APPENDIX A

APPENDIX J.

Observations on the Administration of the Province of Assam by Baboo Anundwam Dakeul Phookun.

Our countrymen hailed the day on which British supremacy was pro­
claimed in the Province of Assam, and entertained sanguine expectations of peace and happiness from the rule of Britain. For several years antecedent to the annexation, the Province groaned under the oppression and lawless tyranny of the Burmese, whose barbarous and inhuman policy depopulated the country and destroyed more than one-half of the population, which had already been thinned by intestine commotions and repeated civil wars. We cannot but acknowledge with feelings of gratitude, that the expectations which the Assamese had formed of the happy and beneficial results from the Government of England, have, in a great measure been fulfilled; and the people of Assam have now acquired a degree of confidence in the safety of their lives and property which they never had the happiness of feeling for ages past. We moreover rejoice to find that the wisdom and sound policy exercised by Government in not extending such regulations and principles of the Bengal Code as have a tendency to affect the well-being of Assam, and the regard thus shown to the peculiar condition and circumstances of the Province, have contributed in a material degree to render the administration of Assam in many respects superior to that of Bengal. We are glad to observe that life and property are more secure in this country than in any other older Province of the British Empire. Dacoity is seldom or never heard of in any of the districts of the Province. The practice of waging private wars and club-fights, which often prevails amongs the land-holders of Bengal, is foreign to the idea of the people. The road to justice is likewise beset with less formidable difficulties, and redress is generally obtained at a cheaper rate. This state of affairs and the advantage which Assam would seem to possess over Bengal and other Regulation Provinces in point of good government, must however, in a great measure, be attributed to the nature and condition of the country, and the peaceful and simple habits of the people. For instance, the whole population, with little or no exception, deriving their livelihood from the culture of the soil, there is no occasion or inducement for any among them to form organized gangs of Dacoits to make robbery their means of support. The general want of powerful and opulent men like the Bengal Zemindars is the sole cause of the non-existence of affrays and private fights. Though credit is due to those wholesome rules which the wisdom of Government hasdictated for the Province, (the suspension of the stamp laws, for example,) we still feel ourselves impressed with an idea, that notwithstanding the superiority of the British system of administration to any under which we have hitherto lived, it is not in its present form so well adapted to the peculiar condition and habits of the people as could reasonably be expected from the liberal
and free constitution of England. It has hitherto failed in its effects to improve in any material degree the condition and prosperity of the country, or even to repair the loss it had lately sustained from domestic wars and foreign invasions. Vast extents of deserted villages meet the eye in various parts of the country, and the general aspect of the Province indicates the administration of an Asiatic Government rather than that of enlightened England. The means at present allowed to the people for the preservation of their lives and property are ill-adapted to the simplicity of their habits, to the poverty of their condition, and to the deep ignorance in which they are at present immersed. We are farther of opinion, that the object of Province in raising up England to rule the destinies of Assam, has not been duly and properly fulfilled. The general civilizations of the country, the introduction of the arts and sciences of Europe, the improvement of the civil and social state of the people, and the enlightenment of their minds, are subjects which never hitherto appear to have attracted the slightest attention of a Government in every respect admirably qualified to effect those improvements. The heads of the Government have never taken occasion to inquire into the state of the country; and although twenty-eight years have elapsed since the annexation of Assam to the British Empire, little perceptible change has been effected in the condition of the people and the good government of the Province.

Having learnt with much pleasure that the affairs of the long neglected Province have now at length drawn the attention of the Government, and that is the intention of the Governor General of India personally to examine the state of the country, and adopt measures for its improvement, we embrace this opportunity of expressing the sentiments entertained by ourselves and our countrymen in general, on the existing system of government in the Province, and the measures which, in our humble opinion, would conduce to the good government of the country, and to the happiness and prosperity of its inhabitants. We would not have ventured to undertake the task, were we not impressed with a belief that the European authorities from whom alone the Government can obtain any information on the state of the country, how intimate soever may be their acquaintance with the Province, are yet imperfect judges of the condition and state of the people, and are less competent to point out the exact wants and necessities of the country than we who are actually affected by the administration, who feel its defects and imperfections, and experience its bad or good results. We propose, therefore, to give a succinct view of the present state of the country, and to point out the defects in its revenue and judicial administration as well as the improvements which it is now in the power of Government to effect; and humbly trust that it will vouchsafe to give to our representations an early and a favorable consideration.

