

CHAPTER XI.

THE EARLY ADMINISTRATION OF WARREN HASTINGS.

Warren Hastings, appointed to succeed Cartier in the chair of Governor and President of Fort William, arrived at Calcutta, about the 20th of February 1772, but it was not until April 13th that Cartier made over the keys of office.¹ The new Governor brought to his task an intimate experience of Bengal and a familiarity with the Persian and Hindustani languages. At the age of seventeen he had made his first arrival at Calcutta, and after three years spent as a "writer" at Calcutta, he had been despatched to serve as a commercial assistant in the Cossimbazar Factory. From Cossimbazar an easy ride would have brought Hastings into Murshidabad, where, until January, 1756, the masterful Ali Verdi Khan kept court. When in 1756, Siraj-ud-daulah ordered the English Factory at Cossimbazar to be seized, Hastings, who before this time had been promoted to the council of the Factory, was made prisoner. Released from confinement, Hastings made his way to join the refugees from the sacked Fort William, at Falta, where in September, he attached himself to Clive's troops on their way to recapture Calcutta. After Plassey he was sent to Murshidabad on special duty, and, in August 1758,² succeeded Luke Scrafton as Resident at the court of the Nawab. In 1760 he was promoted to the Council Board at Fort William, and there he was consistently and almost solely the supporter of Governor Henry Vansittart. In November 1764, he resigned the Company's Service, and, in February 1765, sailed for England by the *Medway*. The fortune he had acquired during fourteen years of service was but a moderate one, and Hastings, always prodigal with his money, soon found it necessary to seek for re-appointment. His first application was rejected, but in 1769, thanks to the kindly offices of Lord Clive, he was nominated Second of Council at Fort St. George.

This very brief survey of Hastings' earlier Indian career will suffice to remove a serious misconception. Writers of Anglo-Indian history have too often felt it to be their duty to imitate Macaulay's picturesque phrases, and consequently we have been told that Warren Hastings worked his way up to recognition by the kind of industry that would entitle a wholesale draper's assistant to a junior partnership in the business. As a matter of fact, although Hastings must, during his time at the Cossimbazar Factory, have acquired a technical

¹ Cartier remained in Calcutta, occupied in his private affairs, till the end of the year.

² The formal appointment was dated 14th November, 1759. *Bengal: Past & Present*, vol. iv, p. 627.

knowledge of sericulture and of the various kinds of cloths required for the Comany's investment, his work first as Resident and then as a member of Council, brought his powerful mind to bear upon all the essential problems involved in the development of a British Empire.¹

On August the 28th 1771, the Court had drawn up and signed the memorable letter in which they ordered the President and Council "to stand forth as Diwan and by the agency of the Company's servants to take upon themselves the entire care and management of the revenues." The effect of this decision cannot be expressed better than in the words of James Mill. "The change," he writes,² "was enormous, which it was the nature of this decree to procure. It was a revolution much greater, probably, than any previous conjuncture—than even the change from Hindu to Mahomedan masters, had been able to create. The transition from Hindu to Mahomedan masters had only changed the hands by which the sword was wielded, and favours were dispensed; the machine of government, still more the texture of society, underwent feeble alterations; and the civil part of the administration was, from conveniency, left almost wholly in the hands of Hindus. A total change in the management of the revenues more deeply affected the condition, individually and collectively, of the people of India, that it is easy for the European reader to conceive. It was an innovation by which the whole property of the country, and along with it the administration of justice, were placed upon a new foundation."

On the 13th of April, Hastings had entered on his office of Governor; on the 14th this edict of the Court of Directors reached him. Mill has observed that "the Directors appear to have had no conception" of the nature of the change they had dictated. Not only had they ordered their servants to assume openly the management of the revenues, but they had abolished the office of Naib Diwan, at a time when the Nawab himself was a minor. They had, as the Committee of Circuit expressed the matter, "been pleased to direct a total change of system, and have left the plan and execution of it

¹ It is true that when Hastings was appointed to succeed Scrafton, the collection of the assigned revenues of Burdwan and Nadia were, without his knowledge, transferred from the Resident to a native official at Hughli, and this official was none other than Nanda Kumar ("Nuncomar"). Hastings writes in protest to Clive "I never had the least suspicion that the transferring of the Burdwan and Nuddea affairs to Hughley proceeded in the least from any ill opinion of my conduct or capacity, but that it would be construed as such by everybody here, as it was universally believed that I was appointed at Moradbaug (a suburb of Murshidabad where the Resident had his dwelling) principally for those collections." It was, however, due to Hastings' technical knowledge of Mughal custom, that the discovery was made in time that for the Twenty-four parganas the English had only secured a *parwana* from the Nawab—a deed which would not be binding on Mir Jafar's successor. The requisite *Sanad* was obtained by Hastings' action. The motive for removing the collection of the assigned districts from Murshidabad to Hughli was not distrust of Hastings, but an anxiety lest the great men at Murshidabad should take offence at the sight of so much treasure being conveyed under their eyes to the English Treasury.

Mill: Op. cit., vol. iii, p. 365.

to the discretion of the Board, without any formal repeal of the regulations which they had before framed and adapted to another system—the abolition of which necessarily includes that of its subsidiary institutions, unless they shall be found to coincide with the new.”¹

A Governor possessed of less self-confidence than Hastings might have availed himself of this lack of positive instructions to postpone even the consideration of the large measures the new policy required; but to Hastings the very want of direction in detail would have been welcome as affording him a wider freedom in action. As interpreted by Hastings the determination of the Directors involved the re-union of the Nizamut and the Diwani, but in English hands. In his letter of November the 3rd he pointed out that “while the Nizamut and the Dewannee were in different hands,” the “efficacy” “of the Nizamut courts” “was destroyed by the ruling influence of the Dewannee.” He took it for granted that the separation of the two functions of government existed no longer, and this assumed reunion consequently formed the basis of Hastings’ regulations of 1772.

