

D I S S E R T A T I O N

CONCERNING THE

L A N D E D P R O P E R T Y

O F

B E N G A L.

BY

CHARLES WILLIAM BOUGHTON ROUSE, Esq.

“ Omium Dominus in regno terrarum Rex habetur; omnesque de eo tenere per juris fictionem consentur; ita tamen, ut fit cuique suum.”

L O N D O N :

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M.DCC.XCI.

TO THE RIGHT HONOURABLE

HENRY DUNDA ESQ.

DEAR SIR,

WHEN his Majesty's Board of Commissioners for the Affairs of India first entered upon the duties committed to them by the Act passed in 1784, it is certain, that no subject received a more earnest attention, than the condition and tenure of the landholders throughout our territorial possessions: and, as I had the honor of attending all their deliberations and researches, previous to the system they have since established for the administration of the revenue;

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I can-

I cannot present this review of the subject so properly to any one as to you, who have always taken a very active part in the proceedings of the Board; and to whom the country looks with confidence for a zealous and vigilant attention to every object, that may affect the prosperity of its Asiatic interests.

Your mind, I know, has long been satisfied on the subject of the hereditary title of the Zemindars to the lands, which have been continually occupied by them, and their ancestors; nor less upon the expediency of confirming them, even if their positive claim were dubious. But as suggestions have lately been propagated,

gated, as well in as out of parliament, to impeach the validity of this doctrine; which might produce mischievous effects, both here and in India, if suffered to operate unnoticed upon the public opinion: I thought it might not be useless to examine the original question of property and descent by the test of facts, which had their existence before the establishment of the British sovereignty in Asia. I imagined there might be many persons, who would wish to trace this question farther back than our own experience could carry us, or even the examples of our immediate predecessors in the government of Bengal: and that I might enable them to pursue such an inquiry most advantageously, not by

quoting the speculative opinions given at any time by British subjects in the course of official duty, but rather by bringing the historical Records of India and Europe into one connected argument, which might be deduced principally from a careful examination of documents already before the public, or in my own possession, and usefully illustrated by analogies drawn from other governments.

I think the obvious result of this course will be, if I have rightly apprehended the subject, and perfectly applicable to the landed tenures of India, that the rise and progress of private property in land have been nearly similar throughout the world; always keeping pace with civilization,

and

and an enlarged policy ; and frequently, when established, resting more upon construction and usage, than upon the strict letter of written law, or deeds of tenure ;—that conquest seldom did in ancient times, and is now never understood to annihilate it ; that where we now find it ever so firmly fixed, it was once slender and precarious ; but that every mode of possession has gradually become permanent and hereditary, modified only by such arrangements, as might arise from peculiar circumstances and situations.

If this attempt should prove satisfactory to you, and the other Members of the Board ; and, by demonstrating the principles you have

b 3 adopted,

adopted, upon general considerations of justice and policy, to be consistent with the practice of the ancient native government in its best times, should tend to fortify a system, which will render the inhabitants of India happy under our dominion: my highest ambition will be gratified in having entered upon the discussion, and I shall the less regret its imperfections, if it shall be found in any degree conducive to the public good.

सत्यमेव जयते

I have the honor to be,

Dear Sir,

Your most obedient

And most humble servant,

C. W. BOUGHTON ROUSE.

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of

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WHEN any great question is agitated, concerning the laws and liberties of our own country, the safety and honor of our nation, or the security and good government of our foreign possessions; it is the duty of every individual to throw into the public stock of knowledge his mite of information: confident that it will be received with attention and candour, proportioned to his supposed means

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of

of acquiring it, and the degree in which he may appear divested of interested bias, or factious predilection.

It is to be lamented, that almost every subject of Indian administration for many years past, has in its discussion been perverted by the spirit of party, or received its complexion from the personal connexions and attachments of the authors: which, though laudable in common life, and suitable to the constitution of our government, is to the last degree pernicious in every consideration of abstract right, or municipal justice.

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Amongst the various weighty concerns of any country, the good administration of the revenue necessarily takes the lead, as the vital blood which must support its existence, and as it affects in its operation every member of the community. But it is infinitely more consequential, where the chief revenue of the state is raised upon the land, without having recourse

to the complicated system of taxes on general consumption, which prevail mostly in Europe; to ascertain, not only the practical rules, by which that revenue shall be collected, but the character and condition of the persons, who are to gather it from the ground tenants and cultivators, and pay it into the public treasury. Such are the Zemindars and Talookdars in their several gradations, throughout the extensive dominions occupied by the British nation in the provinces of Bengal, Bahar, and Orissa.

Upon the nature of their tenure, and upon the litigated question, whether there is, or is not, landed property in these countries, and of what nature, and whether descendible to heirs; I shall ingenuously offer a few remarks, according to the best information I have ever been able to collect: feeling that the question ought to receive some definitive adjudication, which may for all time to come prevent such sacred subjects from being lightly agitated; but leaving myself perfectly open to correction, if my

facts should be erroneous, or my arguments delusive. To leave this point unfettled, is to destroy the basis upon which every plan of internal regulation and prosperity can be founded.

For my own part, the farther I have carried my inquiries, the more firmly I am convinced, that the state, in which we received the rich provinces of Bengal, Bahar, and Orissa, was a general state of hereditary property ; modified certainly according to the nature and customs of the government which has prevailed there ; but nevertheless existing, with important benefit to the possessors, according to the universal sense of the people, sanctioned by the constant practice of the native princes, and established by immemorial usage from one end of the country to the other.

I did imagine, that this question had received its decision by the common assent of all political parties in the kingdom, resulting from the minute examinations which had been made
 into

into the subject, at a period when correct local knowledge was attainable; and by the voice of several statutes passed by the two last parliaments in the years 1781 and 1784:—in which, amongst many salutary regulations, the Zemindars, and other landholders, are distinguished from persons holding mere official nominations, and marked as a class of men eminently intitled to the national protection. I had therefore concluded, that they would have been permitted to enjoy, in gratitude and security, that protection held out to them by the legislature of Great-Britain; and should have feared to injure their cause by renewing the discussion, had not the subject been again introduced to the public consideration, in a Tract lately published under the singular title of *Inquiry into the nature of Zemindary tenures in the landed property of Bengal, &c.* by J. G. late Serrishtebdar of Bengal. I must do this gentleman the credit to say, that his sentiments are here delivered without any tincture of party spirit, or personal invective; except only against the great Maho-

medan and Hindoo officers, whose opinions have been quoted in a very able performance of Mr. Francis, relating to the revenues and tenures of Bengal.

By attempting to demonstrate, that the Zemindars, and other landholders of Bengal, have not, nor ever had, any claim of hereditary property; and that they ought to be considered as financial servants only, employed to collect the ground rents of the sovereign as proprietor, or, as the title expresses it, having a *tenure in* his landed property; Mr. Grant would seem to invite this country to retract its plighted faith in their favor. I have not a doubt, that he wishes to establish this opinion out of sincere zeal for the public interest and administration, which he imagines would be benefited by annihilating such supposed property. I confess my cordial wishes and endeavors,—as far as the endeavors of an humble individual could avail in a great national object,—have gone to promote a contrary system: and as no circumstances

stances have hitherto produced any alteration in my sentiments; I find myself impelled by the importance of the occasion to declare, that I differ from him fundamentally in many articles of fact, justice, and expediency: but shall endeavor to offer such remarks as the subject may require from me, with every possible respect to his industry and abilities.

I shall not mean to deduce any argument, either for or against the Zemindars, from the acts or deliberations of the British government since the acquisition of the Dewanny in 1765, any further than they can be considered as a continuation of what I have understood to be the practice of the native government anterior to that period. For, if we were to argue from the rules and projects of our own fluctuating administrations, we might find documents to establish or refute any supposed system. Mr. Grant himself, has given a strong instance of this in his 12th page, with regard to a *Bundoobusty Sunnud*: which, though a mere-

official act of English authority, many years after the native government had ceased, was interpreted to the disfavor of the Zemindars by the Bengal Revenue Committee in 1786, when they were even deliberating on the utter abrogation of the claims preferred to a proprietary and hereditary right in the lands held by this important class of men. In like manner, any description I may make of the state of actual possession, or prevailing opinions in Bengal, I consider to be such as they truly existed before these provinces became a part of the British dominions.

In taking any consistent view of the subject proposed, I find it impossible to draw an intelligible distinction, as to the article of permanent or hereditary property, between a Zemindar and Talookdar—I know of none but magnitude. With regard to the judicial functions conveyed by the Sunnud (or Patent) of the imperial officers, there may arise a difference: since the Talookdars are generally, although

although not univerſally, ſubordinate to the Zemindars. But if a Talookdar takes out a Sunnud on his own account, ſo as to have his name entered in the records of the ſuperior government ; he is thenceforth conſidered as independent of the Zemindar, and pays his revenue direct to the public treaſury. However if every Talookdar were to take out a Sunnud, the provincial diviſions and juriſdictions would be broken, and the liſt of perſons paying direct to the public treaſury would be rendered ſo large, that hardly any number of collectors and accountants would be adequate to the increaſed perplexity of the current collections. The act paſſed in 1784 (cap. 25, ſect. 39) makes no diſtinction at all between them. I have examined, from atteſted copies now in my own poſſeſſion, the Sunnuds of a Zemindar, Talookdar, and Chowdhery ; which latter, if I recollect right, is conſidered in the modern practice of Bengal as the head of ſeveral Talookdaries united under one name ; and I find the tenor of them exactly the ſame.

It

It appears upon a reference to all the correspondence of the times, and is universally known, that when the dewanny of the three provinces was ceded to us, the country was distributed amongst the Zemindars and Talookdars, who paid a stipulated revenue by twelve instalments (*a*) to the sovereign power, or its delegates. They assembled at the capital in the beginning of every Bengal year (commencing in April) in order to complete their final payments, and make up their annual accounts; to settle the discount to be charged upon their several remittances in various coins for the purpose of reducing them to one standard, or adjust their concerns with their bankers; to petition for remissions on account of storms, drought, in-

(*a*) It is mentioned in the Institutes of Akber (vol. ii. article Bengal Subah) that the revenues were then paid by eight *kijls*, or instalments. When it was altered to twelve, or upon what motives, I am uninformed. In many places I should have thought the old mode more applicable, because it is notorious, that the payments, allotted to the months which intervene between the great harvests, are frequently made with borrowed money.

undation,

undation, disturbances, and such like ; to make their representations of the state, and occurrences of their districts : after all which they entered upon the collections of the new year ; of which however they were not permitted to begin receiving the rents from their own farmers, till they had completely closed the accounts of the preceding year, so that they might not encroach upon the new rents, to make up the deficiency of the past.

In many instances the Zemindars were left unmolested in their several districts, and free from all check or interference. But when they were remiss in their payments, officers of government were deputed under various titles, like the *Canonicarii* and *Compulsores* of the Roman revenue in the time of the emperors ; whose duty it was, to prevent any misapplication of the money collected by the Zemindar, and his agents dispersed over every part of the country. For with them only rested the whole business of letting the lands, keeping the sub-
 fidary

fidary accounts, and collecting the rents from the villages: and they were, in all ordinary matters, independent of the interference of the superior government.

Increases were sometimes made upon the former year's revenue: not, however, in consequence of any local scrutiny or valuation of the resources of any Zemindar; but by a rateable assessment, called months, or 12th parts upon the former jumrah, or standard rent. They were levied for various purposes; sometimes public, sometimes private; which it would be superfluous now to exemplify: and in course of time, these proportionable assessments were gradually consolidated into the established rent of the Zemindar, who cleared himself by a repartition upon the cultivators, and subordinate landholders.

In a very few years after the British administration had commenced, a principle was assumed, that the state had a right to the entire produce

produce of the land, leaving to the Zemindars certain allotments called Nankar, which have been probably supposed to be infinitely more considerable than they were. In consequence, various investigations were made into the measurement of the land and village accounts, to the great vexation of the Zemindars; their districts were afterwards let in farm to the highest bidder, and they were totally excluded, unless where they preserved their power and possession by collusion with a nominal farmer: and, in consideration of their exclusion, a pension was allotted to them in ready money; not, as far as I can find, by any fixed proportion to the amount of revenue yielded by their Zemindary, but probably according to personal favor, or supposed situation in respect of family, religious establishments, or other circumstances. In this I speak of the greater Zemindars: for to all the smaller ones, the allowance was fixed at one-tenth of the gross produce, which has always been the established rate in Bahar. At present the Zemindars are generally, and have been

been for some years past, restored to the possession of their lands.

I have thought it expedient, for the information of such only as may not be particularly conversant in the history of Bengal affairs, to offer this superficial sketch of the situation in which we found the Zemindars, as instruments in the perception of the revenue; and of the changes they have undergone. I purposely refrain from making any comments upon the minute parts which belong to it, or from examining what abuses have arisen in a government so constituted. Almost every article of the description has been subject to various constructions in this country; and might certainly be fit matter for discussion in other points of view, but it would be unnecessary to my present design. I therefore proceed to the consideration of the abstract question, whether the Zemindars were then, or ought now to be regarded as persons holding financial offices merely; or as enjoying a proprietary right to their

their lands ; and whether that right was likewise of an hereditary nature.

That the subject is embarrassed, as well as delicate, must be acknowledged. Some have inclined to consider them as officers, others, as farmers of the revenue. But this seems to me eluding the difficulty, rather than solving it. For if the Zemindary be even an office, and such office give possession of land, which has by claim or custom descended from father to son, or to collaterals, with other circumstances incident to property, such as mortgage, alienation, bequest or adoption ; it is in reality a landed inheritance. सत्यमेव जयते

But first, as to the term itself—from that, however, nothing conclusive can be drawn. ZEMIN signifies simply LAND ; and the adjunct DAR is an inflexion of the Persian verb DASH-TEN, to *have, hold, possess*, in any general sense, without regard to mode, quality, or duration.

Many

Many terms, implying possession, are compounded in a similar manner, such as,

Refalah-dar—The person who commands a
troop of horse.

Rozinah-dar ————— who enjoys a daily
pension.

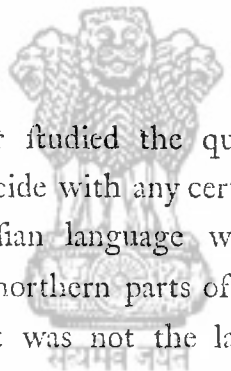
Ultungah-dar ————— who holds a grant
of free land in per-
petuity.

Eymah-dar ————— who holds a religi-
ous endowment of
land, granted to
any particular sect,
society, or family.

Jaghir-dar ————— who has a grant of
land or rent, pre-
carious, condi-
tional, or perpetual.

Although the word is of Persian etymology, the term is not known in the government of Persia. This may not seem extraordinary to those
those

those who will consider how readily any language, that has an aptitude for forming compound words, insinuates itself into a foreign country. The Persian possesses that excellence. By a similar mode of adoption, we express in England a thousand scientific and metaphysical ideas, by artificial words of Greek etymology, which were never known at Athens or Corinth.



I have never studied the question so as to enable me to decide with any certainty, at what period the Persian language was introduced, either into the northern parts of India, or into Bengal. For it was not the language of the Moguls, but adopted by them. However, I think it probable, that it commenced in the former under the Ghiznian emperors, who were encouragers of letters, and who raised a powerful monarchy in the 11th and 12th centuries of the Christian Æra, in the mountainous countries which lie between Persia and India.

In Bengal I conceive, that the Arabic preceded the Persian. In proof of which, I have now in my possession silver coins of several of the Bengal kings, one indeed an Abissinian, but most of them natives of the country, who reigned towards the close of the 9th century of Mahomedanism, or the 15th of the Christian Æra; all in the Arabic language and character: whereas all the coins of the Mogul emperors, at least since Akber, for I have seen none earlier, have been in the Persian. From hence it is probable, that *Talook* may have been a more ancient term of landed tenure, than *Zemindary*: and from hence may have arisen, in some degree, the number of Arabic words, which occur in the common language of the Mahomedans in Bengal.

We must not expect to find the word *Zemindar* in the writings of the Arabian Law-giver Mahomed. I agree likewise with Mr. Grant, that it is idle to refer it for confirmation and validity to the ancient Hindoo books
of

of Jurisprudence. If those writings have the antiquity ascribed to them, which I believe is well founded; they were composed long before even the existence of the modern Persic. But there is reason to believe, that private property in land prevailed in India, under the Hindoo Rajahs, before it was subdued by Timur, and his successors, or by the Mahomedan invaders who preceded the Timurean dynasty: and upon Zemindaries, considered as landed property, both the Mahomedan and Hindoo law are perfectly competent to decide.

The import of *Talookdar*, composed of Arabic and Persian, which is the other landed title I have mentioned, is still less determinate: the original expression having no reference either to land or property. The Arabic word *Talook* signifies simply attachment, connection, dependence. However, it is certain, that it is no new term in the language of Tenures; because it occurs perpetually in the enumeration of the districts and sub-divisions of Bengal, contained

in the Institutes of Akber, which were compiled about two hundred years ago; and frequently, with a person's name annexed, as the Talook of Cashinât, the Talook of Meheys the Headman, the Talook of Ahmed Khan, &c. This circumstance seems peculiar to the province of Bengal.

If I have been able to ascertain rightly the titles of the Indian landholders in ancient times, they were called in Bengal, *Buyan* or *Bhowmy* (*b*); in the northern parts of India, *Kirfan*; in the provinces of Sind and Tattah, an extensive tract of country situated upon the banks of the Indus, *Soumergan* and *Singan*,

(*b*) This term occurs in the Institutes of Akber. I apprehend it is now become obsolete in the low lands of Bengal. But it is still used in that mountainous tract of some thousand square miles, lying between the Mahratta frontier, S. W. of Bengal, and the banks of the Ganges, near Rajehmehal: which is possessed by hereditary chieftains, and a numerous body of subordinate proprietors, and was never completely subdued by the Mahomedan government.—See Major Browne's curious description of the Jungleterry Districts.

and

and their sovereigns, *Jam* (c). For even the title of Rajah does not seem to have been universal.—What was the particular nature of the possession of the ancient landholders, I believe it is impossible now to ascertain.

It must likewise be confessed, that neither the term of Zemindar or Talookdar is mentioned in the Institutes of Timur: although private possessions in land seem clearly to be acknowledged in that curious work, as a bar to the claims of the sovereign. It testifies also the existence of a permanent land revenue, and the hereditary descent of property (d).

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(c) Ferishteh's untranslating history, book 8th.

(d) I ordained,—If the subjects were satisfied with the old and established *taxes*, that those *taxes* should be confirmed agreeably to the wishes of the subjects. (*Institutes of Timur*, book 3, p. 363, translated by Dr. White and Major Davy.) N. B. The term in the original is *Jumrah Keditim*, and ought to be interpreted *ancient rent or revenue*.

And that all ruined lands, which lay uncultivated, (if there were no owners to those lands) should be annexed to the

No material light arises from an etymological inquiry. I proceed therefore to consider the origin and nature of the possession itself. At present every Zemindar, whatever be the mode of acquiring his land, holds it under a Sunnud, or patent from the government, in the Persian language, minutely describing the lands comprized within his Zemindary: which distribution is never changed, unless in cases of partition amongst heirs, or purchase and sale, although the Sunnud ought to be renewed upon every succession, or alienation. I confess I have never been able to fix the period, when Zemindary Sunnuds were first issued by the Mogul government in their present tenor. The Bengal revenue committee in 1786 have entered on their consultations, the form only crown. And if there were owners, and those owners were reduced to distress; I ordained, that the necessary supplies should be granted to them, that they might cultivate their lands anew. Ibid. p. 369.

And I commanded, that the property of the deceased should be restored (more properly *given*) to the lawful heir. Ibid. p. 373.

of one supposed to be granted in the reign of Akber, which began in 1555, and ended in 1605. But there are no names to authenticate its originality: and there is reason to imagine, that those gentlemen were misled as to the authority of the instrument in question.

I rather incline to think, that they have not been in use much above a hundred years: and, perhaps, Mr. Grant has justly ascribed their origin to the reign of Aurungzebe. This emperor may very probably have judged it expedient, after the suppression of the civil war in Bengal by the final defeat of his brother Sultan Shujah in 1660, and the subjection of the Deccan in 1687; to issue these patents of investiture for the landholders, who had been faithful to his interest. It may be presumed, that in general the former occupants were confirmed in their possession upon a settled tribute; because we do not find, although Aurungzebe was an enthusiast for his own religion, that he made any disposition of the conquered lands

amongst his own followers and adherents ; but gave them altogether to the native Hindoos. For Mr. J. Sullivan says, in his judicious “ Observations upon the Sircar of Mazulipatam,” printed in the year 1780, that “ at his demise in 1707, the whole country was possessed by the ancestors of the present Zemindars :” and that may be considered, as the epocha, when the power and dominion of the Mogul emperor were at their highest pitch of glory.

However, although these Sunnuds may not have been granted to landholders in the reign of Akber ; and which I am the more disposed to believe, because I see no mention in the Ayin Akbery, or Institutes of Akber, of judicial functions being vested, as they have since been, in any other than the regular officers of Mahomedan jurisprudence : yet there is no reason to infer, that Zemindars did not then exist. They are by no means overlooked in that most valuable repository of Indian regulation and knowledge ; a translation of which has
 been

been given to the world by Mr Gladwin. For not only are they mentioned in the historical abstract of various provinces, as entertaining considerable armies, with great extent of country, and a large revenue (*e*): but moreover in my manuscript copy of that work, which is a very fine one, I observe in the table of the measurement, revenue, forts, and military establishment of every Subah or province, there is a distinct column for the title *Zemindars*; describing the religion and sect of those persons in every subdivision of the country. This is evidence irrefragable, that the term of *Zemindar* was in use at the time, when that able conqueror made an assèssment for his extensive empire, and fixed the regulations for its future government. And what could be meant by *Zemindars*, but the occupants and proprietors of the land, in their several ranks, as we have seen them in the present period?

(*e*) See Gladwin's Institutes of Akber, vol. ii. in the articles Bengal, Azmere, Guzerat, Berar, &c.

I have

I have endeavored to examine this point more closely, by perusing, in the original, a considerable part of the history of Hindostan, by Mahomed Coffim Ferishte; who flourished about the beginning of the 17th century, in the reign of Ichanghire, the son of Akber. Colonel Dowe, indeed has, in several instances introduced the word *Zemindar* in his translation, where it does not occur in the original, particularly in describing the severe regulations of Alla-ul-Dien Chilligi (or Alla II.) (f) in the year 1300, one of the Afghan princes, who reigned at Delhy before the invasion of Timur. The historian speaks of Mocuddems and Chowdries, who used to go abroad with a splendid retinue, dress in rich habits, and hunt like nobles; and, exclusive of these, bears express testimony to the existence of private property in land, under the name of Milk or Milkyet. At present this very term is in use in Behar, to signify proprietary land assessed to the reve-

(f) Dowe's History of Hindostan, 2d edition, vol. i. p. 262.

nue, too small to be called a Zemindary, but in other respects synonymous.

Ferishteh himself, however, does continually employ the term of *Zemindar* in relating the transactions of the Afghan emperors, who preserved a tottering sovereignty in India between the invasion of Timur in the year 1397, and the conquest of the empire by Mahomed Bâber about 130 years afterwards. And, that every one may be able to make his own comments, I will refer to three passages, and give literal translations of them. The first is, when Timur crossed the Indus, and commenced his attack upon the dominions of the king of Delhy; “ Several of the Zemindars at the foot of the hills came thither, and did homage.” Afterwards, in the reign of Mobârik Shah, A. D. 1423, “ The king halted upon the banks of the Chytul; and, after levying a tribute according to the ancient rate, or custom, (her Canoun Kedîm) from the Zemindars of that country, returned to Delhy in the
“ month

“ month of Rajeb.” Again, in the reign of his successor Sultan Mahomed Shah (g), in the year 1438, the historian, speaking of the distracted state of affairs, says, “ the neighbouring princes observing the depravity of the emperor, entertained views upon his dominions: and the tributary Zemindars seeing the receiver of the tribute conduct himself in such a manner, withheld their revenue.”

Upon this subject I have likewise endeavoured to obtain information from living authorities. In the course of my inquiries, I have found the Mahomedans very apt to assume a lofty tone, in speaking of the rights of the emperor; as if he was the disposer of all property, and nothing was enjoyed by individuals, but through his indulgence. At the same time no one of them ever meant to contend in earnest, that the subject in the empire of Hindostan had nothing he could call his own. They would rather

(g) Dowe, Vol. II. p. 43, 2d edit.

have brought a thousand beautiful quotations from their poets, and anecdotes of the mild government of their sovereigns, to contradict so wild a supposition. Even as to the article of hereditary property in land, I do not remember to have heard any one seriously deny it. To one in particular, a man of small but independent fortune, possessed of extensive learning, and a magistrate of unimpeached integrity, Mirza Mohsen, I formerly proposed several questions in writing, without communication with any person whatsoever, upon the subject of Zemindars. The answers he gave me were the result of his reading and enquiry. They seemed satisfactory to me at the time: but I have never heretofore been at the trouble of translating them. As they contain some curious matter, and much sound speculation, I shall here present them for public perusal.

Question 1. From what period has the term Zemindar been current in Hindostan?

Was

Was it before the irruptions of the Mahomedans, or otherwise ?

“ Answer. As far as can be ascertained from the narrations of history, it appears, that in times prior to the irruptions of the Mahomedans, the Rajahs who held their residence at Delhy, and possessed the sovereignty of Hindoستان, deputed officers to collect their revenues (Kherâje) who were called in the Indian language Choudheries. The word *Zemindar* is Persian, and that language can have had no currency in the countries of India, until it was introduced by the people of Persia. When the Emperor Shehâb-ul-Dien Ghory conquered the empire of Hindoستان (*b*), he left Sultan Cutub-ul-Dien to be his viceroy at Delhy, and administer the government of Hindoستان. From that time, the customs and practices of the Mahomedans began gradually to be esta-

(*b*) This event took place towards the close of the twelfth century. N. B. Kherâje signifies specifically the tribute paid by a conquered country.

blished

blished in India: their armies were sent into the countries of the reduced Rajahs, under the command of Omrahs, in order to preserve the conquest; and lands were allotted to them to defray the expence. From hence arose the system of Jaghiredarry, in Hindostan. But when these Omrah Jaghiredars had established their own strength, several of them rebelled against the imperial authority, and aspired at the crown. Thus circumstanced, the emperors, in order to obviate these mischiefs, thought it would be more politic to commit the management of the country to the native Hindoos, who had most distinguished themselves by the readiness and constancy of their obedience to the sovereign power.

“ In pursuance of this plan, districts were allotted to numbers of them under a reasonable revenue, (Jumrah Monâfib) which they were required to pay in money to the governors of the provinces, deputed from the emperor. And in case any one of the Omrahs, or provin-

cial

cial governors, should swerve from his allegiance; the Zemindars of that country were to exert themselves in such a manner, as should check rebellion, and restore good government. For this purpose, grants of Zemindary were severally conferred upon such of the Hindoos, as were obedient; describing their apportionment of the country: and every person, who had received a grant under the authority of the crown, was thereby fully invested with the functions of Zemindar. The Zemindar has a pre-eminence over a Chowdhery in three respects, which will be specified in another article. The Chowdhery, under the sovereignty of the Rajahs, had no concern in the administration of the country, which has become the custom under the imperial government. Their business was simply to collect the established revenue (Zer Mokerrery).

Question 2. Who were the persons in actual possession of the lands of Bengal, at the time
that

that country was finally reduced to the authority of the Emperor Akber ?

Answer. “ There is no book to be found, relating specifically to the affairs of Zemindars, by which it can be ascertained, what were the names of the Zemindars in king Akber’s reign : and when there was no particular reason to require it, historians have not recorded them. However, according to information, which does not leave much room for doubt, being matter of common report and observation ; the descendants of several Zemindars, who had been in that office (*i*) before the time of Akber, and continued so under his reign, are to this day firmly established upon their ancient Zeminaries. Others of them, through the vicissitudes of fortune, and the intrigues of their servants, have fallen from their foundation,

(*i*) I use the word *office* for the Persian *Khidmat*, because it has been usually so construed, and much stress has been laid upon it. This will be examined hereafter.

and their possessions have passed into other hands.

“ I have understood that there were twelve Bhuyan, who had possession of all Bengal. Five of them, who enjoyed the Zemindaries of Dacca, commonly called Jehanghirenugger, were as follows :

Eyfa Khan and Masund Ally, Zemindars of Kefrapore, &c.

Gunderp Roy, Zemindar of Pergunnah Chunderdeep, &c.

Luckken Mánik, Zemindar of Pergunnah Beluah, &c.

Chaud Roy and Kydar Roy, Zemindars of Pergunnah Bickrampore, &c.

Jona Gházy, Zemindar of Chand Pertâb, &c.

The rest, whose Zemindarries were situated in the district of Jajah (*k*), now called Morshedabad,

(*k*) Anciently Bengal was divided into three districts; Luknouty, N. of Morshedabad; Sonargam, near Dacca; and

shedabad, I have not been able to ascertain, on account of the distance of my situation.— The Zemindarries of the present period are of three sorts; Jungulboory, Intekâly, and Ahekâmy.

“ 1. *Jungulboory* (clearing of waste) is a tract of land, which, having gone to decay, and become incapable of producing the amount of the royal revenue, (Jumma Padshahy) has been restored to prosperity by the diligence and industry of another person; who has thereby re-established the revenue of the crown (Kherâje). Such is the Zemindary of Serayel, &c.

“ 2. *Intekâly* (transfer) is land in a good state of cultivation, and productive to the amount of the revenue; yet, on account of the neglect of the incumbent, or for want of heirs to the land, and Satgam, near Calcutta. I have observed several passages in Ferishteh's history, which speak of two only; Bengallah and Luknouty.

land, another person has with the permission of the emperor, or of the government delegated by him, obtained a Sunnud for the office in his own name. Such is the Zemindary of the Pergunnah Buldakhâl, &c.

“ 3. Ahekâmy (by order or authority) is, when, notwithstanding the diligence of the Zemindar in the duties of his station, the officers about the person of the prince, who are employed in the affairs of the Zemindars, have, upon interested motives, obtained orders for Zemindaries to be granted them in their own names. Such is the Zemindary of Rajah Luckinarain; and this mode has taken place in latter times.

