
MINUTES OF EVIDENCE
TAKEN BEFORE
THE INDIGO COMMISSION
IN CALCUTTA.

Saturday, 21st July, 1860.

PRESENT:

W. S. Seton-Karr, Esq., c. s., *President.*

Members.

R. Temple, Esq., c. s.
W. F. Fergusson, Esq.

Reverend J. Sale.
Baboo Chunder Mohun Chatterjee.

The Hon'ble *Ashley Eden*, at present Magistrate, Collector, and
Salt Agent, Cuttack.

Hon'ble *A. Eden.*
21st July, 1860.

3571. *President.*] Will you state to the Commission the districts and appointments in which you have had experience?—I was first appointed Assistant Magistrate and Collector of Rajshahye, and, for a short time, had charge of the Sub-division of Nattore in that district; I was then appointed to the Sub-division of Aurungabad in the district of Moorshedabad; I was then employed on special duty, and then made Deputy Commissioner of the Sonthal Pergunnahs, and was next appointed to be Magistrate and Collector of Baraset. Then I officiated as Junior Secretary to the Board of Revenue, and this year I joined my appointment as Officiating Magistrate and Collector and Salt Agent of Cuttack.

3572. During the time you held these appointments, did you endeavour to mix familiarly with the people, and had you frequent opportunities of ascertaining the working of the Indigo system?—Yes, I always endeavour to mix as much as I could with the people, to ascertain their views upon all subjects, and, in the districts of Rajshahye, Moorshedabad and Baraset, I had ample opportunities of ascertaining, both from the natives and the planters, the working of the system.

3573. Do you hold the opinion that that cultivation is the result of free agency on the part of the ryots, or that it is in a great measure compulsory?—My opinion is that with the exception of Factories which have a large extent of *chur* lands cultivated, it is in no instance the result of free agency, but that it is always compulsory.

3574. Will you state to the Commission as fully as you can, the facts, proofs, or reasons which have induced you to hold this belief?—First, I believe it to be unprofitable, and therefore I cannot believe that any ryot would consent to take up that cultivation, involving as it does serious pecuniary loss to himself; secondly, it involves an amount of harassing interference to which no free agent would subject himself; thirdly, from a consideration of the acts of violence to which the Planters have throughout been compelled to resort to keep up this cultivation as proved by the Criminal Records of Bengal; fourthly, from the admissions of the Planters themselves that if the ryots were free agents, they would not cultivate Indigo; fifthly, the necessity under which the Planters state themselves to be of spending large sums in the purchase of Zemindaries and other descriptions of rights, giving them territorial influence and powers of compulsion, without which they would be unable to procure the cultivation of Indigo; sixthly, the statements of ryots and the people generally in the district in which I have been; seventhly, the fact, that as soon as the ryots became aware of the fact that they were by law and practically free agents they at once refused to continue the cultivation.

Hon'ble A. Eden.

21st July, 1860.

3575. Can you point to any particular records, printed or other, in support of your assertion regarding acts of violence?—I beg to hand in an abstract of forty-nine serious cases of murder, homicide, riot, arson, dacoity, plunder and kidnapping, which have occurred from the year 1830 to 1859, some of which I have taken from records which came before me during my incumbency; others from printed Nizamut reports, and all from authenticated papers. I also give a file of heinous cases connected with the cultivation of Indigo, which occurred previous to the year 1810, with a view of showing that on the commencement of the system of private trade in the interior of the country, these acts of violence were resorted to, and in consequence of those acts, five Europeans were punished, and deported from the country; and the Government, in a Circular Order of the 20th July 1810, considered it necessary to warn the Magistrates, to check the system of forcing the cultivation by means of advances on ryots. This last statement I have derived from a printed Parliamentary Report of 1820, on the occasion when the Directors of the Company were charged with impeding the settlement of Europeans. The great majority of the cases in the first list filed have occurred within the last ten years.

