. Would not such a "plan tend very much towards the encouragement of the investment of capital in "India? No doubt very greatly. 1671. Are there not rights besides the rights "of the zamindar that would require to be extinguished? Yes, the rights of the "tenants, if we would maintain them as they are at present." The question was, in order to give a fee simple certain to a limited extent, "Are there not rights "besides the rights of the zamindar that would require to be extinguished?"

To make you perfect master of the land, with power to turn out whom you please, and put in possession whom you please, no doubt the ryot's rights must be done away with, and the landowner would then be empowered to make the best arrangements he thought proper with tenants and others.

1714. You allude to being obliged to raise money in the Mofussil at 15 or 18 per cent.; can you not get money in Calcutta, for a Mofussil purpose, at the same rate of interest that you can for a Calcutta purpose, provided you give the same securities? — No, positively not; I do not know one single case where that has been effected, I state this in all cases where real property existing in the Mofussil is tendered as the security for the capital to be borrowed.

1715. Supposing you went to a bankers, and gave a promissory note on the Company's loan, for a Calcutta purpose or a Mofussil purpose, would that make any difference? — A transaction with a banker is a matter of note of hand, with one or two or three signatures to it, or a deposit of Company's paper; but if you want to raise money, the practical way of doing it is upon mortgage of your property, and indigo factories, and crops, and so forth, which are all situated in the Mofussil, whereas in Calcutta, I mortgage a house to a man, and get the money at six per cent.; if I mortgaged an indigo factory or a house in the Mofussil, I cannot get it under 12 per cent. bare interest, and other charges which bring it up to 17 or 18 per cent. at the minimum, but it goes very often far beyond that. Planters do not hold Company's paper, they prefer employing their capital or credit in working out the resources of the country.

1716. But is not the difference between the 5 and the 15 per cent. interest, owing to the mortgage and other securities in the one case, and to no security in the other, beyond the result of the speculation, the success of which is dependent upon the season, the rise and fall of rivers, and other causes over which no systems of administration can exercise any control? — No; for a man possessed of money whose outlay may be 20,000 L., and who has property nearly clear, and 5,000 L. or 6,000 L. in the bank, he requires a difference of 15,000 L. for that year, and how can he raise that? He must apply to an agent in Calcutta or a private individual, and say, "Here, I offer you a mortgage on my property in the Mofussil, which you can see, by my conveyance and other information, is worth more than double the loan asked for, besides which I offer to mortgage all my crop which of itself will realise in Calcutta double your loan; will you advance me the money which I require to go on with?" and I maintain that with all that 0.54 R

security
MINUTES OF EVIDENCE taken before SELECT COMMITTEE

4 May 1858.

security he cannot get it under 12 per cent. interest, and those commissions which I have named, and I have known hundreds of cases where the best men, with first rate securities, have had to pay directly or indirectly much more.

1717. Do you recollect the cause of the great failure of eight of the principal mercantile firms of Calcutta?—Yes.

1718. Did not that chiefly originate in the Calcutta merchants making advances upon indigo manufactories?—No, it was more owing to the great advances to the civil service and to the army, whose aggregate debts were to a greater amount than those of the planters.

1719. I quote that merely to show the difference between the security of an indigo factory and other descriptions of security?—A man if he falls in difficulties gets his money back more easily in Calcutta; he can have the property seized and sold by the supreme court with little delay; but to recover in the Mofussil it is very difficult, owing to the institutions which exist there.

1720. Are not the civil servants of Bengal, to whom you have alluded, obliged to pass through several examinations in the native languages, and in the regulations, and in their knowledge of the manners and customs of the natives, in their advancement to the different grades of service?—That was not the practice at the time I was in India; they passed an examination in two languages of course; I never heard of examinations as to manners, customs, &c.

1721. And subsequently other tests have been prescribed?—I have no knowledge of that.

1722. Can you speak from your own personal knowledge of the general attainments of the civil service in the native languages?—Yes, I have had a great deal to do in a great number of courts in the Mofussil, and I have seen the civil servants in ordinary life besides; and it is from that that I am able to speak. I left India in the month of February 1855, and I can state that up to that time, in spite of the examinations which the young men of the civil service were made to undergo, I do not believe there are five out of 100 who, the day after they have undergone their examinations and have passed, would be able in a court of justice to read a petition or to dictate one, or who could thoroughly understand one when read to him.

1723. Is not reading a petition off-hand one of the tests of the examination which they undergo?—I am not aware whether such was the practice at that time.

1724. You are of opinion that while there is a good deal of English education and knowledge among the natives at the Presidency, there is little or none in the interior of the country?—Certainly.

1725. Have the European settlers done anything to remedy this state of things?—I cannot say that they have taken the initiative; but where proceedings have been taken, such as at Bhaugulpore, there we chined in with other parties, the authorities and the Government, in promoting schools and building churches. I subscribed myself a very considerable sum, both to establish an English Protestant church and a Catholic chapel.

1726. Notwithstanding this general ignorance of English in the country, you would introduce the English language into the courts of justice?—Certainly. I consider that one of the greatest improvements in every respect, and applies more forcibly to the benefits the natives would derive, they being so numerons.

1727. And with English judges, English barristers, and English law and English police?—I would introduce English agency into the police in the Mofussil; but to say exclusively English, no. I would merely do what has been done in Calcutta, for there you see the beneficial result that has taken place owing to the introduction of English police, combined with the native agency; and I have here the opinion of the Governor of Bengal, upon a case of abominable torture and falsely assumed case of murder, and I do not hesitate in saying, that if there had been a mixture of European agency there, this horrid case of torture would never have taken place.

1728. Do you answer my question in the affirmative?—Most positively as far as the police goes, and also as to professional judges and magistrates, and of trained pleaders, these last whether educated natives or Europeans in civil courts, but in cases involving imprisonment and higher penalties to Englishmen, it would be most repugnant and unjust to him to be deprived of an English advocate.

1729. And then for English judges you would have English barristers and English law?—I do not care about their being barristers provided they are trained men.

1730. Would
ON COLONIZATION AND SETTLEMENT (INDIA).

1730. Would you have English law?—I see no objection to English law, from the fact that English law is administered to 600,000 people without distinction of creed, caste or colour in Calcutta, and has been administered for 80 years, and afforded satisfaction to all.

1731. From a return presented to Parliament in 1853, it appears that there were in Bengal 6,749 British born subjects in India, chiefly residing in Calcutta, and only 276 residing in the interior engaged in agriculture and manufactures; admitting that there may have been some increase in the meantime, nevertheless you would advocate judicial proceedings being conducted for their benefit in the English language, to the exclusion of the vernacular language?—Not at all; far from it. I do not put it for the benefit of the 500 or 400 Europeans, but for the benefit of all the natives, whether Christians, Hindoos, Mahomedans, and others.

1732. How are they to be benefited by the introduction of a language which they do not understand?—The language of the court which has been in existence up to the last few years is quite as foreign to the masses, being the Persian language.

1733. Are you not aware that that was abolished in Lord William Bentinck's time?—Only partially; up to 1855 it was in practice in a good many courts, though you had the facility of being allowed to present a petition in Bengalee or English or Hindostanee. In mentioning the use of the English language and of professional men, I declare that it is more for the benefit of the natives; it is only by such means that you will get the advantage of the common sense of the presiding authority, which we do not get the benefit of at present, because he does not understand the case before him, nor can he make himself understood by the witness, and that gives an unsatisfactory feeling to the judge who is obliged to grope his way, and he himself is seldom satisfied with the decision that he may have given. Whereas, in the other case, the advocates of either party would understand the English language, and the sworn interpreter would be the medium of conveying the questions and answers to the witnesses. Then we should have the benefit of the use of his common sense and fair judgment, which we cannot get at the present time. I would mention to my certain knowledge that in all the colonies to the east of the Cape of Good Hope, whether Dutch or Portuguese or Spanish or French, they speak their own languages; even the Dutch at Chinsurah in Batavia, and all their valuable colonies, and the Danes at Serampore and the French at Chandernagore, close to Calcutta; and at Pondicherry, down the coast, the French are governed by the Code Napoléon. No other language is used by the authorities but the French language. It is the same in the Dutch colonies, nothing but Dutch is used. When I first visited Serampore, everything was carried on in the language of the mother country.

1734. Does not that more apply to places situated like the presidency towns of our own empire?—Yes, at Chandernagore or Chinsura; but take a greater case in Algeria, which will soon reach very nearly the extent of our possessions in India, everything is done by the Code Napoléon, as in the extensive Dutch and Spanish colonies having millions of natives, the judicials are all Europeans who administer the laws of their respective countries, in some cases modified to meet exigencies of the colonies.

1735. Do you think that such a system would be satisfactory to the natives?—Undoubtedly.

1736. You have said that, after a certain number of years, you would not appoint a police darogah unless he knew English; will you state the advantage of a knowledge of English to a man who, in a service of a quarter of a century, might never meet with a man capable of understanding English?—Except the reports he has to make to the magistrate, his constant intercourse with him, and that which he would have with the European police, his superiors, and so forth; and it would also be the means of spreading the use of the English language in the country, which is so much desired; for it is only through the English language that you can make any progress in India in any way.

1737. You would also introduce the system of interpreters, as in Calcutta, and you think that the advocates on either side could correct mistakes?—I should think so; they have the option and the power to do it, provided they are treated in a proper way. That is another great drawback on the administration of justice in the Mofussil: an advocate in the Mofussil is not free to make his speech and plead his cause in a proper way in practice.

1738. But what if they were English advocates, and knew only English, or native
native advocates, and understood only the native language; how could they act as a check upon the interpreter? — I must qualify my answer in this way; that we do not want to have all English barristers, or professional men, but we would have eminent native barristers, as in the sudder, one the senior standing council of the Government, the other the junior, and there is a third one independent. And in the Mofussil, if the English language is to be used, the native advocates will be masters of the English language, and so will the attorneys or moocktars, which I make compulsory, and to pass an examination in English, the same as they are at the present time of the Persian language, which is foreign to them; and understanding the English language well, they will be perfectly free and able to support the rights of either litigant, and to object to any question improperly put by the interpreter.

1739. In Calcutta and the Presidency towns of India do not many Europeans attend the courts who understand the native language, and many natives who understand English? — Yes, in fact all the English attorneys' offices are filled with native clerks, and the English barristers employ natives to the extent of their requirements; all these read and write English, and many of them are versed in English law, and all the details of practice, &c., even hundreds of natives are employed in the supreme court in writing, drafting, copying, &c., all in English.

