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The History Of Hindostan; From The Earliest Account Of Time, To The Death Of Akbar; Translated From The Persian Of Mahummud Casim Ferishta Of Delhi

Together With A Dissertation Concerning the Religion and Philosophy of the Brahmins ; With An Appendix, Containing the History of the Mogul Empire, from its Decline in the Reign of Mahummud Shaw, to the present Times ; In Two Volumes

Dow, Alexander

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Plan for Restoring Benegal to its former Prosperity.

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PLANN
FOR RESTORING BENGAL
TO ITS FORMER PROSPERITY.

Preliminary Observations.

GOVERNMENT, among the natives of a country, rises imperceptibly from that impenetrable obscurity with which time and barbarism have covered the origin of mankind. When states are subdued by foreign enemies, who are advanced in the arts of civil life, a new constitution generally starts up from their pressure upon the old. Some laws of the conquerors must necessarily supersede some of the regulations of the conquered; but the ancient form of government remains in all the lesser departments of the state. When the Patans conquered India, when the Moguls extended their empire over that country, many of the indigenous laws of the northern nations of Asia were introduced; but the great system, in most of its parts, descended from

Reflections
on the go-
vernment of
India.



the regulations which Brahma transmitted, with his followers, from remote antiquity.

Design of the Author.

The British nation have become the conquerors of Bengal, and they ought to extend some part of their own fundamental jurisprudence to secure their conquests. To call the possessions of the Company by any other name, is to leave them undefined. The sword is our tenure, and not the Firmân of an unfortunate prince, who could not give what was not his own. The thin veil of the commission for the Dewanny is removed; and we see a great kingdom at last in our power, whose revolutions we directed before. It is an absolute conquest, and it is so considered by the world. This it was necessary to premise. The Author of the Enquiry will now proceed to his plan for restoring our conquests to their former prosperity. But he proceeds with diffidence; he sees the magnitude of the subject, he feels his own want of abilities. He hopes not to escape without censure, as he confesses himself liable to error; but he shall answer his own purpose, if he can throw some rays of light upon a subject, which, though interesting to the nation, continues still involved in obscurity.

Proposal



Proposal for establishing landed Property.

POLICY precedes regulation in every society; and a nation has public before it has private concerns.

The great line of general arrangement is prior to the inferior detail of government, the latter being necessarily a superstructure raised on the foundation of the former. In Bengal we are to suppose, that a new treaty is to settle its great affairs; otherwise we build on the sand, and the rain comes, and washes all away. We shall only mention a subject on which we may hereafter enlarge. Give the province of Allahabâd to Suja-ul-Dowla, the territories of Bulwant Singh to the emperor, recal your troops into your own dominions, make Patna or Mongeer the residence of the representative of Timur, degrade the wretched Mubârick from his nominal Nabobship, and let Mahommed Riza RESIGN. These arrangements require no address; the persons mentioned were the creatures, and they still continue the slaves of your power. Besides, the measures will not displease the parties. The province of Allahabâd will satisfy Suja-ul-Dowla for the territories of Bulwant Singh; Shaw Allum will prefer Patna to his residence at Allahabâd; a small pension is more eligible for Mubârick, than the dangerous name of power which

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Design of the
Author.
New arrange-
ment pro-
posed.



he does not hold; and Mahommed Riza has derived from his SERVICES the means of securing an affluent retreat for his age. If it shall appear necessary to retain Bengal by an Imperial Firmân, let it be changed into that of perpetual Nabob.

Reflections
on landed
property.

This fundamental regulation being settled, another of equal boldness, but no less practicable, ought to succeed. An established idea of property is the source of all industry among individuals, and, of course, the foundation of public prosperity. When mankind are restrained from possessing any thing which they can call their own, they are but passengers in their native country, and make only those slight accommodations which suit fugitive wayfarers through the land. A carelessness for industry is the natural consequence of the transitoriness of the fruits of toil; and men sit fluggishly down, with their hands in their bosoms, when they are not for a moment certain of possessing property, much less of transmitting it to their posterity or friends.

Proposal for
establishing

The decline of agriculture, of commerce, and of trade, in the kingdom of Bengal, have been already represented, and the ruinous consequences of farming out the lands from year to year, have been amply explained. Though long leases might greatly contribute to remove these



these evils; there is no possibility of doubt, but the establishment of real property would more immediately and effectually promote a certainty of prosperity to the kingdom. Let, therefore, the Company be empowered, by act of Parliament, to dispose of all the lands in Bengal and Behâr, in perpetuity, at an annual sum, not less than the present rents. This single operation would have a chain of beneficial effects. The first sale of the lands would raise a sum which cannot be estimated with any degree of precision; but we may venture to affirm, that, should the scheme be properly advertised before it was to take place, and a fourth part of the lands only to be disposed of every year, until the whole should be sold, no less than ten millions, besides a certain and perpetual revenue, might be drawn from the hidden treasures of Bengal, and especially from the other opulent kingdoms of Hindostan.