3576. Could you state how many of the above cases came under your personal observation as Magistrate?—Under my own actual observation I only remember two cases of those noted in the list. One was the case of kidnapping in Shanpore Factory, Bansbarria, in the Rajshahye district, in which one man was confined and died in the godown, and his body was thrown by the factory servants, and sunk by means of bags of bricks, in a *jheel*. This I know from having been Assistant to the Magistrate, who tried the case, and being acquainted with the parties concerned in it. The native servants of the Factory were punished by the Judge, but were released by the Nizamut who ruled, that although there was no doubt that the man had met his death whilst confined in the godown, yet that there was no distinct proof of the precise means by which he met his death, and therefore they merely punished those who were engaged in concealing the body. Another case mentioned there which I myself investigated, was a case in which the servants of the *Hobra* Factory went with a large party of ploughmen and ploughs, and ploughed up about 125 beegahs of the ryots' cultivation, and sowed Indigo on the land. I imprisoned the Factory people and was reprimanded for leniency, and for having shewn a prejudice in favor of the planters. Another case which I want to mention, which though within my own knowledge, is not contained in the list, was, that when I went to the Aurungabad Sub-division I found that it was the custom to carry off the cattle of the ryots who would not sow Indigo. It having been brought to my notice that a great deal of suffering was occasioned to the ryots, by the sale of their cattle in the previous year, I instituted enquiries and having ascertained one of the places in which the cattle were kept, I sent out a party of Police, and released from one of the out-factories about 2 or 300 head of cattle which even when brought to my own house, the

Hon'ble A. Eden.

21st July, 1860.

ryots through fear of the Planter were afraid for several days to come forward and claim.

3577. What was the distance of the Sub-division from the head quarters of the Factory, and why was the Sub-division established there?—The Assistant Magistrate's residence was between fifty and one hundred yards from the Factory, and the Sub-division was established partly on account of the disputes between Messrs. Lyon and White on the one part, and Mr. David Andrew on the other; and partly on account of the number of complaints, which came from that quarter, of the oppression to which the people were subjected by the servants of the Factories. On joining the Sub-division, the head-quarter house was not being yet erected, and not knowing the causes which led to the selection of that site, I recommended its removal to the town of Junghypore, which was the principal *entrepot* of trade in that part of the country. On going to Aurungabad great objections were raised by the Planters, however to the selection of a site so close to the Factory, on the grounds that the Magistrate's Court would interfere with business of the Factory. It is worthy of remark that it was the Factories of these two firms, which were first attacked during these disturbances. In justice however to the Manager, Mr. McLeod, I wish to state that I always found him personally willing so far as was consistent with the interests of his employer to pay attention to the complaints of the people, and, to this, may, in a great measure, be attributed the fact that the Factory was not then a paying concern. Since then the cultivation has greatly been increased, and I am of opinion that it was owing to that that the late disturbances took place in that concern.

3578. Mr. Fergusson.] In the forty-nine cases which you ferretted out, as having occurred during the last thirty years, is it not the case that in more than half of them, Europeans have not been accused, or, if accused, have been acquitted?—There are scarcely any one of these cases, in which the European or Principal Manager of the concern has ever been put upon his trial, although in many of them, the Judges trying the cases have expressed strong opinions that such Europeans were themselves implicated in them; and it is to this importunity and freedom from responsibility that I attribute the constant recurrence of these violent outrages.

3579. In such instances as you have mentioned, was it not a gross dereliction of duty on the part of the Government not to prosecute the Europeans?—There certainly was a failure of justice which, in my opinion, may, to a certain extent, be attributed to the strong bias, which the Governor and many of the officers of Government have always displayed in favor of those engaged in this particular cultivation; this may also partly have arisen from the difficulty which exists under the present law of obtaining a conviction against Europeans, as for instance in the case in which a Planter, named Dick *alias* Richard Aimes, was murdered by a European Planter named Jones, a French Planter named Pierre Aller, and some native servants, in which the Frenchman and the natives being amenable to the Courts of the country, were imprisoned for life, whilst Young, the European British subject, not being subject to the jurisdiction of the local Court, was tried in Her Majesty's Supreme Court in Calcutta, and was acquitted on precisely the same evidence as was brought against the foreigners and natives who were convicted in the district Court; the sentence being upheld by the Nizamut Adawlut.

3580. Then you consider that in that case justice was obtained in the Mofussil Courts and denied in the Supreme Court?—I consider that the Judges of the Court of the Nizamut Adawlut are fully as competent to come to a decision on the evidence before them, as a Calcutta petty Jury. I shall therefore consider that in this instance a failure of Justice occurred in the Supreme Court.

3581. If I tell you, that I was in the Supreme Court during the whole of that trial and with a strong feeling against the prisoner, and that I, and most other gentlemen in Calcutta, considered it impossible to find him guilty on the evidence, would it alter your opinion in any manner?—No, as with

445

those facts before them, and commenting on those facts, the Sudder Court subsequently convicted the remainder of that party as accessories to the murder on that evidence; the previous acquittal in the Supreme Court, and the distrust thrown upon the evidence having been urged by the defendant's Counsel and over-ruled. Moreover, if the murder was not committed, where is Dick alias Richard Aimes, who has never appeared since.