On May the 14th, 1772, the Governor and Council came to a determination as to “the constitutional ground work of all their subsequent proceedings,” and their decision may be summarised as follows:—

1. The lands were to be let out to revenue farmers for a period of five years.
2. A Committee of Circuit, consisting of the Governor and four members of the Council, was to be appointed to visit the principal districts and form the five years’ settlements.
3. The Servants of the Company employed in the districts under the designation of “Supervisors” or “Supravisors” were henceforth to be termed “Collectors.”
4. In each of the several districts a native officer, under the title of Diwan, should be appointed to inform or check the Collector.
5. That no banian or employe of the several collectors should be permitted to farm any portion of the revenues.
6. Presents to the Collectors from zamindars and others, and from the ryots to the zamindars were forbidden.
7. The Collectors and their banians were forbidden to advance money to the ryots.

In June the Committee of Circuit thus constituted set out on their labours. Mill follows a curious mistake made by the compilers of the *Fifth Report* of 1812 when he says that Hastings, though a

¹ *Sixth Report of the Committee of Secrecy, 1772, p. 18.*

member of this Committee "did not proceed," for Hastings himself, in a letter to his friend, Josias Dupré, the Governor of Madras, writes: "On the 3rd June I set out with the Committee. We made the first visit to Kissingurah (Krishnagar), the capital of Nuddeah [Nadia] and formed the settlement of the district, farming it for five years. We proceeded next to the City [i.e. Murshidabad] where we arrived the last of the month, here a variety of occupations detained me till the 15th of the last month—two months and a half. This period was employed in settling the Collections, and the government of the districts dependent on Murshedabad, which were large, very numerous, and intricate; in reducing the Nawab's stipend from 32 lacks to 16; and in forming a new system for conducting the business of the Dewannee or revenue."

The members of the Committee of Circuit were:—

The Governor, Warren Hastings.
 Samuel Middleton,¹
 James Lawrell.
 John Graham,
 Philip Milner Dacres.

On August 20th, the Committee of Circuit, at Cossimbazar (for Murshidabad) made an important recommendation, to which effect was given in the October following. In the place of the existing Comptrolling Council of Revenue, they recommended a Board of Revenue, consisting of the whole Council, should be formed at the Presidency. The Khalsa (*Khalisah*), or Exchequer, was also to be removed from Murshidabad and brought down to Calcutta. At Cossimbazar also the Committee drew up regulations for the administration of justice which will be considered at the conclusion of the present chapter.

An explanation of the motives for making so great a change was in a special degree necessary, for the Governor had, as has been already noticed, availed himself of the opportunity, afforded by the Company's failure to accompany their general order with instructions in detail, to assume that the order to abolish the office of the Naib Diwan and to place the collections in the hands of the Company's servants, authorised him to abolish the Councils of Revenue, created by the Company's orders, at Calcutta, Murshidabad, and Patna, and to establish the head seats of justice and revenue at a place where the Governor and Council could personally and directly control the

¹ Had been Resident at the Durbar since the departure of Richard Becher in June 1771, and was now acting as Diwan, Mahomed Reza Khan having been placed under arrest, and brought in a state of honorable captivity to Calcutta for an investigation of his administration. Middleton was not in attendance at Krishnagar, and he only joined the Committee on July the 7th. Middleton "arrived in Bengal on 24th August, 1753." He had been dismissed for signing a former protest made by Clive and others against the insulting language of the Court of Directors in regard to their servants, but was pardoned by the Court's General Letter of 23rd March, 1770. He is favourably mentioned in the *Seir Mataquherin*. He is often confused with a much young civilian Nathaniel Middleton ("Memory Middleton.") See *Bengal: Past and Present*, vol. iii, p. 394 and vol. iv, p. 365.

work in hand. No doubt the logic was cogent, but the Court of Directors were a body of men who seldom evinced any regard for abstract argument, and were seldom ready to draw distinctions in favour of a servant gifted with the initiative faculty, between the spirit and the letter of their written orders. In effecting the great changes of 1772, Hastings knew, better than any man, that what he enterprised would be judged by his masters at home by the coarse and ready method of calculating in pies and gandas, the increase or the decrease of the revenues. He knew too that at every step he would be treading heavily upon the feet of fellow Company's servants in Bengal. In a letter to his friend, the Governor of Madras, written shortly after his return from the labours of the Committee of Circuit, he confessed that the powers entrusted to him "tend to destroy every other that I am possessed of, by arming my hand against every man, and every man's of course, against me."

On September the 15th Hastings left Cossimbazar to return to Calcutta. Middleton remained behind to enter upon his newly defined duties as "Resident of the Durbar, Collector of Rajeshai, and Chief of Cossimbazar." Dacres, Lawrell, and Graham continued the circuit, visiting Dacca (Oct. 1-Nov. 27), Rangpur (to Dec. 30th), Dinajpur (to Jan. 26th), Purnea (Feb. 2-9), and Rajmehal (18th Feb.).

On October the 13th, 1772, the new Committee of Revenue assembled for the first time, with Warren Hastings as President. On March 12th, 1773, the Committee was joined by Messrs. Dacres, Lawrell, and Graham, returned from the arduous duties of the circuit. Before the arrival of these gentlemen, the remaining members of the Council had been employed in preparing five years' settlements for Hughly, Midnapore, Birbhum, Jessore, and the Calcutta lands. "These," Hastings explains (significantly leaving Chittagong out of account), "together with the district allotted to the Committee of Circuit, compleat the whole of Bengal, excepting Burdwan, where the lands are already lett in farm, on leases of five years, which do not expire till the end of the Bengal year 1182 (A. D. 1775.) "

The proceedings of the Committee of Circuit at Krishnagar are of importance, as what was done there, under the eye of the Governor, was intended to form "an idea of the plan on which the settlement of the whole province will be formed." In response to a public advertisement calling on would-be farmers to make offers, a number of proposals had been received, but these the Committee found to be "expressed in so vague and uncertain a manner, and differed so widely from each other in form, that it was impossible to make a comparison, or to ascertain the proportional amount of each; and the few only that were intelligible, contained very low and disadvantageous terms." Contrary to their original intention, the Committee decided to have recourse to a public auction. Before doing this, however, they set about the formation of "an entire new hustabood or explanation of the diverse and complex articles which were to

compose the collections." This examination afforded an opportunity for distinguishing between those articles of revenue which "were of long standing and has been cheerfully (*sic*) submitted to by the ryots," and those which "appeared most oppressive to the inhabitants, or of late establishment." Under the former, Hastings, in his letter of November 3rd, 1772, includes:—

1. Duties arbitrarily levied by the zemindars and farmers upon all goods and necessities of life passing by water through the interior part of the country.
2. The *Basee Jumma* [*bazi jama*] or fines, petty crimes or misdemeanours.
3. The *Haldarry* [*haldari*] or tax upon marriage, "which yielded a trifling revenue to the government, was very injurious to the State, and could only tend to the discouragement and decrease of population—an object at all times of general importance, but more especially at this period, from the great loss of inhabitants which the country had sustained by the late famine, and the mortality which attended it."