Mankind, it is easy to perceive, would, in an empire where no real property exists, crowd to a country in which they could enjoy the fruits of their labour, and transmit them to their posterity. Cultivation would be the consequence of security. The farmer would improve, to the height, lands that were his own. The revenue would be regularly paid without the heavy expence of a band of oppressors, under the name of Collectors, who suck the very vitals of the country; and nothing

Reflections
on landed
property.

landed pro-
perty.



thing would be required but a few comptoirs for the purpose of receiving the rents. The whole face of the country would be changed in a few years; in the place of straggling towns, composed of miserable huts, half of which are washed away every season by the rain, great and opulent cities would arise. Inhabitants would crowd into Bengal from every corner of India, with their wealth; the deficiency in the currency would be restored, commerce would diffuse itself through every vein, and manufactures would flourish to a degree before unknown.

in Bengal.

Men of speculation may suppose, that the security of property to the natives might inspire a spirit of freedom, dangerous to our power, into our Indian subjects. Nature herself seems to have denied liberty to the inhabitants of the torrid zone. To make the natives of the fertile soil of Bengal free, is beyond the power of political arrangement. The indolence which attends the climate, prevents men from that constant activity and exertion, which is necessary to keep the nice balance of freedom. Their religion, their institutions, their manners, the very dispositions of their minds, form them for passive obedience. To give them property would only bind them with stronger ties to our interest; and make them more our subjects; or, if the British nation prefers the name—more our slaves.



Men who have nothing to lose, are only enslaved by ^{its great} disunion; and the terror of the impending sword. Drive them to the last verge of poverty, and despair will stand in the place of spirit, and make them free. Men possessed of property are enslaved by their interest, by their convenience, their luxury and their inherent fears. We owe our freedom to the poverty of our ancestors, as much as to the rude independence of their ferocious barbarism. But it is even difficult, in the cool air of our climate, to retain, in the midst of luxury and wealth, the vigour of mind necessary to keep us free. To confer property on the inhabitants of Bengal, will never raise in their minds a spirit of independence. Their sole hopes of retaining that property, will be derived from our policy and valour. When we fall, their lands will deviate to other heirs.

The revenues of Bengal, when properly paid, amount ^{and immediate} to four millions. Should this sum appear too small for perpetuity, many ways and means of encreasing the taxes, without raising the rents, will present themselves. The British nation, famous for their political freedom, are still more famous for their judgment and wisdom in imposing taxations. Let them transfer to the Banks of the Ganges, a part of that science of finance, which has so much distinguished their councils



at home. The wealth of the people of Bengal is a treasury which will never fail, if drawn upon with judgment. Taxes may rise, in a just proportion, to the wealth which this regulation will inevitably throw into our dominions in the East.

advantages.

Very extensive possessions in the hands of an individual, are productive of pernicious consequences in all countries; they ought, therefore, to be prevented in the present regulation. Let the purchasers be confined to a certain quantity of land, not exceeding, upon any account, fifty thousand roupees a-year. To prevent the accumulation of landed property, let the spirit of the laws of a commonwealth be adopted, and the lands be divided equally among all the male issue of the proprietor. Let the moveable property be divided among the Mahomedan part of our subjects, according to the laws of the Coran. Let the Hindoos, in the same manner, retain their own laws of inheritance; which are clear, simple, and defined.

Paper
Vol. III.



Paper Currency.

THE absolute establishment of landed property, would create a perfect confidence in our faith, among our subjects in the East; and this circumstance leads to another regulation, which, if adopted, would have a great and immediate effect on the prosperity of Bengal. The want of a sufficient quantity of specie for the purposes of trade, and the common intercourses among mankind, is one of the greatest evils under which Bengal at present labours. Let, therefore, a paper currency be introduced; a measure at once salutary, easy, and practicable. Let a bank be immediately established at Calcutta, for the convenience of Europeans. This would, by becoming familiar to the natives, prepare them for a more general paper currency. The mode of carrying this into execution, is left in the hands of those better acquainted with the nature of banking, than the Author of the Enquiry.

A proposal
for establish-
ing

To destroy, at once, the fraudulent science of exchange, which proves so detrimental to trade in Bengal, a current coin ought to be established, to pass without variation, for its fixed and intrinsic value. This was, in some degree, attempted by a noble governor, but he failed in his first principles, by imposing an ar-

currency.



bitrary value upon his coin, not less than twenty per cent. above its intrinsic worth. No other reason is necessary for the bad success of this coinage. Though a decimal division of money is the most rational and commodious; yet entirely to change the forms of a country, in that respect, might be attended with great inconvenience. Let the roupee, therefore, consist, as at present, of sixteen of the imaginary Anas, which are now used in accounts in Bengal. The Pice, which is the twelfth part of an Ana, may be continued as the imaginary coin; but a copper coin of one half of an Ana, would answer the subdivisions of money, and be greatly beneficial to the poor.