3582. In the other cases contained in your list in which no remarks are made by the Judges, is it merely your opinion that the Europeans among them were guilty parties, and should have been punished?—Having had very little conversation with any other parties on the merits of these cases, I am not prepared to state whether any other person has formed the same opinion, but in my own certainty the European who organized an attack, who conceals the offence, and in one instance even allowed one of his servants, who had murdered a ryot, to be concealed, whilst a third party was sentenced capitally, should be held liable to the same punishment as a native of this country would have in all probability been subjected to, if he committed the same offence. I allude to the case of Mr. Patrick Smith of Dulleemulla Factory, in which a servant of his murdered a Chowkidar, who endeavoured to resist the carrying off of ryots who refused to take advances for the cultivation of Indigo. The man admitted the murder to Mr. Smith the same day. The actual murderer in that case was not apprehended, but another servant of the name of Ram Sing was capitally sentenced for that crime. Some months subsequently a second murder was committed by the same man, and a rumour spread that this man was really the murderer in the former case. On the representation of Mr. Hills, Dr. Archer and others, Mr. Smith then appeared before the Sudder Court, and in consequence of the statement there made, the sentence of Ram Sing was commuted, and the real culprit was apprehended.

3583. Then in this instance, did not the Sessions Judge and the Sudder Nizamut convict and sentence to be hung the wrong man?—They convicted the accomplice, who was present at the time, but who had not actually struck the fatal blow, instead of the principal, who was concealed in the Factory, where he was subsequently found by the Magistrate. This arose from the fact that the two men were up-country lattials, not natives of Bengal, in consequence of which some confusion occurred in the identification of the principal and the accomplice by ignorant Bengali ryots. If the European Planter had come forward, as disapproving of the crime, as he was bound to do before the Magistrate or the Sessions, this difficulty of identification would not have arisen. The conviction of the Courts was according to the evidence before them.

3584. *President.*] Is it not a very unusual thing for additional or supplementary evidence to be either offered or received before the Sudder Nizamut, such Court deciding only from the records?—I never heard of a similar course of proceeding; I believe the evidence to have been received at the instance of the two Messrs. Trevor, one of whom was legal Remembrancer at the time.

3585. *Mr. Fergusson.*] In the course of enquiries, have you not come across similar cases in the Opium and Salt Departments.—No! I have not perused any records, nor have I any personal knowledge of such cases.

3586. Have you not heard of similar cases in one of the Salt Agencies in the *Midnapore* Zillah?—I have heard that some heinous offences occurred in some way connected with the Salt Department at Hidgelee last year. In what way these cases arose, or in what way they were connected with the Salt Department, I have no knowledge whatever; I believe them to have arisen from disputes between the Preventive and manufacturing branches of the Salt Department; but my knowledge is entirely derived from general rumours. In the Opium Department I have never heard of any cases whatever.

3587. Do not any case similar to those in your list arise from disputes between rival native Zemindars respecting Lands, Hauts, &c?—Frequent affrays and kidnapping arise from such sources of dispute, but of late years they have nearly ceased in that part of the country of which I have special knowledge

Hon'ble A. Eden.

21st July, 1860.

—and I believe generally throughout Bengal ; they however more frequently take the form of disputes between two strong contending parties well able to cope with one another, and do not, as in the Indigo cases, shew the strong continually preying on the weak, and disputes arising out of a false system of trade.

3588. Have you any reason to believe that the system carried on in the Silk trade was different as regards ryots from that of the Indigo business ?—I have no knowledge on the subject.

3589. Have the Indigo cases now ceased in Bengal together with the cessation of the same Zemindary affrays ; or do the former continue in any district while the latter have ceased ?—I believe the establishment of the numerous Sub-divisions throughout Bengal has had the effect of decreasing violent open outrages of every description such as affrays ; but the seizing of ryots and the confinement within the Factory walls, has in my opinion, increased as violent overt acts have decreased. The greatest increase however is in cases unconnected with Indigo on account of the fear which the Zemindars have of these Sub-divisions, and the great facility which is afforded to the European Planters of opposing the Ryots in any way which does not involve any great publicity, such as would necessarily attract the attention of the higher authorities.