1740. That is a check on the administration of justice at the Presidency towns? — As far as understanding the language goes, many people may understand a little of it, but cannot express themselves in a proper way, but I do not attribute the guarantee or the safety of justice to rest with the audience understanding the languages.

1741. It is a check upon the inaccuracies of the interpreter? — The interpreter is in a responsible situation, but he would be checked by the court or by parties to whom the case is confided.

1742. Are there not also natives upon juries in Calcutta, who understand English? — Yes.

1743. Does not the presence in court of numbers of Europeans and natives, who understand both languages, act as a check upon the interpreter? — It is a difficult thing to give a positive answer to a question of that description, but I should say not.

1744. Take the case of a Mofussil court: the judge understands only one language (as the English barrister judge must for some time do); the advocates understood only one language, the people understand only one language, the interpreter is the only man in court who understands both; do you really believe that such a system would have any other effect than that of rendering the administration of justice uncertain in the eyes of the people? — If the advocates understood the English language, and the interpreter understood the English language, and the judge understood the English language, I can see no objection to a due administration of justice under those circumstances, but I must again repeat that the native barristers, or pleaders, and the native attorneys or moocktars naturally understanding the language of the country, would have to pass an examination of English, after a fixed time, to qualify for their diplomas and licence to practice.

1745. Are you aware that the proportion of decisions confirmed and reversed by the Judicial Committee of the Privy Council is greatly in favour of the Mofussil judge as compared with those of Her Majesty's courts? — I am not aware of that, such a fact would reflect in a most injurious way upon the judges of the Sudder Deewanny, who are supposed to be chosen from the most efficient among the Company's judges.

1746. Are any doubts entertained of the integrity of English judges of the Company's court? — No; if you mean honesty, freedom from bribery, and so forth, we do not accuse them of any thing of the kind.

1747. Is it not the fact that not more than six or seven per cent of the cases are decided by European judges; and taking the original suits, not more than one per cent., all original jurisdiction being vested in the natives? — It is so, and you see the effects of it by the accumulation of appeals in the Sudder Deewanny in Calcutta.

1748. An appeal is open from all the decisions of the native judges, and also of the magistrates, is it not? — Yes.

1749. And it is admitted that the per-cent-age of appeals is very small? — I say very great. The cases of appeal from the principal sudder suanen to the sudder
ON COLONIZATION AND SETTLEMENT (INDIA).

where the cases are admissible, I say, are very numerous, for the greater number are appealed.

1750. Do you think colonization can be effected in any part of India in the same manner, and to the same extent, as Algeria has been colonised?—I think that colonization can be extended in India, but there are two kinds of colonists for India, whereas, in Algeria, there is only one kind of colonist that is absolutely necessary; one to work the land. But in India there is room for two colonists, one with capital and directing capabilities, enterprise, and perseverance, using the natives for carrying out his purposes, and one a colonist to work the land himself under particular conditions and circumstances; if you encourage and render your institutions rationally fit for the higher grade of these, you will confer the greatest benefit to the country, but the latter must be always more or less limited, but they would be of great use to the country, for other reasons.

1751. You instanced the colonization in Algeria as a proof that it may be extended in India; therefore I asked, “Do you think that it can be carried on to the same extent in India as in Algeria?”—In every part I should say not, but in many parts I should say it might. In Algeria a large grant was made to a company on condition that, within a certain number of years, they should establish so many villages, and should have so much land in cultivation: and people were induced to resort there, and they have succeeded, and they have introduced large permanent pasture lands by irrigation and so forth, and the cultivation of wheat and tobacco, &c. to a very great extent; and this is partly by European labour and partly by the labour of natives of the country; and that climate, it strikes me, is quite as warm as the climate in many parts of India; the heat is just as great, and there are the same difficulties as to the oppressiveness of the heat to be overcome there as by the Europeans in India. Then, if you come to the northern parts of India and to the hilly ranges, there, I think, the climate and soil are quite fit for purposes of that kind; and if settlements were established there, to induce people to settle, it would be an advantage in having a European force at hand as in the military colonies in Algeria.

1752. Is there any quantity of land that could be appropriated in the hill ranges?—That I cannot answer from personal knowledge, though I have heard there is abundance.

1753. Mr. Villiers.] Did you hear the evidence which Mr. Theobald gave to this Committee?—Yes, I did.

1754. Are the Committee to understand that you coincide very generally in the opinions which he has conveyed to the Committee?—Mr. Theobald spoke on some principal heads, and on most of those heads I confirm him. On some other heads I have not the same special knowledge that he has, and therefore I do not speak so positively with reference to them.

1755. I understand, you to agree in the first place with Mr. Theobald with respect to the principal heads of complaint that European settlers make of the present system of Government, and that you represent the feelings and opinions of that class of persons who, like yourself, have gone out to India with capital in order to employ it, and to settle there?—Yes, I do.

1756. You returned to this country so late as the year 1855?—Yes.

1757. And up to that time you considered that all those grounds of complaint were in force?—Yes, certainly in practice. But there is one point to which I should wish to refer, and that is the change of the police in the Mofussil; that change consists of having created three classes of darogahs, whereas before there was only one class; and the only improvement that I have heard of since then, has been to divide them into three classes, and give them three grades of salaries; so much more to No. 2, so much more to No. 1. I do not conceive that to be a greater protection to the people, or that it has improved the state of the police.

1758. Was that change made with the view of making the darogah more honest?—I fancy that the desire was such; but if anything, it has been detrimental to the people.

1759. As far as you know, the same maladministration of justice continues, as regards both the administration of the law in the courts, and in the execution of the law by the police; and I think also you state that there has been no reform in the law respecting the sale of land; you consider that the state of things remains as it was when you were there?—As far as relates to the state of the police at present, I would urgently beg to be allowed to refer to a case that occurred about 20 months ago, which is mentioned by Mr. Kenny, a large landholder.
134 MINUTES OF EVIDENCE taken before SELECT COMMITTEE

4 May 1858.

Mr. J. Freeman.

holder and silk grower. That case was brought to the notice of Mr. Halliday, and I have here his opinion upon it. This was a most gross case of torture applied to parties, to make them confess that they saw a man murder a boy, who was found hanging upon a tree, the boy having committed suicide.

1760. Where is the statement made?—The statement is made by Mr. Kenny, who is the proprietor of the village in which the dead body was found.

1761. You say that the correctness of it is recognised by the Governor of Bengal?—Yes; here is his comment upon it: "The officiating judge of Daragh has submitted an explanation of the alleged case of torture, said to have happened when he was joint magistrate of Purna. The Lieutenant-governor observes thereon, that the charge of assuming, on insufficient grounds, that a murder had been committed, is borne out by the facts on record; that he cannot entirely acquit him of the second charge, of having coerced the daragh to adopt improper means to find evidence in support of the charge, though his Honour is willing to believe that he could not have been influenced by the intention imputed to him; and that the third charge, of having only visited the daragh with a slight remand, although the atrocious means used to substantiate the accusation of murder were recorded, is not established, since the alleged acts of torture were wholly discredited by him in his judicial capacity; but if the charge is held to include, as it really does, the blame of being imperfectly inquired into, the Lieutenant-governor cannot entirely acquit him of it." This is the 15th of March, present year.

1762. Who is it that the Governor-general refers to?—To the magistrate who issued the order to the daragh upon his report that a boy was found hung in the village. He issued the report in these words, "Send the murderer in within seven days, or you shall be dismissed." This is Mr. Kenny's statement at a public meeting at Calcutta last year: "A short time ago the body of a boy was found hanging on a tree in my village. The circumstances were reported to the daragh, and the daragh reported it to the magistrate. The magistrate jumped to the conclusion that the boy had been murdered, and sent the daragh an order—to do what do you suppose? Either to find out the murderer in seven days, or to come to his (the magistrate's) court with the seal of his office in his hand. The daragh looked around him to see what he was to do. He knew that the boy had committed suicide; but, under the magistrate's order, he must treat the case as one of murder, and must put forward some one as the murderer. After some reflection his choice fell upon the master of the boy. The master thereupon was accused of the murder, and was taken by Burkundauzas (they are the messengers of the daragh) to the daragh. The daragh required him to confess that he had hanged the boy; he would not confess, and the daragh tortured him to make him confess, but he would not; he had not hanged the boy; why should he confess? The daragh then looked about him once more, and pounced upon a poor widow woman living in the neighbourhood of the place in which the body of the boy was found hanging to give evidence that she had seen the master hang the boy. The woman knew nothing about the matter, and said so. As she persisted in her statement she was tied down, her hair was pulled out by the roots, the fume of burnt chillies was put up her nostrils, and, horror to say, pounded chillies were introduced into her person. Under all this atrocious treatment the poor woman at length said, that she had seen the master hang the boy. That statement was taken down, and the master and the 'witness' were forwarded in custody to the magistrate. Before the magistrate the woman denied that she had seen the master hang the boy, and said that the written statement which the daragh had sent up as her evidence had been extracted from her under torture. The magistrate released the accused and the witness; and what do you think was the punishment that was awarded to the daragh for his atrocity? A slight remand, and a recommendation to be more careful in future." This case, I believe, was brought to the knowledge of Mr. Halliday in his capacity as Governor, which I fancy has led to the inquiry. Mr. Halliday does not deny it; he admits it; but he excuses the magistrate, because he did not believe that torture had been resorted to. Then there is one other matter about the administration of justice in a civil case. I may mention the case of a moonisf, where three Europeans were interested. In that case, in consequence of the conduct of the moonisf in his court, Mr. Kenny presented a petition to Mr. Halliday, who was on a tour of inspection in Jessore at the time.