Although it was perceived that the abolition of these unconstitutional cesses would temporarily decrease the revenue, yet it was hoped that in time the most satisfactory effects would ensue from a measure designed to encourage the free course of trade and the increase of population and to promote the general ease of the country.¹

The Committee also took steps "to secure the inhabitants the quiet possession of the lands, whilst they held them on terms of cultivation." The *amilnamas*, or leases granted to the farmers, were to record in precise terms the exact claims upon the ryots, and all demands not covered by the *amilnamas* were to subject the farmer to the severest penalties. The ryots, on the other hand, were to receive from the farmers pottas (pattahs), in a form drawn up by the Committee, in which the conditions of the holding and the dues of revenue, under its several heads, were to be recorded faithfully. Steps were also taken, by providing a regular allowance (establishment) for the cutcherries of the district, to bring the charges of collection within a known limit.

While the sale of the farms was in process, the Rajah or Zamindar of Krishnagar put in a belated proposal for the farm of the district. The sales, as far as they had been proceeded with, showed that the Rajah's offer was far from being equitable, and the Committee moreover felt that its honour had been pledged by the acceptance of offers already made. For these reasons, "joined with the well-known subtle and faithless character of the Zemindar" it was determined to reject

¹ The Commission of 1776 reported that by this kindly designed measure some quite innocent sources of revenue were, together with those of a noxious kind lost to the Government, and that the ryot often did not benefit, as the zamindars, etc., continued to collect, but not to pay over their receipts to the Treasury.

his proposals. This incident, however, occasions in Hastings' account of the doings of the Committee some remarks on the rights of zamindars and talukdars which, in view of future debates on the subject, are of importance.

Hastings points out that there were but two modes of dealing with the zamindars and talukdars.

1. "To let the lands to farm ; to put the renters in entire possession and authority over them, obliging them to pay each zemindar or talukdar a certain allowance or percentage for the subsistence of himself and family."
2. "To settle with the zemindars themselves on the footing of farmers, obliging them *first* to enter into all the conditions of a farmer's lease ; *secondly* to pay the same revenue that could be expected from the farmers ; *thirdly*, to give responsible securities ; and *fourthly*, to admit a reserve in favour of government for making, during the course of their actual lease, an exact *hustabood* (valuation from accounts), or a measurement of their possessions, in order to ascertain their true value at a future settlement, should the present accounts be found to be fallacious, or concealments suspected."

To the first mode Hastings makes the objection that its adoption would expose the zamindars to an unfair risk. In the first place it would reduce them to the position of mere pensioners, and tend to efface their claims as proprietors. In the second, as the farmers made good their hold on the estates, the original zamindars would pass away, and during the succession of minors, the inheritance would be involved in obscurity, doubt, and controversy. "To expose the zemindars and talookdars to this risk, is neither consistent with our notions of equity, nor with your [*i.e.* the Directors'] orders, which direct 'that we do not by any sudden change alter the constitution, nor deprive the zemindars, etc., of their antient privileges and immunities.'"

In favour of the second mode, Hastings argues :

"From a long continuance of the lands in their families, it is to be concluded they have rivetted an authority in the district, acquired an ascendancy over the minds of the ryotts, and ingratiated their affections. From causes like these, if entire deprivation were to take place, there could not be expected less material effects than all the evils of a divided authority, prejudicial to the revenue, and desertion and desolation of the lands. Whereas from continuing the lands under the management of those who have a natural and perpetual interest in their prosperity, provided their value is not of too great an amount, solid advantages may be expected to accrue. Every consideration then sways us, where it can be done with the prospect of the advantage before mentioned, to adopt the second mode in settling with the inferior zemindars and talookdars.

"*First*, an equivalent revenue may be thereby obtained, with security for its punctual payment.

"*Secondly*, the converting them into farmers establishes the government's right of putting their lands on that footing, whenever they shall think proper; the awe of which must constantly operate to secure their good behaviour and good management.

"*Thirdly*, the clause of scrutiny to which they are subjected, will also have the same tendency, at the same time it may be strictly put in force where there is cause to suspect concealments, or a prospect of increase to the revenue."

Having adopted this argument on behalf of the second mode, the Committee, while, for the reasons mentioned, refusing the proposals of the Zamindar of Krishnagar, exempted the taluks in the district from public auction, and formed a settlement with the talukdars on the basis of an exact valuation of their lands. On the completion of the entire settlement, the Committee, selected for each district a "fixed diwan," to co-operate with and check the collector in the superintendency of the revenues.

At Cossimbazar, close to Murshidabad, the Committee of Circuit dealt with the settlement of the province of Rajshahi and the neighbouring hazuri districts and taluks. The offers of the farmers and zamindars having been compared, those of the latter were found to be the most advantageous. The following passage introduces a famous person in the native annals of Bengal :—

"A settlement for five years was accordingly concluded with the Ranny Bowanny [Rani Bhawani] the zemindar of that district, whose substance, credit, and character rendered the conditions of her offer the more desirable, especially as she consented to the Committee's plan of sub-dividing the lands into fourteen lots or farms, and engaged to deposit the farmers *cabooleats* [*kabuliyats*] or agreements as a collateral security with her own, for the actual payment of her rents. No other proposals being given in for the Eastern Division of Radshahy, it was in like manner farmed to the Zemindar, whose knowledge of, and long established reputation in, the country enabled her to make far more advantageous offers for this also than any other person; and we doubt not that we shall realize the whole of the revenue from these important and extensive districts, which will receive an advantage, besides a reduction of the expence of the collections, in being thus united under the hereditary and ancient Proprietor."

It was found necessary to appoint five additional collectors for these districts, owing to "the intricacy of the Huzoor-zilahs which have been distributed among them."