3590. Are kidnapping and imprisonment still carried on by Zemindars as well as Planters ?—Yes, I believe they are in many instances, but since the passing of Act X. of 1859, I believe that they have greatly decreased.

3591. Then, has the increase of these offences to which you alluded solely occurred in Indigo concerns ?—Whether it is that there is an actual increase, or whether it is that the establishment of Sub-divisions have brought them to light, or whether it is that the punishment of several Planters for this offence has given the ryots greater confidence to speak more openly of these things, I am not sure ; but I have certainly heard more of such cases within the last few years than before, and I believe that it may be attributed to the increased reluctance of the ryots to sow without such compulsion, and also to the check which has been given to such outrages.

3592. In case 18 you remark that the Europeans for whose benefit the crime was committed was not punished. Do you ground that opinion from the observations of the Judge or from what you read of the case ?—To the best of my recollection the printed report of the case will shew that the Judge, Mr. G. C. Cheap, remarks that the case was one in which great blame attached to Mr. Tripp, and said it was cause of great regret to him to put on record the commission of such violent outrages by Europeans, but that he was glad to state that Mr. Kenny, the Proprietor of the concern, was on his way to England, and was not therefore responsible.

3593. In case 29 you remark that Mr. French was in the jail in which these men were confined at the time. Do you mean by your remarks on that case that Mr. French ought to have been brought to trial ?—Judging from the evidence, as it appears in the printed report of the Sudder Court, I should, if I had been the Magistrate before whom that case came, have committed Mr. French to take his trial, as it appears that he compromised the case by giving compensation to the owner of the boat.

3594. In case 39 you observe the servants were imprisoned, but Mr. W. Collis, who was admitted by the Judge to give the order, was not put on trial, by virtue of his descent from European stock, on what is that remark founded ?—It is my strong opinion derived from a perusal of the case. For the Judge stated that the order was given by Mr. W. Collis himself, and I can conceive no other possible reason, why, if the Judge considered Mr. Collis to have been guilty, he should not have taken steps to bring him to justice, and judging from the practice of the courts I feel convinced that had he been a native his trial would have been directed.

3595. On the whole considering the number of districts and the number of Indigo Concerns and of planters engaged, also the period of time over which these cases extend, considering also the state of society in the Mofussil ; do you

consider that these serious cases frequent, rare, or otherwise?—These cases do not *in any way* represent the total amount of such outrages that have been committed during the period embraced. The greater part of the selected cases of which an abstract has been given are only those of so serious a nature as necessitated a reference to the Sudder Court either on account of the severity of the penalty involved or in appeal on points of law. My own opinion is that not one tithe of the offences actually committed ever came before any Court at all; of those which are actually brought up by the Police very many are disposed of by the Magistrate himself; another of a more serious nature are decided by the Sessions Court without reference to the Nizamut. I have not had the means at my disposal to enable me to lay before the Committee any memo, of such cases. The improved administration of the Police arising from the increase of Sub-divisions has decreased the number of violent crimes of late years, but it has, as a consequence, checked the cultivation of Indigo.

3596. Mr. Temple.] But on the whole do you consider that Planters rarely resort to serious violence or frequently; and do you believe that these deeds of violence are committed by a few Planters or by the majority, or what?—I believe that deeds of the violence of those noted in the abstract filed are not frequent, but still they are such, as to keep up and perpetuate a feeling of terrorism without which, in my opinion, the cultivation of Indigo could not be carried on for one day. Any act of great violence, committed in any district, such for instance, as the attack of the village of *Haut-dayal*, in the district of Rajshahye, in the concern of Messrs. J. and R. Watson and Co., in which three villages were gutted, three cultivators killed, and six wounded, would be enough to strike terror into the hearts of the ryots, in that part of the country for many years to come, and it is only when the ryots have forgotten such acts as these, that any fresh violence of this sort is necessary. I believe that there are many Planters who do all in their power to avoid having recourse to such expedients, but it will be found that one or two outrages of the most serious description have occurred within the remembrance of men in every district and with every concern.

3597. Have you known many Planters, who would not under any circumstances themselves order or authorize such proceedings; and do you know whether such things could or could not be done by the servant without the authority of the master?—I know many Planters who would neither authorize or order such proceedings, but the system is such, that they are frequently involved in such cases against their will, that the system which they pursue, and the class of servants that they employ force them to this; the worst that can be said of such men is, that when they are so involved, they do not come forward as they should do, and publicly disown the acts of their servants and render assistance in bringing them to justice.