1763. What was done by Mr. Halliday?—The following is an extract from Mr.
ON COLONIZATION AND SETTLEMENT (INDIA).

Mr. Kenny's speech, delivered in the town-hall of Calcutta in February last, at a meeting against the proposed subjection of British subjects to the criminal jurisdiction of the East India Company's courts. He says: "I shall now give you a specimen of the mode in which moonsifs conduct their duties, with no more powers than they at present possess. I myself had a case in the moonsiff's court in my district. Mr. Fraser was to superintend the case, and Mr. David Gilmore and Mr. Roberts were witnesses in it. Mr. Fraser was unable to attend from illness, and sent in a medical certificate. Mr. Gilmore and Mr. Roberts did attend; and how do you think they were received by this moonsiff in his court? The 'huzoor' (that means to say, the honourable official) lifted up his legs upon his table in their faces, and broke forth into an obscene Hindustanee song. The song, he applied himself abstractedly to a hookah, and Mr. Gilmore and Mr. Roberts remainedcooling their heels until it should be his highness's pleasure to turn to business and hear what they had to say. Weared out at length, they desired the moonsiff in the case to inform the moonsiff that they were waiting, 'Oh,' said the dispencer of justice, 'are they? Well, let them come on and give their evidence.' Messrs. Gilmore and Roberts then successively deposed to the facts in their knowledge, and were about to retire, when the moonsiff asked them, 'I suppose you breakfasted at Mr. Fraser's this morning?' They replied they had. The moonsiff said, 'Of course it was a good breakfast?' 'Oh yes,' said the gentleman, 'it was a very good breakfast.' 'And I suppose you will dine with him this evening?' 'We have been asked.' 'And it will be a good dinner?' 'We shall live in that hope.' 'Very good; you may go away. I do not believe the evidence you have given; every word of it is a lie.' And the case was decided against me. It was an unimportant case in itself; but I did not think it right to submit to such a mode of administering the law; and Mr. Halliday, who was on his tour, happening to be in the district at the time, I sent up a petition to him upon the subject. He directed the Judge of Jessore to inquire into the case; and the result was, that the delinquency of the moonsiff was made clear. What do you think was the punishment with which he was visited? Suspension from office for three months, and removal to another sphere of action.'

1764. What is the date of that last case?—I fancy it must have been about 18 months, or it may have been two years ago.

1765. You cite those things in order to show that the maladministration of justice, which occurred when you first went to India, continues still?—Yes, I see very little change.

1766. Whereabouts was this?—This occurred in Jessore and Pubna, close to Calcutta, where the Europeans are more numerous than in other parts of India.

1767. I take for granted that it is a matter of notoriety that these things occur?—Yes, ever since I first went to India, 33 years ago.

1768. Would the natives prefer an English court; would they go to Calcutta to secure justice in the courts there, in consequence of what they know to occur at these places?—I can only state from inferences that the wealthy people, the land-owners, and others in Calcutta, in all suits of a complicated nature, inheritances, and so forth, are quite satisfied, and are anxious that their cases should be tried in the Supreme Court, and there has never been the slightest complaint against it.

1769. You do not know how many cases have been tried in the English courts at Calcutta, taken there by natives?—It is the right of every native domiciled in Calcutta to take his cause into the English court; and every one having an office or domicile in Calcutta is, de facto, amenable to those courts.

1770. Do you know how many cases have been taken there by natives?—No; I cannot state that.

1771. You consider that this faulty administration of justice does operate upon European or English settlers?—Yes; and all other Christian settlers, as also upon many natives of capital.

1772. It actually caused you to abandon a property which you had taken, not liking to be exposed to the sort of iniquities that might be practised against you by means of false evidence, owing to the defective administration of the law?—I abandoned residing upon the property myself, on account of the iniquities that had been practised against me, and which might further be resorted to.

1773. I presume that those cases which you mentioned in which you were involved yourself are notoriously of that character that you have stated here?—Yes, it is the permanent state of things.
Mr. J. Freeman.
4 May 1858.

1774. Is there any record either of the punishment of the persons who were implicated in that matter, or is there any public document that would prove that you were aggrieved?—There are the records in the courts as to those matters that happened to me in respect to this estate. All the records are in the courts at Hooghly; in other cases, in the courts at Bhaugulpore, Radsai, &c.

1775. Did I rightly understand you that the officers of the Company, who are appointed to judicial situations, are not familiar with the languages in which the evidence is given?—They are not; they are far from it.

1776. That you state from practical observation?—Yes, I have had practice in about 10 different zilahs, where I have possessed property at different times; and that has been so, with two or three very honourable exceptions of men who were perfectly competent in the language, and I always found them very able men as judges. I saw them take their business to heart, con amore, and they took a delight in it; and with such men as those, we should be very happy to be submitted to their jurisdiction, freed, of course, from the trammels of native omaha; though with such men their iniquities are less resorted to, because such judges inspire respect and deference from all, and the majesty of justice is respected in their persons.

1777. Do you think that that circumstance itself can generate anything like a sense of insecurity in the jurisdiction that the judge is not competent to understand the language in which the evidence before him is given?—Decidedly.

1778. I presume there are Englishmen who could acquire such a knowledge of the language as to make them efficient?—Yes, but I believe with great difficulty. A native has ten times more facility for acquiring the languages than an Englishman.

1779. You spoke of some persons who had such a knowledge of the languages that they could discourse familiarly with the natives?—Yes, I know of some.

1780. Therefore it is quite possible that persons might be found for judges?—It is.

1781. Is the native language the same in all the courts, or are there any varieties of languages?—Up to Rajmshal, the Bengalee character and the Bengalee language are used; beyond Rajmshal the Nagree character is used, and the Hindostanee language.

1782. Persons appearing before a judge may speak in a variety of languages?—Yes; but in a civil court he must plead through a vakeel who only knows Persian and either Bengalee or else Hindostanee.

1783. What is the language in which justice is administered?—The civil service, in their official capacity, are more prone to make use of the Hindostanee language; they seldom express themselves in the Bengalee language, because it is a different idiom; but you make more way in India with a knowledge of the Hindostanee language than with a knowledge of the Bengalee. In Bengal, among the ryots, in the villages, you will not find people who understand Hindostanee, or above Rajmshal do they understand Bengalee; the official language of justice is Persian, so is the Persian character.

1784. From your knowledge of the natives and of their disposition towards us, do you think that they would be more satisfied if persons of English origin were more appointed to the courts?—Undoubtedly they would have much greater faith in them than they have in the honesty of their own people; and if the English were masters of the language, and better trained, they would be satisfied.

1785. Have you ever thought of any mode by which this defect in our civil servants could be remedied, such as examining them after two or three years residence, to see what their efficiency was with respect to languages?—No doubt it would be a great thing to examine a young civilian. He should be made to undergo an examination before he gets to a higher grade or salary; it would have a very good effect no doubt.

1786. You are not aware that that plan has been adopted since you left India?—I am not aware of that; but why should not a young gentleman be made to practice in the courts for a period of 12 months or some other time, the same as in other countries; then they would acquire an intimate knowledge of the character and the weaknesses and prejudices of the natives, because they would see behind the screen; for at present there is a wide screen before the eyes of the civil servants with respects to the habits of the people; and further, he would make himself a perfect master of the language, of the laws, and of their defects in practice; and in his subsequent exalted position he would signify such to those that could amend the laws.

1787. Your
ON COLONIZATION AND SETTLEMENT (INDIA).

1787. Your general complaint is, that the civil servants are not competent as they are appointed at present?—Certainly not.

1788. Do you tell the Committee that there is such an uncertainty about the tenure of land, that no settler can feel his property safe after he has purchased?—That is the fact to a very great extent. That it utterly precludes Europeans from doing so is not the fact, or where should I be. But it is not every man that has sufficient energy and moral courage to contend against such obstacles. Some overcome them, and many fail, but the greater number dare not trust their persons and capital in the Mofussil.

1789. As the law stands now, you say that if there is any default in the revenue, and the estate is sold, the sub-tenants are intended to be protected in their rights. Do you complain of the law itself, or of its being actually disregarded?—It is optional in the Sale Law for the collector to sell the estate, with the putnees and other long leases existing on the estate; but such is not the practice, and those under tenures are not protected.

1790. That is to say, the rights of sub-tenants are respected?—Yes, he may respect those kinds of tenures, and sell the estate under those engagements; in that case the purchaser would pay something less for the estate; at least I apprehend so.

1791. That is the law?—The regulation is such, but I have never seen it put in practice.

1792. Supposing any person were to buy an estate, or an estate was to be sold, with a disregard for these rights, and the purchaser pays the full value as if there were no sub-tenant, would not the sub-tenant, looking at the state of the law, have his remedy, if he was ejected?—He can prosecute the defaulters where he feels aggrieved and damaged; and if he can prove that it was done maliciously, he can get a verdict, but he cannot save his tenure.

1793. A man pays a large price for a lease?—Yes, particularly for putnees, but izarahs are mostly obtained by making heavy loans.

1794. There is a default by the zemindar, and the estate is put up for sale; and we have been informed that it is sold without any regard to the sub-tenant?—Yes, that is the practice, except with the Kood-caste ryot.

1795. Then what is the remedy of such a man who has paid a high price for his lease?—He is only left to the civil court, where he may enter a civil suit. He has no remedy before the revenue authorities; and if the revenue authorities confirm the sale, the judicial authorities may find out a flaw, or some point that may call for its interference, and ultimately upset the sale, in which case the putnidar resumes his lease after having been forcibly dispossessed for many years, as the civil suit may last.

1796. To whom is it that the Government or the Commissioners of Revenue pay over the excess of the sale over the default?—It has to be paid without demur to the ex-proprietor or defaultar.

1797. Is there no remedy against the ex-proprietor by the sub-lessee?—No; the Revenue Commissioners have no power in that matter; his only chance is a civil suit.

1798. Then if a lessee, practically speaking, has his property sold from him, he has no remedy?—No remedy but the chances of a civil suit.

1799. But you admit that the regulation is to the contrary; that it provides him with a remedy, or at least admits his right?—The collector has a power to sell the zemindary, respecting that engagement existing upon it. Why the regulation is never acted upon I cannot say, but I have never known a case in which it has been acted upon. I again refer you to Act I. of 1845, clause 28.

1800. You state also that when a man purchases an estate he hardly knows what he has purchased, as he does not know what incumbrances there are upon it?—No, there are to be no incumbrances; that is about all he does positively know.

1801. I understood you to say that a man is hardly safe when he has purchased a property, and you even referred to your own case in support of that view?—He does not know anything as to the boundary, whether it stops here or there, nor can he be certain of being in quiet possession of his purchase, as was the case with me in every instance, whether in Bhaugulpore or in Hoogly; in the former case I had to sustain a civil suit for six years.

1802. Is not that owing to a want of vigilance on the part of the purchaser?—No, the purchaser cannot be blamed, he is innocent of such consequences to himself; the fault lies in the working of the sale law, in the Government not sending 0.54.
out a party to show the man the extent of the land which has just been sold, and to show the boundaries of the estate, because there are no posts or marks limiting the state. That is what we complain of. We cannot get the estate limited and fixed for us, nor can we get prompt and efficient inquiries to prevent such recurrences.

1803. **Chairman.** Is there any survey or registration?—Not that I am aware of in Bengal; in the North West Provinces there is.

1804. **Mr. Vildic.** As far as I understand you, you say that a man’s troubles begin when he buys an estate, because the man who buys the estate does not know what the incumbrances upon it are?—The defaultor is aware, of course, many false claims are urged only on an estate being sold or changing hands, whether by Government sale or by private sale, and more so still in sales by order of civil process.