Its great

The immediate fall of the exorbitant interest of money, which prevails in Bengal, would be one of the first effects of this regulation. Ten per centum is the present interest; not so much owing to insecurity, as to the want of currency. Men of undoubted and established credit are ready to give this great premium to the lender, as they can turn the money to a great and immediate advantage. Were every man enabled, by a paper currency, to bring his whole property to the market, monopoly, in spite of oppression, would be at an end, and trade extend itself through a thousand channels not known now in speculation. The consequence

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would

would be highly beneficial; Bengal would draw great quantities of money from all the regions of Asia; and, by enriching herself, be rendered capable of bearing such taxes upon different articles, as this nation, for the augmentation of the revenues, might think proper to impose.

Napal, Thibet, Ava, Arracân, Pegu, Siam, Cochin-
china, China, and almost all the islands in the Eastern
ocean, produce gold; In the west, that metal seems on-
ly to be found in the Turkish Diarbekir. Japan and
China only have silver mines. Asia contains native
wealth, which has enriched it in all ages, exclusive of
the balance of its commerce against Europe. The
Author of the Enquiry means not that specie should be
drawn from the East. But it might center in Bengal,
and make it one of the richest kingdoms in the world;
whilst we might import, in its manufactures, the surplus
of its revenues, without damaging either its foreign com-
merce or internal prosperity.

These two plans, and it is to be feared only these,
would restore, under a government established on im-
partial justice, Bengal to its former prosperity and splen-
dor. Let the lands be disposed of in property: let a
paper currency be established. Every individual would,

and imme-
diate

advantages.

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in such a case, become industrious in improving his own estate; provisions would fall to a third part of the present price; the country would assume a new face, and the people wear the aspect of joy. Immense tracts of rich land, which now, with their woods, conceal the ruins of great cities, would again be cultivated; and new provinces arise out of those marshy islands, near the mouth of the Ganges, which are, at present, the wild haunts of the rhinoceros and tiger.

Monopolies.

Monopolies

THERE is no maxim in commerce better established, than the destructive tendency of monopolies.

In Bengal, its recent evils are well-known and abhorred. A law must provide against it; otherwise every other regulation will be made in vain. The inhabitants must be permitted to enjoy a free trade; subject, however, to such imposts upon various articles, excepting those of either the growth or manufacture of Great Britain, as may be thought reasonable from time to time. Gross articles, necessary for carrying on the finer manufactures, ought, however, to be exempted from duty; and every encouragement possible given to the export trade.

Free



Free merchants ought to be encouraged; neither must they be excluded from the inland trade; as that circumstance would place the subjects of Great Britain on a worse footing than foreigners, whom we cannot, without violence, prevent from trading wherever they please. Let, however, the residence of the free merchants be confined to Calcutta; as the influence which all the natives of Britain have acquired over the inhabitants of Bengal, is so great, that the selfish can convert it into the means of oppression. The Indian agents of British traders will not carry, among a wretched people, the same terror which clothes their masters; whom it is a kind of sacrilege not to obey, in their most unjust commands.

The servants of the Company will have many objections to this proposal. But the management of the revenues, and of the general trade, which must remain in their hands, will still give them superior advantages, sufficient to gratify all their reasonable desires. The influence of a member of the council will, without doubt, enable any man, in that high station, to engross a share of the trade, almost equal to a partial monopoly. Should even a man of that rank be so self-denied, as not to take advantage of the influence annexed to his place, his attention to commerce would encroach on

abolished.

Superior servants debarred from trade.



the time allotted for public affairs. Let him, therefore, when he rises to the board, be debarred from trading, either directly or indirectly, by severe penalties of law; and let there an ample allowance be made for his services, from the funds of the Company.

Religion.

An absolute

MEN who submit to bodily servitude, have been known to revolt against the slavery imposed on their minds. We may use the Indians for our benefit in this world, but let them serve themselves as they can in the next. All religions must be tolerated in Bengal, except in the practice of some inhuman customs, which the Mahomedans have already, in a great measure, destroyed. We must not permit young widows, in their virtuous enthusiasm, to throw themselves on the funeral pile, with their dead husbands; nor the sick and aged to be drowned, when their friends despair of their lives.

Tolerance

The Hindoo religion, in other respects, inspires the purest morals. Productive, from its principles, of the greatest degree of subordination to authority, it prepares mankind for the government of foreign lords. It supplies,

plies, by its well-followed precepts, the place of penal laws; and it renders crimes, almost unknown in the land. The peaceable sentiments which it breathes, will check the more warlike doctrines promulgated by the Coran. The prudent successors of Timur saw that the Hindoo religion was favourable to their power; and they sheathed the sword, which the other princes of the Mahomedan persuasion employed in establishing their own faith, in all their conquests. Freedom of conscience was always enjoyed in India in the absence of political freedom.

Attention must be paid to the usages and very prejudices of the people, as well as a regard for their religion. Though many things of that kind may appear absurd and trivial among Europeans, they are of the utmost importance among the Indians. The least breach of them may be productive of an expulsion from the society, a more dreadful punishment Draco himself could not devise. But the caution about religion is superfluous: these are no converting days. Among the list of crimes committed in Bengal, persecution for religion is not to be found; and he that will consent to part with his property, may carry his opinions away with freedom.

of all religions.