Question 3. In the Dewanny Sunnuds a Zemindary is stiled an office (Khidmut): and an office is dependent upon the pleasure of the employer. But at present the children of a Zemindar take possession of the land enjoyed by their father and grandfather, as an inheritance.

How

How long has this rule of inheritance in Zemindaries prevailed? and by what means has it been established?

Answer. " The reason for calling the Zemindary an *office* in the Dewanny Sunnud, is this. The Zemindars are commissioned on the part of the sovereign, for three duties. First, the preservation and defence of their respective boundaries from traitors and insurgents; Secondly, the tranquillity of the subjects, the abundance of cultivators, and increase of his revenue (1). Thirdly, the punishment of thieves and

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(1) It must not be understood, however, from this expression of Mirza Mohsin, that the Zemindars are really bound to answer to the sovereign for the benefits, which may occasionally arise from an increase of cultivation, beyond the quantity estimated in the assignment upon which their revenue may have been fixed. At least the Sunnud conveys no such obligation. It must therefore be construed to signify only, as matter of general argument, that the increased prosperity of a country will eventually benefit the revenue and resources of the sovereign. The ordination

and robbers, the prevention of crimes, and the destruction of highwaymen. The accomplishment of these objects is considered in the royal grant, as the discharge of office to the sovereign; and on that account the word office (Khidmut) is employed in the Dewanny Sunnud for a Zemindary.

“ It was a rule in the times of the ancient emperors, that, when any of the Zemindars died, their effects and property were sequestered by the government. After which, in consideration of the rights of long service, which is incumbent on sovereigns, and elevates the dignity of the employer; Sunnuds for the office of Zemindary were granted to the children of the deceased Zemindar: and no other person was accepted, because the inhabitants could never

of the Sunnud is to this effect. “ Let him encourage the
 “ body of the Ryots in such a manner that signs of an in-
 “ creased cultivation and improvement of the country may
 “ daily appear.” Ap. No. I. and II. There is no clause that prescribes an annual valuation of the revenue.

feel

feel for any stranger the attachment and affection, which they naturally entertain for the family of their Zemindar ; and would have been afflicted if any other had been put over them. For this reason, the emperors, considering it as a means of conciliating the minds of the people ; graciously fixed and confirmed the children of the deceased Zemindar in the office of their fathers and grandfathers, by issuing new sunnuds to transfer the possession to them.

“ At present, that the children of a Zemindar take to the land possessed by their fathers and grandfathers, as an inheritance ; it is done upon the strength of the ancient custom and institutions ; according to which the Zemindary of the father was transferred by Sunnud to the son. If the office of Zemindarry, in the nature of other offices, were limited to the life of the incumbents, they would never have exerted themselves to promote the improvement and prosperity of the country. Nor would the population and revenue have been advanced, as they are

now, from what they were in former times. But when the emperors thought it politic, upon the decease of a Zemindar, to continue the office of Zemindarry to his children; the Zemindars, on their part, felt a confidence and satisfaction in discharging the duties of their situation, and always employed their strenuous endeavours to promote the prosperity of their districts.

“ Such has been the progression of the general rule of inheritance in Zemindarries. With regard to one species indeed, the Jungulboory; it is conformable to the holy law, and to common practice, that persons should gain an hereditary Zemindarry in land, which they have cleared from waste, under the encouragement of the prince, and brought into a state of cultivation, so as to produce the full revenue of government: and the children of such persons have a decided right to hereditary possession; which both ancient and modern soverieigns have recognized. But as to the other Zemindarries, stiled *Intekâly* and

and *Abekâmy*, before explained in the second article; which the possessors have received in a state of perfect cultivation, effected by the industry of others; although their children also have claimed an hereditary right in these Zemindarries, like those of the fort called Jungulboory; and, upon the strength of ancient practice, have possessed the Zemindarries of their ancestors upon a similar footing: yet the holy law does not of itself annex to these any hereditary title. The renewal of the Sunnud from person to person is an argument against the inheritance by right.—This must therefore depend upon the prince, and the actual government of the country.”

I have given the sentiments of this learned Mahomedan at length, and in a pretty close translation; because they seem to delineate with great appearance of probability the origin of many of the Zemindarries; the course by which they have all become hereditary; and the strict construction of the Mahomedan law, which declares

declares one species to be hereditary, even independent of the sovereign; leaving the others subject to the course of usage, or the arrangements of municipal law. However, without entering minutely into this article, it is sufficient for me to say, that neither the express law of the Koran, nor the doctrine of its commentators, is by any means unfavourable to the existence of hereditary property in land. On the contrary, they declare, that the tribute only belongs to the king, when the land has any proprietor.

In perusing the opinions of Mirza Mohsin, or any other person, concerning the Indian system of government; it should be remembered, that Bengal has not uniformly belonged to the empire of Hindostan: but has, for the most part, been in a state of independent sovereignty, held by various dynasties of kings. And it is a curious circumstance, that one of them was founded about the year of Christ 1386, by a Hindoo Zemindar of the name of Kans; whose son
after-

afterwards embracing the Mahomedan faith, took the name and stile of Sultan Jelâlul-Dien, under which he reigned seventeen years; and his grandson Sultan Ahmed, sixteen years; all of them much beloved by the inhabitants. Bengal must therefore be supposed to have had its own peculiar customs and usages. My friend Mr. Orme, in his excellent and admired History of the Transactions of the British Nation in Hindostan, quotes an instance in 1494, of “ Sultan alla ul Dien, as Mow-
 “ narch of Bengal, making peace on equal
 “ terms with Sultan Secunder, emperor of
 “ Delhy (*m*).” And as late as the year 1528, it was so far a sovereign state, that the Mogul emperor Mahomed Bâber, father of Homayon, who ten years afterwards took a temporary possession of it in person, was induced by a mere present of curious articles, not even a tribute in money, to put off his intended invasion, and to enter into a treaty of peace with

(*m*) Orme's History, Book VI.

Nesebe-Shah king of Bengal. I draw these anecdotes from the untranslated Provincial Histories of Mahomed Cossim Ferishteh.

It seems to me to result indisputably from the deductions of history contained in the foregoing pages, that Zemindars, as persons possessing land either in their own right, or by successive renovation of grant, are of considerable, perhaps of high antiquity, but that the present Sunnud, upon which only their title to this land has generally been supposed to rest, is of comparatively modern institution. So that, whether the Sunnud now in use commenced under the reign of Akber, or that of Aurungzebe; I trust I shall not be thought presumptuous in contending, that the Zemindary property existed independant of the Sunnud, and was not, at least not within any ascertainable period, created by it. However, although it did not create, the Sunnud may have confirmed the property. Judicial functions may have been superadded by it. After a recent conquest, it might be prudent
for

for the conqueror, and safe for the proprietor ; to receive a charter of confirmation. Or the lands of persons who had been engaged in rebellion, having been sequestered and seized by the rightful, or what is in effect the same thing, the successful party ; which is the practice of all nations under every description, with more or less of ceremonial process : they might be added to the districts of some faithful adherent, and a charter would then become necessary to establish the new proprietor upon the exclusion of the former. Or it might be expedient in the case of acquisition by purchase, to confirm in like manner the possession of the purchaser.

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In stating these cases hypothetically, I conceive, that I really describe by analogy, the occurrences of our own country, at those unhappy periods of our history, when the contentions of the royal houses produced continual revolutions in the kingdom ; and of all other nations under similar circumstances. Large tracts of land in England and Wales were so conveyed by charter
from

from the successful competitor: and the titles of the present owners are deduced from them. The description will equally apply, with a change of terms only, to explain the origin, enlargement and consolidation of several of the great Zemindarries of Bengal.

The Sunnud now in use, of which it will be proper to take some farther notice, has been inserted in numberless publications; similar in substance, although differently translated. For the greater ease of reference to those who may wish to examine it, I have annexed two specimens in the Appendix: (No. I.) that, which was granted by the Nabob Jaffier Ally Khan to the English East India Company in the year 1757, for the twenty-four pergunnahs near Calcutta, taken on Mr. Verelst's authority from his View of the State and Government of Bengal; (and No. II.) translation of a Sunnud to Chitun Sing, grandson of the deceased Zemindar, for the Zemindary of Bishenpore, entered upon the
 consulta-

consultations of the Bengal revenue committee in 1786.

This instrument certainly does not, on the face of it, convey an hereditary tenure : and in addition to this negative proof, it was required, as I have observed before, that, upon every succession or alienation, the grant should be renewed. In the one instance, however, that requisition was null, as far as regards succession at least, because a grant to a corporate body necessarily became perpetual. The same perpetuity necessarily attached upon the grant given by the emperor Furruckere in 1717. Even in ordinary cases, the rule of renewal was not invariably followed : as Zemindarries were sometimes taken in the name of a son, or other relation (*n*) ; sometimes in a fictitious name composed in an anagram, to comprehend certain family descriptions, or fortunate words, or num-

(*n*) An instance of this occurs in the Buldakál Sunnud mentioned in page 79, and another in the purchase made by the Soubahdar Jaffer Khan, hereafter-mentioned.

bers.

bers. And if the authority of the incumbent went on prosperously in the district, he was glad to elude the payment of fees to the imperial officers, which were formerly very heavy, although they have been considerably reduced under the British administration.

However, when there was a new Sunnud to be taken out, there seems no reason to believe, that it was solicited as a new appointment, or delegation to be granted, or refused, at the caprice of the vice-regal officers; but a confirmation of the possession, never withheld from the heir of the deceased Zemindar; provided there lay no objection against him, such as might render him an unfit person to be entrusted with power, on account of disloyalty, profligacy, insanity, or such like. How far this discretion might under a corrupt administration, give the means of extorting presents from the Zemindars, is a question of another nature.

To shew the manner in which the application was formerly made for a new Sunnud,
and

and the measures pursued upon it; I subjoin in the Appendix (No. III.) a minute description of this procedure drawn out by Bode Mull, one of the ablest and best informed of the native exchequer officers; and which I receive through the favor of Mr. Shore, lately a Member of the council-general of India, whose name will long be revered in Bengal, for the abilities he has displayed there, and the integrity, with which he has devoted them to the public service.

The bare power, under any circumstances that can be imagined, of refusing to the heir a confirmation in the land of his ancestor, may be urged as an impeachment of the right of inheritance. And it certainly does put the right upon a less secure footing, than an English fee simple. But when it is considered, that many of the Zemindars possessed extensive tracts of country, with great subserviency in the inhabitants; which gave them more power, than many of the principalities of Germany: that the sovereign was to place his chief reliance

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upon

upon the Zemindar for the cultivation of his district, which is an object of high importance to every government under heaven (*o*); for the security and promotion of commerce; the safety of travellers; the general prosperity of the country; and for the realization of the revenue, which in India arises principally from the land:—under all these circumstances, I say, it was not very extraordinary, that the sovereign should preserve some means of knowing the character and capacity of the person, by whom such consequential powers were to be executed.

(*o*) This principle was strongly inculcated, even by the Tartar conqueror Timur; who, although he persuaded himself, that he was gloriously born but for the reduction of kingdoms, and obtainment of empire; and that he was “by the
 “Almighty evidently appointed the restorer and promoter
 “of the faith of Islam:” yet felt the real policy of encouraging agriculture, and protecting the meanest subjects as the instruments of internal wealth. “For the ruin of the subject,” says he, “causeth diminution of the imperial treasures; and
 “a diminution of the imperial treasures effecteth the dispersion of the troops; and the dispersion of the troops produceth the extinction of the imperial power.” See Institutes of Timur, p. 182. 261. 361, &c.

This

This requisition would naturally be enforced to the utmost by the officers of the government, on account of the fine payable to the exchequer, and the fees accruing to themselves. But, as these were fixed and regular, and noted upon the back of the Sunnud itself; and as the Sunnud was granted, generally speaking, as a thing of course, to the heirs natural or adopted of the deceased Zemindar: I cannot conceive, that there is any thing in this transaction, materially to impeach the descendible quality of the Zemindary.

As an illustration of my own opinion, I have given in the Appendix (No. IV.) the copy of a paper delivered to the Bengal revenue committee in 1786; whose proceedings upon this subject I should not have noticed at all, had they not been quoted and brought in aid of his own arguments by Mr. Grant. It contains an account of the origin and progressive increase of the four principal Zemindaries in Bengal. Perhaps some of the dates assigned may not be

precisely correct. But that is of little consequence ; as I produce it merely to support my general position, that the principle of hereditary descent in the Zemindars has been admitted by all the ruling princes in Bengal : and I have the less scruple in producing it upon this occasion, because it was considered by that board, as tending rather to weaken the rights of the Zemindars to an hereditary possession.

Living as we do, by the blessing of Heaven, under a settled government, secure from foreign attack, disputed succession, or internal commotions ; and with a landed interest, which feels its own safety in the safety of the crown ; we do not easily bring ourselves to conceive, that any restraint can be necessary upon the descent, or alienation of landed property. But in turbulent times it is otherwise. Even the bold Barons of England, when they presented their claims to king John, which ended in the grant of *magna charta* ; did not demand the privilege of disposing of their property to any persons
what-

whatsoever, without restraint or exception ; but only “ in favor of their relations, and their “ daughters, sisters, and nieces, to any body but “ who was the king’s enemy (*p*).” I do not see, that any greater power is reserved by the Indian system, in the renovation of the Zemindary grants.

Even rebellion itself, which in our own country was constantly interpreted after the Norman conquest, to put an end to inheritance, (*q*) was not applied with the same rigor, under the Mogul emperors. For when the old Ze-

(*p*) Carte’s History of England, Vol. I. p. 329.

(*q*) One of these consequences (of the conqueror’s feignory as feudal lord) was the escheat on the failure of heirs, either by there being none, or by the blood being corrupted by the commission of felony, which in law amounted to the same thing ; as no son, uncle, nephew or cousin could by law claim as heir by descent to a person attainted. For the legal blood, the title to the inheritance, failed in him, the last possessor, by the breach of his fealty.—Sullivan’s Lectures on the Laws of England, Lect. XLIII.

mindar was dispossessed, or even put to death for crimes against the state; or his Zemindary escheated for want of heirs; the land was not taken by government, and given to tenants *in capite*, as they were called in England under the maxim introduced by king John, “ that he
 “ held the land in right of his crown, as it was
 “ originally derived from thence, and conse-
 “ quently that the tenants of the former lord,
 “ instead of *intermediate* became *immediate* te-
 “ nants of the crown (r).” But the land, with its former divisions, and I believe the same rent, was granted to a new Zemindar, with exactly the same tenure and jurisdiction as the preceding incumbent. The inferior proprietors and tenants of the Zemindary passed over to the new Zemindar, without any alteration; unlike those of an escheated English lordship, who were thrown into a much worse state by being considered as tenants *in capite* (r).

(r) Sullivan's Lectures on the Laws of England.—Blackstone's Comment. B. II. c. 5.

The paper above-mentioned (No. IV.) will prove the truth of these observations. As to rebellion and crimes against the state, see in the district of Burdwan;—the prince Azim ul Shân, who had been deputed by his grandfather Aurungzebe to suppress the rebellion headed by Kishen Ram the Zemindar of Burdwan, actually restored his son Juggat Ram to the Zemindary, after the father had been killed in the troubles. So little was the family disgraced, or incapacitated, that other districts were added to its jurisdiction, and Rajah Teeje Chund, the present Zemindar of Burdwan, and first in Bengal, is the descendant of that Juggat Ram. There are other instances, which I need not particularize.

Then, as to the punishment of death, and the practice of purchase, look to the district of Nuddeah; where the Zemindar Ram Chund was put to death for revolting against the government; but his younger brother Ram Jewan was admitted to the Zemindary. His eldest son and successor Ragooram greatly en-

larged his possessions by purchases, which he made between the Bengal years 1127 and 1134, or A. D. 1720 and 1727. And, after holding his Zemindary for nine years, was succeeded by his son Kishen Chund; who added more purchases, enjoyed the Zemindary for the long period of fifty three years, and then resigned it to his son.

In Denagepore, we see a regular descent, first, to a daughter's son; next, to his son; then, to three sons successively; neither of whom leaving any issue, the youngest adopted a relation, who continued for forty years, and died in 1725-6. This line also failed; and the last of the family adopted a son, who is the present Zemindar.

On the article of Escheat for want of heirs, failure in the revenue, or commission of crimes, a variety of instances occurs throughout the same paper, particularly in the districts of Rajeshahy: in every one of which the land was given to a new Zemindar, not resumed by government,

vernment, and converted into Demefne lands, as appertaining to the crown,

I have flightly touched upon the origin and nature of tenants *in capite* in England, becaufe Mr. Grant has, from I know not what analogy, applied that forced and technical denomination to the *Ryots* of Bengal: who, he fays, “ are “ the husbandmen and peafantry,” and “ that “ they hold directly of the prince by imme- “ morial ufage, as perpetual tenants *in capite*, “ &c.” It appears to me, that my tenants or his might with equal propriety be called tenants *in capite* to the king. So by a converfion of terms, the tenants of every man’s eftate in Great Britain are certainly *Ryots* to the king, but not his tenants *in capite*. For the Arabic word *Rayet*, or *Ryot*, ftrictly means no more than fubject: and its plural *Ra’iyya*, which is the term moftly ufed in acts of government or political difquifitions, fignifies in a colleétive fenfe *the people*, or *fubjects*; applying however more particularly to the inferior
 classes,

classes, but not necessarily cultivators, nor any tenants at all to the king, or any other person. It would have too great an air of pedantry, if I were to load the page with Arabic or Persian quotations, in order to prove that this is the true construction.

When cultivators are specifically intended, they are generally described by the word *Mozâra*, from the Arabic Radix *Zerra*, sowing seed, and its derivative noun of place *Mezra*, a field sown or prepared for sowing. That these are not convertible terms, is proved by their being frequently mentioned with appropriate meanings in the same sentence, and in the address at the head of the Zemindary Sunnuds, always together, *Ra'iyab u Mozara-an*, (with the addition of a Persian plural) subjects and cultivators. In the translation of this instrument (Appendix, No. I.) which, I observe, is the very same as that adopted by Mr. Grant, these words have been construed "inhabitants and husbandmen." So that I must confess I am perfectly

perfectly at a loss where to discover the grounds, upon which Mr. Grant and others have ascribed to the common title of *Ryot* peculiar rights and immunities; or any other, than those which belong, under every rational system of government, to the subject, who conforms himself to the laws.

As to the mode, privileges, or conditions of the real tenants, not taking the term according to the use of it in the English law of tenures, which supposes all property to be *bolden* of some superior or lord; but in the more limited and ordinary acceptance of renters, farmers, and cultivators: my inquiries have led me to think they are various, according to the settled usage of any district or village, or according to the agreements made, either for a term of years, or upon a lease running from year to year, for a fixed average rent, or a particular rent upon each harvest; and, in short, under a diversity of titles and descriptions, which it would be tiresome to particularize: but,

but with no positive right, that I could ever ascertain, of keeping the land against the will and approbation of the immediate superior, who holds the permanent possession of the property. Whether any continuance of usage may have been converted into a right, as in the Town of Calcutta, I cannot positively say. It is not general, nor is it to be wished. Prudence may dictate the custom of not changing the tenants, but would not, I think, prescribe the law.

I annex also in the Appendix (No. V.) the translations of deeds of sale for a small Talook near Calcutta, from Christnoram Sing to Sri Ram Roy and *his posterity*, dated in the year 1715, which has ever since been enjoyed by his family: and (No. VI.) a sketch of the family and succession of the Zemindar of a division ($\frac{1}{16}$ ths) of a small Zemindary in Dacca, which was again subdivided either by the possessor, or after his decease, between his two sons, whose descendants have continued to enjoy

enjoy the property for five successions.—Thousands of such instances might be found ; but I produce these two, which I have in my hands by mere accident, as tending strongly to corroborate the account of the four large Zemindaries ; and jointly with that, to prove incontrovertibly, that the rules of inheritance, adoption, partition, and sale, have operated in the great and small tenures of Bengal during the progress of this century ; a period crowded with invasions, rebellions, civil war, and usurpations, which must naturally disturb the regular descent of property.

It can never be maintained, either from the histories or traditions of Bengal, or from the anecdotes of the several families who now possess the lands, that the Zemindars have been ever displaced at the whim of the reigning prince, or his ministers, as is practised all the world over with regard to official nominations ; nor that they needed confirmation at every succession of an emperor, or appointment of his

his provincial viceroy: nor that they have been liable to deprivation, except for crimes real or alledged, failure of revenue, rebellion, public robberies, or such acts of atrocity, as would even in free countries subject a person to attainder and outlawry. Since the British government has taken place, now twenty-five years, I believe no Zemindar has lost his inheritance, but for failure of revenue, or upon judicial process for private debt. With regard to preceding periods, I speak only as to the general practice. For in forming a government for our possessions in India, we must not take as our precedents, the solitary examples of tyrants and usurpers; but, where we find no written law, should endeavor to make that *law* hereafter, which has been known as *usage* under the best of the native princes.

Mr. Grant has given in his Appendix an instance of a Sunnud, granted to one person, on the *dismission* of another, from the Zemindary. Upon this I shall only remark; first, that

that the original expression, which he has interpreted *dismission*, ought to have been given, and accurately examined ; secondly, that all the changes, stated to have been made between the parties, are subsequent to the Company's administration, and therefore furnish no decisive test of ancient practice ; and thirdly, that, be the matter how it may, even these changes were preceded by various judicial proceedings upon the question of right : which proceedings ought to be given at length, to enable us to form any just inference from the whole.

I have now before me an attested copy of an original Zemindary Sunnud, granted by Nowazish Mahomed Khan, Dewan of Bengal, in pursuance of the sign manual of Aliverdy Khan the Soubahdar, in the Bengal year 1152, about A. D. 1747 ; which was given by him to a petition in the following terms, “ that Affud
 “ Ullah and Futteh Ally, who had formerly
 “ obtained a Sunnud for the district in ques-
 “ tion, had failed in the punctual payment of
 “ their

" their revenue, and from their neglect the Per-
 " gunnah had gone to ruin: that Mahomed
 " Ibrahim, who had of old a *claim* to the Ze-
 " mindary, solicited a Sunnud in the names of
 " his sons Mahomed Ally and Bâkir Ally."

The claim was allowed according to the peti-
 tion, and the Sunnud given. This Pergunnah
 pays about 20,000 l. *per annum*, and the family
 is still in possession. Here is a restitution of a
 Zemindary, granted even by a usurper upon a
claim of right (Dawy) asserted in a petition,
 and acknowledged in the body of his grant.

Those, who have not taken the pains to
 trace back to early periods the history of landed
 tenures in India, have laid great stress upon the
 particular expressions contained in the Sunnud.
 By them this instrument has been regarded as
 the only title, by which the owner holds his
 land; and the term of *office* (Khidmut), employ-
 ed in every Sunnud, has connected in their idea
 the possession itself, with the creature of elec-
 tion, patronage and caprice. When I first
 turned

turned my attention to these subjects, I confess, that this term suggested some doubts to me also. But they were dissipated by farther inquiry and consideration. Mr. Grant observes, that the term of *Kbidmut* “ has very lately been rendered in English by the word *service*, as if “ that altered the real official condition of the “ occupant.” To find in any language words, that shall be precisely adequate and correspondent to the technical expressions of any foreign government, is not an easy task. But, for my own part, I should be perfectly indifferent, whether it be construed by the English word *office*, *service* or *station*. They are nearly synonymous; and the matter must be explained upon its own merits. For words do not alter the nature of things.

There was a particular clause in the Sunnud, by which the Zemindar was rendered responsible, not only for the personal security of the inhabitants and travellers, and for the good behaviour of every person living in his district;

but likewise for the property, which might be lost within his jurisdiction. I would ask, whether it is likely, such a responsibility should be thrown upon servants occasionally deputed, and liable to removal at the pleasure of the prince and his minister in an arbitrary government; or whether it is not rather to be considered, in every rational construction, as the responsibility justly annexed to the permanent possession of the land, and necessary influence thereto belonging; which enabled the Zemindar, or his officers, to have a minute knowledge of every individual, and watch his conduct.

In like manner, when our own immortal Alfred, introduced the same principle of police, which has been so much admired, into the kingdom of England; he did not throw the charge of responsibility upon his earls, who werè then mere officers of government in their several counties; nor upon the sheriffs, who presided in the county courts, with power to take cognizance of all felonies and breaches of the

of the peace; and had also the management of the crown revenue, the farms of which they could raise at their pleasure; nor yet upon the stewards of the hundred courts, or courts leet, who exercised judicial authority in criminal matters:—but upon the freeholders of the tything (*t*), that is, upon the persons who were in actual possession of the land, as property. It was their business, as it was their interest, to watch the conduct of every man who resided in, or came into, their district: and, if they found any suspicious person, they would put him into prison, as Rapin says, “to prevent their being liable to the punishment he would incur by his faults.”

This is exactly the alternative of the Zemindary Sunnud. “Let there be no robberies or murders committed within his boundaries.

(*t*) Carte's Hist. of England, Vol. I. p. 833.—Lord Littleton's Hist. of Hen. II. Book II.—Rapin's History of England, Vol. I.

“ But (God forbid) should any one notwith-
 “ standing be robbed or plundered of his pro-
 “ perty ; let him produce the thieves with the
 “ stolen property ; and after restoring the latter
 “ to the rightful owner, let him consign the
 “ former over to punishment. Should he fail
 “ in producing the parties offending, he must
 “ himself be responsible for the property
 “ stolen.”—Append. No. II.

It is extremely curious to observe, how much similarity runs through these institutions of an Anglo-Saxon, and an Asiatic monarch. They had both the same object, effected by the same means ; the bringing justice home to the inhabitants, without the expence or delay of resorting to the capital. The freeholders of the tything were put upon the same footing with the Zemindars in India : “ if any offence was committed in their district, they were bound to have the offender forthcoming (*u*).”

(*u*) Blackstone's Commentaries, Introd. Sect. IV.

The only article in the Zemindar's Sunnud, that seems to weaken the idea of proprietary right, is the obligation to deliver annually the accounts of all the sources of his collections under his own signature, attested by that of the Canongoes. And, as the attainment of truth is more my object than plausibility, or even victory in argument; I think it but fair to point it out. Whether this clause is to be considered as a direct reservation to the emperor of the power of local investigation;—whether it be to enable his officers to keep a constant eye over the cultivation of the country, and progress of commerce, so that the settled revenue might not be endangered;—whether they are to be taken as general words, implying, that increased cultivation must eventually tend, one way or other, to the augmentation of prosperity and revenue;—whether these expressions have been applicable to other parts of India, where a distinct mode of division in the crops has been established;—or, in fine, whether the Mogul conquerors, like those of the

northern nations in Europe, may have “ persuaded their subjects,” as Sir William Blackstone expresses it, “ to surrender up and retake their own landed property;” and the Zemindars may have been contented to take the whole Sunnud together, with its limitations either nominal or operative, as a confirmation of their possessions, rather than risk a contest for better terms: (for every moderate government is a compromise between the sovereign power, and the people)—these are questions, which I shall leave to every person’s consideration. It is certain only, that the lands have continued for long periods of years without any new assessment: during which the Zemindars, and their heirs, have preserved an uninterrupted enjoyment of them. And in the very few times, that a new valuation was made, in the course of above two centuries, as long as a legitimate government subsisted; it is beyond dispute, that means were left to the Zemindars, of acquiring considerable wealth for themselves.

As to the clause of Hazir Zaminy, or security for the personal appearance of the Zemindar; whatever may have been its origin, it is a mere formula entered upon the back of the Sunnud, but now destitute of meaning. Some name of no consideration is inserted: or it is frequently left blank, as in the Zemindary granted to the East India Company for the 24 pergunnahs in 1757. A security for their personal appearance in Bengal would have been farcical.

There is no other part of the Sunnud, that seems to call for particular animadversion: and I cannot help thinking, that the true import of it has been sufficiently explained. But, although I have been thus minute, it appears to me, that, if we would study governments and nations, our views ought to be liberal and enlarged; and we should take especial care not to be misled by words. *In verbis, non verba, sed res et ratio quærenda est.* If we were to scrutinize the title of many capital estates in Great Britain; we should find they were originally granted for the

performance of certain acts or offices ; some of which have become ludicrous, others dropt into difufe and are forgotten. Would any one imagine, upon reading, without any of the concomitant circumstances of history, a grant merely (v) of the court of wards and liveries, which, although now indeed abolished, fubfifted in England till after the reftoration of Charles the fecond; but that, during that period, landed property flowed from the indulgence of the crown? In like manner the English copy-holder is even now faid, in his admiffion at the lord's court, to hold his land *ad voluntatem domini*.

(v) 33 Hen. VIII. A. D. 1543. “ Whereas our feyd
 “ Sovereyn lord ys agrede to graunte unto the feyd John
 “ a fpecyall lyverye to be hadd of and in all fuche lordshippes
 “ manors, lands, &c. whyche to the feyd John difcendyd and
 “ came, &c. from the feyd Thomas, his father,” &c. &c.
 By the fubfequent claufes of this inftrument a particular account of the uttermoft value is to be rendered to the king, who may appoint his auditors, at the expence of the proprietor, to fcruinize the rents, and a variety of fevere penalties and forfeitures are to be inflicted upon him for any the leaft concealment, that may be difcovered.—Orig. pen. me.

Originally

Originally it was really so. But the possession is now as secure as that of the lord himself (*w*). This remark might be further exemplified in the delicate and complex doctrine of trusts, mortgages, remainders; and almost the whole practice of conveyancing at the present day.

(*w*) Yet they were for a long time left merely to the conscience of their lords; which they might, as they could, awaken by their petitions; but could not otherwise deal with; until the uninterrupted benevolence and good nature of the successive lords of many manors, having time out of mind permitted them, or them and their children, to enjoy their possessions in a course of succession, or for life only, became at length customary and binding upon their successors, and advanced such possessions into the legal interest or estate we now call *copyhold*: which yet remains subject to the same servile conditions and forfeitures, as before, they being all of them so many branches of that continuance or custom, which made it what it is.—Wright's Law of Tenures.

Tenants at will by copy of court roll, being in truth **BOND-MEN**, at the beginning, but having obtained freedom of their persons, and gained a custom by use of occupying their lands; they are now called *copyholders*, and are so privileged that the lord cannot put them out, and all through custom.

Bacon—Use of the Law.