The settlement of Mahmudshahi and Jessore, which had been entrusted to Mr. Lane, a member of the Board, was completed before August the 10th. That of Birbhum, Bishnupur, and Pachet [Panchkot] was settled by the Council on an increasing revenue, on a plan similar to other farmed lands. At Hughli the determination of the Council to let the lands in small farms, was modified by offers for large lots, which proved too tempting to be resisted, while, at the same time, the pleas of a number of talukdars and petty zamindars were accepted, and lands granted to them on terms similar to those accorded to their compeers by the Committee of Revenue at Krishnagar. The Calcutta lands were found to be "completely farmed," but "some of the farmers have flown off from their engagements and absconded"—a feature in the system of revenue farming which gives weight to Hastings' remark that the zamindar would not so easily run the risk of losing his inheritance "by eloping from his district, which is too frequently practised by a farmer when he is hard pressed for the payment of his balances and is frequently predetermined when he receives his farm."

The five years' settlement formed in 1772 was, thus, based on two leading ideas.

1. That the letting of the revenues in farm to persons making voluntary offers was an eligible method of discovering the real value of the lands.
2. That a settlement with the established zamindars and talukdars, on conditions similar to those required from the farmers, was preferable to letting the lands to other persons.

These principles are further explained by Hastings in a minute entered on the Proceedings of Council, 22nd April, 1775.

"When the zamindari are of moderate extent, the zamindars attend to the management of their own business, and agree to reasonable terms; it is certainly better that the revenue should be settled with them than with any other persons. This was the opinion of the late Administration, and, if I am not mistaken, stands frequently recorded on their proceedings. In the five years' settlement a greater portion of the country was actually farmed to the zamindars themselves than to other persons, but objections occurred to prevent this plan from being universally adopted. None of the zamindars are men of substance, nor, in general, is there any other means of recovering their balances than by the sale of their lands; and the depriving them of their inheritance, even when done with the strictest justice, is always attended with some degree of odium, and is an act of severity which the late administration wished to avoid. Where the zamindars are minors, and where they are themselves incapable of, or inattentive to business, the settling of rents with them is subjecting them to be deprived of their inheritance by the misconduct of their servants, upon whom the fear of their

master's zamindaries being sold cannot be supposed to have so much influence as the hope of present profit. In some parts of the country, especially on the frontiers, there is no security against balances by a sale of the lands, because purchasers are not to be found. How reasonable soever it appears that the zamindars should not be solicitous for the good condition of their own estates, yet it is frequently a maxim of their policy to let them rather fall to decay in order to reduce their jumma (their rated revenue). The zamindars, especially in large zamindaries, have often been found to possess an influence, which they have exercised to the oppression of the ryotts, the injury of Government, and the interruption of the peace of the country, and to destroy this influence has been deemed a desirable object. These are what I recollect of the arguments which occurred to prevent the farming to the zamindars themselves from being adopted as the general plan for the settlement of the revenue, and I know not how they can be obviated, till by proper regulations and a course of time, the landed property in the country is put upon a more desirable and more permanent footing."

The Committee of Circuit were concerned with the Company's commercial affairs as well as the high problems of the administration of revenue and justice. At Cossimbazar, for instance, they took into consideration the subject of the decline in the silk investment. Samuel Middleton, on being relieved of the supervision of the revenue collections throughout the whole of the Diwani portion, was placed in charge of the Cossimbazar factory—a business he was to negotiate as well as the revenue affairs of Rajshahi. Thomas Pattle,¹ who had been commissioned to hold an inquiry into the silk provision at Bauleah, was appointed Commercial Resident at that place, revenue collector of Lashkarpur, and second of Council at the Cossimbazar Factory. A newly appointed collector of Bhushna, Mahmudshahi, etc., was also to be Commercial Resident at Comercolly, and third at Cossimbazar, while Richard Phipps, Superintendent of the Rangpur filature, was to be entrusted with the charge of the revenue collections in Goraghat and Idrakpur, under the superintendence of the Collector at Rangpur. In regard to Maldah it was determined that "the undermentioned districts which lye contiguous to Maulda, and in which the Resident represents that a number of weavers and other dependents of the Factory reside, shall be formed into a collection, and put under the Resident of Maulda Factory, which will not only contribute to promote the success of the investment, but also prove a fund for supplying its resources. "This commixture of commercial with governing occupations serves to show that the Committee of Circuit forms an intermediate landmark between two stages in the Company's history. The Committee assigned

¹ See *Bengal : Past & Present*, vol. I, p. 160.

to the Superintendent of the Murshidabad *pachotra*¹, or inland custom house, in addition to his original duties, the collectorship of Rokanpur, Amberabad, Thana Katwah, and Salburi; and to the Superintendent of Murshidabad mint² the Collectorship of seventy-six hazuri taluks. In each of these two cases the revenue to be realised was estimated at Rs. 6,50,000.

The Committee of Circuit also endeavoured to put into execution the Court's orders for an inquiry into the scandals connected with the Famine of 1769-70. On the 25th July, 1772, the Committee published a proclamation calling on all persons able to give evidence as to the alleged monopolies in grain to do so; but it would seem that the only result of this proclamation was that Devi Singh, the victim of Burke's unscrupulous declamation at the Hastings Impeachment, and in 1772 the Diwan of Purneah, was sent down a prisoner to Calcutta, accompanied by documents from the Collector [G. G. Ducarel] which, not only established his innocence, but are witness to his endeavours to administer relief to the sufferers.

Hastings' most questionable policy in appointing Nanda Kumar's son, Gurudas, to the office of Diwan of the Nawab's household led the Committee, while at Cossimbazar, to enter into a review of long standing charges of forgery and treason against Nanda Kumar.

The General Regulations for the administration of justice proposed by the Committee of Circuit during their stay at Cossimbazar,³ and subsequently brought into force, are based on the ancient division of authority between the Nizam and the Diwan. To the Nizam, as the supreme executive power, was apportioned the criminal, and to the Diwan, the civil jurisdiction. Following this distinction, the Committee recommended that in each district two courts should be established, viz.:

1. *Mufassal Diwani Adalat or Provincial Court of Diwani* exercising jurisdiction over all disputes concerning property, real or personal; all causes of inheritance, marriage, and caste; all claims of debt, disputed accounts, contracts, partnerships, and demands of revenue. Claims to zamindaris were, however, reserved for decision by the President and Council. In this Court, the Collector was to preside on the part of the Company "in their quality of the King's Dewan," and was to be assisted by a Provincial Diwan nominated by the President and Council, and by the ordinary officers of the Cutcherry.⁴

¹ William Byam Martin.