3598. You have mentioned generally that European Planters are practically never punished for acts of violence; is it that prosecutions are instituted by the Mofussil authorities, and fail in the Supreme Court, or is it that prosecution is not attempted; and if the latter be the cause, what is the reason?—Prosecutions are scarcely ever attempted. The reason of this is partly because Mofussil Magistrates know the difficulty of procuring a conviction in the Supreme Court, partly from great unwillingness among prosecutors and witnesses to subject themselves to the liability to come to Calcutta to attend the Supreme Court, and to a great extent to the bias in favor of the Planters, which has been too frequently displayed by men in all positions from the highest officers of the Government down to the lowest.

3599. As an officer of Mofussil experience, what do you consider to be practically the difficulties of prosecuting the Planters before the Supreme Court; or how do these difficulties arise?—It never fell to my lot to have to commit any Planter, but judging from my experience as a Justice of the Peace, in obtaining convictions against Europeans, I consider that very great practical difficulties exist. For instance I have committed Europeans to the Supreme Court the bill has been thrown out by the Grand Jury under circumstances which led the Government to direct a recommitment on the

Hon'ble A. Eden.

21st July, 1860.

Hon'ble A. Eden.
21st July, 1860.

same evidence. The evidence was described by the Advocate General as being of the most clear and conclusive description. The parties were re-committed, on precisely the same evidence, and were convicted and sentenced. In another case, I committed an officer for trial for manslaughter. The officer admitted before me having committed the assault, which led to the man's death. The medical evidence showed that although the man was in bad health, yet his health had been hastened by the injuries he had received. The grand jury threw out the bill; and it is in cases like these, that dishearten Mofussil Magistrates from committing Europeans to the Supreme Court.

3600. But as a Magistrate and Justice of the Peace, would you not commit an offender, if you believed him guilty on the evidence, irrespectively as to your opinion as to what might be the view taken by a Calcutta petty jury or grand jury?—As a judicial officer, if the evidence was very clear in any case before me, I should commit, but, as an executive officer, I should hesitate to take up many cases against Europeans, which under the circumstances I should consider it incumbent on me to proceed with.

3601. Mr. Fergusson.] In this list I see eight names of persons whom I personally know to be foreigners, and parties liable to the Mofussil Court, can you account for their not being proceeded against, if there were any good grounds for doing so?—Of the evidence against the parties particularly alluded to in the cases you have mentioned, I am not prepared to speak without a reference to the cases, but the exemption to which you allude was probably explained in my previous answer, in which I noticed the great bias which has always existed in favor of Planters from the very beginning.

3602. Then do you consider that the Government Officials have sacrificed justice to favor the Planters?—I consider that it has frequently been the case, and I have stated so in official reports. I will go further and say, that as a young Assistant, I confess I have favored my own countrymen in several instances.

3603. Baboo Chunder Mohun Chatterjee.] Do you believe that if the European Planters in the Mofussil were subject to equal laws and same punishment with the natives of the country, they would be deterred from committing the oppressions you have alluded to?—I believe that with the knowledge that they were subject to the Courts, and did not enjoy the perfect practical impunity which they now possess, the system of force which is known to all to have existed so long, would not have been continued by the Planters.

3604. Is it not the case that if a native gentleman and an European gentleman, a British subject, were found guilty of a similar offence before a Mofussil Magistrate, the former might be sentenced to imprisonment, whereas the latter might get off by paying a fine to the extent of 500 Rupees?—If an English gentleman and a native gentleman were placed side by side in the same case, I hardly think that any Magistrate could punish them in a different manner, but in similar but separate cases, I think that it would frequently happen that a native gentleman would be imprisoned, whereas the European would only be fined, because the Magistrate has not, except in particular cases, the power of imprisoning an European.

3605. During the time the Indigo Planters were vested with Magisterial powers, did not some of them abuse their power, within your own knowledge, to serve their own interests?—There were no Honorary Magistrates in my district.

3606. Mr. Fergusson.] In the present state of the Mofussil Courts and with the present Judges who preside in them, would you like to see any European friend tried in them?—I think that if the Courts are good enough for the natives, they are good enough for Europeans. If they are not good enough for natives, they are not fit to have any jurisdiction at all over any one. As far as I am myself concerned, I would sooner be tried, if innocent, in the local Sessions Courts, with an appeal to the Nizamut, than in the Supreme Court. If guilty, I would prefer the Supreme Court and a Calcutta jury.