The

The manners of a nation change. But the old language of their laws, and especially terms relating to the tenures of land, remain long unaltered. In many cases, they would destroy the benefit they are intended to protect, if subjected to the obvious and ordinary construction of the words. Upon the whole view of the case, resting the Zemindary upon the Sunnud only, connected with several renewals in the same family; I should think it little consistent with the national honour to strain for literal interpretations to the prejudice of the possessor, or even to scrutinize dubious titles with extreme rigour (x). If this is impolitic in any situation more than another; it must be in a newly acquired

(x) Mon principe politique, s'il m'en appartient d'en avoir, seroit de respecter tellement le Droit public, que tout titre de propriété, meme la plus mal acquise quant au passé, en fût un de possession assurée et paisible; que tous engagements, meme les plus onéreux et forcés, fussent sacrés dans la Société, &c.

Ami des Hommes ou traité de la population, Tom. I,

dominion.

dominion. But I shall proceed to shew, from other considerations, that the question itself is by no means dubious.

It will naturally be expected, that I should pay some attention to the opinions of European writers, and particularly, such as were eye-witnesses of the government observed under the Mogul emperors, and their delegates. It is certain, a general idea has prevailed in Europe, that all the lands in the Mogul's dominions were the sole and exclusive property of the emperor. The principal authority for this opinion is Mons. Bernier, a French physician, who resided at Delhy for ten or twelve years during the reigns of Shah Jehan, grandson of Akber, and his son Aurungzebe; which was about the middle of the last century. I particularly mention Bernier, because he is upon the whole an interesting respectable writer: and the advocates for this belief lay great stress upon his declarations. It is probable he was sincere in making them; because, whilst he asserts the practice, he depre-

cates

cates it as being of the most pernicious tendency to the prosperity of a country (y).

It is to be remarked, that Bernier, although a man of much observation, and generally correct, was not by his own account particularly connected with any persons conversant in the department of finance, which is always a complicated and obscure subject: so that he might not be justly instructed in the real detail of provincial administration. In his philosophical discussions he was certainly deceived. For I had occasion to discover, from a long and very interesting conversation I had in the year 1776 with the late Rajah Kishen Chund, a most learned Bramin, and Zemindar of Nuddea, as well as from communication with other learned Bramins, that Bernier had committed egregious errors in reporting the doctrines of the Hindoos, whom he treats with supreme contempt: although in fact the modest Bramins could have

(y) Voyages de Bernier, Tom. I. p. 311. 319.

rescued the arrogant Frenchman from his Cartesian vortices, and placed him much nearer to the true system of nature. Besides, even if such a practice might prevail in the Western provinces, or in the neighbourhood of Delhy: for it has frequently been the aim of the Mahomedan princes to destroy the private right of landed property near their capitals: yet that scourge may not have been inflicted upon Bengal, which had so lately been an independant sovereignty, and was then but imperfectly reduced. For Bernier himself says, when he is speaking of Bengal during the reign of Shah Jehan, “*La Guerre est presque toujours de ce coté-là:*” and a great part of the present British territories were then included in his quaint description of “*Quantité de pais, dont le Mogol n’est pas trop le Maitre.*”

It would be uncandid however not to suppose, that a belief generally entertained by the travellers of that period, must have had some sort of foundation, perhaps some claim commonly asserted,

asserted, but rarely practised. I have often heard, that the property of the great ministerial servants was liable to be sequestered after their death, either to discourage, or to have the means of recovering the profits of, speculation; and to be released at the emperor's pleasure only, as an act of grace. But I can never believe, that such a procedure was common, or that it affected the superior Zemindars; much less, that it extended to the inferior landholders. If it had, there must have been an army of bailiffs and confiscators in perpetual employ throughout the whole Imperial dominions. The idea is too absurd to be entertained for a moment.

सत्यमेव जयते

But how much soever this claim of universal property may have gratified the vanity and ostentation of a Mogul emperor, the descendant of a race of Tartar conquerors; who called himself the shadow of God, and his vicegerent upon earth; and although European travellers, dazzled by the splendor of his court, when they were humbly soliciting service under his nobles,

may

may have been inclined to believe it: yet it is certain, that some authors of eminence have refused to render homage to this idol of despotism. Voltaire in particular (z) reprobates the notion as false and ridiculous, and even impossible; quoting the authority of Mr. Scrafton, who had accompanied Lord Clive in his victories, and resided at the capital of Bengal as British resident, after the expulsion of Seraje-ul-Dowlah in 1757 (a).

(z) Fragments relating to the late Revolutions in India.

(a) I am amazed to see, that all the writers have asserted, that there are no laws in this country; that the land is not hereditary; and that the emperor is universal heir. I am ready to allow, there are no written institutes; no acts of Parliament, and that there is no power to control the emperor. But I must assert, that they proceed in their courts of justice by established precedents; that the lineal succession, where there are children, is as indefeasible here, as in any country, that has no check on the supreme power, and that the emperor is heir to none, but his own officers.—Scrafton's Reflections upon the Government of Indostan, published in 1763.

Look

Look also at the sentiments of Mr. Holwell, who passed thirty years in Bengal, during the several governments of Jaffer Khân, Shujah Khân, Serafraz Khan, Aliverdy Khan, Seraje-ul-Dowlah, and Mir Jaffer : including, altogether, a period from about ten years antecedent to the invasion of Nadir Shah, which produced the defection of Bengal and other provinces ; to the establishment of the British influence, consequent on the victories of Lord Clive, Major Adams, Sir Hector Munro and General Carnac. In recounting any of the Revolutions which had happened in the empire during that tumultuous series, he never hints, by any mode of expression, that the Zemindars are the servants of government, but calls them “ the great proprietors of the land,” and constantly speaks of them, as holding by an hereditary succession (*b*).

However it will be objected to me, and with truth, that Jaffer Khân, who had been employed

(*b*) Interesting historical Events and India Tracts.

originally by Aurungzebe in the Deccan and Orissa, and afterwards continued in the high office of Subahdar of Bengal during the reigns of many successive emperors; crowned his long experience by dispossessing the Zemindars (at least, as many as he was able to subdue,) making an exact valuation of the lands, and collecting the revenues of the country through the agency of his own immediate officers.—The fact is not to be denied. But his successor Shujah Khan found the justice and the expediency, which has been found in the northern Sircars, and in Bengal, in every instance, where this act of violence has been committed, of restoring them to their possessions.

And, as if it were decreed—by that superior providence, which marks with unerring hand the obliquities of human conduct,—that his private acts should be made to falsify his public principle, and his memory should expiate the devastation of his government: he himself bore testimony to the hereditary right of the Zemindars,

dars, by purchasing from one of them the very ground, upon which he founded his new capital of Bengal, called after his own name of Morshed Kuly Khan, the second title conferred upon him by Aurungzebe.

The passage of history, which records this transaction (well known in Bengal,) is so curious, that I trust I shall be excused for inserting it at length. And the translator Mr. Gladwin, seeing the great importance of such an anecdote, has, with his usual accuracy, not only made his version literal, but subjoined the original Persian at the bottom of the page.—

“ It is the custom of the empire, that, on the
 “ death of an Ameer or Munsfebdar, who is the
 “ immediate servant of the crown, all his
 “ wealth is confiscated and becomes the pro-
 “ perty of the government: insomuch that
 “ not a grain of his estate goes to his children
 “ or family: even the corpse is unprovided
 “ with a winding sheet. Jaffer Khan had no
 “ son; but out of his regard for his grandson,
 “ had

“ had the foresight to purchase from the in-
 “ come of his own Jageer, in the name of
 “ Mirza Affedullah (better known by his title
 “ of Sirafrax Khan) the Zemindary of the city
 “ of Moorshedabad, situated in the Pergunnah
 “ of Koolheriah of Kifmut Chunakholly, from
 “ Mahommed Aman, a Talookdar of the afore-
 “ said Kifmut, and had it registered in the
 “ books of the Khalfah, and of the Canoon-
 “ goes, under the description of Affednagur ;
 “ and which became known by the appellation
 “ of the Khafs Talook. The reason for Jaffer
 “ Khan’s conduct herein was, that in case of a
 “ decline of fortune, there might be left for
 “ his posterity a plate of victuals, a bare com-
 “ petency to sustain the vital spirit ; and, that
 “ after paying the royal revenue, the profit
 “ might come to them, and their name re-
 “ main, and be preserved in the pages of
 “ time (c).”

(c) Narrative of the government of Bengal, translated from the Persian by Francis Gladwin, Esq.

Other instances may be found of the same complexion as the preceding. Aliverdy Khan usurped the government, and plundered the country. But Aliverdy was not deaf to the *claims* (d) of a Zemindar. Coffim Ally Khan attempted to draw the entire rents of the land into his own treasury by cruelties, confiscations and massacres.—But when Coffim Ally granted the East-India Company a Sunnud for the districts of Burdwan, Midnapore and Chittagong, in pursuance of the 6th article of the treaty concluded with him in 1760; he did not confine himself to the ordinary forms of investiture and cession; but added this express injunction, that “ they shall continue the Zemindars and “ Renters in their places.” There was indeed good reason for making this stipulation in favor of the Zemindars; because the Company had unjustly expelled the hereditary proprietors of the twenty-four Pergunnahs south of Calcutta, which had formerly been granted them on a Zemindary tenure.

(d) See page 79.

Even the vexations and injustice of these rapacious tyrants, Jaffer Khan, Aliverdy, and Coffim Ally, furnish important proofs of the truth I am contending for. They plundered the Zemindars; they ejected them from the collection of the revenues. Yet, as soon as the work of ravage was finished, the families of the same Zemindars, not new ones, as would have been the case, if they had been merely official appointments, returned to their ransacked palaces, and were consoled by the attachment of their inhabitants. The chasm was temporary, the principle permanent.

I shall only add one farther consideration, to establish the actual existence of landed property under the ancient government of Bengal. But it strikes me to be one of that transcendent force, that, if due regard be had to the parties, circumstances, and time; it must even alone, and unsupported by any other argument, carry complete conviction. It is the conjunct testimony of the Mogul emperor himself, and the

East-India Company:—the one, before any visible declension had taken place of the imperial authority; the other, humbly supplicating protection and security for its commerce, upon any terms the sovereign might think proper to impose.

About the year 1696, during the reign of Aurungzebe, several of the hereditary landholders, headed by the Rajah of Burdwan, declared themselves independent of the Mogul's governor in Bengal: and the European nations took advantage of this state of confusion to fortify their several settlements. The English, in the year 1698, obtained from Sultan Azim ul Shan, grandson of the emperor, who was deputed to suppress the rebellion, permission to purchase from the hereditary landholders, the Zemindary rights of three villages round Calcutta to the extent of about one mile and a half square. But they had afterwards the misfortune to incur the displeasure of Jaffer Khan, the Subahdar of Bengal: so that, being exposed
to

to frequent interruptions in their business from the officers of the Mogul government, and sensible of the precarious tenure of their establishments; they determined on sending a deputation to the Court of Delhy in the year 1715, to represent their grievances to Furruckere, who then sat upon the throne of Hindostan (*e*).

Much time was spent by the deputies in solicitation and intrigue. They petitioned, amongst other articles, for a confirmation of the three villages formerly bought by the Company, which paid a revenue of about 150l. per annum; and for a grant of the Talookdarry of thirty-eight other villages, which lay contiguous to their factory in Bengal, subject to a fixed revenue of rupees 8181.6, or about 1000l. per annum. The imperial court at length became favorable to the representations of the deputies. But what course did it take? Did the emperor

(*e*) See Bolts's Considerations on India Affairs, vol. i. and Orme's History, vol. ii. book vi.

assign over a body of his subjects to the English Company, as a drove of cattle, that belonged to him, and lay at his mercy? Did he give them the villages they solicited, as a paltry scrap of his own immense landed property, in the manner we should give any neighbour a yard or two of land, to build his wall upon?—By no means. With the dignity of a just monarch, he granted them, unconditionally, a confirmation of the three villages they had actually bought; and conferred upon them the Talookdarry of the thirty-eight villages, with an express reservation in his firman or charter, dated in 1717, of the rights of the proprietors; from whom the Company was positively required to purchase them, before the investiture should be admitted by the provincial government (*f*).

(*f*) Extract from the original Firmán, áz Malíkán kheríd nemayend Dewanyân Subah wágozárend. Let them make the purchase from the owners, [and] let the Dewans of the province release [it]. See a copy of the original Firmán in Bolts's Considerations. Appendix, No. 2, A.

The

The sense then entertained of the grant is clearly fixed by the bald translation made at the time, and probably by Cojah Serliád himself, one of the deputies, which expresses it thus; “the thirty [eight] towns I give you the Jemidarry off likewise, but you must buy them and satisfy the owner; the Duan Subah will not impede you.” It shows likewise, from the substitution of the word *Zemindary* for *Talookdarry*; which is in the original, that they were then considered as equivalent. This requisition is enforced in the order to the imperial officers of Bengal, issued by the prime minister Syed Abdullah Khan, which announces the grant of the lands to the Company.—“If, according to former customs they buy them by the assent of the respective owners of them, then you are to give permission.” It is again repeated in other terms, at the head of the schedule, which enumerates “the towns (or villages) to be taken from their several Pergunnahs, and united into one Pergunnah.” The condition, nevertheless, was not performed.—

The

The fact is, that the Subahdar Jaffer Khan deterred the holders of the land with secret threats of vengeance, from parting with their ground on any terms (*g*): and a Perwannah issued by Serafraz Khan, then Dewan of Bengal, in the 9th of Mahomed Shah (about 1729) which refers to the charter of Furruksere, says, “ the three towns formerly granted them, and “ bought by consent from the Zemindars of “ them, are now in their possession”—and “ the other thirty-eight towns, they have not “ yet bought; neither are they in their possession (*b*).”

It gives additional force to the principle of proprietary right, recognized in these charters and edicts, every word of which is emphatical; that the emperor was himself personally con-

(*g*) Orme, vol. ii. book vi.

(*b*) All the documents from which the passages are extracted, which are inserted in this paragraph, are to be found in the first Report of the Select Committee of the House of Commons, printed in 1772.

verfant in the circumftances and customs of Bengal, from having held the office of Subahdar of that province before his acceffion to the crown. And, as he was alfo prefent at the capital of Morfhedabad during the government of Jaffer Khan (*i*), he muft have been an eye witnefs of the feverities practifed by him upon the Zemindars, and probably difapproved them.

It would be fuperfluous to multiply quotations and references, on either fide of the queftion, in order to difplay the opinions, that have been entertained by different writers. Yet there is one, whofe representations once carried confiderable weight in this country, and therefore muft not pafs unnoticed. I mean Colonel Dowc. This gentleman, whilft he was inveighing againft the tyrannical meafures of the Company's adminiftration, might, one fhould expect, have felt as much tendernefs even for the prefcriptive title of the Zemindars, as would have reftained him from propofing

(*i*) Gladwin's Narrative.

to raise ten millions sterling by a general sale of all the lands of Bengal (*k*):—I will venture to say, a scheme as wild and arbitrary, as the operation would be delusive and impracticable. I have had occasion to remark upon other instances, that the poison brings its own antidote. So Colonel Dowe, as if something were wanting to heighten the injustice and absurdity of such a proposal, and expose his own incompetency to advise upon the subject; speaks continually of Zemindars as temporary possessors of the land, admitted, and removed at pleasure (*l*); which never happened; and at last produces, as a Zemindary Sunnud, that is the tenure which he proposes to confiscate and sell, a grant of rent—free land, given in perpetuity, for a religious endowment (*m*).

On the other hand I might have brought powerful support to the cause from the *Législa-*

(*k*) Dowe's History of Hindostan, vol. iii.—Preliminary Discourse, P. CXIX.

(*l*) Ibid. P. XCII. and CI.

(*m*) Ibid. Appendix, No. IV.

tion Orientale of Mont. Anquetil du Perron. But in reading that ingenious work, it occurred to me, that I should do a prejudice to his reasoning by quoting detached passages; and I abstained from committing a plagiarism upon him, by advancing his arguments as my own. I shall content myself therefore with offering him the tribute which is due to him from every friend of justice and humanity, for undertaking to vindicate the three great empires of Turkey, Persia, and Hindostan from the character of barbarism that has been ascribed to them; and reprobating as they deserve, the despotic projects of those speculators, who would deny to any part of mankind the blessings of permanent property.

But this learned and humane author might have extended his argument, by shewing, that the same principle of despotism, which is charged upon the three Asiatic empires, has been assumed in other countries, where the falsehood of it comes more within the reach of
common

common observation, and without the heat of an eastern sun to foster its unnatural growth. The like uncontrolled power has been asserted by some writers upon the imperial law of Germany; who maintained, that the emperor was absolute master of all the property of individuals, and might dispose of it at his pleasure: and Bartolus, one of the most celebrated commentators upon the books of Justinian, declares it to be a *heresy* to contradict or deny it (*n*). I willingly incur the same heretical imputation, by denying, that it did practically exist in the Great Mogul; or that it ought to be assumed by the governors of British India, who occupy his place in some of the finest regions of the earth.

In drawing a parallel out of Germany for the execrable doctrines of despotism, I discover with the greater satisfaction a parallel in the same empire for the rise of hereditary possessions and honors. If it be contended, that the Ze-

(*n*) Lord Lyttelton's History of Henry II. Book II.

mindars have no right of property in the land, nor hereditary claims of any sort, on the idea, that they were originally nothing more than superintendants of districts, or collectors of the revenue, without any condition of permanency in their nomination; which in the course of centuries has probably been the case of many: it might possibly be deemed a sufficient answer to that suggestion, to shew, that most of the principalities of the German empire had a similar commencement; that the dukes, margraves, and counts were at first mere governors of cantons employed during the king's pleasure, and dependent on the crown; but being continued from father to son, it became difficult to establish a contrary system. Thus originated the hereditary right now enjoyed by the counts; and the present Palatine, Saxon, and Brandenburg Houses trace their descent from the ancient Counts of Wittelsbach, Wettin, and Zollern (*o*).

(*o*) See Putter's Development of the Constitution of the German Empire. Book I. and II.

Let me here close that branch of my inquiry, which depends upon historical deduction, and official records. To some it may appear, that I have laboured it too much. But when a gentleman of good abilities, whose office gave him access to all the financial records of Bengal, asserts and vindicates as law, a principle which I think dangerous, impolitic, and unjust, in every point of view; nay more, when I know, that there have not been wanting persons in this country to espouse such doctrine: I hope I shall be pardoned, if I have been rather prolix in endeavoring to demonstrate, that its existence at any period of time is extremely doubtful; that if it ever existed at all, it has long ceased to operate; that it has been reprobated by many respectable writers; and is contradicted by the evidence of history in a most remarkable instance, which admits of no dispute or fallacy.

After having established, as I think incontrovertibly, the reality and regular descent of landed property under the native government, at different

ferent periods anterior to the introduction of the British dominion: I shall perhaps be told, that it has been but a waste of argument, because if ever it did exist, it was superseded by the conquest of the country. Mr. Grant boldly maintains this maxim. “ It is admitted, says he, that Hindoo princes had property in the lands before the Mahomedan conquest. But such property was of course transferred to their conquerors:” and I suppose, by parity of reasoning, to the English conqueror. If by *princes* he means sovereigns; their right, whatever it was, whether proprietary, tributary, or imperial, of course went to the conqueror. But if his assertion applies to the great Zemindars or Rajahs, and the landed possessions of persons who held them, under any mode of rent or revenue, as subjects of those *princes*: the annals of history will not justify him in affirming, that they did go to the conqueror. From them we have reason to believe, that in general the old possessors were preserved, as it

was most politic that they should be, upon a settled tribute or assessment.

This fact is of a nature, that hardly admits of positive demonstration. But it is to be collected from the written histories of the natives; from the traditions of the country; and from the continuance of possession in families, whose ancestors are known to have held the same lands, or part of them, before the conquest: and it is an argument of no inconsiderable weight upon this question, that amongst the actual possessors of the land, there is not now to be found throughout Bengal one in twenty, perhaps I might be safe in saying, not one in a hundred, of the religion of the conqueror.

It is not indeed intrinsic evidence, to quote the authority of a Frenchman of the present day. But it is at least a powerful illustration of my own opinion, that a person, who had resided eight and twenty years in different parts of Hindostan, five of which were in quality of
French

French ambaffador at the court of the Mahrattas ; and who had perufed the hiftories of the country in their original language ; fould inform the world, in defcribing the political conduct of the Moguls, that inftead of feizing the lands of the conquered, they left them to the old poffeffors ; contenting themfelves with af-fuming the dominion of the ancient prince, and the rent or tribute only which he ufed to receive from the lands not comprized within his own particular demefne, fo that the people feemed merely to change their mafter. The writer is the Chevalier de St. Lubin (*p*).

The

(*p*) Politique des Mogols.—Les conquérans Mogols portèrent dans toutes les contrées qu'ils foumirent par leurs armes, un fiftême de politique, qui leur fut prefcrit par la néceffité. Au lieu de faifir les terres des vaincus, ils leur en laiffèrent la poffeffion, pour ne garder entre leurs mains que l'Épée : parceque le nombre des conquérans étoit fi difproportionné à celui des conquis, que s'ils avoient effayé de fe difperfer comme cultivateurs dans les diverfes provinces, la féparation des membres qui n'euffent plus fait un corps compacte, auroit bientôt détruit la puiffance de ce peuple. Ils

The Moguls in this conduct only followed the example of their famous predecessor in Oriental conquest, Alexander the Great; “ who fought not for habitation, but for glory and dominion. He and his successors reserved to themselves the ancient revenues of the prince, together with the military and political administration of the state. The armies found a refuge in the cities for themselves and their plunder. But the ancient inhabitants preserved their land property, and their laws (q).”

s'attachèrent donc à conserver leur esprit militaire; et lorsqu'ils soumettoient une province, ils se bornoient à s'approprier le domaine de l'ancien prince, & à tirer des autres terres les revenus qu'elles étoient accoutumées de payer à leur souverains. L'ancienne taxe constitutionnelle des terres étoit la règle invariable de leurs impôts, en sorte que les peuples n'avoient fait que changer de maîtres.—Mémoires historiques, &c. sur les revolutions angloises dans l'Hindostan.

(q) Dalrymple on Feudal Property.—See also Montesquieu Esprit des loix. Lib. X. c. 14.

I must beg permission to make some further animadversions upon this dangerous, and I cannot help calling it, disgraceful doctrine; which I imagined no one could have mentioned in the present enlightened period of the world, unless for the purpose of reprobating it as the practice of some merciless tyrant, who had tarnished the glory of conquest by acts of cruelty and rapine. I have endeavoured to shew, as far as facts can be collected in an obscure period of history, to what length the conquerors of India really did push the rights of conquest. But if they contented themselves with seizing the authority and demesne only of the conquered sovereign, it will be argued by some, that they took less than was transferred to them *of course* by the mere act of conquest; an expression which does not refer to historical fact, but to political principle, and therefore calls for attention.

But before I investigate the principle, I wish clearly to understand the terms of the proposition, which is rendered ambiguous by the equi-

vocal title of *Prince*. Does Mr. Grant mean merely to say, that sovereign Hindoo princes had property in the lands, be it either in the whole country, or over a patrimonial demesne, and upon their subjection, such property was of course transferred to their conquerors?—It is a self-evident proposition as clear, as that the sun dispels the night. The territory could not at the same moment be in the hands of two different sovereigns. But he is speaking of the Mogul conquest, to which this explanation cannot apply: because he must probably know, that there was no Hindoo prince, who possessed a sovereignty in Bengal *sui juris*, for some centuries preceding the subjection of it by the Moguls. Bengal was first brought under the government of a Mahomedan sovereign about the close of the twelfth century: and after that period the Hindoos never recovered their independence. It was subdued by the Mogul emperors Homayon and Akber about the middle of the 16th century; and was not reduced into
 a pro-

a province till the year 1575 (*r*). The Hindoo princes therefore, whom he admits to have had property in the land, can be no other, than the great proprietary land-holders, enjoying their possession under any title, that the language and fashion of former ages may have applied to them, and paying a revenue to the sovereign, either as tribute or assessment.

The question then is, whether “such property was *of course* transferred to the conqueror;” whether we, as Europeans, can find precedents to establish such a maxim in the conduct of any conquering nation, whom ancient or modern history has made known to us. I presume we shall not chuse to be guided by that of the little Grecian states before the Peloponnesian war, amongst whom piracy and plunder were esteemed honourable (*s*), nor by that of

(*r*) Gladwin's Institutes of Akber, Vol. II. Ferishteh's Untranslated Provincial Histories: and Orme's History, Book VI.

(*s*) Thucydides, Lib. I.

the Romans under the melancholy periods of their civil wars. Even the powerful nations from beyond the Danube and the Rhine, who over-ran the southern countries of Europe in the early ages of Christianity, with a ferocity and barbarism that has become proverbial; did not carry their rights of conquest to such an extravagant length, as to seize the whole property of the conquered people. By them the territory they reduced was divided into three shares; of which one only was taken by the sovereign, and became his patrimonial demesne; one was allotted to the soldiery; and the other was left to the native inhabitants. This distribution of the land was so systematic, that it obtained the distinguishing appellation of *Sortes Vandalicæ*.

If we look to the history of the Romans, whose conquests were perhaps the most extensive that have occurred in the world, and certainly the most permanent; without venturing to assert, that they never in any instance seized the whole land of the conquered people; I may assert,

assert, that if they did, it was very rarely, and only in extreme cases. For Appian says, that having subdued all Italy by force of arms, they did not seize the whole of the lands of the conquered, but only a part of them;—*οὐδε τῶν ἀπασαν τὴν γῆν ἀπηρέευσ, ἀλλ' ἐμερίζουσι*:—and in another place he says, *γῆς μέρος ἔλαμβάνον*. This is further confirmed by Sallust, *Majores nostri, religiosissimi mortales, nihil victis eripiebant, præter injuriæ licentiam*. In after times, and in their distant conquests, we know they took various courses, as circumstances required, at the discretion of the successful general or proconsul, with the deputies of the senate, who were sent to assist him in establishing the future condition of the conquered province. However, in ordinary cases, they did not deprive the old proprietors of their lands (t).

Fanati-

(t) Even in the times of the Cæsars, when the notions of conquest were more extravagant, they still believed, that nations were subdued only to obey just laws, and not to be made

Fanaticism may likewise have impelled the arm of rapacity to assume the property of the vanquished, because they were infidels;—and they were thereby taught to execrate the religion of their conqueror. But, thanks to the civilization of modern manners, we look back upon those transactions with horror. For now even the fierce god of war has been brought into subjection; and all the inhabitants of Europe at least are governed by what is emphatically styled the *Law of Nations*. “Formerly in conquests,” says an eminent interpreter of that law, “even individuals lost their lands, and it is not at all strange, that in the first ages of

सत्यमेव जयते

made slaves. And indeed we find, that this mighty people, in the hurry and pursuit of conquest, seldom meddled with the rights and properties of individuals; but content with fixing the seat of empire in their own capital, suffered the natives of the vanquished provinces to be governed by their own municipal laws, and to enjoy their own estates and possessions. Such in general was their policy; the instances of the contrary are rare; and come perhaps within the rule of self preservation.—Nugent’s History of Vandalia, Vol. I.

“ Rome

“ Rome such custom should have prevailed.
 “ The wars of that æra were carried on between
 “ popular republicks and communities. The
 “ state possessed very little, and the quarrel was
 “ in reality the common cause of all the citi-
 “ zens. But at present war is less terrible to
 “ the subject ; things are transacted with more
 “ humanity. It is against one sovereign that
 “ another makes war, and not against the quiet
 “ subjects. The conqueror lays his hands on
 “ the possessions of the state, or what belongs
 “ to the public ; while private persons are per-
 “ mitted to retain theirs. They suffer but in-
 “ directly by war, and to them the result is,
 “ that they only change masters (*u*).” The
 same respectable author, in enquiring afterwards,
 what are the victor’s rights over the conquest ?
 says, with triumphant indignation, “ Some
 “ have dared to advance this monstrous prin-
 “ ciple, that the conqueror is absolute master
 “ of his conquest, that he may dispose of it

(*u*) Vattel’s Law of Nations, B. III. c. 13.

“ as his property, treat it as he pleases, accord-
 “ ing to the common expression of *treating a*
 “ *state as a conquered country*: and hence they
 “ derive one of the sources of despotic govern-
 “ ment. But—let us argue on principles
 “ countenanced by reason, and becoming huma-
 “ nity.—Reason declares, that by his conquests
 “ he acquires only such rights as actually be-
 “ longed to the dethroned sovereign; and on
 “ the submission of his people, he is to govern
 “ it according to the laws of the state.”

The necessity of exploding this preposterous doctrine has appeared to me the more urgent, because I find it asserted with a still more decisive tone, in an anonymous work intitled, “ History and Management of the East India Company,” (Vol. I. published in 1779) as part of a chain of argument, which is less calculated to enlarge the bounds of the British dominion, than to justify the enormous pretensions and usurpations of Mahomed Ally, the Nabob of the Carnatic: and for the purpose of command-

commanding univerfal assent, reference is made to passages of Aristotle, Xenophon, and Grotius (*x*): upon each of which I shall offer some observations.

I cannot say, the maxims of Aristotle would carry much weight with me at the present moment in regard to systems of Indian war, or administration. However, not to pass by an authority, which some may think respectable, I have examined the passage referred to; and cannot, according to the best judgment I am capa-

(*x*) From whatever cause war may spring, when it ends in conquest, it invests the victor with all the property of the vanquished *. . . Mankind therefore, being either guilty themselves of this species of injustice, or deriving benefit from it, have uniformly acquiesced in this absolute right, which every man in a solemn war, acquires in the property which he takes from the enemy; and that without rule or measure †.

* Aristot. de Rep. Lib. I. c. 4. Xenoph. de Inst. Cyr. L. VII. Grot. L. III. c. 6. f. 3.

† Auctores citati passim.—Hist. and Man. of the East India Company, Vol. I.

ble of forming, discover any thing more than the broad self-evident proposition, that things taken in war, belong to the conqueror—*Τὰ κατὰ πολεμον κρᾶζέμενα τῶν κρᾶζέντων εἶναί.* This does not embrace any particular distinction of property; much less does it point at any subordinate possessions of land, held under the conquered sovereign: and one may fairly doubt, whether the opinion extends even to the effects of individuals, not taken in actual war. Neither would a doctrine, which strikes at the root of all private property and possessions, be compatible with the three justifiable causes of war, laid down by Aristotle; which, he says, should not be for the idle lust of power, but for the benefit of the governed—*οπως ζήλωσι τὴν ηγεμονίαν της ὠφελείας ἕνεκα των αρχομένων, ἀλλὰ μὴ πανήλων δεσπορείας,* Arist. de Pol. Lib. 7.