² James Irwin.

³ Colebrooke: *Supplement to the Digest*, pp. 1-13.

⁴ At the head seat of Government a member of Council was to preside in the local subordinate Diwani Adalat. See Art. VIII.

2. *Faujdari Adalat*, exercising jurisdiction over all cases of murder, assaults, frays, quarrels, adultery, and breaches of the peace. Here "the Kazi or Mufti of the district and two Moulavies [*maulvis*] shall sit to expound the law, and determine how far the delinquents shall be guilty of a breach thereof; but the Collector shall also make it his business to attend to the proceedings of this court, so far as to see that all the necessary evidences (witnesses) are summoned and examined; that due weight is allowed to their testimony; and that the decision passed is fair and impartial, according to the proofs exhibited in the course of the trial; and that no cause shall be heard or determined but in open court regularly assembled."¹ This Court was empowered to inflict corporal punishment, labour on the roads, etc.; but where capital punishment was required, the confirmation of the sentence by the Nizam was necessary.

At the Presidency of Fort William superior Courts were to be established.

1. *Dwiani Sadar Adalat* to receive and determine appeals from the Provincial or Mofussil Diwani Adalats; "the president, with two members of the Council, shall preside therein, attended by the Diwan of the Khalsa, the head Kanungos and other officers of the Cutcherry; in case of the absence of the President, a third member of the Council to sit; that is to say, not less than three members to decide an appeal; but the whole Council may sit if they chuse it."

2. *Nizamut Adalat*. "A chief officer of Justice, appointed on part of the Nazim, shall preside in the Nizamut Adalat, by the title of Daroga Adaulut, assisted by the Chief Kazi, the Chief Mufti, and other capable Moulavies; that their duty shall be, to revise all the proceedings of the Faujdari Adaulut; and in capital cases, by signifying their approbation or disapprobation thereof, with their reasons at large, to prepare the sentence for the warrant of the Nazim, which shall be returned into the Mofussil, and there carried into execution; that with respect to the proceedings in this Court, a similar control shall be lodged in the Chief and Council, as is vested in the Collectors in the districts; so that the Company's Administration, in the character of the King's Diwan, may be satisfied that the decrees of justice, on which both the welfare and the safety of the country so materially depend, are not injured, or perverted, by the effects of partiality or corruption."

The effect of the Regulations so far was not to institute new courts of justice, but to transfer the Courts of Appeal from Murshidabad to

¹ At the head seat of Government a member of Council was to preside in the local Faujdari Adalat. The method of appointing the officers of the local Faujdari Adalats was settled in July, 1773. The Darogha of the Sudder Nizamut Adalat the Kazi-ul-Kazaat and the Chief Mufti recommended persons for appointment but the parwanahs were not issued until they had received the sanction of the Governor-General.

Calcutta, to vest in the Collector the right to preside in the local civil court of his district, and to prevent miscarriages of justice in the local criminal court. The right of the Nawab, or Nazim, to confirm or to alter sentences of death was carefully preserved. The highly miscellaneous duties of the Collector must have been considerably increased by the regulations which imposed upon him the charge of the records and the transmission of abstract registers of causes heard to the Presidency.

The regulations of 1772 were designed to provide for the reformation of a number of long-felt abuses, *e.g.*

1. Under the breakdown of the Mughal system the local courts, beyond easy reach from Murshidabad, had tended to fall in abeyance, and, in their default, the revenue officers of the zamindars and other local magnates had in practice exercised a jurisdiction to which they had no lawful title.¹ The Courts of Justice had tended to become resorts open only to the rich, while the poor brought to them were liable to be ruined by the expenses of the journey and the neglect of their lands during their absence. In practice also it was usually found impossible to assemble the council of jurisconsults, which the Mughal law required when the Kazi and his colleagues were unable to arrive at a unanimous decision; not being able to obtain a decision from the jurisconsults, the Kazi had been wont to enforce his own personal opinion.

2. The failure of the ancient courts to preserve full and proper records of their proceedings.

3. The imposition of "detestable," yet authorized, fines and commissions as payments of debts enforced by the Courts. Under the Regulations of 1772, the faujdari bazi jama, a species of fine held to be particularly obnoxious, was abolished, and the Kazi and Muftis were granted monthly salaries in lieu of their former increments by fines levied. The 35th Regulation deserves to be quoted as throwing a lurid light on the internal condition of Bengal:

"That, whereas the peace of this country hath, for some years past, been greatly disturbed by bands of decoits, who not only infest the roads, but often plunder whole villages, burning the houses, and murdering the inhabitants: and whereas these abandoned outlaws have hitherto found means to elude every attempt, which the vigilance of Government hath put in force, for detecting and bringing such atrocious criminals to justice, by the secrecy of their haunts and the wild state of the districts which are most subject to their incursions; it becomes the indispensable duty of Government to try the most rigorous means, since experience has proved every lenient and ordinary remedy to be ineffectual. That it be, therefore, resolved, that every

¹ The 11th article gave the Farmer of a parganah authority to decide in disputes not exceeding Rs. 10.

such criminal, on conviction, shall be carried to the village to which he belongs, and be there executed, for a terror and example to others ; and for the further prevention of such abominable practices, that the village of which he is an inhabitant shall be fined, according to the enormity of the crime, and each inhabitant according to his substance ; and the family of the criminal shall become slaves of the State, and be disposed of, for the general benefit and convenience of the people, according to the discretion of the Governor."

In their covering letter, the Committee of Circuit explain that " the decoits of Bengal are not, like robbers in England, individuals driven to such desperate courses by sudden want ; they are robbers by profession and even by birth ; they are formed into regular communities, and their families subsist by the spoils which they bring home to them." The writers admit that "the ideas of slavery, borrowed from our American colonies, will make every modification of it appear, in the eyes of our countrymen in England, a horrible evil," but they point out that in India the condition of slavery is one of mild domestic subordination, and that therefore reduction to the state of slavery would be no real degradation for persons who in a state of liberty were by ancestral calling robbers and enemies of society.