THE REVENUE SYSTEM.

The Revenue system of the Province, and the principle on which the public assessment is now regulated, are far from being much favorable to the advancement of cultivation and the general improvement of the country. According to the ancient custom of the country, the Government having reserved to itself
the proprietary right in the lands, the Province has been portioned out into small divisions or melches, called pergunnahs and mauzahs. The rents are collected from every individual Ryot and cultivator of the soil, through officers styled Chowdrees, Patgherrees, Mauzardars, or Bisayas, appointed by Government, each having charge of the collections of one of those petty divisions. In general the lands of the Ryots are measured either annually or after every two or three years; and public assessment being fixed on the basis of the Ryots' cultivations for a term extending generally from one to five years, the Chowdrees and Bisayas are entrusted with its collection from the Ryots for the same term, and are allowed a commission of from ten to seventeen Rupees per cent as charges of collection. They are permitted to appropriate any increase in the assessment arising from extended cultivation during the term for which the collections are entrusted to their charge, but are, on the other hand, responsible for any decrease in the Revenue which may accrue either from desertions or diminished culture. At the expiration of the period for which the collections are entrusted to the charge of the fiscal officers, a fresh survey is made, and the Revenue is accordingly fixed for a second period, and so on, at the termination of every term. The period of settlement throughout the Province does not generally extend to more than five years. In the majority of instances, the officers in charge of the collections seldom gain anything beyond the percentage allowed them as their remuneration, but instances are by no means of unfrequent occurrence in which they are subjected either to considerable loss or to utter ruin, owing to accidents which it is beyond their power to prevent, such as desertions in particular parts of the country where the tillage is fluctuating and the cultivators are all non-resident Ryots. It is likewise a rule, that when the collecting officer is unable to show any increase in Revenue at the expiration of his short lease, or to assign good reasons for the same, he is liable to dismissal from his charge for mismanagement, without any reference as to whether he had, or had not, sufficient means and inducements to incite him to exert himself in the improvement of his charge. It appears, therefore, perfectly clear that the individuals to whose care the Government has entrusted the improvement of the country, have no interest in such a cause. It is to them a matter of almost indifference whether cultivations advance or diminish, since they are certain that their exertions will in the ensuing year serve only to swell the public treasury without adding to their own gain. There is no prospect of future benefit to impel them to exertion, and they are generally content if they are sure of receiving the percentage on the amount of their collections.

Why it is not much favourable to the improvement of the country?

We, therefore, conceive that a system like the present must necessarily need great modifications before much in the way of improvement could be looked for. To our humble judgment it appears that the fiscal officers should have a more lasting interest in their charges, subject to the restriction necessary to guard against abuse. By a more lasting interest, we do not mean to imply in any way that the permanent settlement of Lord Cornwallis should be introduced into Assam; on the contrary, such a measure would be highly injurious to the welfare and happiness of nearly the whole population. To grant to the pro-

Reasons for not introducing the perpetual settlement of Bengal: Its defects and had consequences.
prrietors and cultivators of lands the means of effecting general improvements in agriculture by increasing the number of reservoirs, embankments, &c., whereby drought, inundation, and other calamities of the season could be provided against, appear to have been (as explained in the preamble to Regulation 11. of 1793) "the primary objects" of the British Government in fixing the land Revenue of Bengal and other Provinces in perpetuity, and in declaring the proprietary rights of the land-holders. Ever since the introduction of the perpetual settlement the Zemindars have, in the majority of instances, enjoyed as their private and exclusive profit from three to ten times the amount of the public assessment imposed on their estates; and in many instances, much more. But the experience of more than half a century has evinced that the "primary objects" of the Government in creating zemindarees have not been attained, and that they remain yet to be fulfilled. We are aware of no one instance in which the Zemindars of Bengal have made any fair use of their vast and princely income. The art of agriculture at the present day stands in their estates nearly in the same rude state as it was several centuries back.