1805. Can a man ascertain what are the liabilities of an estate which he purchases?—Yes; registration is open for mortgages, for leases, or for anything of the kind; that is one of the reasons why I wanted to make it compulsory that a man in taking a lease should be compelled to register the deed, or if he did not do so, in case of a suit arising it should not be recognised; that would do away with those dishonest practices; but, I repeat, a purchaser cannot be called upon to respect any leases of the kind unless the estate is declared to be sold under such reserve, which is not done.

1806. Do you think that generally the law is in that state that people are prevented from purchasing land?—Certainly, to a very great extent.

1807. Notwithstanding all those difficulties and obstacles to people settling, what has been really the result to indigo planters where they have settled; have not they made fortunes, and thrive generally in their business?—Many people have been wealthy indigo planters, and that wealth has all disappeared again in indigo planting. Others again have been very successful; and that applies not only to the planters, but to the whole native community around them. And look at the districts owned in Lower Bengal, at the state of the population, and the state of the country as to cultivation, and the state of the Government revenue; you cannot get an estate to purchase even; and why? Because these Europeans are there with 3,000,000 L. sterling annually employed in the cultivation of indigo, and the ryots come into our offices with the collectors of the native zemindars and bring their accounts, and the money merely passes from our hands into the hands of the zemindars’ collectors, and the next day it is taken and paid as Government revenue, and those are the influences that are exercised by the settlement of Europeans, but still I maintain that people are afraid to invest capital in the Mofussil for the adverse reasons I have assigned.

1808. I think you said that the number of Europeans has increased considerably within the last 25 years?—Very considerably; they are more than double what they were in Calcutta under the Queen’s jurisdiction; but in the Mofussil, to my knowledge there has not been an increase of 25 or 30 Europeans within the last 25 or 30 years.

1809. Do you ascribe that to the difficulties to which you have been referring?—To all those difficulties combined.

1810. And you believe that if those difficulties were removed, the number of Europeans would increase?—No doubt they would; people of capital would go there, and employ their knowledge in a variety of ways in buying up the produce of the country, and remitting it down to Calcutta, and bring to light many hitherto unknown resources, such as they have already done.

1811. I think you say that the export of the products of India has greatly increased?—Yes; according to the authority of Mr. George Brown, for the last three years ending with 1850, the imports and exports amounted to 124,000,000 L. per annum, as compared with 58,000,000 L. in 1832.

1812. I believe you have no doubt of the capacity of India to extend its products?—No, and that to an unlimited extent in many valuable articles.

1813. And you attach great importance to the want of communication?—Yes.

1814. Is not the difficulty of conveying many of the products of the country which enhances the cost of production so much, that they cannot enter into competition profitably in foreign markets?—That is my opinion, but price of freight may also influence.

1815. Those communications are improving now, are they not?—I only know the fact of the railroad being an improvement; no attempt at other roads, or canals, or improving the Neuddea rivers, is being yet made in Bengal.

1816. Supposing
ON COLONIZATION AND SETTLEMENT (INDIA).

1816. Supposing we had quitted the country 10 or 12 years ago, what should we have left behind so as to show in the way of public works beneficial to the country?—In Lower Bengal nothing whatever, unless it is so much of the trunk road as runs through Bengal, Fort William, some fine barracks at Chinsura, government house, and some other buildings in Calcutta, and a fine college at Benares, and 122 miles of railroad made with speculators' capital.

1817. Do you ascribe the improved state of the country to the greater communication between the mother country and India, and to the force of public opinion as to the mode in which the country has been governed?—Since facilities have been afforded for more frequent and regular communications with the mother country by steam, that has effected quite a revolution in the habits of the people, more particularly among all classes of Europeans, and in the business of the country.

1818. You think that the force of public opinion in this country, and the more constant intercourse between settlers and others with the mother country, have really brought about the improvements which have recently been effected?—Undoubtedly, no improvement arises from the initiative of the native, because the native has no initiative mind, nor does the Government of India appear to progress, unless forced on by Parliament.

1819. Do you believe that if the communication was improved, and the settlers were to increase, the natives would improve by their example, and assist in developing the resources of the country?—Undoubtedly, because such has been the effect where the Europeans are in the greatest numbers, and natives are happy to follow the European in successful innovation.

1820. Is there any difficulty in obtaining capital if it could be profitably employed in Calcutta?—At certain moments there is a difficulty in case of a crisis; but you always have to pay very heavily for capital for Mofussil purposes.

1821. You did not mean to say, in a former answer, that money is not lent with reference to the nature of the security offered; the man who lends the money looks to the security for its repayment, does not he?—Yes.

1822. Whether the money is employed in Calcutta or the Mofussil, the security, being the same, there would not be a difference in the rate of interest of 6 per cent. and 15 per cent.?—Suppose I possess houses or property in Calcutta, and supposing I want a loan of 5,000 L. or 10,000 L., I apply to a person to advance the money upon a mortgage upon that property within the Queen's jurisdiction. I will be able to procure it at five, six, or seven per cent. On the other hand, I am possessed of houses, indigo, factories, buildings, and plantations within the Company's jurisdiction in the Mofussil; and supposing I want 10,000 L. on a mortgage of that property, which is worth 40,000 L., I cannot raise it under 12 per cent. net interest, besides heavy commission and charges, which bring it up to 17 per cent., and generally more, because there is no security afforded by the institutions in the Mofussil to the capitalist in Calcutta, where, at all events, he has any confidence.

1823. If you choose to mortgage your houses in Calcutta for the sake of employing your money in the Mofussil, you could get it at the same rate?—Yes, no doubt. That is a barometer marking the degree of security and of confidence in the state of the Company's institutions, as compared with those of the Queen's.

1824. Did you state whether the Government sales of land for the default of revenue were very frequent?—In some parts they are very frequent. In Jessore and Krishnapur they are not frequent. In Bhagalpore and Purnea, and Monghyr and others, they are more frequent.

1825. Are those defaults bond fide, or are they for the fraudulent purpose of securing the estate?—I think some of them are bond fide; but others take their rise from fraud, no doubt, such as I have stated.

1826. You quoted at some length, on the last day of your examination, a speech of Sir Arthur Buller's; will you state the circumstances under which that speech was made?—It was made on the second reading of the Bill in the Legislative Council of Calcutta last year with respect to the passing of the Act making Englishmen in the Mofussil amenable to the Company's courts, both those presided over by natives and Europeans, in criminal matters; and then, as that law excepts four classes of Englishmen (that is to say, the military and marine services of the East India Company, and the military and marine services of the Queen) from that jurisdiction, of course it showed that the Government were satisfied that their courts were not in a fit state to try their own servants or the servants of the Queen; and yet, with regard to us, who have taken root in the country, and who have all our fortunes and all we possess in the country under those institutions, those courts...
Mr. J. Freeman.

4 May 1858.

Courts are good enough for us. I may mention that Sir Arthur Buller says: "It is against these tribunals that British subjects protest; against all as incompetent, and against some as open to the evil influences of personal prejudice and antagonism of race. They refer you to the penal code, which, in its anxiety to provide for every possible offence, draws within its wide definitions acts which men are sure to be frequently committing without imagining that they are crimes; and they show you that under its provisions a person can hardly open his mouth or move his hand, or even move the air, without committing an offence punishable with imprisonment. They ask you to picture to yourselves the sort of places which in small localities are available for imprisonment, and to consider well what sort of punishment imprisonment is to a European, even in the best regulated gaols. They refer you to the calendar of the Supreme Court, and they show you that two years is the maximum of imprisonment which that court thinks is safe to award to such persons in this climate; and they implore you not to trust a power so susceptible of abuse to unfriendly or inexperienced hands. They ask you to consider their position in the Mofussil, how perpetually they are brought into conflict with influential natives, not over-scrupulous as to making false charges, or supporting those charges with false evidence. They show you how all persons in the locality become mixed up in these disputes; how it has come to pass that the subordinate magistracy look upon them, and that they look upon the subordinate magistracy as natural enemies: and they declare they have no hope of obtaining impartial justice in your inferior courts. They point out to you the defects of your judicial machinery, whereby the administration of criminal justice must for the most part be entrusted to mere boys, or, at the best, to inexperienced young men, who are shifted one day from the cutcherry or the salt field, to be removed the next to another cutcherry or another salt field, again, in some future day, to turn up upon the bench; and they ask you why, in this learned profession, professional learning is the only thing not required. Then as regards moonsifs, the still unforgotten animosities of race introduce a new element of distrust. Nor would this seem to be wholly without foundation. I find the following statement in the 'Friend of India,' which should be a good authority on the subject, in an article by no means favourable to the larger pretensions of British subjects: 'There are many, particularly Mahomedans of the old school, whose hostility to Europeans, as such, is of the most envenomed character. The magistrate lately removed from Senegal would probably have put every European in the station in prison, could he have only obtained the chance. The antagonism between the races is becoming every day more marked.' This was about two months before the outbreak took place.

1827. Was this in the Legislative Council?—Yes.

1828. Are the discussions there public, and are they reported?—They are; lately they have been made public.

1829. In what position was Sir Arthur Buller?—According to the new charter of 1853, the reform in the Legislative Council consisted in admitting two judges of the Supreme Court of Calcutta and two members of Civil Service, one from Madras and one from Bombay, and Sir Arthur Buller's seat derives its existence from that fact. He is still a member of the council at the present day. Then, again, he says: "And I must say, sir, that if there is any country in the world in which such an institution is required, it is eminently so in one like this, where the tendency to bring false charges so universally prevails; and more than ever will it be desirable, when the criminal code comes into force, with its tempting variety of opportunities for the maliciously disposed. To session courts so constituted and so assisted, I have no hesitation in confiding the protection of every British subject. At all events, this is the best solution which, after much consideration, I am able to give this most difficult question."

1830. Mr. W. Vansittart.] You say that, owing to the incapacity of the civil servants, the corrupt state of the omliah and the police, and the defects of the sale law, the settlement of Europeans is very difficult, do not you?—Yes, and not only for Europeans but natives; and everybody else find great difficulties in their way.

1831. Do you not think that indigo planters generally know how to take care of themselves, in spite of the civil servants?—Of course they have to exert themselves and protect their persons and property to the best of their means, using those means which are available to them.

1832. Is it not very easy for an indigo planter to summon a magistrate before the Supreme Court at Calcutta on a charge of false imprisonment or some other irregularity
ON COLONIZATION AND SETTLEMENT (INDIA).

Mr. J. Freeman.