The 9th Regulation shows how the Collectors were intended to serve as the protectors of the wronged :

" That as nothing is more conducive to the prosperity of any country than a free and easy access to justice and redress, the Collectors shall at all times be ready to receive the petitions of the injured ; and further, to prevent their being debarred this access from motives of interest, partiality, or resentment, in the officers or servants of the Cutcherry, that a box shall be placed at the door of the Cutcherry, in which the complainants may lodge their petitions at any time or hour they please. That the Collector shall himself keep the key of this box ; and each court-day, have such *arzees* as he may find in it, ready in his presence by the *Arizbeggy* of the Cutcherry."

In April, 1773, the Government established a General Bank for the Province of Bengal—a design which it was believed would prove to be "of the greatest utility and convenience not only to the Company in drawing the receipts of their revenues from the out-districts to the Presidency, but also to private merchants in making their advances to the aurungs,¹ and otherwise in facilitating and rendering secure the course and circulation of their trade." The Court of Directors, however, expressed disapproval of the plan on which the Bank had been established, and this measure proved to be but a short-lived experiment.²

¹ Aurangs.

² The Regulations for the Bank are given by Price : *Notes on the History of Midnapore*, pp. 201-206.

The question now remains : how far were the measures adopted successful ? It may be observed in the first place that in defending his early administration, Hastings, in 1776, makes a special plea of pressing circumstances under which the Committee of Circuit framed its policy. In a minute entered on the proceedings of Council, 29th May, 1776, Hastings writes :

“ Before the Gentlemen of the Majority lay down their plan which they would have adopted in assessing the revenues, let them reflect on the state in which they would have found the country ; the effects of the famine had been felt with unequal severity in different provinces ; some districts were almost depopulated, others had hardly suffered by that calamity ; the state of Bengal was totally changed ; the ancient hustaboods or valuations of the lands could no longer be depended upon ; the distresses of the people in many places called for a remission in the rents, the exigencies of the Company at the same time would scarcely admit of a diminution under such embarrassment. Are the Gentlemen of the Majority absolutely certain that they would not have let lands to farm on a reduced but gradually increasing rent, and for a fixed term of years ? Are they certain that they would have considered themselves better qualified to judge of the real value of the lands than those who offered to farm them ? Would they have informed a zamindar or farmer who proposed to pay a revenue of twenty lacks of rupees that he had offered five lacks too much ? And do the savings and economy of their Administration encourage them to think that they would have conducted the affairs of Government at a far less expence than any of their predecessors ? When they declare that they would have proportioned their demands to abilities of the people, I have a right to ask them by what rule their ability could have been ascertained ? When they assert that they would have collected a less revenue, I have a right to expect that they will point out how the service of Government might have been reduced in the same proportion ? Until this is done the Company perhaps will consider their plan of government as merely chimerical, and class it with schemes for paying the National Debt or reducing the land tax in England.”

‘ The criticism of the settlement of 1772 was, however, based on the fact of the progressive balances of revenue unrealised, and the heavy sums to which necessary remissions amounted to. While Hastings exposed unfairness in the financial statements put forward by his adversaries, and denied that “the actual collections had” fallen so short as would be imagined from the style of the unrealised revenue to some extent were due to an over-valuation of the lands. He pointed out the inconsistency of the majority who at one moment charged him with having in the years 1772-74, obtained a less revenue than his

predecessors, and the next accused him of having exacted from the country more than it could bear. In 1773-74 the total revenues of Bengal and Behar amounted to Rs. 2,30,76,415, and if the profits arising from the sale of salt and opium were added, to above 245 lacs. Compared with this the former years had produced—

				Rs.
1768-69	...	...	...	2,65,99,065
1769-70	...	...	...	2,33,44,847
1770-71	...	...	...	2,40,84,559
1771-72	...	...	...	2,55,12,069
1772-73	...	...	...	2,22,78,356

In a minute on the Proceedings of Council, 8th March, 1775, from which these figures are extracted, Hastings writes :—

“It is true that the lands were let in general too high, but the excess cannot prove a real loss to the Company, nor was it to be prevented. The exact value of the lands was known only to the Zemindars and old farmers, from whom it was not to be expected that they should part with their knowledge. To find out the real value the most probable method was to let them to the highest bidders; and the fairest and the only means which would not admit of conclusions against the characters of the gentlemen concerned in forming the new settlement was to dispose of the farms by public auction. This proved, however, such a source of competition that lands in general were overrated, especially in Nuddea [Nadia]. Where this happened, abatements have been allowed, that is to say, the excess which ought not to have been put upon the rents, if it could have been avoided, has been taken off, and a competent knowledge has been obtained of the stated capacity of the lands, throughout the provinces, which will be of great advantage in forming the next settlement when the term of the present shall have expired.”

The Majority were on scarcely safer ground when they descended from the high ground of exact statistics to the consideration of the corrupt dealings of the revenue servants. It has been seen that the Committee of Circuit had distinctly ruled that no banian or native dependent of the Collectors were to be permitted to hold revenue farms. In a minute, dated 15th September, 1775, the Majority formulate a charge on this score, which amounts to an indictment of the Governor-General, on the ground of grossly corrupt dealing. They write :

“When we affirm that farms to the amount of 13 lacs and a half per annum, and contracts for providing the Company's investment to the amount of 16 lacs more, could not have been heaped upon the Governor's Banian, or his son, or his brother, entirely for their own profit, we do not pretend to

give the gross and palpable proof of a communication of interests between the master and his servant; this perhaps is impossible. The Court of Directors, however, will observe that in all the abuses already proved, the Banian is constantly the ostensible man in whose name the farm or contract is held by his master. Mr. Fleetwood's banian is nominal farmer of Sharigar: Mr. Thackeray's of Silhet: Mr. Christie's of Banjora and Apole: Mr. Barton's of the salt-farm of Belloa; and we have reason to believe that not less than one-third of the Company's lands in these provinces are, or have lately, been held by the banians of English gentlemen. The Governor's banian stands foremost and distinguished by the enormous amount of his farms and contracts, to say nothing of the large sums standing in his name in the accounts of money received from the Rannies of Rajeshay and Burdwan, which have either been proved by the production of original papers at the Board, or by witnesses upon oath. Our opinion of Mr. Hastings will not suffer us to think that a participation of profits with his servant would have been repugnant to his principles. To assert, as he does, that it would have been opposite to his interest seems too extravagant to deserve an answer."