3607. President.] Several witnesses have either stated or admitted that Indigo cultivation is unprofitable and unpopular with the ryots, and you

449

yourself have declared your belief that the cultivation for years has been compulsory ; how do you reconcile those admissions and your belief, with the fact, that the system has gone on for years without any change ?—For many reasons ; first that the people of Bengal are naturally patient in enduring oppressions. Years of tyranny and oppression have taught them to bear every wrong without resistance. Their feelings have taken the form of sullen morose hate, rather than active opposition. These pent-up feelings have now for the first time found a vent. Secondly, the Police Courts have, until the last four or five years, been out of their reach. The Planter having the rights of a Zemindar, has reigned over them with the powers of a despot. They dared not leave their homes to go and complain at a distant station ; if they did so, they ran the risk of returning to find their cattle carried off, or a relative illegally confined. Even in cases in which, on these complaints, the Police when deputed to hold an investigation, sometimes through fear of the Planter, and sometimes corrupted by his money, nearly always influenced by some means or other, reported the case against the ryot. The ryot would then be worse off than before, and his only hope of peace, lay in cultivating Indigo without opposition, but not as a free agent. Thirdly, Bengalis have not usually that power of conjoint action which would enable them with any prospect of success to form a combination against the Planters. Fourthly, ryots, from whatever causes it may have arisen, have certainly all along believed that Government and Government officials were interested in the cultivation of Indigo, that they were so strongly prejudiced in favor of the Planter, that it was useless to complain. The ryots were unable to understand, how a man living in terms of the greatest intimacy, and in daily communication with the Planter, was capable of deciding cases justly ; cases in which the interests of that Planter were concerned. Whatever may be the impartiality of the individual Magistrate, it would be difficult to persuade an uneducated native that intimacy of this description would not bias a Magistrate in his official acts. This intimacy has very often, it may be, without the knowledge of the Planter, been made use of by the Factory servants as a means to accomplish their wishes. Again, facilities of complaint have been afforded to the Planters by the higher authorities from which the ryots are altogether excluded, and, I believe it to be the case that this privilege has been made use of, to influence such higher authority against such of the local authorities as may have shewn a disposition to do justice between man and man. And there are cases, in which the removal of officials has been attributed by the ryots to the influence brought to bear by those in the interests of the Planters against such officials. Fifthly, I believe that the pressure of Indigo cultivation has never been so severely felt as during the present time, as although the ryots have always had to sacrifice a portion of their land, and labor, the loss has never been so severe as at the present time, when the value of that land and labor has greatly increased ; formerly these lands gave them enough to live upon, and pay their rents, but as there was no market for surplus produce, and but little stimulus to accumulate, it was not worth their while to grow any great amount of produce beyond what was necessary for their own consumption.

3608. Can you mention any cases within your knowledge, in which officials were either interfered with or censured or removed for alleged bias against Planters ?—Moulvie Abdool Latief was removed from *Kalarooa* for giving an order protecting the ryots against the forcible entry of the Planter. My predecessor at Baraset was complained of for saying that it was optional for ryots to sow Indigo or not, and was censured by the late Lieutenant Governor. Of this last case I have no knowledge except what was derived from the Planters themselves, and from the people who still believe him to have been removed for protecting them. In my own case, I was, on private representations made by Planters, reprimanded and interfered with by the Commissioner. Representations were made to the Government for my removal on the ground that I had told the ryots that the cultivation of Indigo was optional. And three petitions were presented by parties of influence in Calcutta within

Hon'ble A. Eden.

21st July, 1860.

Hon'ble A. Eden. a few months, demanding my removal on this account, and I had considerable difficulty in defending my own position and upholding my independence as a Magistrate.

21st July, 1860.

3609. Mr. Fergusson.] Are you aware that the cultivation of Indigo in the district of Nuddea does not occupy more than five per cent. of its area, and if so, how can it be so severe a pressure on the ryots, as you have stated it to be?—Admitting this calculation to be correct, you must first direct from that area one-third of the whole as follows, wood, waste, village, and unculturable lands. You must next deduct one-third of this for those portions of the district in which Indigo cultivation is not carried on, and with which the Planter has no connection. From the balance you must deduct a very large proportion of wet land suitable only for the cultivation of late rice, and then if you take the remainder, which is the most valuable land in the whole of the district and the most productive, you will find that the Planters have thrown out of profitable cultivation a proportion of the best land which must press with very great severity on those engaged in the cultivation of profitable crops in the part of the district where Factories are situated.