4 May 1858.

The law is, that the servants of the
Company, for their official proceedings, are irresponsible to us; formerly we could
do it.

1833. When was that power taken away?—Of late years.

1834. Have you no legal redress now against civilians?—No; my own case
arose from an illegal order of the collector making me pay an enhanced rent for
my estate of 850 rupees a year, before his own decision had been confirmed by
the Commissioner of Revenue, as required by law, and, through negligence, the
commissioner was 10 years before he revised the order of the collector; but on his
doing so, he reversed the collector’s arbitrary and illegal order; yet for all that
time I had been compelled to pay the enhanced annual rent, and had no remedy
whatever against the collector; but obtained a decree, amounting now to 2,000L,
in the civil court, which they appealed against. The consequence of that is, that
now I have a suit of 2,000L in appeal before the Sudder Deewanny court in
Calcutta, and I have no redress in that case. If the law had permitted me,
I should have called the collector to account in the Supreme Court.

1835. Is it true that indigo planters are in the habit of keeping in their pay
large bodies of latteals, or bludgeon-men, to oversea and coerce the zemindars
and ryots?—No, not to my knowledge.

1836. You have resided in some dozen different districts I think, namely, in
all the principal districts of Bengal, and in the principal districts of Behar and the
North West?—Yes; up as far as Benares and Junpore.

1837. Why is it that indigo planters in Bengal, for instance in Hoogly, Jessore,
Rudshiae, and others, give the magistrates so much more trouble than those in the
upper provinces?—The indigo planters have a great number of contracts with
different cultivators. There is one in the room at present who has contracts with
20,000 cultivators, and therefore having the adverse disposition of many of the
zemindars to contend with, it brings him in contact with those people; and
of course the more extended a man’s relations are with other men, the greater
chance there is of objections and difficulties, and breaches of contracts arising.
And that explains a question which was asked a gentleman the other day, why it
is that the indigo planters have so many cases in court, and so many decrees
which they cannot enforce. It arises out of the natural consequences of their
position. I have to deal with thousands of cultivators from whom, in our part, we
have to rent the land, under contract to cultivate, to sow and reap it, while others
furnish boats, others furnish carts, and others manufacture the indigo itself; and
therefore our relations are so numerous and extended, that when you say that
an indigo planter has always 50 or 60 suits in court, there is nothing extraor-
dinary in that.

1838. Do you not think that there are a finer body of indigo planters in the
Tirhoot district than in Bengal?—I do not know how such a notion can have
ever been entertained; there is no truth in it, and I never heard of it.

1839. Do you not think that that is the case on account of the healthiness of
the climate?—No, I do not think so, for the case or fact does not exist.

1840. Are not the manufactories at Bengal much more under the Company’s
supervision than the manufactories in Behar and the Upper Provinces?—Cer-
tainly not; there is no distinction whatever.

1841. You acknowledge that you can ultimately always get redress?—Yes,
after a great deal of suffering and losses; I have generally managed to get
redress by going to high authorities, but not under the local authorities in the
provinces; I have got it from the superior authorities in Calcutta.

1842. With regard to the sale law, do not you think that the collectors, gene-
 rally, are in the habit of giving as much grace and indulgence to the default-
ing zemindar, as they consistently can with reference to the regulations and
laws?—Yes, not only as much, but a great deal more in many instances than
they ought to do, according to the regulations, such as receiving arrears from
a man when he has forfeited his estate, not having paid at the proper time;
and the inconvenience to the purchaser, and the great detriment to the defaulter
in many cases; owing to the great uncertainties purchasers will not bid up to the
full value.

1843. You say that you never knew an instance of a civil servant in the
Mofussil being able to keep up a conversation with a native for five minutes
together; am I to understand that the civilians of the present day are not so
intelligent as they were 10 or 15 years ago?—My opinion is this, that I have
never

0.54.

8 3
never known a civilian, excepting in three instances, that could keep up a conversation for five or ten minutes with a respectable native, such a conversation as an English gentleman conversant with the French, or the German, or the Italian language, would expect to keep up with a Frenchman, or a German, or an Italian.

1844. I say 10 or 15 years ago, because I have reason to believe that the civilians, generally, then could converse as freely in the vernacular as in their own language?—That is certainly not the case at present, nor did I ever know of such, save the exceptions.

1845. Surely you must allow that if a civilian, before he leaves this country, and again before he quits Calcutta for the interior, has to undergo two severe examinations in the vernacular languages, and then he is in the habit of spending weeks, months, and years in his court, and on coming home has only a large suite of native servants to converse with, he must naturally have great facilities for becoming a perfect master of the native language?—No, unless he chooses to learn it, and study it. By the facilities afforded, even in Calcutta, you make yourself understood by broken words, and so forth, but that is not what I call speaking the language. The intercourse is very restricted with the natives. As a civil servant he does not mix with the natives, although surrounded by them.

1846. He must give them orders, surely?—Yes, but you understand the difference between speaking a language to keep up a conversation and making yourself understood by broken words and sentences, quite unconnected the one with the other, which is not conversation upon general topics.

1847. Are you aware that a young civilian, for instance, an assistant to the collector, is frequently sent into the interior of his district to make a revenue settlement, and does not see a white face or hear his own language for months together?—That I am not aware of; I never saw an instance of that kind. Young men are sent to make settlements at times.

1848. Who makes the revenue settlements?—In Bengal there are, properly, no revenue settlements unless they are reserved lands, or lands that have been resumed, or others that have been forfeited; then the uncovenanted collector would be the person to make or report upon them to the collector; formerly covenanted assistant collectors or deputies made these also.

1849. If an estate is sold and does not reach the arrears of revenue, the collector buys it up on the part of the Government, and it becomes a khasmahal, and then the collector deputes his assistant to make a revenue settlement of it?—Yes, but those cases seldom occurred to my knowledge. I was for a long time resident in Bengal, and I have lands in the Monghyr district, and I know that such has been done, but it never came under my knowledge that covenanted deputies had been out for three months at a time without intercourse with any European.

1850. You say that you know instances of gentlemen who have made darogahs of their own private servants; are you aware that magistrates send in monthly statements to the superintendent of police, and to the civil and sessions judge, stating what appointments are vacant, and the qualifications of the men appointed to them?—I am not aware of those statements being sent in, but I am aware of a great many persons being appointed in the way that I have mentioned, both to darogahships and also as bungumazees, and many as jeunards of police.

1851. You say that the mooktears, or native pleaders, have not fair play in pleading their cases before the authorities; to what do you attribute that?—I attribute it to this, that in the civil courts the vakheel is very often told to hold his tongue, or he will be fined or suspended from practice; and in the magistrate’s court, where the mooktears appear, the same practice prevails. I could mention instances where extreme practices have been had resort to. In the Mofussil courts they are not free and independent as they are in the Sudder Court of Calcutta. At Calcutta you are inspired with some degree of respect and awe in seeing the discipline of the court, and the order of the place, and the facilities which are afforded to the vakheels and mooktears, enabling them to sit down and have their papers and notes, and tables and seats provided. But in the Mofussil courts there is no order and no discipline; you hardly know where you are, and certainly they tend to inspire you with every degree of disrespect, and even contempt, and I may add disgust.

1852. With regard to the case which was brought to your notice by Mr. Kenny, in which you say the magistrate ordered the darogh to find out the murderer in seven days, or come in himself, surely that order does not prove that the magistrate counseled
ON COLONIZATION AND SETTLEMENT (INDIA).

countenanced anything like torture being used?—I do not say that he countenanced torture; certainly not; I absolve all gentlemen in the civil service from wishing to encourage torture. The only thing is, that from their want of knowledge, they are not aware of it, and when proved, as in the case you refer to, they will not believe it, or if they do, they will not punish in such an exemplary way as to deter repetition, otherwise how would such practices still exist to such an extent.

1853. You will excuse this question; but do not you think that you and Mr. Theobald are rather unfairly prejudiced against the civil servants?—Certainly I am not; I feel strongly and deeply with respect to the system, but against the gentlemen of the civil service I never had any ill feeling. I admire them in their social capacity; I think that they are as gentlemanly and as agreeable a body of men as are to be found anywhere. If they were only properly trained in their profession, good masters of the languages, had more intercourse with and much more real knowledge of the character and ways of dealing of the natives, I would not wish to see better men in India.

1854. Mr. Mangles. You have been in some of the districts in Behar?—Yes.

1855. You said that revenue settlements were very rare except in cases of resumption after the lands have been declared liable to assessment; are not you aware that in the province of Behar there were many hundreds, if not thousands, of such cases?—Yes, that is an exception, applying to towfer and resumed lands, and unahul khansas cases.

1856. Is not that a very considerable exception?—Yes, but still very limited compared to extent of country.

1857. Were not many of those estates settled by young civil officers?—They had the authority to do so, subject to collector's revision and commissioner's final approbation; and, of course, they were in a manner the responsible parties. They had a kind of supervision, but it was really done by the native omlas who accompanied them; the omlas were the actors in the scene, and the young inexperienced boy civilian was supposed to represent the authority of the Government.

1858. Do not you believe that those young men who went out, the covenanted servants, the deputy collectors and assistants to the Commissioner and Collector, made those settlements virtually themselves?—That is like comparing the Commander-in-Chief to an army; he gives his orders, and execution is done by the officers and soldiers; they are the people who carry out the work; in the present cases the omlas were the officers and soldiers, and the young civilian the commander-in-chief nearest the field of battle.

1859. Did you ever see a settlement report written by an English officer?—Yes, decidedly, but I never saw one written in the native language—used in the courts—by a covenanted assistant collector.

1860. Do not they go into every question of tenure, and of rights, and of revenue?—Yes; as far as the rights go, there are the conflicting claims. But if you want to get at the real question, the native omlas are the investigating people, and they get all those particulars for the European gentlemen that you mention in those cases, and advise as to what is to be done, according as they may be bribed.

1861. Is not an officer who makes those settlements competent to understand, and does not he understand, the native language of the returns which he sends in?

—Not in the way that I mention, to hold a regular conversation with a gentleman, but he may understand in such a way as to enable him to arrive at the drift, and partially and unsatisfactorily, at the merits of the case.

1862. And you really mean to tell me, who have been many years in the country myself, and conducted revenue settlements myself, and who have been engaged in conversation with thousands of natives, that the young civil servants are incompetent to carry on conversations in the native languages?—I do say that my experience fully justifies me in maintaining what I have just said. I do not mean to say that there are not exceptions; I have made exceptions, and I am sure the honourable and distinguished gentleman was a worthy exception, but, taking the mass of civil servants, I say that they are not conversant with the native languages, so as to enable them to do their duties in a proper way.