*The Executive Power.*Reflection on
the

THE great path of general regulation is with less difficulty traced, than the minute lines which carry the current of government from the center to the extremities of the state. Practice resists theory more on this subject than in any other; and the wisest legislators can neither foresee nor prevent obstacles, which may rise in the progress of time. In a country where the body of the people meet annually, in their representatives, to new inconveniences new remedies may be instantly applied; and even the mandate of the despot loses half its tyranny, in the expedition with which it opposes evil.

mode of le-
gislation;

The distance of Bengal from the eye of the British legislature, renders it extremely difficult for them to frame laws against every emergency that may arise; and it is equally difficult, with propriety, to create a legislative authority in a kingdom, which cannot, in the nature of things, have a representative of its own. The executive power being vested in the governor and council, it is dangerous to trust them with the legislative; and it is impossible to permit the court of justice, which we mean to propose, to make those laws upon which

which they are to decide. The least of two evils is preferred by the prudent. Let the governor and council suggest annually, in their general letter, the necessary regulations; and these, after being duly weighed by the Company, in their collective body at home, be laid before parliament, to be by them, if found just, necessary, and equitable, framed into a law. The general laws for the government of Bengal being, by the British legislature once established, the inconveniences which may arise in India, will neither be so great nor detrimental as to occasion much mischief for one, or even two years; in which time, the proposed regulations, sent home by the governor and council, will return to them with the force of laws.

The executive power, in its full extent, as at present, must be vested in a president and council, of which the chief justice and commander in chief of the troops ought to be, *ex officio*, members. The number should be increased to sixteen, of which any five, with the president, may form a board; and ten, always to reside at Calcutta, exclusive of the chief justice and the commander in chief, should even the peaceableness of the times permit him to be absent from the army. The four remaining counsellors should be directed to reside in the capitals of the larger districts, into which, for the benefit of justice, we

which

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shall



shall hereafter divide the provinces of Bengal and Behâr. The business for forming regulations to make a foundation of a law, being of the last importance, ought never to come before less than ten members in council, of whom the chief justice ought invariably to be one.

boards of revenues.

Let a general board of revenue be established at Calcutta, at which a member of the council is to preside. Let this board, in its inferior departments, be conducted by the Company's servants; and let it receive the correspondence and check the accounts of four other boards of the same kind, but of inferior jurisdiction, to be fixed at Dacca, Murshedabad, Mongeer, and Patna. Let the provinces of Bengal and Behâr be divided into five equal divisions, each subject, in the first instance, to one of the four boards, which are all under the controul of the superior board of revenue established at Calcutta. In the lesser districts, let a Company's servant superintend the collection of the revenue; and be accountable for his transactions to the board, under whose jurisdiction he acts.

Necessary reformati-
ons.

The wild chaos of government, if the absence of all rule deserves the name, which subsists in Bengal, must be utterly removed. There some faint traces of the British constitution is mixed with the positive orders of
a Court

a Court of Directors, the convenient and temporary expedients of a trading governor and council, the secret orders of the select committee, the influence of the president, with the Nabob, and the boisterous despotism of Mahommed Riza. To separate, or even to restrain them within proper bounds, is beyond human capacity; some branches must be lopt off to give more vigour and room to others to flourish. Mubâriek must retire from the Musnud; Mahommed Riza and the secret committee vanish away; and even the council itself must be restrained from BREVI MANU despotism; such as, the sending home, by force, British subjects, and dismissing officers without the sentence of a court martial.

Let the provinces of Bengal and Behar be divided into five equal divisions, each subject, in the first instance, to one of the four boards. *Judicial Power.*

TO preserve the health of the political body, the pure stream of impartial justice must rush, with vigour, through every vein. When it meets with obstructions, a disease is produced; and, when the whole mass becomes corrupted, a languor succeeds, which frequently terminates in death. To drop the metaphor, the distributors of justice ought to be independent of every thing but the law. The executive part of government must not interfere with the decisions of the judge, otherwise that officer, who was created for the defence

Reflection.

of



of the subject from injury, becomes a tool of oppression in the hands of despotism.

Various
jurisdictions
in Bengal.

The first principle of wise legislation is to open an easy passage to the temple of Justice. Where the feat of redress is either distant or difficult of access, an injury is forgot to avoid the trouble of complaint; and thus injustice is encouraged by the almost certain prospect of impunity. To avoid this evil, the Author of the Enquiry thinks it necessary, that the act of the legislature, which shall constitute the mode of distributing justice, should also divide Bengal and Behâr into five great provinces, the capitals of which ought to be Calcutta, Murshedabâd, and Dacca, in Bengal; and Patna and Mongeer, in Behâr. Let each of these five great divisions be subdivided into ten Chucklas, or extensive districts, almost the number of which the kingdom consists at present; and let each of these be still subdivided into an indefinite number of Pergunnas.

Constables
and justices
of the peace.