It is true, that the same general principle is asserted in the *Cyropædia* (Lib. V.) as to the operation of conquest upon wealth or effects—*τα χρηματῶν.* But upon land Cyrus exacted a
tribute

tribute only—*δασμῶς συνεταξέν* (v). And that we may really take example from that conqueror, whose only rule, as his historian and panegyrist declares in summing up the conduct of his life, was, to love and esteem his subjects as his own children, and be honored by them as their father (v);—that we may imitate him, not in the practice of tyranny and confiscation, which this author ascribes to him; but in the mildness, temperance and liberality, which rendered his conquests beneficial to the subjugated nations of his extensive empire: I will beg leave to insert, upon the authority of Grotius, this description of his behaviour after the important conquest of Babylon, “Cyrus victos Assyrios jubebat bono esse animo, eandem ipsorum sortem fore quæ fuisset, mutato tantum rege, mansuras ipsis domos, agros, jus in uxores, in liberos, ut fuit hæctenus.” Grot. de Jure B. ac P. L. III. c. 16. f. 12.

(v) Xenoph. Cyrop. Lib. VIII.

I have

I have ventured to suggest it as my own opinion, that the passages quoted from Aristotle and Xenophon do not relate to land, and therefore do not go to justify the deprivation of tributaries, or landed proprietors. With regard to that of Grotius, there is infinitely less room for doubt. For the very title of the section (Lib. III. cap. 6. sect. 3.) “*Quando res mobilis capta*” “*consequatur ex gentium jure,*” proves, beyond contradiction, that he means to speak only of moveable effects. I shall conclude the present digression upon the rights of conquest, (I hope not unbecoming nor unsuitable to the occasion) with reciting the judgment which this eminent writer has really given to all civilized nations, that the conquest is no more than a simple transfer of the sovereignty, not an annihilation of private property: “*Post autem imperium*” “*victori acquiri, vel tantum ut est in rege aut*” “*alio imperante, et tunc in ejus duntaxat jus*” “*succeditur, NON ULTRA.*” Lib. III. cap. 8. sect. 3.

Now with respect to the British territories in India, a question may arise, whether they were not obtained more by compact, than conquest. If they be so considered, it would surely be an aggravation of injustice, to practise a severity, which even conquest would not sanction (*w*); and to wrest from those, who had been tolerated and protected by our predecessor in power, the possessions they had peaceably enjoyed under his jurisdiction. How much more is it incumbent on us to observe this tenderness towards our Indian subjects, when it is considered, that the cession of the country, although it is now held, and will be maintained, by Great Britain in a state of sovereign dominion; was made at the time under the name of an ancient office of the

(*w*) To the respectable opinions already quoted, I will add that of Rousseau: who says, even in a time of war, a just prince may make himself master, in an enemy's country, of whatever belongs to the public: but he will respect the persons and private properties of individuals. He will respect those rights, on which his own are founded.

Social Compact, Ch. IV.

Mogul empire: the public seals and forms of which were then adopted, and have been used in all the subsequent acts of the administration, so that the people seemed only to change their governors, nor their government.

Let it not be understood, however, that this *monstrous principle*, as it is termed by M. Vattel, was ever assumed by the East India Company, or their governors, at the time they acceded to their territorial acquisitions:—no, not even with regard to property taken in actual war. The late Lord Clive never thought of agitating such a question. His mind was too liberal and enlightened: and from all the accounts I have read or heard, I may venture to say, that the humanity and forbearance of the British army, during the wars carried on against the Nabobs of Bengal and Oude from 1756 to 1765, were the admiration of the eastern world (x).

At

(x) Being asked, whether he was at the surrender of Illahabad in 1765? he said he was; and that it surrendered at discretion—

At the last-mentioned era of British aggrandizement in Hindostan, the civil rights of the inhabitants were preserved. The same internal mode of administration was continued, and the land-holders felt no material change. Even in 1769, when a local scrutiny into the lands was instituted, no idea was held out, that the Zemin-darries were not hereditary. In the year 1773 the Bengal government thought it right to ascertain the laws and usages of the country upon this important article; so as to lay down an established rule in all cases, that might occur. For this purpose, they formed four questions in writing, which were proposed to certain distinguished natives, who were thought qualified

cretion—that there were many women of distinction, Mahomedans and Hindoos, there at the time of the surrender. That Sir Robert Fletcher, who commanded the English army, suffered the women to go away in covered carriages unexamined, and with a guard, though he had intimation at the time, that they had secreted money and jewels to a very considerable amount.—Captain Harper's Evidence before the Judicature Committee in 1781.

from their eminent situations and known experience, to furnish just and respectable solutions. I cannot describe their competency for this duty required of them, so well as in the words of Mr. Francis. He says, that from their offices in Bengal, “ they must be supposed to have a
 “ perfect knowledge of the laws and customs of
 “ Hindostan, and of the established policy of
 “ the Mahomedan government. The Roy
 “ Royan and Canongoes are competent judges
 “ of the custom of the country, and of the usage
 “ of the former government. The Pundits are
 “ the expounders of the Hindoo laws. Maho-
 “ med Reza Khan, Naib Subah of Bengal, is
 “ appealed to for the law of the Coran, and the
 “ policy of the Mogul conquerors; and Rajah
 “ Shitabroy, Naib of Patna, proves the custom
 “ of Bahar.”

I have annexed the questions, and the several answers, in the Appendix (No. VII.) They declare, with one voice, the invariable usage of hereditary succession:—and that, even independent

dent of the imperial Sunnud. I do not wonder, that Mr. Grant, who has laboured with so much zeal to destroy this claim, should attempt first to invalidate such specific and weighty testimony. But in the objections he has made against their validity, I confess I can discover but little of substantial reasoning, and less of political discretion.

I see no reason he has, to impute corruption and intentional falsehood to the several persons, who were consulted: nor does any other mode occur to me of obtaining the information required, less exceptionable, than that pursued by the President and Council. I hesitate not to say, that the reference does those gentlemen infinite honor. Nor do I think the language of the answers less honourable to those who gave them. Mr. Grant, indeed, insinuates, that “their evidence does not stand uncontradicted
“ by subsequent answers to nearly the same
“ queries.” I confess this deserves enquiry. For if there be such contradictions, on similar

queries proposed even to other persons occupying their stations, it would certainly weaken the first evidence: but, if from the very persons themselves, would not only disparage the first, but render the testimony of such persons altogether inadmissible.

For my own part, I believe I have inspected all the material proceedings of the Company's administration at home and abroad since 1773, any way relating to Zemindars, (except some that may have arrived within this last twelve-month) and I declare, I have not seen any thing of the contradictions suggested by Mr. Grant. Other queries were indeed proposed to the superior native officers of the Bengal Revenue Department in the year 1786, by the Revenue Committee, who adopted a resolution hostile to the claim of hereditary right, and communicated it to the Supreme Board. To allow these also their fair operation in the decision of this question, I have annexed them in the Appendix, (No. VIII.) together with the several answers.

They

They relate chiefly to the *Mofhaherah*, or pensions allowed to the *Zemindars*, when deprived of their own collections. The fifth question only regards the right of hereditary succession. If any candid reader finds in them a contradiction to the opinions given in 1773, I can only say, his sense and mine are different.

Without answering minutely the objections urged by Mr. Grant, which I shall leave to take all the weight they may deserve in the judgment of those who may read them; I will rather state, in a few cursory observations, why I think the opinions, taken in 1773, are entitled to respect. When men occupy, under any government, high and important trusts, with that degree of fair character which belongs to the generality of mankind; they are to be presumed to act as honest men. In great affairs, confidence must be the basis of power; and to suppose fraud, is to inculcate it. If these opinions had been delivered as secret papers, or calculated to influence some particular decision, in

which the authors were conjunctly interested : some impeachment might lie against them upon that ground. But they were neither clandestinely delivered, nor hazarded in haste. They were given after mature consideration, like the *RESPONSA PRUDENTUM*, intitled to form a part of the code of law ; open to universal discussion, in a country, where, above all others, there is constantly ready a host of opponents, to expose and depreciate every act of men in power.

As to deeming any of those native officers incompetent to give a fair opinion about Zemindarries, because they were Zemindars themselves : it might as well be argued, that the opinion of the crown lawyers in England ought not to be taken upon any title to property, because one of them may chance to have property of that species belonging to himself ; or that a commissioner of the customs would give his name to an intire perversion of all the acts of parliament formed for that branch of revenue, because

because some friends of his, or even himself, had indiscreetly purchased any article that was prohibited. But it does not appear, that the Nabob Mahomed Reza Khan, although long exercising the great influence of Naib Subahdar and Naib Dewan, the offices from which Zemindary Sunnuds are issued, did possess a Zemindary in any corner of the extensive provinces he governed. Even if he had, is it to be supposed, that a judge in any court the most loosely constituted, or carelessly conducted, would publicly declare that to be law, which not only every eminent practitioner, but every clerk and inferior officer, and even thousands of the meanest individuals in the community, could pronounce to be nonsense?

The Zemindars and their families are not a few men, who might have entered into a collusion with the great public officers, for the first years of the Company's Dewanny, and prevailed on them to establish false maxims for true, and deceive all the servants of the Com-
pany

pany from Lord Clive down to the youngest writer in the service, as to the prevailing customs of the country government. It is presumed, that the Zemindars, with their families and adherents, and persons interested in a greater or less degree in the question of hereditary right, throughout the provinces of Bengal, &c. must have amounted to several millions. How could a fraudulent collusion be formed with such a multitude? I do not mean to be an advocate for the virtues of the Bengalese; but I venture to affirm, that there is not in the human heart such a degree of depravity, as would induce a large body of the people, to persist in claiming and holding, without compunction and dismay, any benefits, which their conscience must continually tell them, did not exist in truth and justice.

And whatever may be the number supposed to be immediately interested in preserving to their own families, or those of their patrons and superiors, the important benefits of proprietorship;

prietorship; we may with reason conclude, there would be at least an equal number, who from jealousy of that branch of their family in actual possession, or from ambitious views to future employ and advancement, if the Zemindary were a mere office; would be studious to expose the fallacy of a new system of policy, which, either by instituting a determinate rule of succession, or by establishing any scheme of permanent possession or proprietorship in the occupants, would defeat such hopes. Moreover in Bengal a connection and concern with land, in some shape or other, is infinitely more diffusive amongst the inhabitants, than it is in Great-Britain. So that the idea of a Zemindary or Talookdary, or any other tenure, must have received some general and fixed construction in the minds of men; and almost every inhabitant would be able to say, what they were, and what they were not, in the ordinary practice of the prevailing government.

If we permit ourselves to vilify by suspicions, and stigmatize with harsh and opprobrious imputations,

imputations, the public conduct of men discharging the duties of high and responsible offices; if, instead of being invested with honor, and entitled to general respect and confidence, they are to be considered as house-breakers and robbers, ready either to plunder the community, or betray their own leaders and associates: we loosen the strongest band of union between man and man, and rely upon a weak and contemptible engine for the government of nations. But, even if these persons had been so wicked and unwise as Mr. Grant describes; it is indisputably clear to my mind, acting under the impulse of an ordinary understanding, which pretends to no particular sagacity, that the interests of some, the jealousies and competitions of others, their virtues and their vices, their knowledge and their ignorance, and the universal observation of an extensive territory, comprizing from ten to fifteen millions of inhabitants, would have conspired to expose their falsehood, corruption, and absurdity.

It would be but natural to expect, that Mr. Grant, after treating the practical experience of these persons as futile, their theory as false, and their judgment as corrupt; should produce something like authorities less biased, knowledge less ambiguous, and documents incontrovertible. Otherwise, it would be unreasonable to imagine, that opinions, which, to say the least, have the appearance of authenticity; should be surrendered to a speculative argument, although supported with ever so much ingenuity. But he seems to say, that more respectable authorities of a contrary tendency might be brought from other provinces of India.—If there are such, I sincerely wish they were produced. For in political discussions, occasional reference to the practice of other nations, is never without its use.—Like travelling into any neighbouring kingdom, it is at least interesting: and perhaps it furnishes us with examples, either to imitate, or to shun.

The

The authorities, upon which so much reliance is placed, are to be collected, it seems, from the “ written declarations of ministers
 “ and principal financial officers employed in
 “ the neighbouring governments of the king at
 “ Delhy, his Vizier in Oude, the Nizam in
 “ the Decan, and of Mahomed Ally in the
 “ Carnatic.” For my own part, I lament, that any materials should have been withheld, whatever be their nature; because I regard nothing as superfluous, which tends to the discrimination of truth in such an important question. But even, if it were to be proved, that landed property exists in neither of those provinces; and my own opinion is, that it exists in all of them: I should still stand up for the peculiar customs of Bengal, where the claim of hereditary property has been more tenaciously maintained, and every conqueror, whatever might be his inclinations, his usual practice, or his religious tenets, has been under the necessity of making a compromise with the native landholders. It is a strong presumptive
 proof

proof of this suggestion, that nineteen twentieths of the whole country are still in the hands of the original Hindoos, and very few Mahomedans are to be found, except near the great cities.

However, as these "written declarations" are not yet produced for our animadversion, I am only able to say a few words concerning the four great names, which are held up for guides to Great-Britain. As to that respectable remnant of an illustrious race of monarchs, the unhappy "king at Delhy," who, from the time he quitted the protection of the English, and was deprived of the small territory they secured to him; has only passed from one prison to another: he now lives, but to breathe forth in poetic lamentations his submission to the will of the Almighty; "who has in mercy decreed, he should be bereaved of his eyes, that he might not behold the hopeless destruction of his empire." Looking to this shadow of royalty;—it were a mere sarcasm on misery,

misery, to talk of his *government* ! For, as he says himself in his pathetic ode, written after his eyes were put out by that inhuman monster Gholam Kadir, “ the leaves of his imperial tree are withered.” However, the territory he did enjoy in the province of Illahabad after the peace of 1765, was mostly, if not altogether, in the possession of Zemindars ; who lived upon their lands, and succeeded from father to son.

The same description will apply to the Vizier's dominions in Oude, and the neighbouring province of Benares. I shall state as a proof concerning the latter, that, when Rajah Mehipnarain was advanced to the government, on the expulsion of his grandfather Cheyt Sing in 1781 ; the second article of the new Rajah's paper of requests (y), related to an allowance for the support of various Zemindars, exclusive of the established charges of collection : and Mr. Hastings, after enumerating the names of

(y) Supplement to 2d Rept. Sel. Comm. in 1783, No. 3, Q.

fix Zemindars, states in his letter to the Council General at Calcutta, that he has “ directed, “ that they be restored to the possession of the “ lands, to which they have *hereditary claims.*” The whole history of that Revolution, upon the merits of which it would be presumption in me, as well as foreign from my purpose, to offer any opinion; proves, that the country is in possession of Zemindars, who hold under the Rajah of Benares, in like manner as the inferior proprietors in Burdwan hold under the Zemindar of that district; and he, under the English Company, who received a gift of the Zemindary of Burdwan from the Nabob Coffim Ally Cawn in 1760.

Whether the landholders in the Vizier's dominions have the power of alienation, I am not certain. But that there are ancient Zemindary families, in every part of the province of Oude, no person, I believe, can doubt.—And it will throw no inconsiderable light upon this subject, to read the evidence of Captain Gabriel

Harper, who was long stationed at the court of Fyzabad;—a gentleman, to whose honor, veracity, and good sense, I am happy in this opportunity of delivering my sincere testimony.

“ He said, that the Vizier (meaning Shujah ul Dowlah, father of the present Vizier) “ treated
 “ the Rajahs and Zemindars under his dependencies, with the greatest marks of civility,
 “ respect, and friendship: and being asked,
 “ whether during his residence with the Vizier
 “ (a period of six years) he ever knew of a
 “ Zemindar being dispossessed of his Zemindary
 “ by him? He said, that he can only recollect
 “ one instance—for a debt of 24,000l.—that
 “ they considered themselves as secure in their
 “ possessions by paying their accustomed rents:
 “ and being asked, if the Zemindaries were
 “ considered as hereditary in the families of the
 “ Zemindars? he said, no; it depended on
 “ the will of the prince, but that he made a
 “ point of continuing it in the family, provided
 “ there was no particular objection to the next
 “ in

“ in succession (z).”—In effect, they are hereditary. It would be esteemed an infraction of established usage, and an act of unjustifiable severity in the sovereign, to stop the regular succession, if even he had the power to accomplish it, which is very problematical.

Let us here pause to reflect for a moment, what is the origin of all landed property throughout the world. In the early stages of civilization, “ it takes place with respect to a “ field separated from the common, and cultivated by a man for bread to himself and “ family (a).” His children take it after him; and it becomes hereditary by a prescriptive title; which every mild and prudent conqueror has confirmed. On the other hand, if we draw an analogy from the history of property, as it now exists in the various nations of Europe; we shall perceive, that it was originally personal: that the German barbarians, whose

(z) Judicature Report, 1781.

(a) Lord Kaims's Hist. of Man, vol. i.

victories were followed by an introduction of the feudal law, distributed the lands, or at least a considerable portion of them, amongst the officers and attendants of the successful invader : that, at first the feuds were temporary, and revocable at pleasure ; then, granted for one year certain ; afterwards, for life ; in the next advance, the heir of the feudatory was confirmed in the possession, if there was no just cause of offence, and it was thought *hard* to stop the succession ; in a later period, they descended of course to one of the sons, whom the Lord should chuse ; and at last, the succession went regularly, not only to descendants in a right line, but to collaterals in infinitum (*b*). Other alterations

(*b*) 1. Antiquissimo Tempore, sic erat in Dominorum potestate connexum, ut, quando vellent, possent auferre Rem in feudum a se datam. Feud. Lib. 1. Tit. 1.

2. Postea vero, eo ventum est, ut per annum tantum firmitatem haberent. Ibid.

3. Deinde statutum est, ut usque ad vitam Fidelis producerentur. Ibid.

4. Licet

alterations and varieties were produced by the arts and necessities of commerce, and the peculiar circumstances of different countries. In short, there is a natural disposition in land, if I may venture so to express myself, to gain a proprietor: and a fruitful country of large extent without landed property, is a solecism in politics.

The next authority proposed is Nizam Ally Cawn, Subahdar of the Deccan.—What may be the state of his present dominions, I know not. But that part of them, which was given

4. *Licet hæreditaria successio non erat in Feudis, nativi tamen hi tenentes dicebantur ut apud nos hodie, quos, nisi justa offensæ causa præcesserit, et ad serviendum non sufficerent, durum erat a suis possessionibus remove. Craig de Jure feud.*

5. *Sic progressum est, ut ad filios devenerit, in quem Dominus vellet hoc beneficium confirmare. Feud. Lib.*

6. *Tandem factum est, ut feuda non solum ad descendentes in perpetuum transirent, sed etiam, ut ad collaterales; Qui ex primo Vassallo descendebant, in infinitum continuerentur. Craig de Jure feud.*

to the East-India Company in 1765, now called the Northern Sircars, is in possession of Zemindars, who have succeeded to them in hereditary descent; with the exception only of some districts, which have either escheated to government for want of heirs, or have been taken at some period by the conqueror, and are managed by the immediate servants of the state.—These, however, are not styled Zemindars, and have no notion of hereditary possession in them. *Exceptio probat Regulam (c).*

Monf.

(c) And your committee having made inquiry into the nature of the territorial possessions of the Company, (viz. in the Northern Sircars) find, that these possessions are distinguished chiefly into two kinds, known by the names of the Havilly or Government Lands, and the Zemindary Lands: that the Havilly or Government Lands, are lands which belong in full property to the government (in this case the Company), and to which no Rajah or Zemindar has any right. And these lands are either possessed by the government itself, or let out to renters for a certain annual rent. That the Zemindary lands are the possessions of certain Rajahs or Chiefs, &c.—and that these last are understood

to

Monf. Dupleix, a man of undoubted ability and knowledge, who by the active part he took in advancing the influence of the French nation, obtained in the year 1753, a grant of this territory from a brother of the present Nizam, gives the following account of Hindoftan in general, but more particularly the dominions of the Deccan, with which he was well acquainted. “Ceux de ces princes tributaires, qui font d’origine Indienne, et idolâtres, fe nomment Rajahs. Ils n’ont d’autre titre d’honneur que celui de *Zemindars*. Ce font les defcendens des anciennes familles Indiennes, qui regnoient chacune dans leur canton, et qui les conquérans Tartares ont laiffées en poffeffion de leurs diftricts, ou fouverainetés (*d*).”

to have a permanent claim to the poffeffion of their lands, and a right of transmitting them to their heirs.

4th Report of the Secret Committee of the Houfe of Commons in the year 1782.

(*d*) Mémoire pour le Sieur Dupleix, 1759.—See alfo page 40.

In this state the country came into our hands, and has since continued. If any future speculator should persuade himself, that the Zemindars of the Northern Sircars are a useless incumbrance; and should fancy he might render an acceptable service in attempting to abrogate their claim to hereditary proprietorship: I, who do not entertain those ideas, have some satisfaction in thinking, that the national honor has been already pledged to them in the year 1766 for a confirmation of their just rights and privileges.—Should it be objected, that these Zemindars are too powerful, and ought to be reduced: my answer is, that independence and disloyalty are no part of their just rights or privileges; and if any of them are really more powerful, than may, upon the most mature consideration, be judged compatible with the obedience of subjects; it becomes the proper object of legislation and police to lessen their power, but not to annihilate their property.

Of the Nabob Mahomed Ally Khan, the Subahdar of the Carnatic, I would wish to
 speak

ſpeak with reſpect and tenderneſs, becauſe he is a prince poſſeſſed of many excellent qualities, and has long approved himſelf the unſhaken friend of our nation. But when he is held forth as a pattern in his internal government for the imitation of Great-Britain ; I cannot refrain from remarking, that the adminiſtration of his own territories has been in every reſpect extremely bad ; and that almoſt his whole life has been employed in wars, founded on arrogant and frivolous pretenſions, to deſtroy the tributaries and hereditary landholders of the Carnatic.

Laſtly, Mr. Grant ſays, “ he might further “ refer to the invariable teſtimony of hiſtory and “ original public records of unqueſtionable “ authority, ſhowing the official and actual “ ſituation of all the Zemindars of Bengal, after “ the death of Aulumgheer (Aurungzebe) in “ 1707.” I can only reply to this intimation, that, whenever I may ſee ſuch proofs as he deſcribes, I will, as a man of honor, pay due reſpect to them.—In the mean time, I muſt
beg

beg leave to rest my own opinion upon those I have pointed out, which are obvious and accessible to every one. In fine, the following abstract reference to facts and dates will show, whether hereditary property was, or was not, recognized during the period he has fixed. I have already argued upon it at length, and shall avoid repetition.

The Prince Azîm ul Shân, grandson of Aurungzebe, came into Bengal, and gave permission to *purchase from the Zemindars* the three villages of Govindpore, Sutanuty, and Calcutta, about the year 1698

Aurungzebe began his reign in 1655,
and died in - 1707

Furrukere, who succeeded to the throne after the intervention of two short reigns, confirmed the possession of the three villages, and granted permission for the possession of thirty-eight others, on the indispensable condition of their being *purchased from the proprietors, and with their consent*, in the year - 1717

This

This single record proves, as well as a thousand, that ten years before, and ten years after the death of Aurungzebe, a principle of absolute and alienable proprietorship in land paying revenue to the crown was admitted in the most solemn acts of the imperial government. I have been credibly informed, that Aurungzebe himself was known to purchase land from Zemindars for his private use. But not having any positive authority for this anecdote, I lay no stress upon it.

However, that it may not remain in the smallest degree doubtful, whether Aurungzebe considered himself to be universal proprietor of the land; I shall annex in the Appendix (No. IX.) an intire Firmân, or edict of that emperor, issued in 1668, which contains a system of regulations for the assessment of the revenue. It not only proves, from beginning to end, that he held proprietary land (Zemîn Memlûk) to be sacred; but that he would even assist the proprietor (Mâlik) in the preservation

servation of it : and so far from wishing to annul the property of land, if any tract should be absolutely deserted, and its proprietor could not be found out, it was to be given to a new occupant, and he was to become the lawful proprietor. The practice of giving in farm, lending, felling, mortgaging, and receiving by descent, land assessed to the revenue, is clearly implied in several articles, by the provisions made for securing the claim of the state under all such contingencies.

Although the rules of assessment, laid down in this imperial edict, do not appear to have been established in Bengal, nor its descriptive terms of revenue to be in any degree employed there ; yet the whole paper is highly curious and interesting in many points of view. I acknowledge my obligations to Mr. Gladwin for it, who sent me a copy of the original, with his translation : and I hope he will excuse me for making it public now, instead of waiting for it to appear with more advantage, accompanied

panied by his illustrations and remarks, in the continuation of his history of Hindoſtan.

This edict was iſſued in 1668, Bernier certainly remained at Delhy as late as 1666, and ſome of his writings bear date in the year 1668. It is therefore probable, that the very moment, in which the miniſters of Aurungzebe were framing theſe regulations, founded principally upon the diſtinctions of proprietary and non-proprietary land, was employed by Bernier, and the other European travellers who met at his court about that period, Manouchi, Thevenot, Chardin, Tavernier, &c. in preparing their relations, which aſſert, as it were by common conſent, that there was no ſuch thing as private landed property in Hindoſtan, and that the emperor was excluſive proprietor of all the lands throughout his empire.

In addition to all the teſtimonies I have brought from ancient hiſtory, from modern uſage, from authoritative opinions, and family ſucceſſions ;

successions; let me now refer the question to the practice of judicial process, and to the universal sense and assent of the inhabitants of all conditions in the country itself. For in that respect I am sure THE VOICE OF THE PEOPLE may be affirmed to be THE VOICE OF GOD.

Can Mr. Grant shew, from the loads of records he must have had in his office, or from any inquiries he has ever made concerning the customs of the British provinces, that the claim of any land-holder to succeed to the possessions of his father, or lawful ancestor, I mean under the Arabic term of *Irs* or *Mirâs*, or any other the most unequivocal that implies *Inheritance*, has, within any given period, been rejected by any court of justice, or officer exercising judicial power, native or British, Superior or Provincial, upon the doctrine averred by him, that the land belongs to the sovereign, and not to those who hold it under the title of *Zemindary*, *Talookdary*, or *Milkyet*? I sincerely invite him, or any other person who possesses such information,

to

to produce it, as matter that ought to be known to the administration, and the public at large. Truth and justice should be the leading objects of all our enquiries. As to myself, I have no other view, I can have no other, in entering upon this discussion, than to develope the one, and establish the other, upon principles that might be both safe and honorable for this country. But if such a practice has prevailed, either under the British administration, or before Great Britain had a foot of land in Bengal; I candidly confess, it is unknown to me. My own decided opinion is this, that, let the origin of the Zemindarries be what it may; even if it could be proved, which I believe it cannot, that they were all at first no better than occasional commissions of the most precarious kind; usage, which is paramount to law, has made them completely hereditary, and the country government has so considered them.

Now to ascertain the sense of the inhabitants, let any one make a traverse of any part of the
Bengal

Bengal provinces, in any direction straight or circuitous, through a tract of country containing about 150,000 square miles (*e*).—I affirm, that instead of finding nothing but financial servants of the sovereign, and a peasantry considering themselves as cultivators of *his* soil; he would be accosted by the hospitality, or counteracted by the chicane, of an intermediate body of men, claiming the distinctions, and believing themselves to possess the indefeasible rights, of property. He would find the ground he passes over, to be thus distributed: in some a part only, in others the whole pergunnah, or subdivision, although known in the records of government under a single name, yet broken amongst a very great number of inferior occupants, under the title of Talookdars, paying to the revenue from 20 l. to 200 l. *per annum*; supporting that not dishonourable pride, which invariably attends the property of land in every

(*e*) Major Rennel's Memoir to a Map of Hindostan, Introduction, p. cxiii.

country, but still more in a despotic government; carrying on their mutual quarrels, jealousies, and even petty wars about boundaries, depredations and encroachments upon one another; some cultivating their land themselves; some by a subordinate peasantry, who pay a rent for the ground, and treat even these village lords with the title of Rajah and Zemindar. He would discover, upon enquiry, that these occupants have either purchased their lands, or have succeeded to them from a series of ancestors, whose inheritance they have assumed, without an idea of asking the sanction, much less the nomination of the Imperial authority. In some of the pergunnahs so circumstanced, there will be a Zemindar, who exercises jurisdiction over these numerous proprietors, and pays the aggregate rent of his whole district to the collector of government; in others, none. I could instance a single pergunnah, which pays only about 3,000 l. to the revenue, and contains above two thousand proprietors. If any one of the Talookdars were to be asked, when his land first

became hereditary? he would either not understand the question; or would reply in the interrogatory stile of the eastern nations, “ What do I know? It was my father’s and grandfather’s. It was always so.”

Is this the picture of a country, where the idea of landed property is unknown; or where it is newly assumed, through the imputed corruption of every public servant selected from amongst the natives, or the implied supineness, ignorance, and venality of the British subjects, who ought to have controuled them? If the picture is truly drawn, and in my conscience I believe that it is, argument and speculation are superfluous.

Similar observations might be applied to a considerable part of the British territories on the coast of Coromandel. But it may be remarked of the Zemindars of the northern Sircars, and
 some

some of the Polygars of the Carnatic (*f*), that in addition to the circumstance common to all, of hereditary succession ; they have by their military spirit, their fortifications, and impregnable fastnesses, placed in situations unhealthy and difficult of access, eventually preserved to themselves a security in their possessions under various sovereigns ; whilst a wild and rapacious policy would deny the same security to the more quiet and unresisting inhabitants of Bengal ; who have no refuge from injustice, but complaint and flight ; no defence against tyranny, but artifice.

(*f*) The tradition of these countries says, that many centuries before Mahomedanism, a king of Jaggernaut, in Orixia, marched to the South with a great army, which subdued not only these Provinces, but crossing the Krishna, conquered in the Carnatic, as far as Conjeveram ; these conquests he distributed in many portions to his relations, officers and menial servants, from whom several of the present northern Polygars pretend to be lineally descended, and to govern at this very time the very districts which were then given to their ancestors. Orme's History, Vol. II. Book VIII.