3610. But the seed crops are cold weather crops, which can be grown equally with Indigo and early rice; and, do you think that while grain crops, such as rice, can be taken continually off the same land, it would not be better to vary such crops occasionally with Indigo?—Provided that Indigo were as profitable as any other crop, I can understand that an occasional crop of that plant might be beneficial to the soil, but so long as it is a dead loss to the ryot, out of pocket, even the inferior rice crop is more remunerative to him. But, there are other crops such as *jute*, *sugar-cane*, *chillies*, *ginger*, *turmeric*, *tobacco*, which afford the ryot a still greater profit than rice; but even supposing that this was not the case; the land is the land of the ryots, they are the best judges of their own interests, and so long as they object to the cultivation of Indigo for whatever reason, I can conceive no principle upon which it can be argued that it is justifiable for a third party to come in and insist upon a ryot sowing that to which he objects, although it may be in his opinion beneficial to the ryot.

3611. But if a ryot has made a contract and has received money to sow Indigo, upon what principle has he a right to decline to do so?—If a ryot being a free agent, and acting without force, either actual, or moral voluntarily enters into a contract for the cultivation of any crop, he is of course bound to fulfil it, but the result of my experience and my enquiries on the subject convince me that in scarcely any instance, does a ryot, being a free agent, enter into contracts or receive advances for the cultivation of Indigo which is admitted by many competent authorities to involve a pecuniary loss upon the ryot. One of the main elements of the contract, to make it legal, must be that it has voluntarily been entered into by both parties. My own opinion is, that in no instances within the last six years at least, have ryots entered into legal contracts for the cultivation of this crop.

3612. President.] But will you state the precise nature of your experience as to how these contracts are first entered into?—From my own experience derived from conversations with both ryots and Planters, and from the examination of the Factory books, and from the inspection of the contracts themselves, and from constant enquiries and investigations for the last four years into the matter, I still continue of opinion that the description of the mode as to how contracts are entered into, given in my letter No. 500, dated 19th June 1858, page 220 of the blue book, is a correct description of the manner in which advances are given and received.

3613. Mr. Fergusson.] Do you know that the land in the district of Baraset to which your experience and enquiries appear to have been limited, is unsuited for the cultivation of Indigo, and that it does not produce one-half of the plant which the lands in Kishnaghur and Jessore do?—I have always understood that the lands at Baraset were amongst the finest lands in Bengal, and as the district borders both on *Jessore* and *Kishnaghur*, much of the land is precisely of the same description as that of those districts.

21st July, 1860.

3614. Do you not think that the occasional intimacy between the Planters and officials is balanced by a similar intimacy between the ryots and Darogah and the native officials of the district?—My own experience leads me to believe that fear of the Planters' influence and fear of the representations he may make to their official superiors, render the Police very apt to side with the Planters' people when the opposite party were poor natives. My great difficulty has always been to get the Police to act boldly and straightforwardly in cases of this sort. I have frequently had to find fault with the Police for displaying an unjustifiable bias in favor of the Planter.

3615. *President.]* Have you reason to believe that any portion of that bias is due to illegal or improper influence, such as the payment of money, and if so, on what reasons do you ground that belief?—It has frequently been stated to me by Planters, that unless they had recourse to these means they would find it difficult to carry on their business. I generally believed that as a rule, the Police have hitherto been so corrupt that there is reason to suspect that in very many cases they have been so influenced. Of late years, since constant enquiries have been made into the matter, and an educated and higher class of natives have been employed, and since the salary has been increased, there has been a most decided improvement in this respect.

3616. Ther it is your decided opinion that so far from the Magistrates having obstructed or impeded Indigo cultivation, they have not afforded to the ryot the support and protection he might fairly expect?—I think that if the law had been strictly administered by the Magistrates, and if they had at their disposal a staff of well qualified officers sufficient for them to carry out the law in all cases, the present system of cultivation could not have been continued as it has done. I believe that many Magistrates have been deterred from doing their duty in this respect, from a sensitive desire to avoid the ignominious reproach which has always been raised against them of being jealous of the non-official classes; and, in avoiding this reproach, they have allowed themselves to display a bias in favor of the Planters which has in many cases led to a failure of justice.