The creation of reservoirs, aqueducts, canals, embankments, roads, or other extensive works for the advancement of agriculture and commerce, are seldom or nowhere to be met with in any part of Bengal; and we cannot forbear observing, that in the zemindarees immediately bordering on the Province of Assam, there is scarcely a single road fit for foot-passage, although the proprietors have, for their private income, more than twenty or thirty times the amount of the public assessment. No further argument, therefore, appears necessary to prove that the perpetual settlement has only served to place a few Zemindars in indolent ease at the expense of the population. It has afforded them means to administer to their individual pleasures; it has enabled them to entertain hosts of indolent retainers; to vest themselves with awful powers over their helpless Ryots; and lastly, it has been the sole cause of those sanguinary private wars and club-fights which are so often carried on in all Bengal with impunity and in spite of all law. Results similar to these must also ensue from the introduction of a perpetual settlement into Assam. Had the Government even one-fourth of the present income of the Zemindars at its disposal, to be laid out in the improvement of the country, Bengal would certainly have opened a different aspect by this time. We, therefore, sincerely hope that the Government will bless Assam with a system, which, while it will lay the foundation for progressive improvements, by holding out reasonable encouragement to the persons entrusted with the management of lands, may obviate the mischiefs of a permanent settlement similar to the one introduced into Bengal.

To promote this end, we would beg to suggest the expediency of granting long lease to the officers now employed as collectors of the several fiscal divisions. Instead of revising the settlements after every two or three years, and including in the public assessment the increase of Revenue accruing during that period, we would beg to propose that the several fiscal divisions of the country be let out in farms or ijarahs for terms extending to 20 or 25 years, on the basis of an assessment to be
fixed on an accurate survey, and to continue invariable to the expiration of the lease; that the farmers be permitted to appropriate to their own use any increase in the Revenue which they may be able to effect during the period of their lease, holding them at the same time responsible for any deficiency caused by other than accidental natural causes; that at the expiration of the lease, the assessment be fixed on a re-measurement and survey of the farms, and the lease continued to the original farmer; and that the farmers be allowed to let out all the unoccupied and waste lands within their farms on such terms as they may deem best conducive to their interests, a measure which alone is likely to reclaim the vast wastes of the country. This arrangement in our humble opinion, will afford a reasonable and an adequate inducement to the farmers to exert themselves in the improvement of their farms, and in bringing under cultivation the immense tracts of jungle lands in the country, sure as they then would be of enjoying the fruits of their labours for a period by no means short, with the further prospect of the lease being continued to them so long as they do not voluntarily infringe on the rules laid down for their guidance. The measure will likewise obviate the serious loss which would accrue both to the Government and the country from a perpetual assessment; and when the extensive forests of Assam are gradually brought under tillage, the Revenue could be devoted by Government to the improvement of the country, instead of being allowed to support the ease and grandeur of a few opulent Zemindars.

"It has ever been the duty of the ruling power to protect all classes of people," and especially the Ryots, "who from their situation are most helpless." The zemindaree system of Bengal has in reality enslaved the Ryots to the Zemindars, and although stringent rules have been enacted by the Regulations of Government to secure their rights, and protect them from the injuries and extortions of the Zemindars, they are still subject to grievous oppressions. A poor Ryot would consider it next to madness to show any opposition against the will or inclination of his landlord. The Judicial and Police system of the country can afford him no relief against extortion or injustice, and the land-holder is to the poor Ryot too powerful an opponent to be coped with. Cesses and abwabs, under various denominations, are still exacted, and the provisions of law which prescribe a penalty for exactions, point out to the Ryot too uncertain and harassing a course to induce him to seek redress for every instance of injury.