If I have succeeded in my attempts to prove the abstract right of property, and usage of descent, in the Zemindars ; it may be expected by some, that I should now lay down, with perfect precision, the true rules to be observed in assessing their revenue ; and it is undoubtedly the certitude of those rules, which in equal governments gives property its substantial value. But here historical records fail me. For the technical language of finance is unknown to historians, and the revolutions in Bengal, for the twenty or thirty years preceding our acquisition, had thrown all the public records into obscurity ; whilst the irregularities of its rulers had left us a mischievous example of fiscal despotism. Besides, it falls less within the province of history or law, than that of administrative government. However, I will slightly touch the subject.—A disquisition in detail would prove inexhaustible.

There is good reason to apprehend, that formerly the assessment of every part of the country was permanently fixed ; but by what rule or
standard,

standard, except in Bahar, and some parts of Bengal, where it was settled by proportions of grain; it is not now easy, if even possible, to ascertain with exactness. In Bahar the clear profit, which might be claimed by the Zemindar, was 10 *per cent.* In Bengal, the Zemindars had an allotment of land or money; but by far too trifling to be considered as a compensation for the labor, rank and responsibility of their situations. It is well known, that they had besides either certain parts of their Zeminary considerably under-rated, or that a very handsome deduction was allowed them in the aggregate revenue of their districts. The fact is, that either from these causes, or from the increased produce of their lands, they were, even after the calamities of invasion and war, in a state of affluence and splendor.

Mr. Grant has carefully examined, and I believe correctly analyzed, the revenue system of the famous financier Rajah Tuder Mull, who lived in the reign of Akber; and it is possible,

that his assessment, either for particular provinces, or generally for the whole empire, may have been formed upon the calculations and propositions laid down by him in the Ayin, or institutes of Akber. However, although many of the regulations then established are still to be traced in the provincial governments; I am confident, not only that no one universal rate or standard of revenue will be found to prevail throughout Bengal, either for the Zemindar, or his internal tenants; but that every little district, and even different villages of the same district, are regulated by different rates; the origin, commencement, or ground of which is not known to the inhabitants, who pay them. I should imagine it has always been so. For one passage in the Ayin Akbery says, “the revenue of a Bega differs in every village:” and from another we are led to believe, that Akber confirmed the customs he found prevailing (g). Mr. Holwell alludes to a law of the empire,

(g) Gladwin's Institutes of Akber, Vol. I. Article Bengal Subah,

that

that the rent of land shall not exceed three rupees *per* Bega, or about one-and-twenty shillings *per* acre (*b*). But I imagine this must proceed from some misapprehension. I cannot say I have ever heard of such a limitation, and it seems too absurd to suppose it true.

As to theoretic standards, they lead but to confusion. Were there any real standard generally ascertainable, or easily resorted to, which should fix the proportionate profits of sovereign, proprietor, and cultivator; I confess it would greatly contribute to the benefit of every branch of the community; the governors, as well as the governed. It would secure the former from unjust defalcations of revenue, and the latter from the lawless encroachments of power. Even a collection of the customs peculiar to different districts would be a step towards this improvement; uncertainty in such matters being the parent of abuse. If any such standards

(*b*) Interesting historical Events, Vol. I.

could be ascertained, or established, without convulsing the country; it would be highly advisable to have them. But when we would attempt great alterations in an extensive territory, we should recollect that, “it is only to an unpolished people, that a legislator can give whatsoever laws he chuses. The business of reason, of philosophy, and sound policy, is rather to amend, than to change the government (i).”

Then under this uncertainty, what was the benefit of the Zemindar, who was liable, as some may think, to have his country pillaged under a pretence of unequal assessment, at the mercy of every despot? and what was the advantage of his hereditary title?—To people, indeed, who enjoy the inestimable blessings of a free government, which, whilst it gives energy to the sovereign, confers security upon the possessions of the meanest individuals;—these questions are

(i) Essay on Public Happiness, Sect. III. c. 4.

natural. At the same time, it should not escape our observation, that in many of the great monarchies, especially the Mahomedan, although the government is in principle arbitrary, the power of the sovereign is circumscribed by usage, which is the common law of the land; or by religion, which may be considered as the written law. In truth, it is more binding than any written laws of the European nations, which have no such principle in them, as immutability. Whereas the Koran of Mahomed, following the example of the Jewish Dispensation, has entered into many considerations of municipal law, and has thereby made it impossible for a Mahomedan prince or government to form any ordinance, which shall not coincide with that superior authority. Add to this, the despotism of India has been always mild in its exercise under the princes of the race of Timur; and the usages, or *Rayej-ul-Mulk*, have been preserved continually by hereditary expounders called *Canangoes*, who were not liable to removal, and who had their officers and deputies in every part
of

of the country. Their answers respecting the question of inheritance will be found in the Appendix, (No. VII. and VIII.)

It is inherent in the nature of every government intrusted with the public defence, that an absolute power should exist somewhere, to impose and assess the revenue upon land, commerce, or consumption; and that power can only be limited by discretion, resulting from a consideration of all the circumstances of a country taken together, unless where the laws of religion, or a fundamental constitution, may happen to have limited the quantum of tribute, or mode of taxation. It matters not, as to the principle merely, whether this power reside in an arbitrary sovereign, a senate, a representative body, or a delegated administration. Therefore, to hold up the lands of Bengal, as not liable at any period, or under any circumstances, to local valuation, in order to assess a just and proportionate revenue; would be to annihilate government, invert the relative conditions of sovereign and subject,

subject,

subject, and give the Zemindars an independence, not usually allowed to any landed property. But to make these valuations frequent, or without any cogent necessity, would harass the proprietors, discourage industry, and set the people at constant variance with the ruling power. All these would be aggravated, and a thousand other evils superadded, if it was done with the intention of drawing the whole produce of the land rents into the public exchequer, either with or without, a compensation to the ancient occupants.

Far be it from me to ascribe the schemes, which have been formed, at different times, for the increase of the revenue, to intentional oppression. They arose much more from the expectations excited in Great-Britain, by the erroneous notions which had been propagated here, of the inexhaustible wealth of Bengal, and of immense resources concealed by the Zemindars, and the officers of collection. I am sorry to say, attempts are still made to mislead
 this

this country by such extravagant delusions. Nations, like individuals, are seldom placed in that state of perfect ease and sufficiency, that they can resist the invitation to wealth, and say, "we are content." They are too ready to find plausible grounds of right, when the means of acquisition are held out to them. But, if there is not virtue and firmness enough in those intrusted with the administration of India, to disregard all such fallacious and improvident speculations, for raising the land revenue; we shall inevitably be punished by a defalcation of that we actually enjoy.

These scrutinies and inquiries have been practised under the government of our immediate predecessors, but still more under our own:—and I fear Bengal has suffered from such experiments. Nevertheless, this hereditary possession of the Zemindars, precarious as some may deem it, is eagerly fought, and the invasion of it as pertinaciously resisted, as any property the best defined in European countries.

If

If at any time they are unable to avert the heavy hand of the oppressor, they baffle his measures by artifice; trusting with passive expectation, that he will see his own want of wisdom; and feeling, that, at last, they possess something that is permanent in the land itself. I hope that period is now arrived: and that a settlement of the land revenue, either for a long period of years, or in perpetuity, will leave every man to enjoy, without interruption or jealousy, the increasing fruits of his own industry and good management.

It would lead to a very long discussion, if I were to demonstrate the benefits of such an arrangement. Indeed I should conclude for a certainty, they would be obvious to every one, if I did not suppose it possible, that such as are enemies to property itself, may be adverse to every thing that resembles it, and therefore recommend the destructive practice of annual settlements.

lements (*k*). I am ready to admit, that under this mode, the land revenue is not assessed with correct equality. I am in the same degree convinced, that it never can be. The minute valuation and distributions, which an able and upright man might make, and for the advantage of all, in a little district, would be impracticable in a country circumstanced as Bengal is. It seems to me, that the principal object for the state to determine, is, as to the aggregate of revenue, which the land is capable of yielding; to enable every proprietor to know, what he has

(*k*) It is no easy matter to frame the valuation of all the property of a country: and it is a scheme I should be very far from proposing, unless the spirit of a nation took such a turn as to wish for it.

When annual distributions are made, discontents constantly arise; and the pretended equality thereby observed, produces worse effects than the inequalities which would follow from the other scheme: because the change in the relative value of possessions would then be chiefly owing to the industry of every proprietor in improving his lot.

Stuart's Political Economy, Book V. c. II.

to pay: and if the fixed valuation is tolerably fair, little inequalities are of no signification. They must always happen in a large territory. In Bengal, whilst the correction of one was carrying on, others would arise. And as to the Zemindars, I say decidedly, let them grow rich. The state will grow rich also through the wealth of the landed property. We should regard it as the hen that lays the golden eggs: and it would be an idle frugality, that grudges the expence of her being well fed (1).

But

(1) I agree, that the same land may be worth more one year than another; but it is impossible, by a fluctuating valuation, to ascertain that difference over a whole country to the satisfaction of every one: and although, by fixing it at one rate upon every possession, inequalities must take place; yet fixing it from rising in proportion to improvement, will prove an encouragement to industry, which will greatly over-balance such an inequality. Every one then will be in the way of acquiring an addition to his income free of land-tax: and if this be thought too great an encouragement to improvement, let the regulation be only fixed for a determinate time; suppose a century. This is no more than giving every one a lease,

But because this property is circumscribed, or taking it on the meanest scale of estimation, if it were clear, that in strictness and rigour it can be intitled to claim a tenth part only of the usufruct: still it would be unreasonable to conclude at once, that it is no property at all, or nothing worth possessing. Is hereditary power, and pre-eminence amongst our fellow-citizens, nothing? Is the devoted attachment of thousands, (and none can exceed that of the inhabitants of Bengal to their Zemindars) the reciprocal protection, the distribution of little favors, the united attendance of a district at the mansion of the superior in the ostentatious ceremonies of religion; the congratulations of the people taking a concern in his domestic occurrences; and I might add, the little contributions spontaneously given, to supply any extraordinary ex-

as it were of their land tax for a hundred years; and experience shews, that without granting long leases, it is impossible that lands should ever be improved.

Stuart's Political Economy, Book V. c. 12.

pence;

pense ;—are all these to be accounted nothing ? on the contrary, they are incitements to every laudable exertion of the human mind, as they may equally conduce to the gratification of every evil appetite : and in either point of view, they become the objects of ambition and sollicitude.

Besides, it is possible, that notwithstanding our various scrutines, some of the Zemindars may have been able to screen a portion of their emoluments from the avidity of government. That they have possessed no inordinate benefits in latter times, is demonstrated by their general impoverishment, the decay of their magnificent palaces, and religious edifices, the deprivation of many, the debts of all. But if they have not, even a tenth of the gross produce of many of the Zemindarries would put the possessor on a footing with English dukes : and considering the extent of their country, from one to twelve thousand square miles, they may

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some

some of them be regarded as tributary princes, more than as the unassuming proprietors of a landed estate. Again, as to the smaller landholders, their wants are few, in a country where nature is prodigal of its blessings: and, as they frequently cultivate their land themselves, and live upon it, they unite the profits of proprietor and farmer.

If even in Great Britain, it were possible to bring together our land tax, tythes, church rate, poor rate, highway rate, turnpikes, taxes on houses, windows, carriages, servants, horses, with all the multifarious customs and taxes, which have exhausted the ingenuity of Ministers, and enhance imperceptibly the price of all consumable articles in every sphere of life; and we could deduct this aggregate from the actual produce of our estates: we should not perhaps find our rents reduced to one tenth; but I really believe we should be taught to consider the state of a Zemindar, to whom this embarrassing and

com-

complicated mode of taxation is unknown, as no very despicable condition (*m*).

I have often, like others, but without success, endeavoured to find an exact analogy for the landed possessions of Bengal, from the descriptions either of our own, or other countries. They do not seem to be in the nature of the *agri vectigales* of the Romans: they are certainly not to be considered as upon the same footing with the freehold, or copyhold of England: and they are distinctly different from the feudal tenure. I apprehend likewise they will be found to differ from the king's tenants *in capite* under the English monarchs. They may resemble each in particular points of comparison: but it would not be difficult to mark the general discordancy, if it were material to the main ques-

(*m*) The rent of land, that portion of the produce which belongs to the proprietors, is scarce any where in Great Britain supposed to be more than a third part of the whole produce.—Smith's Wealth of Nations.

tion. Perhaps a pretty near similitude might be discovered in most countries, at some particular period in the advancement of their property in land ; which has taken nearly the same course throughout the world. But if we were able to catch any precise moment of coincidence ; it would not assist us in our inquiry, nor serve as any guide to our measures at the present day : since governments, manners, land-tenures, and every object upon which the human intelligence and industry can operate, are in a perpetual state of change and fluctuation, so that new combinations are always forming, and the resemblance of nations can be only partial and momentary.

It is rather, I think, to be lamented, that travellers and speculators are too apt to bound their researches into the state of countries they attempt to explore, by fixing some fanciful standard in their own mind, drawn either from the government they chance to have been born under, or some other system they have found in books ;

books ; and are ready to ridicule the doctrines which are different from their own, or to deny either justice or property to prevail in a country ; because the juridical processes of the one, or the restricted tenures of the other, do not exactly correspond with their own preconceived rules of justice and property.

In attempting to ascertain the usages of Bengal, I have neither looked to Syria, nor Turkey, nor Persia, as Mr. Grant has done. For although the premises were admitted, which I conceive to be highly disputable, that there has never existed a property of land in those regions ; it would still leave the question with regard to Bengal exactly where it was before ; since neither its conquerors, nor legislators, came from either of those countries.

Such as they are, and such as they have been, in times when it abounded in wealth, and

merited its oriental denomination of Jenat-ul-Belâd, or Paradise of Nations, we may collect from careful inquiry, aided by written and traditional history. Of these usages only the inhabitants ask the preservation: not to have their system of government altered; nor to have their possessions assimilated to any European tenures, or guarded by any other laws, than those they have heretofore enjoyed, carried into execution according to the rules of common justice and probity. It is a satisfaction to reflect, not only that all this may be allowed with perfect safety to the interest and power of Great-Britain; but that it is the surest engine for preserving both. For by no other means can their minds be conciliated to the government of a distant sovereign, and the fugitive administration of delegated servants. As long as they obtain these innocent indulgences, they will pursue their instinctive industry, in raising corn, to render their country the granary of Asia; in the introduction of new articles of cultivation,

cultivation (*n*), which may bring additional sources of wealth, all ultimately tending to the benefit of Great-Britain; and in the improvement of those beautiful manufactures of silk and cotton, which will be dispersed, through the channel of the British Custom-House, to all the nations of the world.

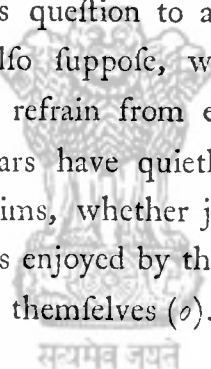
(*n*) By the astonishing exertions of my friend Colonel Kyd, whose indefatigable industry keeps pace with his general science, humanity and disinterestedness, a botanical garden has been established near Calcutta, from which every plant likely to prove beneficial to Bengal itself, or to Great-Britain, is disseminated through the provinces. There is already a vast variety of the productions of the different parts of Asia and America, and even many of Europe, viz. tea, spices, a variety of indigo, coffee, the true opuntia of the cochineal insect, timber trees, fruits, bread fruit, drugs, &c. &c. And if proper exertions were made in China, to obtain the proper sorts and distinctions of tea; there is good reason to hope, from the luxuriant vegetation of Bengal, that a short period of years might enable it to furnish a considerable part of the demands of Great-Britain, in this as well as other articles now obtained by a disadvantageous commerce.

Believing that I have established, upon fair grounds of argument, the positions I set out with, I might here conclude my discussion; did I not wish to add a few observations upon the question of policy. I will suppose, that by force of reasoning, by the weight of contrary examples, by the literal construction of deeds and patents, or by the defect of titles, all my opinions were to be overthrown; so as to establish the proposition Mr. Grant has so much labored, “that the sovereign is sole, “universal proprietary lord of the land;” collecting his rents “through the intermediate “agency of farmers general, or temporary commissioned officers of the crown:” and that he may, as a natural consequence of that proprietary right, dispose of the land, or allot that *temporary* possession of it, to whomsoever, and in whatever manner he pleases. Without this consequence, the argument itself is nugatory: and to nullify the claims of the Zemindars, without meaning to enforce the denial, would be a frivolous proceeding.—Then, supposing all proprietary

proprietary and hereditary possession to be at an end ; it may be useful to inquire by anticipation, what would be the condition of Bengal ? What would be the measures to be pursued ?

“ Quanta autem indè feres tam diræ præmia culpæ ?”

JUVENAL.

To bring this question to a more tangible form, I will also suppose, what I shall for obvious reasons refrain from examining, that all the Zemindars have quietly consented to forego their claims, whether just or fictitious, to the possessions enjoyed by their fore-fathers, or purchased by themselves (o). In this state

of

(o) In 1280 Edward I. of England enacted the statute of *Quo Warranto*, obliging all landholders to produce their charters and titles before such Judges as should be appointed to examine their validity, “ and thereupon issued a proclamation, which was regarded as the source of infinite mischief
 “ and oppression. But the progress of the evil was stopped
 “ by the resolution of the Earl of Warenne, who being re-
 “ quired to produce his charter, unsheathed an old rusty
 “ sword,

of things, we should have a very large body of men thrown adrift without any settled home, or certain means of sustenance for themselves, and their families; as it would be dangerous to trust them, or their agents, in the possession of the lands, for fear of their re-establishing their influence, and distracting the government. Indeed I must confess I can see no medium between removal and extermination. There is an example of such a procedure in the conduct of the Saxons after the battle of Demmin in 1164, and the extinction of the kingdom of Venedi; when the whole nation was either massacred or transplanted, their sovereign Pri-bislaus (the magnanimous ancestor of our illustrious and most amiable queen) driven into banishment, and the country underwent a total change, being settled by the conqueror on his own officers, and intirely new planted with

“ sword, as the instrument by which his ancestors had
 “ acquired their rights, and with which he resolved to pre-
 “ serve them to the last drop of his blood.”

Smollet's Hist. of England, Vol. II.

Saxon

Saxon colonies (*p*)—the most execrable and barbarous pillage recorded in the annals of history!—

Then, if the old Zemindars were removed, we should have the peasants and cultivators without any superior to look up to, between themselves and the sovereign power, no patron to mediate for them, and compose their little differences; expecting to be harassed by the inquisitorial officers of revenue, or temporary farmers sharing in no common interest with them (*q*), many thousands of which must necessarily be scattered over a country comprehending near a hundred millions of acres. The emoluments, which formerly went to the Zemindars, would never find their way to the

(*p*) Nugent's History of Vandalia, Book II. Chap. 12.

(*q*) En un mot, sans propriété, point d'état, point de sujets attachés au territoire, point de réunion d'hommes. En raison de ce qu'on assure et étend la propriété, on assure, étend, et corrobore la société, et l'état: ainsi en raison inverse.

Théorie de l'Impôt.

Public treasury, but would be sunk and annihilated; the whole territory would be impoverished; the loss of a class of men, who used to spend their income upon the land, and the substitution of a set of mere tax-gatherers, would impede the circulation, which is one source of wealth; the government would find itself bewildered in the labyrinths of detail; and, after various experiments had been tried, would seek its remedy, where it ought in policy to have begun its regimen, by the creation of land proprietors, in every respect like the present Zemindars, except only the great extent of some particular districts.

सत्यमेव जयते

By this projected exclusion of the present occupants, we should gain indeed a nominal augmentation of our own property; but nominal only, a burthenome and barren possession (r). For what is even property itself but

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(r) Le Prince est le Chef de l'état, mais il n'est point l'état, et ne le sauroit être. Il a, comme puissance tutélaire,

son

an inert mass, useless and unproductive, until it is broken into smaller particles, and receives a conventional value in the wants and competitions of individuals? And land, the most important property of all, is not beneficial in proportion to its extent, but its improvement. That improvement was never considerably advanced in a large territory by any other principle, than proprietorship: nor was ever perfected since the world began, but by rendering that proprietorship hereditary. For we improve with reluctance, what we hold in uncertainty, or what our successors must hold at the pleasure of another. But we grudge no exertions, when our property is secure, both to enjoy and to dispose of. Under that powerful influence, our labours become a source of delight and increasing reward. To use the beautiful imagery of a

son droit de protection et de participation sur toutes les propriétés; mais il n'est point l'unique propriétaire; et s'il l'étoit, il devroit par tous moyens chercher des sujets, appeler des hommes au partage de cette possession onéreuse et stérile.

Théorie de l'Impôt.

gentleman,

gentleman, with whom I was many years since a fellow labourer in the cause of the 'Zemindars, when their situation was brought under the cognizance of parliament, "It makes our "weakness subservient to our virtue, and grafts "benevolence even upon avarice (s)." He likewise wished to protect and maintain them; because, instead of allowing his creative fancy to form fantastic and doubtful institutions; he saw, that the Zemindary tenure, taking its conveniences and defects together, as all human institutions ought to be considered, combines in many respects the happiness of the people, with the safety, wealth, and dignity of the sovereign.

Compare for an instant the state of an extensive country, before, and after the firm establishment of property. Look back to the forests of Germany, the wilds of North America, the uncultivated condition of the West-India islands, the shores even of Britain itself,

(s) Mr. Burke's Reflections on the Revolution in France.

inhabited by men who went naked, or cloathed themselves in the skins of beasts :—follow the growth of property from commencement to maturity ; and contrast their present prosperity, with the scenes of wretchedness they exhibited in ancient times. Like the great river, which for ages has rolled its unprofitable waters through a tract of desert country to the ocean ;—place upon its banks the allurements of a well distributed property, secured by equal laws : and it will gradually be conducted into ten thousand channels, to advance the purposes of agriculture, navigation, and mechanics, all tending to augment the riches of the nation.

On the other hand, prohibit property, and you discourage population, you destroy national prosperity in the destruction of private wealth (*t*).

Carry

(*t*) In the present state of the greatest part of the civilized monarchies of Europe, the rent of all the lands in the country, managed as they probably would be, if they all belonged to one proprietor, would scarce perhaps amount to the ordinary revenue

Carry this proscription to Bengal ; annihilate the Zemindars, with the whole system of landed property that prevails there :—and the sum of your gain will be, a territory despoiled of its most powerful incentive to industry ; a government without series or subordination ; a society robbed of its best, if not its only cement (*u*).

For

revenue which they levy upon the people even in time of peace.

If the lands of Great-Britain, in the present state of their cultivation, do not afford a rent of more than twenty millions a year, they could not well afford the half, most probably not the fourth part of that rent, if they all belonged to a single proprietor, and were put under the negligent, expensive, and oppressive management of his factors and agents. The crown lands of Great-Britain do not afford the fourth part of the rent, which could probably be drawn from them, if they were the property of private persons. If the crown lands were more extensive, it is probable they would be still worse managed.

Smith's Wealth of Nations, Book V. Chap. 2.

(*u*) La propriété est donc la base, est le lien principal de la société. On disserterait, on disputerait, tant qu'on voudrait,
sur

For it is not wealth only that is produced by property. It is equally an instrument for the maintenance of a well regulated administration in all its branches. The good government of a nation, and the energy of its exertions, foreign and internal, depend more upon the train of discipline and authority, carried down from the sovereign to the lower orders of the people by the agency of intermediate ranks, than by the wisest laws issued from the imperial cabinet (v).

sur la nature des gouvernemens. Je n'en connois que de deux sortes ; l'un solide et prospère, c'est celui qui tend au respect, et au maintien de la propriété ; l'autre périssable et malheureux, c'est celui qui attaque et viole la propriété.

L'ami des hommes.

(v) Il est donc vrai, que le penchant à la propriété peut être le lien de l'attachement du citoyen à la chose publique. Je dis plus, c'est qu'il est le seul. En effet, la chose publique est d'une part la force résultante de la réunion des propriétés, et le domaine constitutive de cette force. Ce seul point de vue suffit pour la faire considérer et chérir de tout être, à qui sa propriété particulière est précieuse.

L'ami des hommes.

The most efficacious of these agents is the landed proprietary : and the history of all nations will prove it. If any one should object, that landed proprietors may become the promoters of sedition, as the Zemindars have sometimes been ; it is merely arguing from the use to the abuse : and the correction would create a greater evil, by leaving an unguided populace, without union or attachment, ready for confusion and tumult, because they have no permanent interest in the prosperity of the country.

I have, throughout the course of this dissertation, refrained as much as possible from making any references to the proceedings of the East India Company and their servants ; and have particularly avoided quoting any discussions of individuals, except such as have before been given to the public in a historical point of view. One reason for adopting this method, I have already mentioned, that such references would afford no test as to ancient practice. Another is, that I should not deem it honorable

able to bring, in support of my own argument, the speculative opinions of others, although ever so respectable, which have been delivered in any course of personal controversy, without exhibiting the whole fairly together; and that would have required a voluminous compilation, besides the obvious impropriety of such a measure, and more especially of publishing any part of the discussions, which may not have been finally decided upon. I have therefore chosen rather to confine myself to my own observations upon original documents; and have put it in the power of every one, who may be inclined to take the trouble of following me, to examine the authorities I quote, in order to check the inferences I have drawn from them. However, I cannot hesitate to declare my perfect conviction and confidence, that from the Company's records might be drawn numberless additional examples and arguments, to fortify the opinions I have maintained: and, above all, from the candid and intelligent observations of Mr. Shore.

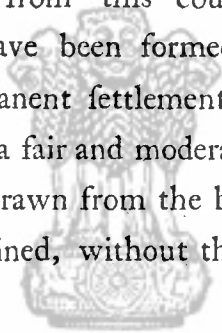
I must at the same time offer some apology for the insertion of Mirza Mohsin's long Persian paper, and the many passages I have quoted from different authors. I could certainly have avoided this appearance of formality by employing, as my own, a considerable part of their informations and reasonings. But I thought I should act neither candidly nor wisely, by hazarding the most consequential opinions, and political maxims, upon my own judgment, and thus depriving them of the sanction which would entitle them to more respect.

I am not sensible, that I have overlooked any material part of this great question: and am conscious I have no wish, but to promote that system for the people of Bengal, which shall favour their happiness, whilst it tends in an equal degree to augment the national security, benefit and reputation. These principles only, and a conviction that I am an advocate in an honorable cause, should ever have overcome the diffidence I feel in thus throwing myself
upon

upon the public judgment. But if, contrary to my own opinion, I am in an error; it is at least an error in favor of humanity: and I shall shield myself under the sentiment of Rousseau. “ Se tromper pour absoûdre, est pardonnable: “ mais se tromper pour punir, est une erreur “ bien cruelle.”

Although the curiosity of every person, who has done me the honor to peruse these sheets, must have been excited to know, what are the sentiments of the present administration; and perhaps they will hardly excuse me, for pursuing a dry argument of so much length, without once quoting them: yet I thought it for many reasons most proper, to try the question theoretically upon its own merits, rather than shackle the discussion by a reference to opinions given under the high authority of government. But in so doing, I have put a restraint upon my own inclinations, as I am perfectly sensible of the weight, which my opinions and reflections would derive from such a reference: and it is

highly gratifying to me to think, that there is no part of them inconsistent with the regulations, which have been prescribed since the institution of his Majesty's Board of Commissioners for the Affairs of India. Without transgressing the line of official reserve and propriety, I may venture to say, that under instructions sent from this country in 1786, arrangements have been formed in Bengal to establish a permanent settlement with the Zemindars, upon a fair and moderate valuation of their revenue, drawn from the best information that can be obtained, without the vexation of a local scrutiny.



सत्यमेव जयते

This being once settled, and the stated revenue regularly discharged, they will be left in the uninterrupted possession of their districts, and the increasing benefits of good management; with the general superintendance only of British collectors and magistrates, whose situation is now rendered honorable by allowances adequate to the importance of their trust, which
the

the mis-judged parsimony of former times had withheld, to the great detriment of the public service, and mortification of upright servants. The importance of the undertaking, and the wish of those intrusted with the execution, to render it as perfect as possible, have created some delays: but much progress has already been made in this excellent work; and in a very short period, we may expect its completion. Until that is accomplished, and every man declared to be secure in his property, I think we shall not have fully discharged the debt, which conquerors owe to human nature (w). But when it is, I have not a doubt, that our internal government of India will become as much an object of admiration and attachment to the native inhabitants of our own provinces, as our political friendship is already, of solicitude and reliance to the neighbouring states, as well in India, as in Europe.

Of the earnestness and perseverance of the present administration in completing the equit-

(w) Montesquieu *Esprit des Loix*, Lib. X. c. 4.

able system they have begun, there cannot be a doubt. But I would appeal, moreover, to the good sense and benevolence of my country at large, and to those in particular, who, under our mixed government, may in any respect influence the national opinions or measures : wishing and intreating them to consider, that the renewal of these enquiries into property is not harmless in itself;—not the examination, as an academic thesis, into the Agrarian laws of the Greeks and Romans, but the dissection of a living body. We should remember, that as the natives of Bengal are become our fellow subjects, every consideration, which interests them, and their happiness, belongs to us ; and if the existence of landed property be found consistent with truth, justice, and policy ; we should not then delay to pronounce and ratify that principle, which animates our exertions through the career of active life ; and softens the regrets of age, by the consoling thought, that our possessions will be perpetuated in our children.

A P P E N D I X.

(No. I.)

Sunnud for the Zemindary of the Honourable East India Company's Lands, given under the Seal of the Nabob Allow ô Dowla Meer Mahomed Saddoc Khan Bahader Affud Jung, Dewan of the Subah of Bengal.