1863. Are you not aware that at the Sudder station of a district, hundreds of native officers come in to pay their respects to the authorities, and pay them visits, and sit with them for half an hour, conversing with them upon every sort of subject?—Yes, I am perfectly well aware of that; and if a short-hand writer were

84
Mr. J. Freeman.
4 May 1859.

were there to take down the questions and answers of the European gentlemen, you would see what sort of a language it was. As to the civilities existing between the civil service and respectable natives on occasions like those, the conversation is soon put a stop to, in consequence of their inability to speak the language fluently, and in such a manner as I have before stated. It is one of the great obstacles of intercourse in the proper way between the Europeans and the natives. I know gentlemen very conversant with the languages, who are great oriental scholars; but they are quite an exception, 2 in 100.

1864. Is it necessary for a man to be a great oriental scholar to have a perfect colloquial acquaintance with the language?—If a man sits upon the bench to administer justice to the people, where the proceedings are carried on in the native language, I do not see how he can get on in a proper way without speaking the language freely; and when the native witness comes in, if he could speak the language freely he would still have some difficulty with the witness, owing to the state of his mind and his hesitation in appearing before an officer of the court. But the want of a knowledge of the native language is the greatest drawback, in my estimation, to the administration of justice, because that entails so many other evils.

1865. Are you not aware that of late years, besides the examination which all civilians have to pass before they get out of college and enter upon a public career at all, they have to go through two examinations before they are allowed to take the first two steps in the service?—I was not aware of that, I speak to the real state of things.

1866. If I were to tell you that one of the tests which young civilians have to pass in that respect is this, that a report of a native darogah or a native tehsildar, either a revenue or criminal report, or a report from an unees sent out upon a civil investigation, is put into his hand in the native language, which he has never seen before, and that he is required by the examining committee to read that paper, and sit down then and there and write his answer and orders to that officer upon that paper, should you not suppose that the capability of doing that argued a sufficient acquaintance with the native language?—I should think it a great point to arrive there, but I should not consider it, under those circumstances, quite sufficient. I would rather put the candidate offering for examination in a court upon the bench, and have a case gone through, such as a complaint or a petition of any kind, either a matter of revenue, or an assault, or a theft. I would put him into the court, and make him go through the proceedings. There would be the presentation of the petition, there would be the presentation of the answer of the man, and the examination of the witnesses, and if he could go through that, and make a fair comment on, or abstract of the merits of the case, and the reasons for his award all that fairly delivered by speech or written in the native language and character, I should say that would be a most sufficient and satisfactory test. I maintain this to be sufficient.

1867. Could you read a native paper written in either Hindostanee or Bengalee yourself?—Very imperfectly.

1868. You know how very rapidly they write; how they leave out all the dots and marks; and how difficult it is to read;—I do not think that the Persian character is quite so difficult to read as the Nagree character or Bengalee, in the way you state.

1869. They are both very difficult?—Yes, they are.

1870. Could officers go through the test that I have spoken of without a very great knowledge of the native languages?—No. I should say that if a report came in and the officer read it and made his answer to it, it would imply an acquaintance with the native language, at all events sufficient for the man to enter upon his duties; but I should prefer his going into a court, as I have stated; if he could get through that with satisfaction I should have confidence in him; because when a man does get an acquaintance with a language, he takes a liking to the language, and is induced to study it out of his hours of occupation, for he then feels emulation urge him on.

1871. You said that the majority of civil officers with whom you have been acquainted could not read a native petition; could that be the case when they had gone through such an examination as that to which I have referred?—In most cases that is so; I have only stated the truth. How they get through their examinations and so forth has been a wonder at all times to us. We have been surprised how certain young men sitting on the bench have managed to get through those
ON COLONIZATION AND SETTLEMENT (INDIA).

those examinations; but the ordeal I propose would put an end to all cramming, and any other inadequate means, for getting over the first examinations.

1872. I thought you said that you knew nothing of those two subsequent examinations?—Those I understand have been only passed lately, but during the time that I was a permanent resident in the Mofussil, I say that it was a source of astonishment to us how it was that they were so unfit in practice to read and speak, and so forth, after passing their examinations.

1873. You spoke of the administration of the Sale Laws; are you not aware that about 20 or 25 years ago there was a great alteration made in the mode of administering those laws?—I recollect the Sale Law of 1819, such as it existed at the time when I purchased an estate at the Government sale in 1825, and such as it existed up till 1841 when it was modified, and thence till 1845, the law which is still in force; therefore, the great change which has taken place since 1819, was more to assist the Commissioner and the Collector in carrying out the sales. When I went into the court to purchase the estate, I saw people coming into the court with bags of money, actually keeping the money in their hands till the Collector had commenced the sale, and the hammer up for the third time, when they put the revenue on the table; that, of course, could not be put up with. It was a perfect lottery. You might sell an estate three or four times over, and the sale would not be confirmed. And therefore it was for the benefit of the defaulter as well as the purchaser that the law underwent an alteration in that respect, and was also modified in respect to consequences of Benamee purchase.

1874. Long before the date of 1845 or 1841, was not it felt by the authorities that the indulgent system was really a hardship to the defaulter, by preventing him from getting the real fair price of his estate very often, owing to the uncertainty to the purchaser, and, therefore, were not rules laid down by which balances were obliged to be paid by sunset before the sale, and were not very strict rules made rendering it very difficult to get a sale reversed, and have not the reversals of sales since that time been very much less frequent than they were before?—I think that they may be less frequent; but on the last occasion which I mentioned, which was in 1850, where I went into the court at Bhaugulpore and purchased a small estate, the sale was reversed, and the reason given for the reversal was some want of the necessary formalities on the part of the Collector. But in the reform of the present law as compared to that of 1819, unfortunately the Government have not taken into consideration the question of the large under-tenures, which are of great importance, which are purchased by ready money, such as the putnee. They have not made it positive that they should be saved by the sale, and I have never known an instance where they have. And the other thing they have omitted is the not going into the preliminaries prior to the day of sale, but the holding back from doing so till the sale has been effected, and many other important points.

1875. It has struck me, with regard to your evidence on the under-tenures, that if the hardship were so frequent as you say it is, when, in case of sale, these putnee tenures are voided, and the putneedars lose their property, it is exceedingly strange that parties should be found willing to pay a fine for putnee tenures, instead of taking them upon an adequate rent, in which case they would merely lose whatever the tenure was worth to farm, and not the purchase-money?—Speaking of the European settlers, the same gentlemen in India who are given to take putnees are given to taking izaraabs; but the putnees are a definite thing, for ever, perpetual; while the izaree is only for five, seven, or nine years. No zemindar will grant a putnee without you pay down a considerable sum as purchase; besides which, you have to pay the full rent, and often more, annually and for ever. In Tirhoot, they are all izaraabees; there are no putnees; but the opposition on the part of the zemindars and ryots, from a variety of causes, was found to be so great, that for the last 20 years the planters and others have come into the habit of taking putnees whenever they can get them for the sake of peace and quietness with the zemindars, who otherwise make every exertion with their ryots to oppose your pursuits, and to bring all manner of false charges against you and your servants in the Mofussil courts. Izaraabes are taken at enhanced rents for the same reason. Down in the Lower Provinces, estates are seldom put up for sale for arrears of Government revenue; the revenue is paid with great facility, and therefore they cannot come in; and the zemindar, again, gives a putnee. I got 2,000 l. down upon the nail as the purchase of a putnee I sold, besides 1,000 l. a year in perpetuity.

0.54.

T. 1876. If

Mr. J. Freeman.

4 May 1858.
1876. If the cases are so frequent that men lose the money which they have paid in the shape of a fine, why is it that they do not cease to pay a fine, and insist upon taking the land as a farm, and not as a putnee?—My answer is this, that in the provinces where the system of putnee exists, it is seldom or ever that an estate is put up for sale, and therefore there is no forfeit, and as for insisting upon the zemindar to give you any izara or putnee, you cannot do anything of the kind.

1877. Then there cannot be the hardship of which you complain; you stated that there were great hardships upon men who had paid fines losing what they had paid in consequence of the sale of the estate which voided their tenures; I asked whether that did not right itself by men ceasing to pay the fines; you say No, for the estates are very seldom sold; therefore there cannot be a grievance?—No; for the simple reason that if you pay no fine for a putnee or no loan for an izarah, you cannot get such leases, so that in case of a Government sale you have neither lease or money to lose; but there are other parts where the tenures exist; such as in Bhagulpore; and though the estates are less seldom put up for sale in the districts of Kishmagur and other districts, yet they are sometimes sold; and therefore after a man has paid 1,000 l. or 2,000 l. or 3,000 l. for a lease of that kind, he is subject to lose it.

1878. Then why in those districts where sales are frequent do men persist in risking their money by paying a fine?—Because it is a necessity of their position, and owing to the bad state of the institutions, as so often stated, and that they prefer to risk a sacrifice in money, to risking the consequences of all manner of false accusations in the courts. I was the first person to introduce the system of putnees in Bhagulpore, and since then two or three natives have done the same; but there izarees exist to a greater extent. For the sake of peace and quietness we lend money to the zemindar upon his bond, payable in a certain number of years, and he assigns over to us the rents of those villages to liquidate the loan which we make to him; and that is the same in the Lower Provinces, lower down, where also putnee tenures are more numerous; but I cannot say that they have become so common higher up.

1879. Mr. Campbell.] I think a stronger reason than any that you have adduced exists for the purchase of putnees, namely, that necessity and not choice is often the motive in influencing the person in taking the putnee to secure his lands, as without the putnee his lands are quite unsafe?—Yes.

1880. And he is obliged to run the risk of taking a putnee rather than lose his lands?—Yes.

1881. Is not that one of the chief reasons for it?—Yes.

1882. Mr. Mangles.] Therefore it is worth while to run the risk for the sake of the advantage?—If a man has purchased 20,000 l. or 30,000 l. worth of indigo factories and has got them in possession, he must take the best means to keep them working, and that has been found to be the best mode. You take a putnee for 2,000 l. a year that you know you cannot get 1,500 l. for; I call that a purchase for peace and quietness. That is the reason why Europeans resort to taking putnees on the one hand and izarees on the other, and for no other purpose.

1883. You state in certain districts, which you have mentioned, in consequence of the number of European settlers there, and the large amount of capital which they have invested, you cannot purchase estates?—The number that can be purchased is small compared with other districts, because the capital of the European planters annually spent in working his factories enable the ryots to pay their rents to the zemindars, who benefit in a similar way, for their discharge of the Government revenue.