It seems to have been a fact that Thackeray¹ did actually farm the revenues of Sylhet under the name of a native agent, and it is certain that he was censured for so doing by both the Court of Directors and the Governor General, but although Thackeray is spoken of as a Collector, he probably for technical reasons was exempt from the restriction made by the Committee of Circuit. Christie was, not a Collector, but a private merchant. The Governor's banian was most certainly under no restriction, and Hastings quite candidly writes:

"The reasons which prevailed on the late Board to grant the pergunna of Baharbund to Cantoo Baboo, my servant, will appear in the Consultations of the 12th and 14th July, 1774 in the Revenue Department. To those I refer: you will find that this is not a part of the Zemindary of Ranny Bowany [Rani Bhawani] nor ever in her possession, but a mehal or district, depending immediately on Government and being on the frontier of the province; that no kind of indulgence was shewn to my servant in this grant, but an advantage procured for Government, by the peshkush or fine to be paid, and by the security which the collections of it would naturally derive from being in the charge of a man of business and property. The sunnud was never granted, though ready drawn up and in my possession, from the time of the order of Council; nor, of course, the peshkush paid,

¹ W. Makepeace Thackeray, grand-father of the novelist. Thackeray was succeeded at Sylhet by that most interesting person—the Hon. Robert Lindsay. See Firminger; *District Records of Sylhet* (Assam Secretariat Press).

because I chose to defer the confirmation of it till the assembly of the new Council. The Majority in their separate meeting of the 17th instant have thought proper to deprive Cantoo Baboo of this grant, for reasons which they are yet to seek; one indeed they have assigned, namely, that the person in whose name it was granted was described as a man of credit and property, but proved on enquiry to be a boy of 10 years of age. You, Gentlemen, need not be told that it is the constant practice of the Gentoos to register all deeds and contracts in the names of their sons. Loknaut Nundee, the nominal zemindar, is the son of Cantoo Baboo whom the Board intended by that description."

Hastings goes on to say that he had permitted Kantu Babu to quit many of his farms, that "many of his farms were taken without my knowledge, and almost all against my advice," that he (Hastings) had no power to prevent Kantu Babu holding farms, and that the babu was in fact in possession of his taluks before his arrival.¹

In the 77th paragraph of their General Letter of 4th March, 1778, the Court of Directors wrote :

"In our letter of the 5th February, 1777, you were informed that, although it was our wish rather to prevent future evils than to enter into a severe retrospect of past abuses, yet, as in some of the cases before us, we conceived there had been flagrant corruption, and in others great oppressions committed on the native inhabitants, we thought it unjust to suffer the delinquents to pass wholly unpunished, and therefore authorized you to take such steps as you might think proper to be pursued on the occasion, acquainting you at the same time that we should, if necessary, return you the original covenants of those of our Servants who had been concerned in the undue receipt of money, in order to enable you to recover the same for the use of the Company; and, having reconsidered the subject, we hereby direct, that you forthwith commence a prosecution in the Supreme Court of Judicature against the persons who composed the Committee of Circuit, or their representatives; and against Mr. Grueber, Mr. Barwell, Mr. Barton, the representatives of Mr. Sheeles, and all other proper parties; in order to recover, for the use of the Company, the amount of all advantages acquired by the several persons above mentioned, or any of them, from or upon the account of any contracts made for Salt, or for the provision of Salt, or for letting of Salt lands or Farms in the Districts of Dacca, or elsewhere, in the Provinces of Bengal, according to the opinion of the Company's Standing Counsel and Solicitor, transmitted to you by dispatches dated the 5th of February, 1777.

¹ See Para 27, General Letter of the Court to Bengal, 15th April, 1776.

"78. You already have been furnished with the report of our Solicitor (confirmed by our Standing Counsel) concerning prosecuting the above-named persons ; and before the receipt hereof, we trust the arrival of our Advocate-General Sir J. Day will have enabled you to avail yourselves of his assistance in conducting such prosecutions."

It will be of interest to read Hastings' own account of the success of his early measures. He writes :—

"I can add nothing to the reasons recorded in the proceedings of the Committee for the removal of the collections to Calcutta. It has exceedingly added to my labours ; but I have hitherto every reason to be pleased with the change. The Board of Revenue at Moorshedabad, though composed of the junior servants of the Company was superior, before their alteration, to the Governor and Council of the Presidency. Calcutta is now the capital of Bengal, and every office and trust of the province issues from it." "The officers are completely established, and the business in as good train as could possibly be expected after so great a revolution. We have found it advisable also to form a new and distinct department for the business of the revenue, with a separate council house, secretary, and officer ; and it is with pleasure I can add that this department is as regular, and as much in train as if it had existed since the days of Job Charnock."¹

So Hastings wrote in the commencement of 1773 ; but the system he had established in the previous year was not to remain in tact for long. His government had, as has been seen, abolished the Revenue Council at Murshidabad and Patna, and the collectors had been given a constitutional position. That Hastings had his misgivings as to the collectors the following extract of a letter to J. Dupré (6th January, 1773) proves :—

"Who was it who said that he had given such laws to his people as they were capable of receiving, not the best that could be formed ? On a similar principle, we have suffered one capital defect to remain in our constitution—I mean the collectors. Do not laugh at the formality with which we have made a law to change this name from *supervisors* to *collectors*. You know full well how much the world's opinion is governed by names. They were originally what the word *supervisors* imports, simple *lookers on* ; but though this change has taken place before I arrived, yet I found to my astonishment that they were known to the Court of Directors only in their original character. It was necessary to undeceive the Company ; and, to that end we have called those officers by a title which will convey the true idea of their office. It was

¹ Gleig: *Memoirs of the Life of the Rt. Hon. Warren Hastings*, vol. I. p. 271.