To bring justice, to use a certain author's words, home to the door of every man, let there, in each village, be established, as in the days of the empire, a Muckuddum, to act as a constable for the preservation of the peace. A Sheichdâr, with a commission similar to that of a justice of the peace, should be fixed in the most



central part of the Pergunna or lesser district, to whom disputes, which cannot be quashed by the authority of the Muckuddum or constable, may be referred. Let the court of this officer, however, communicate with another of a more extensive and ample jurisdiction, established in the capital of the division or district, of which the Pergunna is a part.

Similar to the office of a Sheikdar or justice of the peace, ought to be that of the Cutwal or mayor of great towns and considerable cities. The wisdom of the house of Timur established this officer, to animadvert upon thieves, gamblers, and other miscreants; to remove nuisances, to suppress pimps and jugglers, to prevent forestalling of grain and other provisions; to be the regulator of the market, and to decide in all trivial and vexatious disputes, that tended toward a breach of the peace. His ministerial office coincided almost with that of the mayors of our lesser towns; and his court was the counterpart of the now obsolete CURIA PEDIS PULVERIZATI, mentioned by our lawyers.

In every Chuckla, or greater division, let there be established a court similar in its nature, but different in its mode, to the courts of Cutcherry, instituted in the days of the empire. Let this court be composed of the

Company's

Cutwal, or
Mayor.

Courts of
Cutcherry.



Company's servant, residing for the collection of the revenue in the Chuckla, and of two Mahommed Cizis, and two Brahmins. The servant of the Company ought to be the nominal president of the court, but only to sit when the voices are equal, to throw his casting-vote on the side of equity. In such a case the process to begin anew. The fees of the court must be regulated, and a table of the expence of every article to be hung up to public view, in the common hall. The punishment for corruption, upon conviction in the supreme court of Bengal, ought to rise to a degree of severity, suitable to the danger of the crime.

Its jurisdiction.

This court, besides the power of hearing appeals from the decisions of the Sheichdâr in the lesser districts, ought to retain its ancient authority, subject, however, to an appeal from decisions beyond a sum to be specified, to the provincial courts, which shall be hereafter described. Its jurisdiction ought to extend to the contracting and dissolving of marriages, to the settlement of doweries for women, and the succession to money and moveables among children, according to the respective institutes of the Mahommedan and Hindoo systems of religion. It ought also to be a court of record; and to be obliged to keep an exact register of all public and private contracts, births, marriages, and deaths; and, to execute that department of the business, a Canongoe and a Muta-



a Mutafeddy, as clerks, ought to be annexed to each court. These, with other matters to be described in the succeeding section, ought to comprehend the whole power of the court of Cutcherri.

In each of the capitals of the five provinces, a member of the council of state at Calcutta ought to reside. He, together with possessing the management of the Company's commercial affairs in his province, ought to be empowered, by a special commission, with three assessors of the elder resident servants, to form, and preside in a court of justice, which we shall, for distinction, call, The provincial court of appeal. To direct their judgment upon points of law, an officer, under the name of Attorney-general for the province, ought to be appointed to give his advice, together with a Mahomedan Cazi, and an Indian Brahmin, to explain the principles of their respective institutions and usages, and to tender oaths to the parties. Suits may originate in this court; and it ought to have the power of removing before itself the proceedings of the court of Cutcherri.

Provincial
courts.

To establish thoroughly the independence of the judicial on the executive power, a supreme court, from which an appeal ought only to lie to Great Britain, should be erected at Calcutta, by the authority of the legisla-

Supreme
court, its
civil



ture. Let it consist of a chief justice and three *puisné* justices, who derive their commissions from the king; and let them be in Bengal the counterpart of the court of king's bench in England. The jurisdiction of this court, which, from its transcendent power, may be called the supreme court of Bengal, ought to extend, without limitation, over the whole kingdom; and to keep the inferior courts, within the bounds of their authority; as well as to decide ultimately upon all appeals. It ought to protect the just rights of the subject, by its sudden and even summary interposition; and to take cognizance of criminal as well as of civil causes.

and criminal
jurisdiction.

To carry justice, in criminal matters, with all the expedition possible, through our conquests, it is proposed, that two of the *puisné* justices shall, twice a-year, go on circuits, to the respective capitals of the five provinces, one into the three provinces in Bengal, and one into the two, into which Behâr is to be divided. The *puisné* justice shall sit, upon these occasions, with the members of the provincial court; but the member of the council, who is the president of the court, shall still be considered as the principal judge. In criminal matters, the culprit shall be tried by a jury of British subjects only; there being always a sufficient number of good and lawful men to form a jury, in the capital



capital of the province. In the supreme court at Calcutta, disputes between the natives may be decided in civil cases, according to equity, without a jury, by the judges; but, in suits between British subjects, the matter ought to be tried by a jury, upon the principles of the law of England.

The sole management of the revenue of Bengal, being in the Company, many capital alterations are necessary to be made in that important branch. The great channel of public justice has been, by the above regulations, separated from the executive power; but some part of the judicial authority must still remain in the Company's hands. To manage the receipts of the revenue, it has been already mentioned, that five boards must be formed, the superior one of which to remain in Calcutta. The boards ought to consist of two divisions, or rather of two fides; the receipt of the Exchequer, and the judicial part, which must enable them to enforce the payment of the revenues.