TO the Muttasfeddees for affairs for the time being and to come, and Chowdrees and Canon-goes, and inhabitants and husbandmen of the Kifinut Purgunnah of Calcutta, &c. of the Sircar Sautgaum, &c. belonging to the paradise of nations, the Subah of Bengal: Be it known, that in consequence of the Ferd Sawal, signed by the glory of the nobility and administration, Shujah ul Muluck Hoffam ô Dowlah Meer Mahomed Jaffer Khan Bahadar Mahabut Jung,
Nizam

Nizam of the Subah, and the Ferd Huckeekut and Muchulca, signed conformably thereto ; the forms of which are herein fully fet forth. The office of the Zemindary of the Purgunnahs above written, in consideration of the sum of twenty thousand one hundred and one rupees (20101) Peshcush, &c. to the Imperial Sircar, according to the indorsement from the month Poofs (Anno 1164) in the year eleven hundred and sixty-four of the Bengal æra, is conferred upon the noblest of merchants, the English Company, to the end that they attend to the rights and customs thereof as is fitting, nor in the least circumstance neglect or withhold the vigilance and care due thereto ; that they deliver into the treasury at proper times, the due rents of the Sircar ; that they behave in such manner to the inhabitants and lower sort of people, that by their good management the said Purgunnahs may flourish and increase ; that they suffer no robbers nor housebreakers to remain within their districts, and take such care of the king's highways, that the travellers and passengers may

pass

pafs and repafs without the leaft moleftation : that (which God forbid) if the effects of any perfon be plundered or ftolen, they difcover and produce the plunderers and thieves, together with the goods, and deliver the goods to the owners, and the criminals to condign punifhment ; or elfe, that they themfelves be refponfible for the faid goods : that they take efpecial care that no one be guilty of any crimes or drunkennefs within the limits of their Zemindary ; that after the expiration of the year they take a difcharge according to cuftom, and that they deliver the accounts of their Zemindary agreeable to the ftated forms every year into the Dufter Cana of the Sircar ; and that they refrain from demanding the articles forbidden by the Imperial Court, (the afylum of the world.)

It is their (the Muttafeddies, &c.) duty to look upon the faid Company as the eftablifhed and lawful Zemindars of thofe places, and whatfoever appertains or is annexed to that office

office as their right, in this particular be they strictly punctual.

Dated the first of Rabbi ul Sauni in the
* third Sun of the Reism.

LET THE INDORSEMENT BE WROTE.

Particulars of the indorsement.

In consequence of the Ferd Sawal, signed by the glory of the nobility and administration, Shujah ul Muluck Hoffam o Dowla Meer Mahomed Jaffer Khan Bahader Mahabut Jung, Nizam of the Subah, and the Ferd Hucceekut and Muckulka signed conformably thereto, the forms of which are herein fully set forth, the office of the Zemindary of the Kismut Purgannah of Calcutta, &c. of the Sircar Sautgaum belonging to the paradise of nations, the Subah of Bengala, in consideration of the sum of twenty thousand one hundred and one rupees (20101),

* Should be the 5th Sun.

Peshcush,

Peshcush, &c. to the Imperial Sircar from the month Poofs (Anno 1164) in the year one thousand one hundred and sixty-four of the Bengal æra, is conferred upon the noblest of merchants the English Company.

27 Mahals.

Deroobust,
15 Mahals.

Kiffmut,
12 Mahals.

The amount according to the account signed by the Canangoes of the Subah.

Form of the sign manual.

BE THE SUNNOD GRANTED.

Form of the Ferd Sawal.—The Zemindary of the Kiffmut Purgunnah of Calcutta, &c. of the Sircar Sautgaum, &c. belonging to the paradise of nations, the Subah of Bengal having been conferred on the noblest of merchants, the English Company, the aforesaid Company represent that

that the inhabitants will not be satisfied without the grant of a Sunnud ; wherefore they desire that the Sunnud may be graciously allowed them, for which they agree to pay the sum of twenty thousand one hundred and one rupees (20101) Peshcush, &c. to the Imperial Sircar. In this particular what are your commands ?

	27 Mahals.	
Deroobust.		Kiffinut.
15 Mahals.		12 Mahals.

The amount according to the account, signed by the Canongoes of the Subah.

Rupees, 222,958 10 12 3

Peshcush of the Imperial Sircar, &c. 20,101 rupees.

Peshcush of the Imperial Sircar,	Nuzzeranna Subahdarre,	Vizier's Fees,
12,101.	5000.	3000.

N. B.

N. B. This is wrote by the Royroyan.

Kiffmut Purgunnah of Calcutta,
 &c. of the Sircar Sautgaum in the
 districts of the Chucla of Houghly.
 26 Mahals.

Deroobust,	Kiffmuttea,
15 Mahals.	11 Mahals.
Amount 220,166	14 10 1

Kiffmut Purgunnah of Calcutta,
 Sircar Sautgaum divifion, 16 Annas.
 Mahal Kiffmuttea.

Amount	28,482	6	13
Belonging to the Company	28,361	8	10 1
Ditto to	Ramcant	120	13 2 3

Kiffmut Purgunnah of Mugra Sircar Sautgaum.
 Divifion 16 Annas.
 Mahal Kiffmuttea.
 Amount 24,504 13 16 1

*On the 15th of Rabbi ul
Sauni 5th Sun, a copy was
entered in the Dewanny
Book. D.*

Purgunnah of Khaffpoor	Sircar Sautgaum.
Divifion 16 Annas,	
Mahal Deroobuft.	
Amount 3,337 3 2	
Purgunnah of Mundemul	Ditto.
Divifion 16 Annas,	
Mahal Decroobuft.	
Amount 22,199 5 5	
Purgunnah of Berryhalle	Ditto.
Divifion 16 Annas,	
Mahal Deroobuft.	
Amount 6,149 4 13 3	
Purgunnah of Ekktiarpoor	Ditto.
Divifion 16 Annas,	
Mahal Deroobuft.	
Amount 7,923 1 8	
Purgunnah of Deccan Saugur	Ditto.
Divifion 16 Annas,	
Mahal Deroobuft.	
Amount 60 7 12 2	
	Purgun-

Purgunnah of Shahnagur Sircar Sautgaum.

Division 16 Annas.

Mahal Deroobuff.

Amount 283 7 14

Purgunnah of Azimabad Ditto.

Division 16 Annas.

Mahal Deroobuff.

Amount 10,000.

Purgunnah of Ghur Sircar Saleemabad.

Division 16 Annas.

Mahal Deroobuff.

Amount 7,420 9 15

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Purgunnah of Moodagotcha Ditto.

Division 16 Annas.

Mahal Deroobuff.

Amount 31,793 10

Purgunnah of Peetcha Kollie Ditto.

Division 16 Annas.

Mahal Deroobuff.

Amount 3,129 4 15

0

Purgun-

Purgunnah of Kareejuree Sircar Saleemabad,

Division 16 Annas.

Mahal Deroobuft.

Amount 562 8

Kiffmut Purgunnah of Manpoor Ditto.

Division 16 Annas.

Mahal Kiffmuttea.

Amount 8,947 10 11

Belonging to the Company 8856 3 1

Do. Ramcant 91 9 18

Kiffmut Purgunnah of Paikan Ditto.

Division 12 Annas.

Mahal Kiffmuttea.

Amount 6,787 10 6 3

Kiffmut Purgunnah of Amerabad Ditto.

Adjacent to Chitpoor

Division 3 Annas.

Mahal Kiffmuttea.

Amount 3,650 10 9

Kiffmut

On the 12th day of Rabbi ul Sauni, a
 Copy was entered in the Books of the Go-
 vernment. (G Huzoor or the Presence.)
 H.

Sircar Saleemabad.

Kiffinut Purgunnah of Haveleeshehr

The village of Seenderpoor,

No division.

Mahal Kiffinuttea.

Amount 323 11 8

Kiffinut Purgunnah of Mahmud Aameepoor Do.

The village.

No division.

Mahal Kiffinuttea.

Amount 184 5 10

Kiffinut Purgunnah of Mob, falt and wax Do.

No division.

Mahal Kiffinuttea.

Amount 16,702 13 1

Purgunnah of Hattiagur

Ditto.

Division 16 Annas.

Mahal Dereobuff.

Amount 22,119 7 19 3

Purgunnah of Meida Sircar Saleemabad.

Division 16 Annas.

Mahal Deroobust.

Amount 4,199 14 10

Purgunnah of Akbarpoor Ditto.

Division 16 Annas.

Mahal Deroobust.

Amount 2,228 15 15

Purgunnah of Shahpoor Ditto.

Division 16 Annas.

Mahal Deroobust.

Amount 3,470 12 2 2

Kiffmut Purgunnah of Aboab Fouzdarree, &c. do,

No Division.

2 Mahals Kiffmuttea.

Amount 1,204 12 18 2

Kiffmut

Kiffmut Purgunnah of Aboab Fouzdarree and
Peshcush Congo

2 Mahals,

Amount 1,174 11 16 3

Bherjy (transferred) 30 1 1 3

Sairs Hettiagur, Meida, and Meidonmul, and
Moodagotcha, belonging to Coot Ekktiapoore.

Division 3 Annas 11 Gendas.

Mahal Kiffmuttea.

Amount 4,501.

Kiffmut Purgunnah of Bellia Buffeindarree
Sircar Salemabad, named Saheb nagur in the dis-
tricts of the Chucla of Burdwan, containing
the Mouza Bhilla, and all the lands lying on the
East side of the river Ganges.

Division 10 Annas.

Mahal Kiffmuttea.

Amount 2,791 11 12 2

Form of the Sign Manual.

AFTER THE RECEIPT OF THE MUCHULCA
AND ZAMINEE, ACCORDING TO CUSTOM.

BE THE SUNNED GRANTED.

Form of the Ferd Huccekut.

In consequence of the Ferd Sawal, signed by the glory of the Nobility and Administration, Shujah ul Muluck Hossam ô Dowlah Meer Mahomed Jaffier Khan Bahader Mahabut Jung, Nazim of the Subah, the form of which is herein fully set forth, the office of the Zemindary of the Kiffmut Purgunnah of Calcutta, &c. of the Sircar Sautgaum, &c. belonging to the Paradise of Nations, the Subah of Bengala, in consideration of the sum of twenty thousand one hundred and one rupees (20,101) Peshcush, &c. to the imperial Sircar, is conferred on the noblest of merchants, the English Company, who have delivered a Muchulca and Zaminee into the books, and petition for the Sunnud. In this particular what are you pleased to decree?

Form

27 Mahals.

Deroobust,	Kiffmuttea,
15 Mahals.	12 Mahals.

Amount, according to the account signed by the Canon-goes of the Subah,

Rupees 222,958 10 2 3



Form of the Sign Manual.

IT HAS BEEN VIEWED.

Form of the Ferd Sawal and particulars of the Mahals have been rewritten

above.

Pellicuth of the Imperial Sircars, &c. 20,101 rupees.

Pellicuth of the Sircar. Nezzerranna Subahdarree. Vizier's Fees.

12,101 rupees. 5,000 rupees. 3,000 rupees.

Form of the Muchulka, dated the

We the English Company do declare, that whereas the office of the Zemindary of the Kiffmut Purgunnah of Calcutta, &c. of the Sircar Sautgaum, &c. belonging to the Paradise of Nations, the Subah of Bengala, in consideration of the sum of twenty thousand one hundred and one rupees (20,101) Peshcush, &c. to the Imperial Sircar, from the month Poofs (Anno 1164) in the year eleven hundred and sixty-four of the Bengal era, has been conferred on us, to the end that we attend to the rights and customs thereof as is fitting, nor in the least circumstance neglect or withhold the vigilance and care due thereto; that we deliver into the Treasury in the proper times, the due rents of the Sircar; that we behave in such manner to the inhabitants and lower sort of people, that by our good management the said Purgunnahs may flourish and increase; that we suffer no robbers nor housebreakers to remain within our districts,

and

and take such care of the King's highways, that the travellers and passengers may pass and repass without fear or molestation; that (which God forbid) if the effects of any person be plundered or stolen, we discover and produce the robbers or thieves, together with the goods, and deliver the goods to the owners, and the criminals to condign punishment, or else that we ourselves be responsible for the said goods. That we take especial care, that no one be guilty of any crime or drunkenness within the limits of our Zemindary. That after the expiration of the year we take a discharge according to custom, and that we deliver the accounts of our Zemindary agreeable to the stated forms every year, into the Duffer Cana of the Sircar; and that we refrain from demanding the articles forbidden by the Imperial Court, the asylum of the world.

For this reason we have given this writing as a Muchulca and agreement, that upon any occasion recourse may be had thereto.

*Particulars of the Mahals
have been written in the
endorsement.*

27 Mahals.

Deroobuff. Kiffnuttea.

15 Mahals. 12 Mahals.

Amount 222,958 10 2 3

Form of the Sign Manual.

IT IS ACCEPTED.

Form of the Tomfook Hazir Zaminee, dated

I ——— do declare, that whereas the office of the Zemindary of the Kiffnut Purgunnah of Calcutta, &c. of the Sircar Sautgaum, &c. belonging to the Paradise of Nations, the Subah of Bengala, has been conferred on the noblest of merchants, the English Company; I being appointed the personal security for the said Company with the Sircar, do agree, and give this writing, that the aforesaid Company shall be present, and execute the functions of their Zemindary; if they shall absent themselves, I will
make

make them appear; but if at any time I am not able to make them appear, I will be responsible for their compacts: for this reason I have given this writing as a Tomfook Hazir Zaminee, that upon any occasion recourse may be had thereto.

Form of the Sign Manual.



SIGNED.

Form of the Agreement for the Peshcush, &c. to the Imperial Sircar.

Account of the agreement for the Peshcush, &c. made for obtaining the grant of the Sunnud, for the Zemindary of the Kismut Purgunnah of Calcutta, &c. of the Sircar Sautgaum, &c. in the name of us the English Company, for the year 1165 of the Bengal æra,

20,101 rupees Peshcush.

Peshcush of the Imperial Sircar, 12,101.

Nezeranna Subahdarree 5,000 rupees.

Vizier's fees, 3,000.

Rupees 222,958 10 2 3.

Mem. Here follows, in the original, a description of the particulars of the several Purgunnahs as before specified.



सत्यमेव जयते

A P P E N D I X

(No. II.)

Translation of the Copy of a Zemindary Sun-
 nud to Chitun Sing for the Zemindary of
 Bishenpore.

BE it known to the Mutfuddies of affairs
 present and future, to the Chowdries, Canon-
 goes, Talookdars, Ryotts and Husbandmen of
 Purgunnah Bishenpore, &c. (a Khalfā Mehal)
 in Sircar Bangush, &c. dependent on Chuck-
 lah Burdwan, belonging to the Soubah of Ben-
 gal, (the Paradise of Countries) that whereas,
 agreeably to the Furdy Sowal, (or Paper of re-
 quest) which has obtained our signature, and a
 Furdy Huckeekut, (or Paper of particulars) and
 a Mochulcah, (or Bond of obligation) in con-
 formity thereto, to which also our Signature
 has

has been affixed, with the particulars of each specified at large, the Office of Zemindar of the aforesaid Purgunnah has been bestowed, agreeably to the Indorsement annexed, from the beginning of the year 1187, B. S. to the cream of his peers, Chitun Sing, the grandson of Gopaul Sing, Zemindar, deceased, on his consenting to pay the Royal Peshcush, &c. of 186 Mohurs, and 2 Annas:—It is required of him, that having executed with propriety the duties and functions of his station, he be not deficient in the smallest respect, in diligence and assiduity, but observing a conciliatory conduct towards the Ryotts and Inhabitants at large, and exerting himself to the utmost in punishing and expelling the refractory: Let him pay the revenue of Government into the Treasury at the stated periods, let him encourage the body of the Ryotts in such a manner that signs of an increased cultivation and improvement of the country may daily appear, and let him keep the high Roads in such repair that travellers may pass and repass in the fullest confidence and security.

security.—Let there be no robberies or murders committed within his boundaries ; but (God forbid) should any one notwithstanding be robbed or plundered of his property, let him produce the thieves together with the stolen property, and after restoring the latter to the rightful owner, let him assign the former over to punishment ; should he fail in producing the parties offending, he must himself make good the property stolen.—Let him be careful that no one be guilty of misconduct in his behaviour, or commit irregularities of any kind.—Let him transmit the accounts required of him to the Huzzoor, under his own and the Canongoes Signature, and after having paid up the whole revenues completely to the end of the year, let him receive credit for the Muskooraut agreeably to usage, and finally let him refrain from the collection of any of the Aboab abolished or prohibited by government.

It is required of the aforesaid Mutfuddies, &c. that having acknowledged the said Person
Zemindar

Zemindar of the above-mentioned Purgunnah, they consider him as invested with the powers and functions appertaining to that office.—Regarding this as obligatory, let them not deviate herefrom.

Endorsement on the Back of the Sunnud.

Agreeably to the Furdy Sowl, which has obtained our Signature, and Furdy Hucceekut and Mochulka in conformity thereto, to which also our Signature has been affixed, the office of Zemindary of Purgunnah Bishehpore, &c. (a Khalfa Mehal) in Sircar Bangush, &c. dependent on Chucklah Burdwan, belonging to the Soubah of Bengal, (the Paradise of Countries) has been granted from the beginning of the year 1187, B. S. to the cream of his peers, Chitun Sing, the grandson of Gopaul Sing, Zemindar deceased, on his consenting to pay the Royal Peshcush of 186 Mohurs, and 2 Annas.

2 Entire Mehals.

The Jumma agreeably to the accounts, signed by the Canongoes of the Soubah.

Furdy Sorwal.

The office of Zemindar of Purgunnah Bishenpore, &c. (a Khalfah Mehal) in Sircar Bangush, &c. dependent on Chucklah Burdwan, belonging to the Soubah of Bengal (the paradise of countries,) having been bestowed on the cream of his peers, Chitun Sing, the grandson of Gopaul Sing, Zemindar, deceased, he has consented to pay the Royal Peshcush of 186 Mohurs, and 2 Annas, and requests that a Sunnud may be granted him.

What is your will and pleasure?

(*Subscribed*) LET A SUNNUD BE GRANTED.

Purgunnah Bishenpore, in

Sircar Bangush—1 Mehal 33,529 4 0 0

Ditto Shanpoor, in Sircar

Mandarum—1 Mehal 96,374 9 1 2

Total Jummah 1,29,903 13 1 2

P

Furdy

Furdy Hukkeekut.

Agreeably to the Furdy Sawal, the particulars of which have been recorded; the office of the Zemindar of Purgunnah Bishenpoor, &c. (a Khalfah Mehal) in Sircar Bangush, &c. dependent on Chucklah Burdwan, belonging to the Soubah of Bengal, (the paradise of countries,) having been bestowed from the beginning of the year 1187, B. S. on the cream of his peers, Chitun Sing, the grandson of Gopaul Sing, Zemindar, deceased, on his consenting to pay the Royal Peshcush of 186 Mohurs, and 2 Annas; and the aforesaid person having delivered into the Duffer the usual Mochulka and Zameny, requests a Sunnud may be granted him.—What is your will and pleasure?—2 Mehals entire.

The Jummah, agreeably to the accounts signed by the Canongoes, of the Pergunnah Bishenpore, in Sircar Bangush.

Jummah

Jumma—1 Mehal	-	33,529	4	0	0
Ditto Shawpoor, in Sircar Man-					
darum—1 Mehal	-	96,374	9	1	2
		<hr/>			
Total Jumma		1,29,903	13	1	2

(Subscribed)

HAVING TAKEN A MOCHULKA AND ZAMENY AGREEABLY TO USAGE, LET THE SUNNUD BE PREPARED.

Mochulka.

I, who am Chitun Sing, the grandson of Gopaul Sing, deceased, Zemindar of Purgunnah Bishenpore, &c. in Sircar Bangush, &c. dependent on Chicklah Burdwan, belonging to the Soubah of Bengal, (the paradise of countries.)

Whereas the office of Zemindar of the afore-said Purgunnah has been bestowed on me from the beginning of 1187, B. S. on my consent-

ing to pay the Royal Peshcush of 186 Mohurs, and 2 Annas.

Do of my free will and accord, enter into the engagement and written obligation, that having executed with propriety the duties and functions of my station, I will not be deficient in the smallest respect in diligence and assiduity; but observing a mild and conciliatory conduct towards the Ryotts and inhabitants at large, and exerting myself to the utmost in punishing and expelling the refractory, I will pay the revenues of government into the treasury at the stated periods.—I will encourage the body of the Ryotts in such a manner, that signs of an increased cultivation and improvement of the country may daily appear.—I will keep the high roads in such repair, that travellers may pass and repass in the fullest confidence and security.—There shall be no robberies or murders committed within my boundaries, but (God forbid) should any one notwithstanding be robbed or plundered of his property :—I will
produce

produce the thieves, together with the stolen property, and after restoring the latter to the rightful owner, I will consign the former over to punishment: should I fail in producing the parties offending, I myself will make good the property stolen.—I will be careful, that no one be guilty of misconduct in his behaviour, or commit irregularities of any kind.—I will transmit the accounts required of me to the Huzoor, under my own and the Canongoe's signature, and, after having paid up the whole revenues completely to the end of the year, I will receive credit for the Muscoraat, agreeably to usage—and, finally, I will refrain from the collection of any of the Aboab, which have been abolished or prohibited by government.

I have therefore given this paper as a Mochulka (or obligation) that recourse may be had thereto when occasion shall require.

2 Entire Mehals.

Jummah Rupees 1,29,903 13 1 2

(*Subscribed*) IT HAS BEEN SEEN.

Zameny (or Bond for Appearance.)

I, who am Canongoe of Bengal, the paradiſe of countries.

Whereas the office of Zemindary of Purgunnah Biſhenpore, in Sircar Banguſh, &c. dependant on the Chucklah of Burdwan, belonging to Bengal, has been beſtowed on Chitun Sing, the grandſon of Gopaul Sing, Zemindar, deceaſed:—Having become ſecurity to government for his appearance, do engage and bind myſelf, that in caſe the aforeſaid perſon ſhould abſcond, I will produce him, and in the event of my not being able to do ſo, I myſelf will be reſponſible for his engagements.

I have therefore written theſe few lines in the nature of a Hazer Zameny, that they may be called for, when neceſſary.

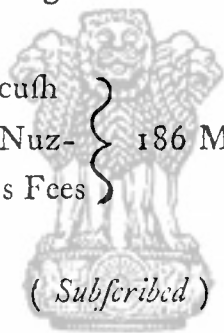
(*Subscribed*) APPROVED.

Cabu-

Cabuleat for the Peshcush, &c.

I Chitun Sing, the grandson of Gopaul Sing, agree to pay the Royal Peshcush, &c. as per particulars annexed, in consideration of having been honored with a Sunnud for the Zemindary of Purgunnah Bishenpore, &c.

Royal Peshcush	}	186 Mohirs, 2 Annas.
Soubadar's Nuz-		
zer, Vizier's Fees		



(*Subscribed*)

SOAD.

For mark of Approbation.

A true Translation.

(Signed) A. CALDECOTT, Deputy
Persian and Bengal Translator.

A true Copy (Signed) JOHN SCOTT, Sec.

A P P E N D I X.

(No. III.)

Note on the mode of investing a Zemindar, on the authority of Bode Mull, one of the ablest and best informed of the Khalfá Officers.

Upon the demise of a Zemindar, his heir or heiress transmitted an account of the event in a petition to the Dewan of the Soubah and the Roy-Royan, or, if landholders of the first rank, to the Soubahdar himself, with letters to all the principal men of the court, soliciting their protection.

To an heir or heiress who paid a large revenue to the State, the Soubahdar returned answers of condolence, accompanied with an honorary

honorary drefs to the former, and with a present of Shawls to the latter.

Letters to a similar purport were transmitted by the Dewan and the Roy-Royan.

After performing the funeral rites of the deceased, the heir, if of age, was presented to the Soubahdar by the Dewan and the Roy-Royan, and after receiving the beetle leaf, and an honorary drefs, was permitted to assume the management of the affairs of his Zemindary.

Minor heirs and heireffes received the honorary drefs and shawls, above-mentioned, through agents deputed for that purpose, to the court of the Nazim.

Zemindars of a secondary rank were entitled only to a pair of shawls, and a perwannah of condolence from the Soubahdar, and for those of an inferior class, an answer from the Roy-Royan, accom-

accompanied with the beetle leaf, was deemed sufficient.

The Zemindars succeeded to their Zemin-darries by right of inheritance, but until they consented to the payment of the Peshcush, or fine of investiture, to the emperor, and a proportionate Nuzzerannah, or present to the Nazim, neither the Imperial Firmaun of confirmation was granted them, nor were they permitted to substitute their own signature to the public accounts, in lieu of that of their predecessors.

It often happened, that several years elapsed before the demands of government could be adjusted. The officers of the Dewanny, in addition to the Peshcush and Nuzzerannah, swelled the account with claims of arrears due from the deceased Zemindar, and from which they seldom receded, till they had exacted from his successor all that it was in his power to pay.

These

These preliminaries being adjusted, the Zemindar presented a petition to the Roy-Royan, praying for a Sunnud of investiture. The Roy-Royan referred his petition to the Ser Dufter Dewanny, or Chief Mutfuddie of the Dewanny, or Chief Mutfuddie of the Dewanny Dufter, with orders to examine the contents, and prepare separate papers of agreement for the royal fine or Peshcush, &c.—and the Nuzzerannah, or present for the Soubahdar *. These papers being drawn out and copied fair, were returned to the Peshkar.—The Peshkar, either alone, or in conjunction with the Dewan, presented them to the Soubahdar, who superscribed the petition with the words *Sunnud Nowcefsand—let them write a Sunnud, or Be Nuzzer deramud, it has*

* This paper was never deposited in the Dufter, as it would have convicted the Soubahdar of appropriating a part of the Nuzzerannah Subahdarry to his own use, whereas by the laws of the empire he ought to have brought the whole to the public account. The ferd, or paper, therefore for the present clandestinely given to the Subahdar, does not appear among the above documents.

been seen; and the papers of agreement for the Peshcush and Nuzzerannah, with the letter *foad*, and returned them to the Duffer.

The Ser Duffer, or Chief Mutsuddie, upon the receipt of the above papers, thus authenticated, directed the Canongoes to draw out the Huk-keekut Jumma Tomaree, or rent roll of the Zemindary, attested with their official signatures, and called upon the Zemindar for a Muchulka, or obligatory deed, binding himself to observe the conditions of his grant, and for a security bond for his appearance, which was generally signed by the Canongoes of the district.

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The above deeds being executed, the Dewan, or Roy-Royan, directed the officers of the Duffer to draw out a Ferd Sawal, or application, at the bottom of which a copy of the petition was inserted in angular lines, extending over three fourths of the breadth of the paper. In the remaining copartment, or the right side, called the Hushe, was specified, in abstract, the
 number

number of Mehals, or districts, and whether granted *in whole or in part* be *Tusseel Kismut wa derrobust*, and in the Bariz, or middle of the paper, the amount of the Jumma, or settlement, under which followed a particular account of each Mehal or district. The Ser Dufter then numbered the papers of the Sawal in figures, on the left corner at the top of the page, and submitted it to the Dewan, or Peeshkar, for his perusal. The Dewan, or Peeshkar, presented it to the Soubahdar, who superscribed in the center *Sunnud be debund wa Marooz Dergab Waláb Nomaïend*. Let them grant a Sunnud, and represent it to the Royal presence; or if the Imperial Firmaun was not petitioned for, only the words *Sunnud bedebund*, let them grant a Sunnud; and after writing the number of the papers contained in the Sawal on the right corner, returned it to the Dufter.

The Mutfuddies then prepared a Ferd Huk-keekut, or statement of the particulars of the grant, (in conformity to the Sawal) which was
 presented

presented to the Dewan; who wrote over it, *Mochulka wa Zaminee Moaffukee Zabita Geriftab Sunnud bedebund*; having taken the customary Mochulka and security let them grant a Sunnud, or only *bedebund-wa-be-geerund*, let them grant (a Sunnud) and take (a Mochulka) at the bottom; a copy of the Sawal was inserted in angular lines, after which followed the particulars of the Mehaults, &c. &c. as described in the Ferd Sawal. The foregoing papers are called the *Lowaximab Sunnud*, or the vouchers to the different officers of State, for preparing the grant, and are inserted on the back of the Sunnud, which is drawn out in the form and manner following.

The Ser Dufter, or Chief Mutfuddy, joined together with gum a sufficient number of rolls of paper, dividing the whole into four copartments, by doubling it into folds from the top to the bottom.

On the side intended for the reverse, one span and an half from the top was left plain, being the space called the Peeshanee, or front.

Under this space, the Roy Royan (more properly called the Peeshkar of the Khalfa) wrote in large letters *Zimmeen Noweesund*, let them write the Zimmeen, or short recital of the grant.

The Mutfuddies then wrote the Zimmun in the two middle compartments of the roll.

Under the Zimmun, on the right corner of the second compartment, called the Hussho, were inserted the number of Mahauls, particularizing such as were granted in the whole or in part.

Then followed the Sawal, the Hukkeekut, the Mochulka, the Zaming or security bond, the Cubbooleat or agreement for the Peeshkush, written in angular lines, comprized in two-thirds of the middle compartments, and in the
middle

middle of the roll called the Bariz, the amount of the Jumma, after which followed the particulars of each Mohaul in the zyl or foot of the roll, being the conclusion of the vouchers inserted on the back of the Sunnud.

The roll thus endorsed, was sent to the Munshee of the Soubahdar, who wrote the Muttan or text, or body of the Sunnud, inserting at the bottom the day of the month and the year of the reign, to which was sometimes added the æra in general use throughout the Subah.

At the end of the line containing the date, the Soubahdar affixed his official mark called *Byz*, denoting the conclusion of the Sunnud, as also his approbation of the whole transaction, and the Dewan affixed his seal at the top of the Sunnud.

The Zemindar then deposited a copy of the Sunnud in the Dufter, authenticated by the seal

seal of the Cauzey, or under his own signature, or that of his agent.

The Mutsuddies, upon the receipt of this copy, inserted the *Neshanee Dewannee*, or Dewannee mark, in the back of the original Sunnud, in the margin at the bottom of the roll, specifying that on such a date a copy was registered in the Duffer under the in the word *Tareekh* or date, the Peeshkar or Roy-Royan signed the letter *Dal*. On the left of the Dewanny mark was inserted that of the *Huzoor Nowees*, (an officer who kept written proceedings of all business transacted by the Soubahdar) and subscribed by him with the letter H the initial of his official appellation. The Sunnud being thus completed, was delivered to the Zemindar by the Peeshkar of the Dewan.

A P P E N D I X.

(No. IV.)

Account of the origin and progressive increase of the four great Zemindarries, taken from the proceedings of the Bengal Revenue Committee in 1786.

ACCOUNT of the Zemindary of Burdwan, &c.