The preservation of the ancient Ryotwarree system in Assam, and the recognition of the Ryots, rights as proprietors of their respective holdings, is the greatest boon which, in our humble judgement, the British Government has conferred on the country. Every Ryot in Assam is the absolute master of his own lands, from which he is never liable to be ousted until he relinquishes it out of his own free will. His liabilities too are ascertained under the immediate superintendence of the public Revenue authorities, and clearly laid down in the pottahs issued to him under the seal and signature of the collectors, so that any attempt at exaction is easily detected and restrained, and the native officers of collection can exercise no other control
over the Ryots than the mere collection of Revenue. If the disposal of
the Ryots' lands be left with the farmers, on the introduction of the system of long leases, and they
be permitted to settle with the Ryots according to their own will, we would beg to assure the Government that it will not only place the cultivating class under the mercy of the farmer, but will gradually lead to a total subversion of their existing rights and privileges. Even under the present system, by which the control of the officers of collection is confined to the simple duty of ascertaining the cultivation of the tenantry and of collecting Revenue according to pottahs issued by Government, instances frequently occur in which those officers endeavour to transfer, on sinister motives, the land of one Ryot to the possession of another, by laying down in the measurement papers lands occupied by one party in the name of another, and thereby imperceptibly depriving him of his possessions. Often, too, the fiscal officers cause an over-assessment of the Ryots' lands by false statements in the survey papers; and cases are not of unfrequent occurrence in which the Mofussil Revenue officers are guilty of levying a general cess or other illegal impositions for their private use. It would be easy to say that redress of these grievances might easily be obtained by application to the courts. We have, however, to observe, that none but the poor Ryots themselves can feel how many insurmountable obstacles lie in their way to redress; that a civil or summary prosecution for damages, exactions, or dispossession, is actually beyond their means; and that they are obliged to submit to loss and privation rather than leave their cultivations and sojourn half a year at the distance of eighty miles to obtain an award for damages.

Considerations similar to these will, we hope, induce the Government to provide measures for the protection of the Ryots, and the preservation of their liberty and rights. We feel assured that this end can never be attained if the farmers or fiscal officers be empowered to dispose of and assess the Ryots' lands without the imposition of any check on the part of the public authorities. The extreme ignorance, poverty, and weakness of the agriculturing class would not admit of their seeking redress against injustice or exactions by application to the regular courts. We therefore earnestly hope, that if the farming system be introduced, it be subjected to the following provisions:

I. That the supervision now exercised by collectors in the assessment of the Ryots' lands be continued, and that all pottahs be granted to the Ryots by the farmers, either under the signature of the collector, or with his approbation. This arrangement, instead of causing any inconvenience, will give better security to the Ryots against dispossession or exaction. The pottahs will contain a clear statement of the terms mutually agreed upon between the farmer and the Ryots, and give a publicity to the transactions which will not only guard against any illegal demands, but maintain the Ryots in the undisturbed possession of their respective holdings. The confirmation of pottahs by the collectors could be easily effected by the submission of the usual jumma-bundies by
the farmers containing a specification of the jumma of each Ryot, at every
time they conclude settlements with the tenantry; and as a better security
against the imposition of unjust assessments on the Ryots, we would suggest
the expediency of requiring the farmers of file or present in the collector’s
office the kuboolcunts of the Ryots previous to the confirmation of the pottahs
by that functionary.

II. - We would in this place beg to observe, that the production of
kuboolcunts by the farmers, alleging the same to have been signed by the Ryots, will, in many
instances, be found not to be genuine. The body
of the Ryots are unable to sign their names; and
the farmer taking advantage of this circumstances, will very often file
kuboolcunts signed by their own creatures without any knowledge of the
Ryot whose name it may purport to bear, and attested not by neutral wit-
nesses but by some dependents of themselves, for the express purpose of
establishing the same by false testimony. Unless this system of executing
engagements be disallowed, the kuboolcunts can be no security against in-
justice. We would therefore suggest, that on the completion of a survey
and settlement by the farmer, the Ryots be required to receive pottahs, and
enter into kuboolcunts in the presence of the public authorities in the res-
pective thanmahs (whose constitution we propose to notice hereafter.) This
practice has been of late brought into full operation under the immediate
superintendence of the collectors, who personally receive and distribute
pottahs in every newly settled pargunnah; and if continued, will at once
set to rest every dispute that may arise between the farmers and the Ryots.
It is, in fact, the only means which, in our humble judgement, can effectually
prevent exactions or unjust assessments on the Ryots.

III. — To render this provision of any practical utility, it appears
essential that the Officers entrusted with the duty
of superintending the receipt of kuboolcunts be vested with the power of inquiring into and sum-
marily disposing of all objections preferred by the
Ryots to the quantity of land, or the jummaf for
which they are called upon to engage; and that the result of such inquiry
be allowed to regulate the jummaf to be specified in the pottahs and
kuboolcunts.