The mode of proceeding in this branch ought to rise in the same gradations with the course of appeals in the civil line of disputes between man and man. Let the Cutcherries enforce the payment of the revenues of the Chucklas, under an appeal to the provincial board,

Court of exchequer,

and criminal jurisdiction.

its jurisdiction



whose decisions, beyond certain sums, ought to be subject to the revision of the general board at Calcutta. But, as the state must not suffer through delay, let the sum in dispute, upon a decision against the subject, by any of the courts of revenue before whom the suit shall originate, be forthwith paid into the exchequer; and let the person aggrieved seek for redress, by petition, to the court which is placed immediately above that court, of whose decision he complains.

confined as
such.

The board of revenue, in each of the capital cities of the five provinces, except in Calcutta, where no court of law except the supreme court exists, is to be made up of the same persons whom we have already placed as judges in the provincial court of appeal. The court of exchequer, in England, examines, by a fiction, into all sorts of civil causes. It is necessary to preclude the boards of revenue from such powers, as a court of exchequer. As provincial courts of common law, their decisions are liable to an appeal to the supreme court at Calcutta, and therefore any prejudices which they may be supposed to imbibe, as members of the executive part of government, cannot be of great detriment to the people, subject as their proceedings are to a court not amenable to the jurisdiction of the Company.

Observations



Observations on the Judicial Power.

THE despotism which naturally sprung from the double government which arose on the foundation of the success of our arms in Bengal, repressed one evil, whilst it gave birth to a thousand. Those frequent disputes which grow between individuals, where the access to justice is easy, were quashed by a terror which prevented an unfortunate people from appearing before rulers who wanted but an excuse to oppress. The hand of power fell heavy upon both the plaintiff and defendant; and, therefore, men put up with injuries from one another, in hopes of concealing themselves from the rigid eyes of government. This alludes to the boisterous tyranny of the minister of a nominal Nabob; indolence was more our crime, than cruelty.

Reflections

The doors opened to justice in the preceding section, will, without doubt, introduce an ample harvest for men of the law; but it is better that they should live by litigiousness, than that the people should perish by tyranny. The objection rising from this circumstance must therefore vanish in the utility of the thing; and another objection, just as obvious, may be as easily removed. It

on what of
their own
laws

may be thought impolitic by some, that any part of the judicial authority should remain in the hands of the natives. But this is objected in vain. The officers of justice, as well as being subject to a revision of their decrees to the British, derive from them their own power; and the people, by being left in possession of some of their laws and usages, will be flattered into an inviolable submission to our government.

ought to be
left entire

Though the inhabitants of Bengal are, from their natural disposition, prepared to submit to any system of government, founded upon justice, there are some laws of their own, which absolute power itself must not violate. The regulations, with regard to their women and religion, must never be touched; and, upon mature consideration, the Author of the Enquiry is of opinion, that many other ancient institutions might be left entire. There are, however, particular usages established by time into a law, which our humanity must destroy. No pecuniary compensation must be permitted for murder; no theft be punished by cutting off the hand. Let the Mahommedan laws still in force against the Hindoos be abrogated; let no women burn themselves with their husbands, no dying person be exposed by his friends.

To



To leave the natives entirely to their own laws, would be to consign them to anarchy and confusion. The inhabitants of Bengal are divided into two religious sects, the Mahommedan and Hindoo, almost equal in point of numbers. Averse, beyond measure, to one another, both on account of religion and the memory of mutual injuries, the one party will not now submit to the laws of the other; and the dissention which subsists between individuals, would, without a pressure from another power, spread in a flame over the whole kingdom. It is, therefore, absolutely necessary for the peace and prosperity of the country, that the laws of England, in so far as they do not oppose prejudices and usages which cannot be relinquished by the natives, should prevail. The measure, besides its equity, is calculated to preserve that influence which conquerors must possess to retain their power.

The expence of the judicial establishment is but trivial, if compared to the advantages which the kingdom of Bengal must derive from such a necessary institution. The judges in every country should be placed in affluence; in Bengal they ought to derive a fortune from the labour of some years. The natives of a northern climate settle not for life in the torrid zone; they always place the prospect of returning with wealth to their friends,

among



PLAN FOR RESTORING BENGAL

among their great inducements for venturing to cross the ocean. The following table presents an estimate of the annual expence of justice in Bengal.

*The Suprême Court of Bengal.*the su-
preme,

One chief justice,	-	-	£. 10,000
Three <i>puisné</i> justices,	-	-	15,000
One attorney general,	-	-	3,000
One register,	-	-	2,000
Two Cazis and two Brahmins,			
to attend the court,	-	-	0,400
Contingencies,	-	-	1,000

£. 31,400

the provin-
cial,

The four provincial courts of appeal, consisting of the Company's servants.