1884. As to the other districts, there can be no hardships, in consequence of there being no sales?—There are hardships from the general uncertainty of the tenure; men may fall into arrears even bona fide and honestly. Ramruettion Roy's estates in Jessore were very nearly for sale some years ago during the crisis in 1849, he could not get the money to pay up; and in that case how many Europeans would have lost their money. So that it is constantly hanging over persons, and they are nowhere, and never free from great anxieties on that score, they are so dependent. Hence the obstacles to so many others.

1885. You bought an estate in the Hoogly district, in which you found great difficulties from your under-tenants?—Those difficulties which I met with there were from the indefinite nature of the sale law. If the Collector had marked the boundaries to the property, I should have known, and the magistrate would have known,
known, that those were the boundaries, and that therefore the people were claim-
ing within the boundaries; therefore my hardships arose from the dishonesty of
those people who got up those complaints. But the principal thing was the cor-
ruption of the native oomlah, who ill-advised the magistrate; and from the
magistrate's own incredibility and ignorance of his duty and of the Regulations,
combined with the disgraceful and ineffectual way the Government pretend to
put you in possession of what they sell you; in fact, you are left to get possession
how you can in too many cases.

1886. You speak of the difficulties arising from the want of defined boundaries;
has not a scientific survey of the whole of the Bengal and Behar districts been
going on for several years?—I have heard that a survey has been going on for
some years; but whether it has been effected, and come into practical use in the
courts of the Collectors, I am not aware.

1887. Are you not aware that all the boundaries of the estates in many districts
have been defined by a scientific survey?—I believe so.

1888. Following the plan of the survey of the North West Provinces?—That I
cannot speak to.

1889. In those districts, at any rate, the evils of a want of knowledge of the
boundaries of the estates have been obviated?—Unless it is where large rivers
pass, because there the boundary of a man's estate changes every year.

1890. It cannot be the fault of the Government that the Ganges runs away
with the land?—No. I believe that surveys have been made for the purpose of
devouring to arrive at a definition of the boundaries of the estates; but whether
it has been done to a useful purpose I cannot say. Why did not the magistrate
at Hooghly refer to the survey in my case?

1891. You stated that in the case of the estate which you purchased in the
Hooghly district, your tenants troubled you by claiming rights which were really
abrogated by the sale laws under that sale?—Yes, most positively.

1892. Have you found great difficulty from that circumstance?—Yes.

1893. How do you reconcile that with the earnestness which you have expressed,
that a law like Mr. Grant's should be passed for the protection of under tenants?
—in my case the claims of the two parties I alluded to were most unfounded, and
in direct violation of the existing law. The law should be within a reasonable
limit, as has been contemplated by the Government and by the Regulations which
are in force, if the present principle is to remain for the future. If the law says
we recognise in these people certain rights from the time of the decennial settle-
ment until the law reverses those rights, I think they are bound to meet with
protection in them, and therefore, I say that the sale of an estate for arrears of
revenue causes a perfect revolution in all the villages and in every tenure. A
new purchaser comes in, and the first thing that he does is to call for an increase
of rent upon every ryot, which is considered a hardship by all the tenants.

1894. Those men made the very same claim against you in the case to which
you have referred, and you thought that it was very unjust, and that those claims
should not be listened to?—When I purchased that estate, the Government said,
"You purchase that estate quite clear from every incumbrance," and when I took
possession of it one man claims to hold three or four villages here, and another
400 or 500 acres there, upon nominal rents, and some under old and forged doc-
ments. That, I say, is not in conformity to the law. My object was, to be perfect
master of the estate according to the Regulations, and I could not put up with
that; and so far the magistrate and Collector were bound to afford me support,
you have heard how far I met with such.

1895. Mr. Villiers.] It was a fraud upon you?—Yes.
1896. Mr. Mangler.] Had not the tenant in that case a right to go and appeal
to the law?—Yes, he could go and file a petition in the Civil Court, and
show what tenure he had, and all the particulars. And then in the Civil Court
each man brings forward his claim and produces the documents, and so forth, and
the evidence as to his right in keeping possession. And if he has a fair claim he
gets it awarded to him, but the revenue authorities have no remedy. They are
not competent to take cognizance of a thing of that sort.

1897. I understood you that those men appealed to the magistrates; I presume
they charged you with violence?—Of course they did. They got up two
false cases, one preceding the other about a week, stating that I had gone with
150 or 200 armed men, with all my servants, to collect the revenue in those two
villages; that I plundered the villages and beat the people. That was false; I
never
never moved out of my cutlery on either of the days stated, and I had not an armed man on the estate. But the Foujdarhy Court is a sink of iniquity, and if a man finds that in the Foujdarhy Court he can get something like a prize, that will prompt him to go to a superior court; and if he does not find it there, he will give it up; and that is the reason why Mr. Theobald said that really the jurisdiction of the magistrate was beyond all belief.

1898. How did you manage the estate after you left it yourself?—I put in an European to manage it; subsequently he got an appointment in Silhet, and I put in another gentleman.

1899. He managed it pretty well, did he?—Yes, under difficult circumstances, which he managed to contend against.

1900. You made a very good thing of that estate?—I do not know about that; it realised three lacs and 3,000 rupees at the exchange at Calcutta, when the estate was sold. The estate had been purchased for two lacs at the Collector's sale.

1901. You bought it?—Yes.

1902. And it was sold for 3 lacs and 3,000 rupees?—Yes.

1903. You yourself have managed, in spite of all the difficulties of the laws and the administration generally, to be very successful?—People tell me so, this outbreak has walked away with a good deal of my property.

1904. Then you must believe that any person equally able and energetic with yourself, in spite of all the difficulties in the law, might be a very successful settler in Bengal?—Taking 100 men, there are not a very great per-centage who have met with great success. Every man has not the same energy, and the same character and perseverance. We cannot help that; that is a matter of nature.

1905. Are there many who have done it, and are doing it every day?—Of course there are, out of the numbers; but there are nothing like the numbers that would do so under other circumstances and better institutions.

1906. Mr. Villiers.] You have no motive, from being disappointed, in making the statements which you have made to-day?—None.

1907. Mr. Mangles.] The laws and the administration are not so bad but that an able and energetic Englishman may make his fortune?—Some people have succeeded; but those that have not succeeded you do not see; they are not here to urge the reasons of their failure.

1908. You say that those who enact the laws are unacquainted with their practical working?—Exactly; that is one of our greatest grievances.

1909. Are you not aware that, according to the system in Bengal, if a revenue law is to be enacted, it is drafted for the Government by the Board of Revenue?—No doubt that may be the case.

1910. Are not the members of the Board of Revenue practically acquainted with the working of the system?—To judge by their acts, I should positively say they are not practically acquainted with the details and working of the revenue laws they enact.

1911. Are they not men who have gone through all the lower grades of the service; and are they not selected by the Governor-general, according to the best of his judgment, as being the ablest men in the department?—That may be; but the existence even of this sale law, in its details, clearly proves that they are unacquainted with the practical working of that law. It would have been reformed long ago if they had been acquainted with its working, and I apply that to the Foujdarhy courts and to the other courts, and to the whole administration, beginning with the Legislative Council.

1912. Did you know Mr. Dampier?—Yes.

1913. He was a member of the Board of Revenue; was not he acquainted with the practical working of the revenue law?—More than others.

1914. Did you know Mr. Lewis, and was he acquainted with the practical working of the revenue law?—I cannot speak to him; but from what I saw of Mr. Dampier, I know that he enjoyed the reputation of being a very first-rate revenue officer.

1915. Did you know Mr. Pattie?—Yes, I knew him.

1916. Was he not acquainted with the practical working of the revenue laws?—If I come to speak of my knowledge individually, as applied to Mr. Pattie, I cannot say.

1917. Do not you believe that, generally, the members of the Sudder Board of Revenue in Calcutta are selected as the ablest revenue officers of the Company?—I think.
ON COLONIZATION AND SETTLEMENT (INDIA).

—I think they have a knowledge, taking it generally; but as to what I call the details of the thing, which so much affect the lower orders, I think they are quite unacquainted with them.

1819. Have they not all been Collectors?—Yes, I fancy they have.

1820. And they are, probably, men of 25 years' standing in the service?—I should say somewhere thereabouts, 18 or 20 years.

1821. Then you stated that the abler men in the revenue administration, who have been 25 years in the service, are not practically acquainted with the working of that system which they have been administering all their lives?—Certainly not, I should say, down to the details which I have mentioned; really I do not see how they can be, their position, so exceptional, precludes them from such knowledge.

1822. You said that the cultivation of tea had been introduced entirely by European settlers?—In an extensive way; I believe the Government encouraged it, and contributed in some way, in the first instance, to getting plants, and so forth; and that they went certain lengths in promoting it; but that was soon given up on their parts; and then it was taken up by a body of settlers, who carried it out to a much greater extent; but their first endeavours were far from being successful. Afterwards they were able to bring it to its present extension and prosperous state.

1823. Are you not aware that both in Assam and Kumaon the Government established tea plantations for the express purpose of trying experiments, for the sake of the settlers, and with the avowed object of handing over their plantations to the settlers, as soon as the experiment had been shown to be successful, and as soon as settlers could be found willing to take them?—That is what I refer to; that in the first mooting of the cultivation of tea the Government took the initiative and encouraged it, and went to some expense in taking the necessary steps towards it. Then some Europeans took it up on a larger scale, and that attempt was not successful; but somewhere about 14 years ago, in consequence of this new arrangement, where the Government gave them more favourable terms about the land that they were to concede to them, from that arose the present company, which has carried it out in a very extensive way, which without the English settlers and their capital I doubt would ever been effected.

1824. Did not the Government in fact bear the whole of the expense of the experiment, and hand over, both in Assam and Kumaon, their plantations to the settlers on very liberal terms?—That I am unacquainted with; I will not say that it was so, or that it was not so.

1825. Did not the Government send Mr. Fortune, and others before him into China to get seed, and to get tea-makers, Chinese, and otherwise, to inform themselves as to the Chinese system of culture, for the express purpose and the sole object of instructing the settlers in India?—I do not know for certain whether that experiment was made by the Government; I believe it was so; but I know that Chino men were brought in the first instance. It was hoped, through them, that the natives in India would get an insight into the cultivation of tea, but it failed, so far.