3617. *Mr. Sale.]* You mention as one reason, why the ryots, though unwilling, have been cultivating so long, that the Police Courts were out of their reach. Did you refer to the distance the ryots have to go to get justice, or to the difficulties arising out of the arrangements of the Courts, or of the character of the *amla*, or to the difficulty arising out of the ryots' fear of the Planter when he is also a Zemindar?—I allude to the fact that in many districts ryots have to go some thirty or forty miles to the nearest Magistrate; and, that through fear of the Planter, who is a Zemindar, he dares not leave his house for this purpose. I also alluded to the fact, that in one district with which I was acquainted, the power of one firm is so great, that the ryots used to come across in my district to complain to me because they dared not go through their own district to reach the station at which their own Magistrate resided.

3618. Do you not think that a simple mode of administering justice, such as that adopted in the cutcherries of the Planters, would be much more effective than the arrangements at present existing in most of the Mofussil Courts?—I have no personal knowledge of the system pursued in the Planter's Cutcherry, but I am not prepared to recommend that the system pursued in those Courts, as I understand them to be, should be introduced into the constituted Courts of the country. I have no doubt that in many cases a Planter may dispose of cases with great justice when his interests are not antagonistic to those of the people themselves, but every thing in such a Court must depend entirely upon the temper and ability of the individual presiding.

3619. Is not it often ruin to a ryot to leave his home, say at the sowing season, to make a complaint at any of the Mofussil Courts?—Until late years, it was doubtless impossible for ryots to leave their cultivation to go to a distant Court; but of late years, many district sub-divisional Courts have been brought within a day's journey to every ryot in the district.

Hon'ble A. Eden.
21st July, 1860.

3620. You mentioned in a previous answer that Planters have admitted to you that the ryots are not free agents; does this statement refer to any constraint put upon them, or does it refer to any relation which they supposed themselves to have as their Zemindars?—The Planters have undoubtedly a very mistaken notion of the right of interference with the ryot's crops and cultivation which they consider themselves to possess as Zemindars. They doubtless referred to force and constraint, which in their position, as Zemindars, they were able to exercise towards their ryots with practical impunity.

3621. Mr. Fergusson.] Have the native Zemindars and Mahajans equally mistaken notions of the rights of cultivation?—I never heard of a Zemindar insisting upon a ryot sowing any particular crop, unless that Zemindar was also an Indigo Planter; neither have I ever heard of a Mahajan exercising any interference in the cultivation of the crop of a ryot indebted to him. I never heard from Mahajans that they found it necessary to exercise any interference whatever with the ryots; and I know cases in which ryots, who having given *jute* under advances from Mahajans living at the distance of thirty or forty miles away, have scrupulously fulfilled their engagements with the Mahajans, who had no Zemindarry rights in the district, and no power in any way of interfering with the cultivation. But I know so far of Zemindars collecting a cess, on particular descriptions of crops which is of course illegal, but this interference on the part of the Zemindar is not general, and does not extend to interference with the cultivation of crops.

3622. President.] Practically do not Gantidars, Jotedars and other tenant proprietors select their own crops, vary them, fence their own gardens, and plant them and reap the produce without any dictation or any interference on the part of the Zemindar?—Always within my knowledge.

3623. Is there not a great increase of date and sugar-cane cultivation in parts of Baraset, and if so, to whom do you attribute that cultivation?—In the eastern portion of the district there is an extensive cultivation of date, which is entirely grown by the more prosperous ryots who have large *Jotes*. And I also know several instances, in which Zemindars themselves purchase the ryots' lands, and made use of their own waste lands, by turning them into date gardens.

3624. Baboo C. M. Chatterjee.] Do you know that a kind of leather strap is kept in the Factories for beating ryots?—I have heard from ryots that there is a stick with a leather attached to it called "Sham Chand," or "Ram Kant," but this I merely heard from the Kishnaghur ryots.

3625. Mr. Fergusson.] Have you never heard that this was originally invented and used in the Hon'ble Company's Silk Filatures?—I have never known if this was the case, but I can quite believe that such may have been the case in those days.

Commission adjourned at 6 P. M.

Monday, 23rd July, 1860.

PRESENT.

W. S. Seton-Karr, Esq., c. s., *President*.

Members.

W. F. Fergusson, Esq.
Reverend J. Sale. | Baboo Chunder Mohun Chatterjee.

The Hon'ble Ashley Eden's examination continued.

Hon'ble A. Eden.
23rd July, 1860.

3626. President.] You had occasion to enter into correspondence with the Commissioner regarding the cultivation of Indigo, and to issue certain instructions to the Police in 1859, and you are well aware of the refusal to

453