Four counsellors, as presidents,	£. 2,000
Twelve assessors,	2,400
One provincial attorney in each,	2,000
One register in each,	0,800
One Cazi and one Brahmin in each,	0,800
Contingencies in all,	1,600

£. 9,600

Fifty

Fifty courts of Cutcherri.

and Cut-
cherri courts.

Fifty presidents, being servants of

the Company, - - - £. 5,000

Two hundred assessors, - - - 10,000

Fifty registers, - - - 1,500

Fifty Clerks, - - - 1,000

£. 17,500

£. 58,500

The above calculation, it is hoped, will not be thought extravagant, for dispensing justice to fifteen millions of people. The salaries of the members of the boards of revenue, and of these, as forming courts of exchequer, are not mentioned, as the Company is supposed to pay its own servants, with certain sums and lucrative privileges for the whole of their trouble. The Shiechdârs, the Cutwâls, and the Muckuddums, have no salaries; the influence and distinction which they shall derive from their employments, being a sufficient reward for their toil.

Observation.



*General Reflections on the Plan.*Reflections
on the

PROPERTY being once established, and the forms of justice to protect it delineated, public prosperity is placed on a solid foundation. But the love of money, which generally prevails, renders the most of mankind more anxious to possess present profit, than to look forward to future advantage. The plan which we have laid down in the preceding sections, will begin to yield an apparent benefit from its commencement; at the same time that the tide will become the more rapid the longer it flows.

immediate

The immediate pecuniary advantages which will rise to Bengal, are to be derived from various sources. The removal of the emperor, either to Patna or Mongeer, will save to the kingdom his pension of three hundred and twenty-five thousand pounds; the revenues of the territory of Bulwant Singh, three hundred and twelve thousand five hundred pounds to be spent in Bengal; and fifty thousand pounds, which is now sent abroad, without hopes of return, to pay three battalions of our troops, stationed at Allahabâd. This sum of six hundred and eighty-seven thousand pounds, thrown at once into the circulation, would animate the languid pulse



pulse of commerce; and at once prepare the kingdom for the commercial improvements, which the plan, in its other regulations, seems absolutely to ensure.

The future advantages arise also from various springs. The influx of specie and inhabitants, which the sale of the waste as well as of the cultivated lands, would draw from all the other provinces of Hindostan, would be productive of immediate national wealth. The advancement of agriculture would promote the advancement of manufactures. The peace of the country would be secured from abroad; and justice, by prevailing at home, would attach the natives to a government, on the stability of which the possession of their landed property depended. The establishment of a paper currency, on national faith and the Company's security, would enable mankind to bring all their property into action, lower the exorbitant interest of money, and render Bengal, in the space of a few years, the most commercial, the most flourishing, and the most wealthy kingdom, of its extent, in Asia.

and future
advantages

The Company, in the midst of the prosperity of the subject, would amazingly thrive in their affairs. A sum not less than ten millions, independent of their revenue, would, in the space of four years, flow from the first sales of

to be derived
from the
plan.



the land into their coffers. The improvement of their present revenue would join issue, with its future certainty and permanency. A large annual sum would arise, from a thorough examination of tenures; and from imposts already laid upon fairs, markets, entrance into great towns, shops, magazines of grain, fees upon marriages, tolls collected at ferries, licences for exercising trades, ground-rent of houses, which though at present paid by the public, have never been brought to account by Mahommed Riza and the general farmers. These articles, at the lowest average, might amount to the annual sum of four hundred thousand pounds. Five hundred thousand pounds would yearly be saved in pensions, and on the charge of collection; besides, the immense encrease in the revenues, which would most certainly be derived from the growing prosperity of the kingdom.

Concluding.

The absolute establishment of property, without which written law seems superfluous to society, is, as has been observed, the foundation upon which national prosperity is laid. Regulations which stop short of this primary object, are only temporary expedients, which may, for a time, alleviate the pain of the distemper, but it can never cure. A tacit acquiescence in the right of possession of the natives, the prevention of
some

some part of the present national waste, a mild despotism, which we may dignify with the name of Justice, will have an immediate good effect; but the advantage is limited, partial, and transient; and the Author of the Enquiry will venture to affirm, that, unless something similar to what has been, in the preceding sections, proposed, is adopted, Bengal will, in the course of a few years, decline into a shadow, and vanish from our hands.

Miracles are not to be expected in this age; and, without them, in the absence of a bold and determined exertion, the boasted fruits of our victories in the East, will wither with our laurels. A kingdom, lying under all the disadvantages of a foreign conquest, which, without return, deprives it of one million and an half of its annual industry, must sink under the weight, unless it is placed on a better footing than the surrounding countries which pay no tribute. Let our justice to our own subjects, let the advantages of our regulations, entice foreigners with their wealth to settle among us; let us, without the sword, appropriate the wealth of India by our policy; otherwise the stream which flows into Great Britain, will soon become dry. The lake, which feeds it, has already disappeared from the banks. Temporary regulations may dazzle with their immediate

reflection.



diate effect; but a permanent plan, which in its wide circle comprehends futurity, will preserve the vigour and health of Bengal, to the verge of that political death, to which all empires seem to be subjected by Fate.

Concluding Reflections.