1826. Have you heard of Mr. Fortune's mission in China; that he went several times to China to get seed, and so on?—I do not know positively whether he was sent several times.
did not want the Government to pay one farthing, all we wanted was the superior knowledge of that person to superintend for several months the erection of our blast furnaces. The Government positively declined, and the consequence is that our machinery is lying there in Calcutta. The iron ore was submitted to Government; and it is positively a very precious and very good material for the purpose, it had been tried at the Mint and most favourably reported upon by the Government officials and overseers. But as far as the Government went we took it as very singular after giving us good reason to believe that we should have the loan of this gentleman's services, that after we had written and got the machinery out, the Government should refuse its assistance.

1927. Are you aware that the Government have recently sent out a gentleman conversant with the iron manufacture, and with him several assistants, to the province of Kumaon, to introduce the iron manufacture there?—I have read of it, but we offered to do everything at our own expense.

1928. And the Government have stated that, as soon as the experiment is shown to be successful, they are willing to hand over the works to any Englishman that will undertake them?—Yes, that may be, but this does not do away with the facts I have stated; I have the correspondence with me.

1929. You spoke of the superiority of the indigo made by Englishmen, and of the superiority of their system of manufacturing that production altogether, and of the successful results of it; and you stated that it was generally carried on by advances on the part of the planters to the natives, and that that system had been very successful?—Yes; every cultivation of the produce there, or even of artisans, is carried on upon the system of advances. You must advance to the extent of one-third or a half.

1930. Do not you think, judging from analogy, that if the same system was pursued with respect to cotton, any amount of cotton might be procured by the same process?—That is my belief. In those parts where cotton has been cultivated from time immemorial down to the present time I do not see why, with good seed, good cotton should not be produced.

1931. If those who are interested in the production of cotton in India were to act exactly in the same way as those who are interested in the production of indigo, do you believe that the same results would follow?—There is only this difference, that one is the establishment of a new branch of industry, and the other is an old one.

1932. Indigo was once a new branch?—Yes; I only make that distinction.

1933. If those gentlemen who are interested in the production of cotton were to take the same steps, and act with the same energy as the indigo planters of Bengal, could not they get as much cotton as they could possibly desire?—How far they would succeed is a matter to be ascertained. If no beginning is made, we cannot ascertain. I should say large capital for experiments would be required, to encourage which, on the part of new comers, you must radically reform your institutions; the first subscribers to railways were few, and why more particularly on the continent; but see the state of the shares of late years.

1934. Mr. J. B. Smith.] Is not there this difference between cotton and indigo, that cotton is an article which, at the place of growth, is worth about 1s. a pound, and at the place of shipment 3d.; and indigo is an article which, at the place of growth, is worth 2s. to 4s. a pound. Therefore, can cotton afford to pay the same rate of carriage that indigo can?—No, I should say not.

1935. Therefore, do you suppose that cotton could be cultivated with the same advantage as indigo, when you have to bring it a long distance to market?—No; the expense of carriage is an obstacle. But I would wish to make one remark, that the superiority of the European indigo arises from the better superintendence, greater honesty, but more particularly from the honesty of the packing, because that is a matter of great importance.

1936. Mr. Mangles.] That would hold good specially with regard to cotton, where the complaints are great as to dishonesty?—Yes, and silks too.

1937. You spoke about the roads, and you said that there were no good roads in Bengal; does not that arise partly from the fact that the traffic of Bengal, from the circumstances of the country, is carried on in a very great measure by water-carriage?—It is in the rainy season, when the rivers are up; but during the other seven months, the want of roads or water communication is a very great obstacle to the commerce of the country.

1938. Is not Bengal at all seasons of the year, even during the dry season, more
ON COLONIZATION AND SETTLEMENT (INDIA).

than any other country in the world furnished by nature with water-carriage?—No, certainly not; but keeping open at the mouth one of the Nuddea rivers would effect wonders.

1939. I mean by the delta of the Ganges?—The Ganges is the great artery; it goes down round by the Sunderbunds all the year, but during seven months the mouth of the three Nuddea rivers remain closed, or, at all events, cannot admit boats, and are therefore impracticable from the Ganges to Calcutta direct; so boats must go a dangerous and circuitous route of several hundred miles by the Sunderbunds.

1940. Are there any stones in Bengal to make roads with?—Not till you get to Rajmahal.

1941. Is there a single stone in the country?—Excepting those used for the ballast of ships, which have been applied to make the roads and streets in Calcutta, there are none until you get to Rajmahal.

1942. Those are imported stones?—Yes; all the roads in India are made of brick or kanker lime, which is excellent for the purpose, and abundant.

1943. Is it not extremely expensive to make better roads from there being no natural metal?—No, because you can make bricks wherever you like; I used to pay 30 l. for 100,000 bricks by contract; that was the price, but in consequence of the roadworks they may now be rather higher.

1944. Would not making roads at that price be extremely expensive?—I do not think so. I have not tried the experiment, but I can represent to myself a kilo of 100,000 bricks, and I see how many cubic feet of material there is in such a batta or kilo of bricks, and I fancy with that you would make a road about 3,000 cubic feet, certainly not so expensive as in England, hand labour is so cheap. Taking all things into consideration, I should say roads in Lower Bengal would not cost above one-fifth of what the metalled roads cost in England.

1945. Is not the Government now engaged in making railways, and in making roads as feeders to those railways?—As to feeders, I am not aware; but that they are making railroads I am aware; the railroads are private enterprises; the Government guarantee a small interest.

1946. Will not that conduces very much to the improvement of carriage through the country?—No doubt railroads will be a very great improvement; the only complaint is, that they are not getting ahead with them. I assisted at the official opening of the railway, 120 miles, from Calcutta to Raneeunge, in January 1855, and among the speeches made by the Government servants, we were promised that the road should soon reach Rajmahal; that was in January 1855, and at this time not one mile more has been opened.

1947. Are you not aware that that railroad was made in as short a time as the railroad from London to Birmingham?—I think it took about six years to open that portion of 122 miles; I do not know how long the London and Birmingham took.

1948. Are you aware that the one great difficulty which has prevented the railway being opened to Rajmahal was the difficulty of getting a sufficient supply of those bricks which you stated were to be made in any quantity at a cheap price?—Yes; but I think there was a cause for that, and that was, the bad looking after on the part of the Government. They had the supervision of the railroads; and I think, if the contractors had been more urged on and better looked after, and made to comply with their contract, that would not have taken place; to which must be added, the constant references on every detail that have to be made to the India House.

1949. You think that in that case, as in all others, the Government solely is in fault, and not the railway directors?—No; I say that the Government are very much to blame; but that is not the sole cause.

1950. You spoke of the Nuddea rivers, and you stated that they were not kept properly open; are you aware that for many years the Government has laid out very large sums of money annually to keep them open?—I am not aware that the Government has done that. I am aware that the ferry funds have been applied partly. The only proceedings that I have seen are applying mats and bamboo to the sides of the streams; that goes on to the end of October, I think, and the rest of the year there is nothing done; but all that is of no permanent avail. What can be done with a few mats and bamboo.

1951. Do you remember the time when Mr. May was superintendent of the Nuddea rivers?—Yes.

0.54. 1952. Did
1952. Did not the Government go to a considerable expense then in endeavouring to keep the rivers open?—No; as to anything in the shape of permanent brickwork, or any other, I never saw any, in spite of all the repeated calls of the public.

1953. Is it possible in those rivers, which you describe as shifting their course so greatly, to erect any permanent works which the rivers might not leave in a year, and go 10 miles off?—The damages done by those three rivers are nothing compared to those of the Ganges; they are on a very small scale. I refer you to the embankments at Berhampore, Calcutta, and elsewhere; see how effectual they are. I refer you to those along the Rhone for hundreds of miles, whose stream or current is more powerful than that of the Nudda rivers. The Ganges will carry away a hundred times more in one year. But the call was for a canal from Rajmahal to Calcutta, and that would be easier, and less expense to effect than keeping one river open.

1954. Will not the railway from Rajmahal quite supersede the necessity of a canal?—In a great measure, but, as in England, many bulky articles would always prefer water-carriage.

1955. Are you aware that the shifting of those rivers is such that the battlefield of Plassey is now upon a different side of the river to what it was when the battle was fought?—The river would not have to shift above 500 feet to do that; and upon the Ganges I had a house that I built in 1836, perhaps a mile and a half from the river, and by 1840 that house, and an extensive village covering 200 acres, was carried away by the cuttings of the Ganges.

1956. Is it so easy a task as you seem to imply, to keep rivers open by permanent works, which shift their courses so extremely and suddenly as the great rivers of India do?—They are small rivers; I mean the Nudda rivers.

1957. They are small rivers as compared with the great Ganges, but do you call those three Nudda rivers small; how far are they across?—From main bank to main bank, I should not suppose more than 500 feet or thereabouts.

1958. From bank to bank are not the two larger ones more than about 500 feet?—I do not think I am very much out; they may be in some parts a little more.

1959. You stated that the Government had done nothing in the way of improving the police except increasing the salaries of the darogahs, and you said that the result had been rather detrimental than otherwise?—Yes, I did say so.

1960. Has not the smallness of the salaries been laid down as one of the principal causes of the badness of the police in Bengal?—That may have been attributed as one of the causes, but I do not think that was the real cause.

1961. Do not you think that increasing the salaries would be likely to improve them, and make them desirous of retaining their situations?—Yes, if you refer to such a step as rendering darogahships more coveted.

1962. You said that the change was positively mischievous?—In this sense; before this distinction was made, and this high pay was given, you might bribe a darogah for 20 rupees to get him to do a job; and at the present time a first class darogah would no longer be satisfied with that, and therefore the persons who resort to that system have to pay in proportion to his grade and increased salary; that is why I say, if anything, it has been a little more oppressive upon the people.

1963. Supposing your reason is conclusive, which I do not admit, how is it possible for the Government to improve such men?—Only by more close supervision, and by having Europeans to a certain extent supervising those people; nothing but a better superintendence can be of any use.
COLONIZATION, &c. (INDIA).

MAP

TO ACCOMPANY MAJOR-GENERAL TREMENHEERE'S EVIDENCE,

SHOWING THE LOCALITIES OF THE PRINCIPAL

MINERAL AND VEGETABLE PRODUCTS OF INDIA,

AND THE COURSE OF THE

TRUNK RAILWAYS.

Ordered, by The House of Commons, to be Printed,
6 May 1858.

261—I.
ERRATA.

In the Explanatory Note of Reference on the Plan—

At No. VI., for “Sal Forests,” read “Saul Forests.”

And at No. 2, for “probably worked,” read “profitably worked.”
MAP
SHOWING THE LOCALITIES OF THE
PRINCIPAL MINERAL AND VEGETABLE
PRODUCTS OF INDIA
AND THE COURSE OF THE
TRUNK RAILWAYS.