A man named Aboo, of the Kettre cast, was in the service of the Foujedar of Burdwan, who in 1036, Bengal style *, in consideration of his having faithfully discharged the duties of his office, gave him the Chowdrahy of Gowanee, a town in Burdwan, and Purgunnah Bazar Ibrahimpoore, and Bekanee Bazar.—He was succeeded in the possession of these by his son Baboo, who, by the dismission of Ram Roy, obtain-

* A. D. 1679-80.

ed Purgunnah Burdwan, &c.—4 Mehals.—
 After his death, the Zemindary came to Gun-
 nisam Dofs, who was succeeded by his son
 Kishenram. In the time of Nawaub Hiffayaut
 Khân, the Zemindary of Azmutshahy, &c. 3
 or 4 Purgunnahs were put under the security
 of Kishenram, who was killed in 1102 Bengal
 style *, in the troubles of Subah Sing. When
 these disturbances were quieted, Juggatram, the
 son of Kishenram, was put in possession of his
 deceased father's Zemindary, by the Shahazada
 Mahomed Azeem, and retained it till the end
 of 1107 Bengal style, having obtained in addition
 to it the Zemindary of Purgunnah Punkelty,
 &c. 5 Mehals. He was assassinated in the end
 of 1108.

Juggatram left two sons, Keretchund and
 Metter Seine, the former of which being the
 elder, succeeded to the Zemindary. In 1110
 Nernarrain and Sheo Chund, Zemindars of
 Monohurshahy and Burfut, not paying the Ba-

* A. D. 1696-7.

lances they owed to government, and at the same time refusing obedience to the Foujedar of Houghley, were dispossessed of their respective Zemindarries, which were made over to Keretchund. About the same period the Zemindar of Chitterah Burdah becoming security, the Nawaub Kartullub Khân * sent Lahoree Mull the Dewan of the Soubah, together with his own Peishkar and Durrupnarrain Roy, Canon-goe of Bengal, with a force to reduce him to obedience, but he fled the country, and his Zemindary was given to Keretchund. Some time afterwards, Rambudder, &c. Chowdries of Indrahinand, Juggernaut Persaud, and Sukdes, &c. Chowdries of Purgunnah Mundulghaut, having by their notorious bad conduct highly displeased the Nawaub Jaffer Khân, they were dispossessed and their Zemindarries given to Keritchund, who took them in the name of his son Chitter Sing. Keritchund died in August † 1146 Bengal style, and was succeeded in all his

* Afterwards Jaffer Khan.

† A. D. 1740-1.

possessions

possessions by his son Chitter Seine, to whom also fell the Purgunnah Arfa, on the decease of Govind Dofs Chowdry. On Chitter Seine's death, his cousin Tellook Chund (son of his father's brother) succeeded to the Zemindary in 1151*.—Tellook Chund died in Jeyte 1177†, and was succeeded by his son the present Rajah Teejchund.

Account of the Zemindary of Rajeshahy, &c.

A Bramin named Comdeo lived in Moza Mattoor, in Lushkerpoor, and had three sons,—viz. Ramjewan, Ragoonundun, and Bisheeram. Ragoonundun was employed as Vackeel of the Zemindar of Lushkerpore at Dacca, the then seat of Government. He was afterwards employed in the same capacity by Durrupnarrain, the Canongoe of Bengal, and soon after advanced to the office of Naib Canongoe.

In 1113‡ on the defalcation of Bhugwatty and Gunnes Narrain, Chowdries of Purgunnah

* A.D. 1745-6. † A.D. 1771-2. ‡ A.D. 1697-8.

Bungautchy, &c. in their payments of revenue, Rogoonundun got their Zemindary, in the name of his elder brother Ramjewan. He remained in the office of Canongoe's Peishkar from 1114 to the end of 1115 Bengal style. The year following, the Nawaub Kartullab Khân was made Dewan of the Soubah of Bengal and Orissa, with the title of Moorshed Kooly Khân, and appointed Ragoonundun his own Peishkar. In 1117 Bengal style, on the death of Ramkishen, the Zemindar of Bettorea, &c. Ragoonundun got the management of the Zemindary, which remained in the name of Rannee Serbance, the Zemindar's widow; but she dying soon after without heirs, Ragoonundun obtained the Zemindary in the name of his brother Ramjewan. In 1120, Codinarrain, the Zemindar of Rajeshahy, having revolted in consequence of some discontents, collected his adherents, and retired to the mountain of Sultanaba. Ragoonundun was sent with a force against him, seized and confined him in prison, for which service he was rewarded with the Zemindary of Rajeshahy, which

which he took in 1121, in the name of his brother Ramjewan. Some time afterwards, Seetaram, the Zemindar of Nuddea, was apprehended, and confined for the murder of the Foujedar Abootoorab, but dying in confinement, his Zemindary, together with that of Ibrahimpore, &c. belonging to Ragonaut, was given to Ramjewan. Rogoonundun died in 1131, and his infant son, Bowanny Perfaud, soon afterwards. The management of the Zemindary then devolved to Calca Perfaud, the son of Ramjewan, and Deby Perfaud, the son of Bishenram, at which time the Afgans Kishwer Khân, Shum sheer Khân, Enayut Khân, &c. Zemindars of Havillee Mahmoodabad and Shahojeal Toonjee Serooppour, &c. and Isfinder Beg Zemindar of Purgunnah Pokoreah, being thrown into confinement for murder, their Zemindaries were given to Ramjewan. Afterwards Enayut Ullah, Zemindar of Jelalpore, &c. falling in arrears, sold Havillee Futtchabad, &c. to Ramjewan, to make good his revenues; Ramjewan, on his son Calleperfaud's dying without issue in

1131 *, wanted to give † 10 Annas of his Zemindary to his great grandson Ramkaunt, and 6 Annas to Deby Perfaud his brother Kishenram's son; but Deby Perfaud, not consenting to this, the whole was given to Ramkaunt. Ramjewan died, leaving the temporary charge of the Zemindary in the hands of Diaram his Khidmutgar. In ‡ 1146 the Zemindary of Ootter Serroopore and Patlada, &c. (after the death of Ragonaut the deceased Zemindar's widow) was taken by Ramkaunt. However, as he could not realize the balances of government, the Zemindaries above-mentioned were, through the means of Mustapha Khân, given to Deby Perfaud: he held them some time; they afterwards came into the possession of Ramkaunt, as formerly. Ramkaunt died without male issue in 1153 §, and his Zemindary came into the possession of his widow, the present Rannee Bovannee.—Some time after, she gave the Zemindary to Ragonaut, her daughter's husband, who

* A. D. 1725-6. † Viz. 10ths. ‡ 1740-1. § 1747-8.

in 1158 died. She then resumed the management of her Zemindary. In 1165 * Nundcomar Roy got her displaced, and the Zemindary given to Gourry Perfaud, son of Deby Perfaud, who held it for a few months, and then it was again given to the Rannee, who now remains in possession.

Account of the Zemindary of Purgunnah Oera,
&c. †

Bhowaund, a Bramin, was a Mohirer in the Houghly Canongoe Dufter, and got himself appointed to the Zemindary of Purgunnah Bugwan, Nuddea, &c. 14 Mehals, in the room of Hurryhoo and Coffinaut Chowdry. He died, and was succeeded by his son Gopaul Roy, who was succeeded by his son Rogooram. Rogooram got possession of the Zemindaries of Oera and Santipore, on failure of the Zemindars Mooddoshoodun and Serekifhen, in payment of their revenues. He died, and was succeeded by his son Rooddur Roy, who had two sons, viz.

* A. D. 1759-60.

† Nuddeah.

Ramchund and Ramjewan. On his death, the Zemindary descended to Ramchund the elder. Ramchund however revolting against the government was put to death for his ill behavior, and the younger brother Ramjewan got possession of the Zemindary. He had two sons by different women, by the first Rogooram, by the second Ram Gopaul. Ramjewan died in * 1126 and was succeeded by his eldest son Rogooram. This man got several Mehals into his possession; some by purchase, and others by way of Gutchannee, between the year 1127 and 1134 †, viz.

Purgunnah Plassefey, from Perfaud Dofs, &c.
Chowdries.

Anwerpore, from Kishen Perfaud, &c.

Ameernagur, from Ramkaunt.

Boorun, from Ncorkhan.

Part of Purgunnah Khoosdeh, from Deo
Chuckerbuttee.

* A. D. 1720-1.

† 1722 and 1729.

Cutleah, &c. from Sham Sunder and Neelkaunt.

Belgong, from Monohur and Sheoram Seine.
Part of Mahlund, from Rajebullub, &c.

Behrool, from Rogoonundun, &c. Chowdries.

These he kept for 9 years, and then died in 1135*. The year following his son Kishenchund was put in possession of the Zemindary, and added to it by the following purchases, viz.

Part of Purgunnah Balinda, from Kirparam and Prawn Dutt.

Ditto of Beleah, from Rammiffer Bifwafs.

Ditto of Sultanapore, from Santose and Ramjewan.

Ditto of Aumeenpore, from Punchannund Chowdry.

He also, after the death of Govind Deo, took possession of a Kismut of Purgunnah Hulda,

* A. D. 1729-30.

which

which belonged to the Muskoory Talooks. After holding his Zemindary for 53 years, he resigned it to his son Sheo Chund, the present Rajah.

Account of the Zemindary of Havillee * Penjora.

Hurr Ram and Hurrnarrain were two brothers; Seremunt, Chowdry of the Purgunnah, dying without issue or heir, the Zemindary was given to Hurr Ram; who was his daughter's son. Hurr Ram had two sons, Sookdeo and Behenaut; the eldest of whom succeeded to the Zemindary, on their father's death. Sookdeo had three sons, Ramdeo, Joydeo and Prawnnaut. Ramdeo, the eldest, succeeded his father in the Zemindary, and died some time after without issue; upon which the second, Joydeo, got possession. He too died in a few years without issue; the Zemindary then fell to Prawnnaut; who having no issue of his own, adopted one of his relations, named Ramnaut. He held it near 40 years, and died in 1131 † Bengal style, when he was succeeded by his adopted son Ramnaut above-mentioned.

* Demagepore.

† A. D. 1725-6.

Ramnaut had 4 fons; Kifhennaut, Byjenaut, Cantoonaut, and Roopnaut; the eldeft, Kifhennaut, died in his father's life-time, without iffue. Ramnaut died in 1167*, and was fucceeded by the eldeft furviving fon, Byjenaut. Soon after, Roopnaut the youngeft died without iffue. In the troubles of Coffim Ally Khan, Byjenaut was confined with feveral other Mutfuddies and Farmers, &c. of rank in the Fort of Mongheer. Cantoonaut his half brother, having, through Ramnaut Bhudder, Sezawul of the Purgunnah, agreed to acknowledge the Nawaub above-mentioned, prefented his Nazerana, and received a Perwannah for the poffeffion of the Zemindary; but in Coffim Ally Khan's flight, and the fucceffion of Jaffer Alli Khan, Byjenaut was releafed, and reinstated in his Zemindary. He died in 1186 † leaving Radanaut, an adopted fon, who is the prefent Zemindar.

(Signed) G. DANDRIDGE.

Persian and Bengal Tranflator.

* A. D. 1761-2.

† A. D. 1780-1.

A P P E N D I X.

(No. V.)

Translation from the Bengal Language of the
Deeds of Sale for a small Talook near Cal-
cutta, in the year 1715-16.

The attestation of
Crishno Singh.

Sri Sri Crishno,

सत्यमेव जयते

a Seal,

Persian Writing.

The attestation of Roghudevo
Dats — Ramocrishna Dats —
Monohor Dats — Siam Sunder,
senior.

Deed

Deed of sale of land by Crishnoram Singh, to the sincere and upright Sriram Rai, the receptacle of blessing—as is hereafter recited.

In the Purgunnah Paican of Sircar Satgong (a Mehal of the Royal Exchequer) I possess the Talook of Kismet Sivapore, villages, &c. which, with Bicontpore, &c. agreeable to the annexed list, I make over to you, with all lands, whether Royoti, Khamar, productive, jungly, barren, with all ponds, gardens, fisheries, woodlands, and their timber, therein comprehended and situated, and paying a revenue of 311 14 8 agreeable to the Aful Tamar Jumma.

सत्यमेव जयते

The arrears accruing thereon from the year * 1118 to the 17th — Byfakh 1120 * — amounting to rs. 383 6, I have received from you, and paid the same in liquidation of the above balance. For that consideration I make over to you, by my own free will, the said

* A. D. 1713 to 1715.

Talook ;

Talook ; so that taking possession thereof, and including the same with your own estate, it may be enjoyed in peace and happiness by your posterity. The power of gift or sale devolves to you ; neither I, or my descendants, shall possess any claim thereto. You are moreover exonerated from all responsibility for the yearly revenue, up to the year 1117. Upon those conditions I have sold you these lands. Finis.

In the year 1121, 28th Joista.

A Seal.

The attestation of
 Siam Sunder, senior. —
 Roghudivo Dats —
 Ramocrifhno Dats—
 Monohor Dats.—

The attestation of
 Sri Crifhnoram Singh.

I Crif-

I Crishnoram Singh do give this receipt to the following purport.

The public Towjee exhibits the amount due to you on account of my Talook, Kifmet Sivapore, together with Bycontpore in Purgunnah Paican, Sircar Satgong (a Mebrl of the Royal Exchequer) up to the 17th Byfakh at rs. 383 6.

Having received this sum from you in the current Sicca rupee, and discharged the above balance; I give this instrument, relinquishing to you all claim thereto from this time. Finis.

In the year 1121*, 28th Joysta.

* A. D. 1715-16.

Abstract of the Purchaser's Family.

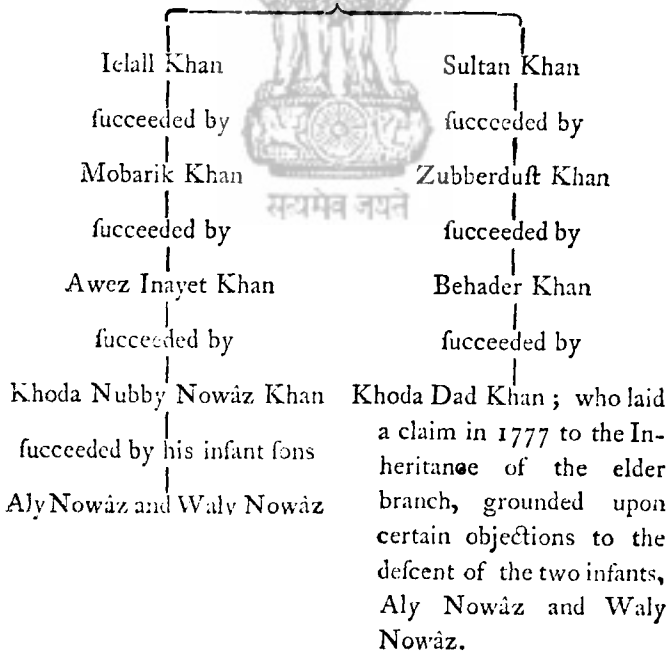
Sri Ram Roy, who had six brothers,
purchased the Talook from Riftram Sing
in the Bengal year 1121, or A. D. 1715.
Died in 1124 1718,
and was succeeded by his brother
Jy Ram Roy,
who died in the B. Y. 1158 or A. D. 1753,
and was succeeded by his son
Raje Kishore Roy.
The present possessor
has a son
Ramdone Roy.

A P P E N D I X.

(No VI.)

Sketch of the family and succession of the Zemindars of $\frac{1}{16}$ ths of the Purgunnah Hazraddy in the Province of Dacca.

Letief Cawn,
 Possessor of $\frac{1}{16}$ ths of the Purgunnah; afterwards divided between his sons,



A P P E N D I X.

(No. VII.)

Questions on the subject of the inheritance of
Zemindarries, proposed by the President and
Council of Bengal in the year 1773,

To the Nabob Mahomed Reza Khan, Naib
Dewan and Naib Subahdar of the province
of Bengal ;

Maha Rajah Shetáb Roy, Naib Dewan of the
province of Behar,

The * Roy Royan, and the Canongoes of the
Khalfa ;

* The Roy Royan is the principal native officer of the province next to the Dewan. The Canongoes are the registers of land, and expounders of the usage of the country. All papers attested by them, are received as authentic and decisive in all disputes relative to lands, their boundaries, or property of that nature. See Regul. of Beng. Gov. in 1772, entered in Sec. Comm. Rep. 1773.

And

And the Pundits, or learned Bramins, who were assembled at Calcutta by Mr. Hastings, and there employed in compiling the code of Hindoo laws, translated by Mr. Halhed:—with their respective answers.

1st. Upon the death of a Zemindar, does the Zemindary belong to his son, or to the king, who may give it to whom he pleases? Can the son of a Zemindar of himself take possession, and enjoy the Zemindary; and is the king's Sunnud necessary or not?

2d. When a Zemindar has no son, and only a daughter, can she of herself take possession of the Zemindary or not?

3d. In a Zemindary there are two brothers. The elder had possession of the Zemindary. Afterwards his descendants regularly for four generations enjoy the Zemindary, and die without heirs; the younger brother's grandson's grandson is in being, though none of this line

come to him, or belong to the king, who may give it to whom he pleases?

4th. A Zemindar dies—afterwards his descendants, by some means, have not had possession of the Zemindary. In this case, after how many generations will the Zemindary revert to the government?

Observation.

These questions are substantially the same as those given by Mr. Francis in his Plan of Settlement of 1776, published in 1782, (p. 73) and afterwards entered in the 6th Report of the Select Committee, App. No. 14. The only difference is, that he has taken them as stated argumentatively in the Bengal Consultations; and I presume these are in the form they were put into by the translator, or executive officer, in order to accommodate them to the language and apprehension of the several persons to whom they were to be proposed.

Answer from Mahomed Reza Cawn.

Answer to question 1. According to the law of the Coran, a son has a right to succeed his father in a Zemindary, independantly of any Sunnud from the king, nor is it in the king's power to dispose of it as he pleases. His right only extends to the receiving of its established revenue.

Answer to question 2. In case of there being no other heir, a daughter is, agreeably to the law of the Coran, heiress to the whole of her father's estate; and can take possession of the Zemindary left by her father. But should there be other heirs, she has then only a right to a share, as decreed in the holy scriptures.

Answer to question 3. In the cases proposed in this question, the descendants of the younger brother, as far as his grandson's grandson, when neither he nor they ever had possession of
of

of the Zemindary, are according to the laws of the Coran entitled to it; nor does the king's right extend farther than over its established rents.

Answer to question 4. So long as there are any heirs of the Zemindar remaining, even should they not have been in possession of the Zemindary for many generations, the Zemindary does not become the property of the king; nor has he, agreeably to the laws of the Coran, any right over it, further than the receiving of its established rents. Should a Zemindar die without any of the following connexions, his property will then revert to government, viz.

Heirs of the first degree of right, whose shares are all ascertained in the Coran. {

- A father.
- A grandfather or great grandfather.
- A brother on the mother's side, but not on the father's.
- A husband.
- A wife.

A daughter.

Heirs of the first degree of right, whose shares are all ascertained in the Coran.

- A daughter.
- A son's daughter or niece, or any person in the same line more distant in the degree of consanguinity.
- A sister on the mother's side.
- A mother.
- A grandmother on the father's side.
- A sister on the side of both father and mother.
- A sister by the same father, but different mothers, provided she has not got an own sister.

Although these persons rank as having an inferior right to the foregoing, yet they are in fact the only proper heirs, as they succeed to the inheritance after a provision is made only for the other's subsistence.

- A son or son's son, or any person in the same line, but more distant in the degree of consanguinity.
- A father or grandfather, when there is no son surviving.
- A brother by the same father and mother.
- A brother by the same father, but different mothers, when there is no brother by the same father and mother.

A uncle

Although these persons rank as having an inferior right to the foregoing, yet they are in fact the only proper heirs, as they succeed to the inheritance after a provision is made only for the other's subsistence.

An uncle or uncle's son, a cousin by the father's side only.

A daughter can claim a share in the inheritance, should she have a brother surviving.

A son's daughter ditto ditto sister by the side of the father and mother.

A sister by the same father, but different mothers.

A sister by the same father and mother can share with the daughter of the deceased.

A sister by the same father, but different mothers ditto ditto.

If a person who has been released from slavery, dies without any of the above connexions, his effects become the property of the person, or the heirs of the person who gave him his freedom.

A daughter's

Heirs of a third
degree of right. { A daughter's daughter.
A son's daughter's daughter.
A fister's daughter.
A fister's fon.

A trustee constituted by the deceased heir to his estate, after paying his just debts. Any person ignorant of his father, acknowledged by another for his son.

A legatee.

Answer 2d. to Question 1st. According to a received opinion of famous magistrates, a son is, after the father's death, proprietor of his estate, and can of himself take possession of his Zemindary; but if for the sake of establishing his credit, and to get his name enrolled in the records, he shall procure a Sunnud from the King, it will be of no signification, either one way or the other. Should a Zemindar, notwithstanding a real ability in his district, be backward in the payment of his rents; or appropriate them to his own use, or be guilty of oppression on the Ryots; the

the King, or the ruling Magistrate, may in that case appoint some one of his relations, or should he not have any, a person not his relation may be appointed his Gomastah or Agent, to have the management of the revenues, and to preserve the contentment of the Ryots, provided the Nankar and established perquisites are at the same time paid to the Zemindar. But a Zemindar's inheritance cannot be transferred to another. Should he be guilty of any capital crime, such as murder or robbery, it will be the duty of the Magistrate to inflict upon him such punishment as is decreed in the Coran.

सत्यमेव जयते

Answer 2d. to Question 2d. In case of a Zemindar's having no son, a daughter is, according to the opinion of famous Magistrates, heir to his Zemindary; but should he have a son, and other heirs, his daughter in that case is heir only to her own share, as is decreed in the Book of God. In case of the daughter's not paying her malguzarry, the
King

King or the ruling Magistrate has a right to appoint some one of her relations; or should she have none, any other person, as her Gomastah, or Agent, to have the management of the revenues in her behalf, paying to her, at the same time, her Nankar and established perquisites.

Answer 2d. to Question 3d. According to the opinion of famous Magistrates, any one of the descendants of a younger brother, as far as his grandson's grandson, has certainly a right to the Zemindary. In case of his not being able to discharge his * Malguzarry, the King, or ruling Magistrate, has a right to appoint some one of his relations, if he has any, if not, any other person as his Gomastah, or Agent, allowing him at the same time his Nankar and established perquisites.

Answer 2d. to Question 4th. According to the opinion of famous Magistrates the heirs

* Revenue.

of a Zemindar, even should they never have been in possession of the Zemindary after the Zemindar's death, have in reality still a right to it; but the King or the ruling Magistrate may, in order to serve a particular purpose of policy, either place one of them, or any other in the Zemindary, and receive the revenues from them, provided the heir of the Zemindar is allowed his established perquisites. But the Zemindary does not revert to government.

Remarks.

Zemindaries are of different kinds, some of them subsisted previous to the introduction of the Mahomedan religion, into this country, whose proprietors having acknowledged their subjection, and agreed to pay their rents to the Mahomedan Emperor, were accordingly continued in their possessions.

A second kind is those which have been cleared of Jungle, and cultivated from a barren
desert

desert state, the Zemindars of which are called Jungle Burs.

A third kind is, those which have been purchased.

A fourth kind is, those which have been granted as a free gift.

Besides the foregoing kinds, there is another kind called Sunnuddy Zemindarries, of which are the following, viz.

The first is, when the King grants to any person a certain quantity of waste jungly land, to be by him brought into a state of cultivation, after which he pays rent for it to government.

A second kind is, when the King or ruling Magistrate turns out a Zemindar without fault or reason, and gives a Sunnud for it to another.

A third

A third kind is, when a Zemindar dies, and some person makes a representation to the King of his being dead without heirs, and obtains a Sunnud for his Zemindary, of which he keeps possession for some generations, till at length the proper heirs appear.

A fourth kind is, when a principal Zemindar arbitrarily usurps the possession of other small Zemindaries, and afterwards applies to the King, or the ruling Magistrate, for a Sunnud for the same, who grants him one in consideration of his paying a Nazerannah.

A fifth kind is, when a Zemindar dies without heirs, and the King for some time keeps his Zemindary Khas, but at length grants it to another for a Nazerannah.

With the kinds of Zemindaries mentioned in the 1st, 2d, 3d, and 4th Articles of the above Remarks, as well as in the 1st Article of Sunnuddy Zemindaries, the King has no fur-

ther concern, than the receiving of his rents. Of those the Zemindar is the sole proprietor and master; and the degree of power which the King has secularly acquired over them, has already been explained.

The Zemindarries mentioned in the 2d, 3d, and 4th Articles are a kind of public offices.—Should an heir of the original proprietor step forth and assert his claim, it will then behove the King, or his Naib, to restore him to his right; but should there be no heir of the original proprietor remaining, it will then be in the King's own disposal.

सत्यमेव जयते

The kind of Zemindary mentioned in the 5th Article is no more than a temporary office, liable to be given away to whomsoever the King pleases. But the principal duty of a King is the administration of justice; and both for the sake of stability in his dominions, and inspiring his subjects with a confidence in his administration, whenever he gives a Sunnud to any person
for

for a Zemindary, either according to the spiritual or temporal laws, the longer he remains stedfast to his orders, the better. As the King is the supreme Magistrate, a frequent reversal of his orders is destructive of all confidence, and a slight upon his own authority.

Answer from Maha Rajah Shitabroy.

Answer 1st. When a Zemindar dies, his son succeeds to the Zemindary, according to the custom of the Soubah of Bahar, but the King is entitled to the revenue of it.—The great Zemindars, for the sake of the greater security, receive a Sunnud from the Kings. The King never grants one, but to the lawful heir.—In case this heir is not able to pay the revenue, he may sell the Zemindary, which becomes the right of the buyer; but it is necessary, that he should receive a Sunnud.

Answer 2d. A daughter can inherit the Zemindary, provided her father bought it, and

put her in possession, with the testimony of his relations, before his death. If the Zemindary descended to him from his ancestors, it becomes the property of their descendants, and not of his daughter. If there are no such descendants, it is then the right of the daughter.

Answer 3d. If none of the eldest brother's line is living, and the Zemindary descended from the late Zemindar's ancestors, it is the right of the descendants of the younger brother. If the late Zemindar himself bought it, and during his life time appointed no heir, it doubtless devolves to the King.

Answer 4th. In case, after a Zemindar's death, his sons happened not to obtain possession of it; when they afterwards appear, and claim it, and are ready to pay the revenue, the King's officers, considering their hereditary right, will give them possession, even after
some

some generations. The revenue belongs to the King, but the land to the Zemindar.

Answer from the Roy-Royan and Canongoes.

1st. After the death of a Zemindar, the Zemindary devolves to his son. Although the country belongs to the King, and he may indeed give it to whom he pleases; but it is neither conformable to the justice, nor to the custom of the country, that he give it to any other, in case the deceased Zemindar has left a son. The son has a right to take possession of his father's Zemindary, but it is usual for the son of a Zemindar, after his father's death, to repair to the presence, and present a Nuzzer to the King, that a new Sunnud may be made out in his name; for until he can produce a Sunnud, the Mutsudees and other officers of the Sircar will not acknowledge him as Zemindar; therefore it is necessary that he should procure a Sunnud.

2d. A daughter does not succeed her father in the Zemindary during the life time of her mother, unless the father has expressly appointed her (in his Will) to be his heiress; but she takes possession before either her father's brother, or brother's son. It is necessary, that she should obtain a Sunnud, which it is customary for the King to grant. She cannot, of herself, take possession of the Zemindary.

3d. If the Zemindar leaves behind him two sons, the descendants of the youngest, in case the family of the eldest is extinct, become entitled to the Zemindary, provided the last of the family of the eldest appointed them his heirs by will; otherwise the King may indeed grant it to them as a favor; but is at liberty either to keep it himself, or to confer it on whomsoever he pleases.

4th. Dispossession is by many different ways. Should any Zemindar die during the minority of
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of his son, and none of his agents are of sufficient credit to repair to the King's presence, give security for the Malguzarry, and obtain Sunnuds, and should any of the Zemindar's co-partners, or any one else, either by his intrigues at Court have obtained a Sunnud, and acquired possession of the Zemindary, or been invested in it by virtue of the King's authority, without any apparent fault on the part of the deceased Zemindar's sons; or in case those sons should die without ever having had possession of the Zemindary, and a grandson of the Zemindar should claim the Zemindary; he will in those cases be entitled to it, both by the laws of equity, and right of inheritance. Should the Zemindar's sons not have been able to discharge the revenue, or have otherwise offended against his Majesty; in that case it is his Majesty's prerogative to dispose of it to whomsoever he pleases. If, after the Zemindar's decease, none of his sons or grand-

sons should ever have been in possession of the Zemindary, it in that case devolves to the King.

Answer from the Pundits.

1st. Upon the death of a Zemindar, the ground belongs to his son, as also all his other effects.

Whether or not the King's Sunnud is necessary to put him in possession, is not written in the Shaster.

2d. Should this Zemindar have neither son, nor wife, nor grandson, nor great grandson, his daughter will enjoy the Zemindary.

3d. The descendants of the younger brother, according to the Shaster, will succeed to the Zemindary.

4th. While

A P P E N D I X.

(No. VIII.)

Questions relating to the allowances, or other emoluments of the Zemindars, &c. with the rights and conditions of their tenure, proposed by the Bengal Revenue Committee, in 1776, to certain Native Officers of the Revenue Department;—and their respective answers.

Translation of Questions put,

Ist. To the * Roy-Royan, Maha Rajah Rajebullub Behader.

IIdly. To the two * Canongoes; and

* Explained in Appendix, No. VII.

IIIdly.

IIIIdly. To Ram Ram Chowdry, * Sheristadar of the Carcoony department of the Khalsa Shereefa.

Question 1st. In what year was the † Moshaira of the Zemindars first settled?

Question 2d. Upon what account was such Moshaira granted?

Question 3d. Do all the Zemindars and Chowdries receive their Moshaira alike, or are there in this respect any inequalities; and if there be, what is the cause thereof?

Question 4th. Whence did the Zemindars derive their subsistence and profits before the granting of the Moshaira, and are those previous means of subsistence and profits still continued to them, or have they been resumed?

* Register or Chief Clerk of the Department of Accounts in the Royal Exchequer.

† Allowance or pension.

Question

Question 5th. What are, according to the Rajul Mulk (or common rule and custom) the nature and qualities of the rights of the Zemindars and Chowdries in this country, in regard to their respective Zemindarries and * Chowdries? Are these tenures in the nature of an office, depending on the approbation of Government, or do they possess a right of Inheritance in the nature of property in their Zemindarries and Chowdries?