Present

ARGUMENTS deduced from general principles, however obvious they may appear, strike not the bulk of mankind so forcibly as facts. The revenues of Bengal, without including the Jagieers, amounted, in the year 1766, to near three millions and six hundred thousand pounds of our money. The charges of collection, the Nabob's government, pensions, civil, military, and marine expences, being deducted, there remained a balance of one million three hundred thousand pounds, for the Company. The expences have since been encreasing yearly, and the revenues decreasing. Both were hastening to that middle point, which would balance the accounts of the British nation, with the fortune of their arms in the East.

ruinous state

To conceal this decrease as much as possible, men fell on a very shallow and poor expedient. The servants of the Company protracted the time of closing the

the accounts to make up the usual sum; and, by these means, an encroachment of five months was, by degrees, made upon the succeeding year. To understand this circumstance, it is necessary to observe, that the collections are not fixed to a particular term. They are continued without intermission, and the produce of the five months, which may amount to one million five hundred thousand pounds, must be deducted from the accounts made up, since the Dewanny was submitted to our management.

Notwithstanding this deception, it was not the only deficiency in the state of money affairs. The revenues of the year 1769 had, besides, fallen short five hundred thousand pounds; and what further reduction the famine which ensued may have made, time can only demonstrate. By the best accounts from Bengal, there was not a balance of five hundred thousand pounds remaining, after all expences were paid; and this was not above half the sum necessary to purchase the annual investments of the Company. No fair conclusion, however, can be drawn from the produce of one year; and the vigilance of the Court of Directors has since established some beneficial regulations. To flatter the sanguine, we will suppose, that the net balance will amount, on the present footing, to one million. The
sum
of the revenue.



sum is just sufficient for the investments of the Company; without leaving a single farthing in the treasury to answer any extraordinary emergency.

Obvious

The advantages of the proposed plan are obvious; and, therefore, easily explained. Let it be supposed, that the rent-roll of the year 1766 shall be taken as the rule of the quit-rent to be paid, after the sale of the lands. Let none think this sum too much. Under the management of the proprietors, the lands would in a few years produce, thrice the sum of three millions six hundred thousand pounds; but the subject must receive a bribe for his industry. The Company, at present, complain, that the Talookdârs, or those who possess lands in property, run away with all the tenants. Their estates are flourishing, whilst our limited policy of letting the lands by the year, has created solitudes around. After a thorough examination of fictitious tenures, private encroachments and public embezzlements, we may, with great propriety, venture to add, at least one million to the above sum. But to speak with a moderation which precludes reply, we shall only take it for granted, that four hundred thousand pounds are, by these means, only gained. Even this sum will fix the annual revenue at four millions; and there let it rest till the prosperity of the country shall authorise an encrease, by slight imposts on trade and the articles of consumption.

The



The abolition of the tyrannical and impolitic government of the Nabob, will be a saving of five hundred thousand pounds on the annual expences. The fact is notorious, that the real expence of this secondary and intermediate government, in pensions and in the mode of collection, exceeds six hundred thousand pounds; but the judicial and fiscal systems established in the preceding plan will not exceed one hundred thousand pounds, with all the advantages of a salutary and equitable administration of justice and law. To this sum we may add the five hundred thousand pounds which have fallen off from the revenue, as the first-fruits of the plan; all which, supposing the expences of the civil, military, and marine departments to remain as at present, would make an annual difference of one million four hundred thousand pounds, in favour of the Company. The investments of the Company might in that case be increased, yet leave a sum for the treasury in Calcutta for emergencies.

Advantages

The treasury, however, ought not to be too rich, lest circulation should deaden in the kingdom. Two millions in specie would be sufficient. To employ the surplus to advantage, together with the ten millions, which are supposed to arise from the sale of the lands, a bank ought to be established for the purpose of lending out sums of money, not exceeding three years purchase on landed security to the Proprietors, at the interest of seven per centum. The land-holders would be, by these

of the preceding



means, enabled to raise the necessary sums, at less than half the interest which they now pay; and the Company would have good security for their advances. Let us suppose, that, in the course of a few years, ten millions were lent upon these terms, that sum would produce an annual interest of seven hundred thousand pounds; which, upon the whole plan, makes a yearly balance, in favour of the Company, of TWO MILLIONS ONE HUNDRED THOUSAND POUNDS MORE THAN THEY AT PRESENT RECEIVE, exclusive of a PRODIGIOUS and GROWING TREASURE; and the moderate imposts which may be hereafter laid on articles of luxury.

Plan.

The Plan, to speak the least its favour, is practicable in its great and general line. It would produce, even partially followed, immense, sudden, and permanent advantages; but no human foresight can absolutely estimate the precise sums. Though the Author of the Enquiry has not the vanity to suppose that his scheme is, in all its branches, infallible, he will venture to pledge himself to his country, that, should the more material parts of his system be adopted, the advantages to be derived from it would not fall short of his calculations. His knowledge of the kingdom of Bengal, and its various resources, gives him a confidence on this subject, to which he is not intitled by his abilities.