once intended to withdraw the collectors entirely. They monopolize the trade of the country; and, of course, prevent the return of the specie by trade, since they trade with the amount of their perquisites. These perquisites I believe to be an oppression on the people and an obstruction of the revenue. They are most of them agents of their own banyans, and they are devils.¹ And as the collectorships are more lucrative than any posts in the service (the government itself not excepted whatever it may prove hereafter), we cannot get a man of abilities to conduct the official business of the presidency without violence; for who would rest satisfied with a handsome salary of three or four thousand rupees a year to maintain him in Calcutta, who could get a lack or three lacks, which I believe have been acquired in that, and live at no expense in the districts? But whatever motives we had for recalling these officers, it appeared that there were among them so many sons, or *eleves* of directors, and intimates of the members of Council, that it was better to let them remain than provoke an army of opponents against every act of administration, by depriving them of their emoluments. They continue, but their power is retrenched; and the way paved for their gradual removal, and the Court of Directors have sufficient arguments furnished them to order their recall immediately."²

In transferring from Murshidabad to Calcutta the seat of the supreme courts of justice, the head seat of revenue administration and the Khalsa, Hastings was instituting a policy deliberately designed to make the last named place the capital of British Bengal. If Job Charnock is to be considered the founder of Calcutta as a seat of trade, Hastings may be regarded as the founder of Calcutta as the political capital of the British Empire. Although the Great Proconsul was to find himself compelled to acquiesce in a return to old arrangements, and to revive for the time being the importance of Murshidabad, his determination to make Calcutta the capital was never relaxed and in the end was fully accomplished. In the letter of November 3rd to the Court of Directors, he points out the advantages of the change:

1. "While the controuling and executive part of the revenue, and the correspondence with the collectors, was carried by a Council at Moorshedabad, the Members of your Administration had not an opportunity of acquiring that thorough and comprehensive knowledge of the revenue which can only result from practical experience."

¹ This sentence is ambiguous, and an able Hindu writer in the *Calcutta Review* understood it to mean that Hastings regarded the Collectors as "devils." By "they," Hastings means the banians.

² Gleig: *op. cit.*, vol. 1., pp. 268-69. Among the Orme MSS, preserved at the India Office will be found "Regulations proposed for the Government of Bengal, composed by Mr. Hastings about the year 1765." See Hill: *Catalogue of Manuscripts belonging to the Library of the India Office*, vol. ii part i. *The Orme Collection*. Oxford, 1916.

2. "This change will afford great relief to the inhabitants of the provinces, in opening to them a more ready access to justice, insomuch that appeals from the decision of the inferior courts may now be made directly to the Presidency, whereas formerly they were first transmitted to the Council at Moorshedabad, and from thence an appeal lay to us."
3. "Another good consequence will be the great increase of inhabitants and of wealth in Calcutta, which will not only add to the consumption of our most valuable manufactures imported from home, but will be the means of conveying to the natives a more intimate knowledge of our customs and manners, and of conciliating them to our policy and government."¹

In concluding the present chapter, it may be observed that the policy of Hastings in 1772, although it was to be radically affected by

¹ The following statements, which accompanied a letter of Hastings to the Court of Directors in 1775, shows the state of Calcutta trade during the years 1769-74. (Proceedings of Council, 22nd April, 1775).

1. CALCUTTA CUSTOMS HOUSE COLLECTIONS.

Years.	Gross duties.			Net duties.			Paid into the Treasury.		
	C. Rs.	A.	P.	C. Rs.	A.	P.	C. Rs.	A.	P.
1769	2,62,765	12	3	2,37,960	12	6	2,24,306	5	3
1770	1,46,801	1	6	1,20,034	4	6	1,44,901	5	6
1771	2,06,166	6	3	1,83,526	13	3	2,01,650	13	6
1772	2,34,792	5	6	2,05,515	4	9	3,07,542	0	0
1773	3,39,484	12	3	3,04,818	11	3	3,06,192	0	0
1774	4,41,045	2	9	4,00,966	12	9	4,08,992	15	6

Calcutta Custom House,
The 1st January, 1775.

Errors exempted.
W. BENSLEY,
Custom Master.

2. NUMBER OF VESSELS ARRIVING IN THE RIVER HUGHLI.

Years.	No. of Vessels.	Tonnage.	Increase of Tonnage Annually.
1770	95	23,831	—
1771	81	25,070	1,239
1772	115	26,184	1,114
1773	161	37,037	10,833
1774	147	43,935	6,898

N.B.—The number of arrivals in the year 1774 being less than the foregoing year, and the tonnage more, is owing to the many small coasting vessels being put down in the account for the year 1773, and not included in last year.

H. WEDDERBURN,
Master Attendant.

the order given by the Court of Directors in 1773 for the withdrawal of the English collectors from the country districts, met with the approval of that capricious governing body. On April the 16th, 1773, they wrote to their Governor in Bengal :

5. "Your attention to the settlement of the Revenues as a primary object has our entire approbation, and it is with the utmost satisfaction we observe that the farming system will be generally adopted ; more specially as the researches and discoveries made in the two preceding years must have nearly ascertained the value and produce of the lands, so that imposition on the part of the farmers respecting the value of the lands and oppression of the tenants may, we hope, be easily avoided.
 6. "The extirpation of Mahmud Reza Khan's influence was absolutely necessary, and the apprehending of Shitabroy equally so, as the latter had been too long connected with Mahmud Reza Khan to be independent of him ; but, if that had not been the case, it would have been absurd to continue a Naib Dewan in the province of Bahar after abolishing that office in Bengal ; and as to any hopes which Mahmud Reza Khan may entertain of profiting by changes in the Court of Directors, those hopes must speedily vanish, for however different their sentiments may be in some particulars, they heartily concur in the propriety and necessity of setting him aside and of putting the administration of the Company's affairs in the hands of persons who may be rendered responsible in England for their conduct in India.
 7. "Your choice of the Begum for guardian to the Nabob we entirely approve ; the use you intend making of Nundcomar is very proper, and it affords us great satisfaction to find that you could at once determine to suppress all personal resentment, when the public welfare seemed to clash with your private sentiments relative to Nundcomar.
 - 10 "If the abolition of the office of Naib Dewan and stepping forth as principals should in any degree alarm your European neighbours, we rely on your prudence for removing every improper jealousy that may be entertained on that account."
-