Answers to the first Question.

1st. By Maha Rajah Rajebullub.

The Moshaira of the Zemindar of Burdwan was first granted, but as that district was long sepa-

* In the mode of spelling, used throughout this paper, the Incumbent is not distinguished from the Tenure. The former is Chowdhery, or Chowdry; the latter, Chowdrâ-y, like Baron, Barony; Stewart, Stewardship, &c. It should be remarked, that the term of *Chowdry* is here used as synonymous to *Talookdar*.

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rated from the Khalfah, and under the Collector's department, the registry does not therefore specify the year when the Mofhaira was there first fixed. In the Bengal year 1178 (1771-2 English style) Mofhaira was settled on the Zemindars of Rajehahy, Dinagepore, and Ocra, &c. and it was afterwards granted to other Zemindars in the following years.

2d. By the Canongoes. On the part of Lutchmy Narain.

The Mofhaira of the Zemindar of the Purgunnah of Burdwan was first settled, but as the Zemindary of Burdwan, &c. was included in the Tunkha or assignment of the Honourable Company, and did not depend on the Khalfah; the year therefore, in which this Mofhaira was granted, does not appear. The Mofhaira of the other Zemindars and Chowdries was fixed from the beginning of the Bengal year 1178.

On the part of Mohinda Narrain Sing Cannongoe.

The following statement will shew the years in which the Moshaira, &c. was settled on each person.

Purgunnah of Burdwan, &c. prior to the Bengal year	-	-	1178.
Rajeshahy, &c. from			1178.
Havely Pingerah or Dinagopore, from	1178	and in	1179.
Ocra or Nuddea	1178		
Beerbhoom, &c.	1178	and	1180.
Bishenpore, &c.	1178	and	1180.
Eiffufpoor, or Jeffore, &c.	1178.		
Rochunpore, &c.			1179.
Mahomedshahy, &c.			1178.
Futty Sing, &c.			1179.
Lushkerpore			1179.
Mahomed Ameenpore			1179.
Satsfyka, &c.			1191.
Edrackpore or Goragaut			1181.
			Purgunnah

Purgunnah of Patcheat, &c.	1178.
Fuckeercoondy, &c.	1179.
Cank Jole, &c.	1180.
Betteah Gopaulpore or Gorechund	1185.
(This was remitted in the settlement)	
Jehanguirpore, &c.	1186.
Tannah Beyhar	1181.
(This also remitted in the settlement.)	
Khurruckpore, &c.	1187.
(This also remitted in the settlement.)	
Chundlay (16 Annas)	1180 & 1182.
Tipperah, &c.	1190.
Sultanabad	1190.
(Maintenance to Ranny Sherbefly)	
Purnea Bazore, &c.	1178.
Jungleterry under Ramghur	1185.
Baugulpore, &c.	1184 & 1185.
Jelemootah, &c.	1178.
Myfaudel, &c.	1178 & 1180.
Tumlook, &c.	1178.
Sujamootah	1178.
	3d. Answers

3d. Answers on the part of Ram Ram Chowdry.

The Moshaira was not at all allowed in one year, wherefore the particular years are hereafter specified. The Purgunnah of Burdwan being assigned to the Company in the Bengal year 1176, the registry of it was not kept in the Khalfah, therefore the year in regard to it cannot be specified.

Purgunnah of Rajeshahy	1178.
Dinagepore	1178 & 1179.
Jeffore, &c.	1178.
Rockunpore, &c.	1179.
Mahomedshahey	1178.
Nuddea	1178.
Beerboom	1178 & 1180.
Bishenpore	1178 & 1180.
Futty Sing	1179.
Lufhkerpore	1179.
Mahomed Ameen- pore, &c.	1178.
	Purgunnah

Purgunnah of Edracpore	1181.
Patchcet	1181.
Rungpore	1179.
Cankjole	1180.
Betteah Gopaulpore	
and Gorachund	1187.
Sultanabad	1190.
Baugulpore	1185 & 1187.
Hedgely Districts	1178 & 1180.
Purnea Badore	1183.
Chundly (both shares)	1180 & 1182.
Hatindeah	1186.
Iehanguirpore	1186.
Satsyke	1189.
Rowshenabad	1189.
Sircar of Coach	
Beyhar	1180.
Ramghur	1187. *

Answers to the 2d Question.

11t. By Maha Rajah Rajebullub, Roy-Royan.

* All the dates in this table fall between A. D. 1772 and 1784.

Many Zemindarries were settled in lease to farmers, and in sundry places the gentlemen Zilladars, or superintendants, sending officers on their own part, collected the produce of the Mofuffil themselves; that there remained no authority of the Zemindars; and on account of the complaints of the Zemindars, the Mofhaira was settled.

2d. By the Canongoes. On the part of Luchmynarrain.

As in the latter end of the Bengal year 1187, the Governor General and the Gentlemen of the Council, took the Hufstabood Khaghiz, or accounts of the valuation of their rent rolls, from the Zemindars, and let the Zemindary districts on lease to farmers; the Mofhaira was therefore settled.

On the part of Mohindernarrain.

The settlements of the Zemindars were heretofore fixed according to the Toomar or rent roll of Toorul Mull, and the Tushkheesh
(a par-

(a particular valuation of the Rental known under this name, made in the Government of Sooja Khawn) and the Nancar (ready money allowance and other allowances of the Zemindars, which they were entitled by ancient practice and usage to receive credit for, was accordingly credited or allowed to them in their Jummah Waffil Bankey accounts, as therein stated, along with Waffool or Amount Collections, under the Head of Muzcooraut, or specified articles. Since the time that the settlement of the districts hath been made by the mode of farming, &c. the Moshaira, &c. has been allowed.

3d. On the part of Ram Ram Chowdry.

The cause of allowing the Moshaira was the letting out of the country in farm by auction.

Answers to the 3d Question.

1st. By Maha Rajah Rajebullub.

The Mofhaira is not granted in a proportionate Rate; there being inequalities therein, the cause of which is, that the Governor-General and Council having ascertained the charges of living of the Zemindars and Chowdries, settled the Mofhaira of each person according to whatever they thought proper.

2d. Answers of the Canongoes. On the part of Luchminarrain.

The Mofhaira of the Zemindars and Chowdries was fixed with a view to the calls they respectively had for a subsistence, which occasioned irregularity therein.

On the part of Mohindernarrain.

The Mofhaira, &c. of the Zemindars and Chowdries is not on an equal, but an unequal footing, having been fixed with a view to the actual expence.

3d. Answers of Ram Ram Chowdry.

The

The Moshaira of the Zemindars and Chowdries is not fixed by any one common rate, but is certainly unequal; the reason of which is, that the gentlemen fixed it according to their ideas of the actual expence of the several parties.

Answers to the fourth Question.

1st. By Rajah Rajebullub.

Heretofore the Zemindars remained in possession of their respective Zemindarries, and after paying their revenue to Government, reaped some profit. The allowances known under the denomination of Muzcooraut were also prevalent in many places, and they had Comar lands, &c. and they were in the practice of making collections from the Ryots, under the several heads of Mangun, Mathote, Jehwary Salamy, Bazee Jummah, Morochia, and other articles. These resources constituted the funds for their subsistence and profits; but when the farming settlement took place, several of the above arti-

cles were annexed to the public Rental, whilst several others were, with a view to the ease of the Ryots, discontinued, by order of the Council; now, that the Zemindars make their own settlements again, whether they exact the articles above-mentioned in their several districts or not, cannot be known without inquiry.

Answers by the Canongoes. On the part of Lutchminarrain.

The Zemindary districts used to be as to their settlements and revenues under the Zemindars, and after paying the Revenue of Government, they lived on the profits remaining to them, together with the produce of their Khomar land, and of the articles of Morocha, Mangun, and Bazee Junmah, which they received from the Ryotts. When the Zemindar's districts were let out to farmers, all the Zemindary resources were included in the Bundobust, or settlement, whilst the Morocha, &c. was, by order of Government, remitted, and entirely abolished.

On

On the part of Mohindernarrain Sing Canongoe.

Before the Mofhaira was fixed, the means of the Zemindar's subsistence consisted, according to the Rajul Mulk, 1st. In Nancar and other articles credited or allowed in their favour by Government:—and, 2dly. In the abundance of the produce of their respective countries. The continuation or resumption of which cannot be known, without the papers of the settlement formed, and the accounts of the collections made by the Zemindars.

3d. Answers of Ram Ram Chowdry.

Previous to the allowance of Mofhaira to the Zemindars, they derived emoluments, and the means of subsistence, from the abundance of the produce of their countries, and from those articles which, under the denomination of Muzcooraut, they were in the use of having allowed to them by Government.

Answers to the 5th Question.

1st. By Maha Rajah Rajebullub.

The proprietor or lord of the soil is the Emperor. Zemindars and Chowdries are written as Officers, and depend, conditionally, on the carrying on of the improvement and cultivation, and discharging the revenue of Government, together with the duties of protecting the highways, and of their respective limits and boundaries, and the chastisement of evil-doers; and from the times also of the ancient Kings and Rulers, the Zemindars and Chowdries have, by selling the lands in their possession, established and given rise to Talookdarries; and having, from generation to generation, attended, according to precedent and usage, to the payment of their revenues, they have continued firm and established in their tenures. In many places also, divisions are made between partners and descendants, and sales, and donations, and partitions, and appointments of heirs, are made
under

under the approbation of Government. In this manner their tenure is in the nature of an office under the approbation of Government, and they have also an hereditary right, in the nature of property in their Zemindarries and Chowdries. This is the Rajul Mulk, or Rule of the Country.

2d. Answers of the Canongoes. On the part of Lutchminarrain.

The Zemindars and Chowdries of this country are, descent after descent, fixed and established in their Zemindarries and Chowdries. They have therefore an hereditary right, their tenure depending on the conditions of paying the Government's Revenue, and carrying on the cultivation and improvement, together with the protection of the limits of their respective Zemindarries and Chowdries. This office depends on the approbation of Government; at the same time that it comprehends an established right of inheritance.

On the part of Mohindernarrain.

The Zemindars and Chowdries, on condition of paying up the revenue of Government, and of carrying on the cultivation and improvement, and of protecting the country (which render the tenure an office under the approbation of Government) succeed from generation to generation.—In this manner, according to the Rajul Mulk, it is their hereditary Inheritance, and they have a right of property.

3d. On the part of Ram Ram Chowdry.

A Zemindary and Chowdry is, according to the Rajul Mulk, an object of Inheritance; and the Zemindars and Chowdries are therein hereditary themselves, and their descendants authorized to make conveyances of sale and donation; but inasmuch as the payment of the revenue of Government, the maintenance of the peace, and the protection of the country, and the carrying on of its cultivation and improvement,

ment, are committed to them on the part of his Majesty ; it is therefore an office ; neither are they independant of the approbation of Government.

Tranflated.

(Signed) JON. DUNCAN,
P. R. R. Department,



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A P P E N D I X

(No. IX.)

Translation of a Firmaun concerning the Collection of Tribute issued by the Emperor Alungeer (Aurangzebe) in A. H. 1079, or A. D. 1668.*

TO the trusty Mohammed Hafsem, whose hope is in the Royal favor, be it known—That since, by the blessings of the grace and favor of the Lord of the earth and of the heavens, whose benefits are great and universal, it has ever been our desire, so to guide the reins of inclination in our exalted designs, as to conform to the sacred text which says, “ Of a truth, the Lord

* Mr. Shore, who has taken notice of this Firmaun, says, it is inserted in the *Mirât Ahmedy*, a History of Guzerat, and was addressed to the Dewan of that Province.

“ com-

“ commandeth that you act with justice and
 “ with righteoufness,” so is it our earnest wish
 in all our arrangements of weight and moment,
 to follow the laws prescribed by the most excel-
 lent of created beings * (upon whom, and upon
 his posterity and companions, be the sublimest
 blessings and peace), and by continually re-
 volving in our enlightened mind, “ That the
 “ earth and the heavens stand firm through
 “ justice,” perform our devotions towards pro-
 vidence, and venerate his commands, by shewing
 pity and indulgence towards our subjects of every
 degree.

Wherefore, on the present fortunate occasion,
 we have caused to be issued this sublime man-
 date, the emblem of justice, in order that the
 Muttefeddies and Aumils now in office, as well
 as those who may be hereafter employed in the
 affairs of the protected dominions of Hindostan,
 from one extremity to the other, be informed in
 all points concerning the tribute, as to the

* Mahomed,

quantity and mode directed in the enlightened law of the pure and bright religion. To this edict are subjoined the distinctions which are approved, as being ascertained from good and authentic traditions, and according to which they are to make the collections. They shall not require an annual renovation of this edict; but assure themselves, that any deviation therefrom will make them liable both to temporal and eternal punishment.

First. They must shew the Ryotts every kind of favor and indulgence, inquire into their circumstances, and endeavor, by wholesome regulations and wise administration, to engage them, with hearty good will, to labor towards the increase of agriculture, so that no lands may be neglected that are capable of cultivation.

Second. From the commencement of the year they shall, as far as they are able, acquire information of the circumstances of every husbandman,

bandman, whether they are employed in cultivation, or have neglected it. Then those who have the ability, they shall excite and encourage to cultivate their lands; and if they require indulgence in any particular instances, let it be granted them. But if, upon examination, it shall be found, that some who have the ability and are affixed with water, nevertheless have neglected to cultivate their lands, they shall admonish, and threaten, and use force and stripes. —In Kheraj Mowezzeff*, they shall acquire information of the conduct of the proprietors of land, from whom this tribute is to be collected, whether they cultivate or not; and if they learn, that the husbandmen are unable to provide the implements of husbandry, they shall advance them money from Government, in the way of Tekawy, and take a security.

Third. In Kheraj Mowezzeff, if the proprietor of the land, for want of means of pro-

* A fixed rate of tribute paid in money. It does not appear that this term has ever been in use in Bengal.

viding the implements of husbandry, has been unable to cultivate it, or has deserted, leaving the land uncultivated; they shall either give the land in farm, or allow another to cultivate it (on account of the proprietor.) In case it is given in farm, they shall take the tribute out of the farm; or if it is cultivated by another, from the proprietor's share, and if any balance remains, cause it to be sent to the proprietor. Or they shall appoint a person to succeed the proprietor, who shall cultivate the land; and after paying the tribute, whatever remains, he shall apply to his own use. When the proprietors of the lands shall again have the ability to cultivate them, they shall be restored to them. If a person deserts, leaving his land uncultivated, they shall not give it in farm during the remainder of that year, but after the expiration of that year they shall give it in farm.

Fourth. Let them obtain information of the parcels of lands, which having fallen into disuse, have not been restored to cultivation.

If

If they are situated amongst highways and roads, let them be annexed to the (neighbouring) city or town, that some body may cultivate them. If they are of other descriptions, let them examine the state of such lands. Provided some part is cultivated, but is not very hopeful, they shall not give molestation on account of the tribute of such lands. If there are but small hopes from the remainder, (of bringing it back into cultivation) or if it has been all along uncultivated; in both cases, if that land is proprietary, the proprietor being present, and capable of cultivating it, let them admonish him to cultivate it. But if that land is not proprietary, or the proprietor is not known, let them give it to a person who is capable of cultivating it. Then, if the farmer is a Mussulman, and the aforesaid land is situated in the neighbourhood of Asheree Land, let them agree with him for Asher *. If it lies near Kherajee Land, or the farmer is an infidel, they shall positively exact

* A tenth of the produce.

from him the Kheraj (Mowezzeff). In a case where (such) Kheraj is not proper, they shall, according to the exigency of the occasion, settle a rate for each Beegah, which is called Kheraj Mekettaat, or else settle for half of the established share of the produce, which is called Mokoffimeh *. If the proprietor is known, but is totally incapable of cultivating the land, provided that land heretofore was settled for Kheraj Mokoffimeh, let them act conformably to the directions herein-after given. If it was not Mokoffimeh, they shall not give any molestation for Asher, or for Kheraj (Mowezzeff); but in case of distress, having advanced him Tekawy, they shall make him employ himself in cultivation.

Fifth. If the proprietor of a piece of uncultivated ground be known, let them leave it to him, and not suffer any other to possess it. If the proprietor thereof is not known, and the soil

* A rule of division, or rateable proportion.

is not promising ; they shall, according to the best of their judgment, give it to any one they shall think capable of managing it ; and if such an one do properly cultivate it, they shall consider him the proprietor. If the land is capable of particular species of cultivation, and he acts in a manner that prevents such a return from the soil (as might, with proper management, be obtained), they shall hinder him from so doing ; and they shall prevent him from enjoying the profits thereof, nor allow any person to possess such land, or to be considered as the proprietor.

If a piece of ground has changed its proprietor, and through his (the new proprietor's) mismanagement, become entirely desolate, they shall consider it as belonging to him who possessed it before, and not allow this other to possess it.

Sixth. In a place where neither Asher nor Kheraj (Mowezzeff) are yet settled upon agriculture, they shall act as directed in the law.

In case of Kheraj (Mowezzeff) they shall settle for such a rate, that the Ryots may not be ruined by the lands; and they shall not on any account exact beyond (the value of) half of the produce, notwithstanding any (particular) ability to pay more. In a place where (one or the other) is fixed, they shall take what has been agreed for, provided that in Kheraj (Mowezzeff) it does not exceed the half (of the produce in money) that the Ryots may not be ruined. But if (what is settled appears to be too much) they shall reduce the former Kheraj to what shall be found proportionate to their ability; however, if the capacity exceeds the settlement, they shall not take more.

Seventh. Commutations of Mowezzeff and Mokoslimeh are allowable, provided the Ryots are satisfied, but otherwise they shall not make such alterations.

Eighth. The season for demanding the Kheraj Mowezzeff on every species is, when
the

the harvest is fit for reaping; therefore, from every particular species that shall arrive at that state, they shall take the proportion of tribute.

Ninth. When a field that pays Kheraj Mowezzeff suffers a partial injury, they shall make a careful investigation thereof, and shall allow a fair and equitable deduction, according to the degree of injury; and in taking the tribute from the remainder, they shall do it in such manner, that the Ryots may enjoy a complete half (of what the crop ought to have produced.)

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Tenth. In Kheraj Mowezzeff.—Whosoever, notwithstanding he possesses the ability to cultivate his own land, and meets with no impediment, nevertheless suffers it to be uncultivated: let them exact the tribute from other means. If in particular places from inundation, or from want of rain, before the reaping of the harvest, it suffers such a degree

of injury, that the seed thereof doth not come to his hand, and there remain not sufficient time for him to cultivate again that year, they shall consider the tribute to have ceased. But if the injury shall happen after the reaping, even if there be a total loss, such as having been eaten by cattle, &c. or if there remain sufficient time for a second cultivation (in that year), they shall exact the tribute.

Eleventh. If the proprietor of land paying Mowezzeff, cultivates it himself, and dies before he had paid the tribute of that year, and the harvest comes to the hands of his heirs, they shall exact the tribute from the heirs. If the aforefaid defunct died before he had cultivated the land, and there was not remaining sufficient time for cultivating it in that year, they shall not exact any thing.

Twelfth. In Mowezzeff.—If the proprietor gives his own ground in farm, or lends it to another, and the farmer or borrower cultivates
it,

it, the tribute shall be exacted from the proprietor. If either of them makes a garden on it, they shall demand the tribute from the farmer, or the borrower. If any one takes possession of (such) tributary land, and denies having done so, provided the proprietor has witnesses, and the usurper has cultivated the ground, they shall exact the tribute from the usurper: but if he has not cultivated it, they shall not exact the tribute from either. If the usurper denies the fact, and the proprietor cannot produce witnesses, they shall exact the tribute from the proprietor. In a case of mortgage, they shall act the same as directed concerning an usurper; provided the mortgagee has cultivated the land without the permission of the mortgager.

Thirteenth. In Kheraj Mowezzeff.—If a person sells part of his own such tributary land, which is arable, and produces only one crop (in the year); provided there remains sufficient time to cultivate it in that year, and the buyer

has taken possession, (seeing that) if he wishes to cultivate in that year, nobody can hinder him, therefore the tribute shall be exacted from him, but otherwise, it shall be taken from the feller. If it produces two crops (in one year), one of which has been enjoyed by the feller, and the other by the buyer, the tribute shall be equally divided between them. If on that land there is a crop fit for reaping, the tribute shall be taken from the feller.

Fourteenth. In Mowezzeff.—If any person builds a house upon his own ground (which was cultivated), he shall pay the same tribute that he paid before: and the same, if he has planted trees that do not produce fruit. If a cultivated spot, that paid the Kheraj Mowezzeff, is converted into a garden, and the whole closely planted with fruit trees, they shall exact $2\frac{1}{2}$ rupees, being the rate for a garden, although the trees have not yielded fruit, excepting upon vines and almond trees, whereon tribute is not due until they bear fruit: but when they produce

duce fruit, they shall exact from them $2\frac{1}{2}$ rupees, upon the supposition that a lawful Beegah, measuring 45 Shahjehany, or 60 lawful Guz square, will yield $5\frac{1}{2}$ rupees, but otherwise they shall take half of the actual produce. If the value of the produce is less than a fourth of a rupee, in the proportion of one seer out of five Shahjehany seers of grain, they shall not take it according to such deficiency.

If an infidel sells his land to a Musselman, notwithstanding his being a Musselman, they shall exact from him Kheraj (Mowezzeff.)

Fifteenth. If any one dedicates his own land to the use of a public burying-ground, or for a ferai, they shall consider the tribute to have ceased.

Sixteenth. In Kheraj Mokoffimeh.—Every one who is not the (hereditary) proprietor of such Kheraj land, whether Infidel or Mussulman, having bought it, or taken it in mortgage,

gage, shall receive the profits with permission (of government.) From whatever is produced on that land they shall exact the settled rate of tribute, provided it be not more than half (of the produce), in which case they shall reduce it; but if it is less than the third, they shall increase it as far as they may deem fit.

Seventeenth. If the proprietor of Mokoffimeh land dies, and leaves not any heirs; in giving that land in farm, or to be cultivated, &c. they shall act in the manner already directed under the head of Mowezzeff.

Eighteenth. In Mokoffimeh.—If an injury happens to the harvest, upon as much as is damaged, they shall not exact the tribute: and whether the injury happens to the grain before or after reaping, they shall exact the tribute from (only) what remains (good).

No. X.

GLOSSARY OF WORDS.

I HAVE generally given an explanation of the Oriental words I have been obliged to introduce in the course of the Dissertation. However, as it may be troublesome for persons, not at all conversant in the Eastern languages, to carry this in their memory when the same words are repeated; I have therefore thought it would be most convenient to annex a short GLOSSARY, in alphabetical order, according to the mode of spelling I find already used by others: more especially, as the original documents, entered in the Appendix, contain many expressions, which, although they may seem common, and are frequently left untranslated in revenue papers, would not be understood in this country.

A.

ABOAB—Cesses levied under different denominations, beyond the standard rent.

Ameer—A Lord of the Empire—Amcer ul Omrah, Noble of Nobles.

Annab—Sixteenth part of a rupee in nominal money.

Asber, or *Asbery*—A tenth part.

Afful Tumar Jumrah—Original or ancient assessment.

Aumil—Native collector, or manager of a district on the part of government.

B.

Begak—A land measure, about one-third of an English acre.

Behader—Valiant—A title of honour conferred by the Mogul Emperors upon either Mahomedans or Hindoos, and placed after their name or other title.

Byak—The first month of the Bengal year, beginning in April.

C.

Cabooliet—An agreement or acknowledgment.

Canongo—Register of land, and expounder of the usages of the country. See Dissert. p. 169, and Append. p. 260.

Cauzey—Mahomedan magistrate.

Chowdry—Possessor of several Talooks. It is also used as synonymous to Talookdar; anciently, a collector.

Chucklab—

Chuckiab—The jurisdiction of a Fogedar. The name has continued when the jurisdiction is altered.

Comar, or *Kbomar*—A Zemindar's demefne land.

D.

Deroobuff—Intire ; as an intire district, opposed to *Kijmut*.

Dewan—Under the Mogul government, the Receiver-general, and Civil Governor, of a province : in private life, a steward.

Dewanny—The situation of Dewan ; the revenue department of a province.

Dufter—Office or department.

Dufter Cana—Office, or place where the office is kept.

F.

Firmán—An edict, or charter, of the Emperor : also, a letter from the Emperor. सयमेव जयते

Fogedar—Military governor of a subordinate district. In some cases, the collection of the revenues was added.

Furd-y-Huckeccut—Paper of description.

Furd-y-Sowál—Paper of request.

G.

Gomafhtch—Agent.

Gutchanny—Imposed by authority, or influence of office.

Guz—A measure, varying in different places, but may be reckoned about an English yard. The Guz of Akber was 41 fingers.

H.

Hazir Zaminy—Security for appearance.

Huckceekut—Description ; particulars.

Huzzoor—The presence ; the court of the sovereign, or his representative.

J.

Jaghire—Assignment made by an imperial grant upon the revenue of any district, to defray civil or military charges, pensions, gratuities, &c.

Jaghiredar—The holder of a Jaghire.

Joyst, or *Jeyt*—Second month of the Bengal year.

Jungle—Waste ; land covered with wood and brambles.

K.

Khás—Lands taken into the hands of government, opposed to the management of Zemindars or farmers.

Khalsab—Sometimes with the addition of *Skereesab*, the department of land and revenues ; the Exchequer.

Kheráje—Signifies strictly the tribute paid by a conquered country ; is also used for revenue in general.

Khidmut—Office, attendance, employment, service.

Khidmutgar—A waiting man.

Kifmut—Portion or division.

Khomar, or *Comar*—A Zemindar's demesne land.

Malguzarry—

M.

- Malguzarry*—Payment of revenue ; the revenue itself.
- Mehall*—Place or district.
- Mha Rajah*—The highest title of Hindoos.
- Milk*, or *Milkyet*—Property.
- Mocassmah*—Revenue settled by a division of the produce.
- Mochulkah*—Bond or obligation.
- Mofussel*—A relative term, signifying the subordinate lands or districts, opposed to *Sudder*, which is the head.
- Moher*—A gold coin intrinsically worth about 33 shillings.
- Moherir*—A writer (of accounts).
- Moshaira*, or *Moshabereh*—Pension or allowance.
- Mowazzef*—Fixed revenue.
- Munshy*—A Persian secretary or writer.
- Munjub*—A dignity or command conferred by the emperor.
- Munjubdar*—Dignitary, commander.
- Mutsuddies*—Writers, accountants, officers of government.
- Muzcoorant*—Allowances to the Zemindars in land or money.

N.

- Nazr*, *Nazer*, *Nezer*—See *Nuzzer*.
- Nabob*, or *Nowáb*—A title of courtesy given to Mahomedans high in station, particularly provincial Governors.
- Naib*—Deputy.
- Nazim*—The governor of a province, the same as *Subahdar*.
- Nankar*—

Nankar—Ancient allowance to Zemindars in land or money.

Nuzzer—

Nuzzeranah— } A present from an inferior; fees of office.

O.

Omrah—A lord of the empire, a nobleman.

P.

Peishcar—Principal in an office.

Peishcush—Fine, tribute, present.

Pergunnah—Subdivision of a district.

Perwannah—An order of government; a letter from a person in authority.

Pundit—A learned professor in the Hindoo doctrines of religion and law.

R.

Rajah—A title conferred upon Hindoos by the emperor, and frequently given out of courtesy to the greater Zemindars; a Hindoo sovereign.

Rayej-ul-Mulk—The usage of the country, the common law.

Roy-Royân—Chief officer in the revenue department, next to the Dewan under the native government.

Rupee—A silver coin worth from 20 pence to 2s. 6d.

Ryots—Subjects or Vassals, in a general sense; husbandmen of a village; traders or shopkeepers of a market, &c.

Serai—

S.

- Serai*—Place for the accommodation of travellers, maintained by the state, or endowed by individuals.
- Serrijtehदार*—Keeper of records or accounts.
- Sezawul*—An officer deputed occasionally to enforce the due payment of the revenue.
- Shastab, or Shaster*—The ancient books of the Hindoos upon religion, law, or science.
- Sircar*—A large division of country, containing many Pergunnahs. In some cases, and generally in political writings, it signifies—The government.
- Sowal*—Question, request—see *Furd*.
- Subab*—Any province of the Mogul empire.
- Subabdar*—Viceroy, or military governor of a province.
- Sunnud*—A grant, patent, charter.

T.

- Talook*—A tenure of land. See *Differt*. p. 35.
- Talookdar*—The possessor of a Talook.
- Talookdarry*—Relating to Talookdars; tenure of a Talookdar.
- Tekawy*—Money advanced by government to the proprietors or cultivators of the land, to assist them under circumstances of distress.
- Tonfook*—A bond.
- Tumar*—Rent-roll or assessment of the Emperor Akber.

V.

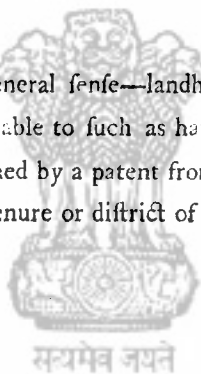
Vakeel—Agent, minister.

Z.

Zaminy—Security.

Zemindar—In a general sense—landholder ; but now more strictly applicable to such as have their title constituted or confirmed by a patent from government.

Zemindary—The tenure or district of a Zemindar.



F I N I S.

E R R A T A.

- Page 26, line 3, for *dewanny* read *Dewanny*.
 50, 14, for *Chaud* read *Chand*.
 50, 16, for *Jona* read *Sona*.
 105, 3, for *Serliad* read *Serbâd*.
 109, 1, for *Anquiti* read *Anquetil*.
 125, at the bottom—the reference to the History and
 Management of the East-India Company, should
 have been placed at the end of the quotation.
 126, line 16, for *πυρρονία* read *πυρρονίαν*.
 144, 2, for *Ode* read *Elegy*.
 169, 22, for *Canongos* read *Canongoes*.
 192, in the Note *u* the 2d. *est* should be *et*.
 208, line 9, for *Burryballe* read *Burryhattz*.
 227, 13, for *Chicklâb* read *Chucklâb*.
 239, 7, for *Zimmeen* read *Zimmun*.
 239, 16, for *Zaming* read *Zaniny*.
 246, 20, for *Sultanaba* read *Sultanabad*.