IV. — The execution of kuboolcunts will necessarily preclude the Ryots
from tendering istaafs, or resignations of their lands,
as long as the terms of their kuboolcunts do not expire. But we would beg to submit that where
the lands are carried off by rivers, or destroyed by other accidental natural
causes, the Ryots should be allowed to give up their lands: as in many
parts of the country, the lands are often rendered unfit for cultivation by
sudden inundations, and it would be oppressive in the extreme to subject
the Ryots to the rent of those lands. We would therefore suggest, that
resignations, tendered at the expiration of the terms of kuboolcunts, or after
the lands are rendered unfit owing to the causes above adverted to, be
received by the farmer, the same being duly notified to the Revenue authorities to prevent future disputes.

V. — For the purpose of facilitating the equitable determination of disputes regarding arrears of rent, we would beg to suggest the necessity of entertaining village accountants, or putwarrees recognized by the Revenue authorities and issuing account-books under their signature according to the custom now in force.

VI. — We beg to express our conviction that no power entrusted to the land-holders of Bengal has been the means of so much grievous oppression to the poor, as that of distraint. It is a formidable weapon in the hands of Zemindars to overawe, oppress, or take vengeance on the tenantry. The remedies which the law has provided against an abuse of the power are often beyond the reach of the poor and ignorant Ryots. The institution of a suit in the summary court to contest the justice of distraint, under the provisions of Regulation V. of 1812, points out to the Ryot a course which he can never resort to without serious loss. The idea of being obliged to be absent from his cultivations, and to lay out money to meet the costs of a summary prosecution, and thereby incur the displeasure of his landlord, would induce him quietly to submit to exactions rather than be harassed by vexatious litigations. We have, therefore, to introduced, that distraint may in all cases be issued by the Revenue or Judicial officers stationed at each thanannah, on the application of the farmers, and that the latter be not permitted to exercise that power independently without the cognizance of a public authority. In the Regulation Provinces, the sale of distrained property is conducted by Commissioners appointed under Act I. of 1839. We therefore believe that no delay or inconvenience can possibly result if the conduct as well of the sale as of the processes of distraint be entrusted to a public functionary. On the contrary, we feel convinced that the measure will effectually prevent mischief and guard against abuse or oppression.

VII. — The highest benefit which has resulted to the country at large by the present Revenue system of the Province, is the rule which subjects every Bisaya, Chowdree, or Mouzahdar, to the penalty of dismission from his charge on being convicted of the offence of oppression or extortion on the Ryots. This is the only effectual check which, in our judgement and experience, could be maintained against oppression or tyranny. When the Chowdrees levy a general cess, or enforce universal oppression against all the Ryots of a pargunnah, it is impossible that they could severally prosecute in the courts for such oppressions or exactions. The award of damages against the extorting party, in ten out of a hundred cases that come before the courts, will be no check against general exactions. Well aware that in a hundred, ninety cases will pass unpunished, the oppressing party will never be deterred from his tyrannical proceedings, unless curbed by the fear of dismission. The enforcement of this rule alone has hitherto
effectually stop all attempts at exactions on the Ryots. We, therefore, earnestly hope that the existing practice of cancelling the leases of the Chowdreeys and Bisayays, when they are found guilty of gross injustice or oppression, be continued, and that all farms be granted under that condition. This measure can be productive of no injustice or impropriety, when it is considered that the principle which subjects Zemindars to the forfeiture of their estates for resistance of legal processes or other offences mentioned in law, may with equal propriety be extended to cases of exactions or oppression, with reference to the peculiar circumstances of this country.

VII. — A custom has lately been sanctioned by the Board of Revenue of transferring the pottahs of the Ryots to some party whom the latter choose to interpose between themselves and the fiscal officer of Government. This practice is likely to undermine the whole Ryotwarree system, owing to the extreme ignorance of the Ryots. The least provocation offered to them by the Chowdreeys and Bisayays has often led them to transfer their pottahs to a stranger, to ensure, as they imagine, protection from future annoyance. Now we beg to submit that instead of providing against annoyance, the ignorant people often absolutely forfeit their right to lands held by themselves and their ancestors from time immemorial, and actually enslave themselves to the party thus receiving their pottahs. Their ignorance and simplicity often lead them to imagine that a transfer of their pottahs is not a transfer of their lands, and that the measure is simply in the nature of a better arrangement for the payment of their Revenue to the public treasury. The more intelligent among them sometimes contrive to procure a written acknowledgement from the party to whom they transfer their pottahs, admitting the fictitious nature of the transaction or disallowing his power to oust; but these private agreements become ultimately of no avail against their public acknowledgments, nor can they serve as a security against future dispossessions. We conceive that the mischiefs resulting from this state of things cannot be provided against by any other means but by discountenancing the system, and empowering the Revenue authorities to disallow all transfers of pottahs, which, on a summary inquiry held for the purpose, appear fraudulent or fictitious and do not prove to be bona fide.

IX. — The number of chamooahs, or independent estates of the nature of talooks, belonging to private individuals are already numerous in some of the districts of the Province. A large number has been also of late created by the transfer of pottahs under the system above alluded to. No specific rules, however, have been laid down for the protection of the Ryots in those estates. It seems therefore expedient that the exchange of pottahs and kubooleuts be enforced in the chamooahs, and that all other necessary measures for the protection of the agriculturing class be also introduced into them.

RATES OF ASSESSMENT

On this subject we have to submit that the assessment on the several
descriptions of lands in Assam does not appear to have been fixed with reference to their actual capabilities. The present uniform rate on lands producing the same crops, capabilities. The present uniform rate on lands producing the same crops, without any particular distinction being observed as to the quality of the soil, has rendered the pressure of taxation comparatively light upon some but heavy upon others. For instance, the low roopit lands, yielding fifty maunds of corn per poorah, are taxed at the same rate as high lands producing only from fifteen to twenty maunds. Justice, therefore, seems to require that the roopit or rice lands be divided into two or three classes, according to the quality and capabilities of the soil, and that they be proportionately taxed; the assessment on the poorest quality of the roopit being moderately reduced. In adverting to the general pressure of taxation, we deem it necessary to bring to the notice of the Government, that the assessment at present imposed on the lands of the Province is not only what the country can possibly afford, but in some instances more; and that an enhancement of the rates under the present circumstances of the Province, without any marked improvement in agriculture and commerce, would be to overburden the people with taxes, which they could but ill afford to bear. The former Government never exceeded the standard of assessment laid down by the ancient Hindoo legislators, viz., one-sixth of the produce of lands. The present rate of taxation, however, has far exceeded that limit, and the assessment on some of the poorest classes of roopit lands is nearly equal in value to one-half of their produce. In illustration of this fact, we would beg to point out, that a poorah of high roopit land yielding twenty or fifteen maunds of rice valued at from 2 to 3 Rs. is loaded with a tax of one rupee and four annas! Unless, therefore, the Government provides the people with better and improved means of cultivating their lands, an increase of assessment will inevitably lead to an increase of the unhappiness of the people.

AGRICULTURE

We cannot forbear expressing both our regret and surprise at the fact, that notwithstanding the lapse of twenty-eight years since the introduction of the British rule into Assam, not the slightest exertions have been made by Government to improve the agricultural prospects of the country. The Assamese, one and all, from the poorest peasant to the nobility of the country, are devoted to agricultural pursuits. In ancient times, the sovereigns themselves had their private farms. In Bengal and other parts of India, tillage is exclusively the occupation of the cultivating class. There is, however, not a single family in Assam that is not engaged in the culture of lands, and every family provides itself by agriculture with almost all the necessaries of life. They cultivate rice, pulses, fruits and vegetables to supply their table, mustard to light their houses, and silk or cotton to provide their garments. The introduction of improvements in the art of agriculture, therefore, is the only means which can increase the general
resources of the country, ameliorate the condition of the people, raise
them to wealth or affluence, advance manufactures and commerce, and
 teach the Assamese the arts and luxuries of civilized life. In point of
fertility, the Province would rank first and foremost among all the countries
of the world. Bengal herself stands in that respect a step lower. The
soil of Assam is adapted to the productions both of the torrid and tem­
perate regions. Silk, cotton, tea, and a variety of other valuable products
grow luxuriously in her fields and valleys, and it requires only the intro­
duction of an improved method of agriculture to render her produce
"tenfold more abundant." We are by no means prepared to conclude that
it is beyond the power of Government to effect at once a complete and
beneficial change in the agricultural prospects of the country; on the
contrary, we are persuaded that a moderate degree of attention directed
by Government to the subject will lead to the attainment of that all­
important and desirable object. In the first place, the implements at
present used in the country for agricultural purposes are of the rudest
and simplest kind. They show that the art is still in its most infant state.
The animals used in tillage, (though their services are often turned to
little account,) are of the feeblest kind; manures and other preparations
of the soil are ill understood; and the husbandman is ignorant of the
growth of a variety of the most valuable articles of commerce which
would, even without the aid of human labor, grow spontaneously in the
forests of Assam. The means of irrigation and drainage are seldom re­
sorted to, and generally no attempts are made to create embankments, or
devise means for the protection of the lands from the encroachments of
floods or other accidents. The consequence is, that drought or inundation
often entirely destroys the crops, famine ensues, and the population is
actually reduced to wretchedness and misery. The rude state of agriculture
prevents the farmers raising more than one crop throughout the year,
and the land remains useless for one-half of the year. The stock of grain
in the country becomes necessarily so scanty, that whenever the least
inclemency of the weather involves a failure of the crops, the people are
visited with famine. So late as the year 1851, the people in some parts
of Durrung and Kamroop were actually obliged to dispose of their children,
and to part with their valuable ornaments and utensils for a few seers of
rice! To provide against these and similar
other misfortunes, as well as to improve the
agriculture of the country, we earnestly entreat
that the Government will be pleased to bring out from Europe and Upper
India a sufficient number of men well versed in the art of agriculture, to
teach the people the better management of their farms, to instruct them
in the cultivation of every variety of valuable products, in improved methods
of irrigation, drainage, and embankments, and in short in every other
necessary means connected with agriculture: that every village be furnished
from Europe with a supply of the most useful
and important agricultural implements and
 machines, ploughs, harrows, hoes, spades, &c,
as well as an improved breed of cattle, viz.,
bullocks, &c., from Bengal and Upper India; and that a sufficient stock
of seeds, plants, and every other species of produce, both Indian and
European, be distributed to each village. It cannot be denied that the ignorant classes of the Assamese, from their proneness to follow the footsteps of their ancestors, and their profound veneration for the customs of their forefathers, may at the outset be unable duly to appreciate the value and importance of the measures now suggested, and consider these innovations little likely to terminate in any beneficial results. The experience of a single season, however, will at once convince them of their intrinsic value, and induce them eagerly and cheerfully to co-operate in the happy fulfilment of this all-important object.

In Bengal and other parts of British India where the zemindaree system has been introduced, the Government has left all improvements in agriculture to be accomplished by the proprietors of estates; but the general aspect of the countries all over India bears strong testimony to the fact that the Zemindars have ill fulfilled their duty, and that the policy which prompted the measure is neither worthy of commendation, nor appears to have been founded upon correct principles of wisdom or foresight. By the fixing of the public assessment for ever, the Government has lost all interest in the improvement of the perpetually settled Provinces, since the improvement of agriculture adds nothing to the improvement of the public Revenue. Happily, however, for our Province the Government is in the place of the landholders. An improvement in the agriculture and resources of the country, will necessarily lead to a proportionate improvement of the public assessment. An endeavour, therefore, on the part of Government, to advance the agriculture of the Province will conduce to the attainment of a twofold object, viz., the gradual increase of the Government Revenue, and the general civilization and enlightenment of the country. Whereas on the other hand, the conclusion of a settlement in perpetuity, at a time when the country is in its rudest state of culture, without waiting for a full development of its resources, will be nearly tantamount to the assessment of an estate without an accurate survey. We therefore sincerely hope that the Government will not be deterred on considerations of finance or economy from affording to the people of Assam these means of improving their agriculture, which will ultimately conduce to an improvement of their general condition. We are on a rough calculation led to conclude that a year's Revenue of the Province, or six or seven lakhs of rupees, will enable the Government to procure the requisite supply of implements and seeds, &c., and to secure the services of an establishment of agriculturists from Europe and Upper India for a period of two years. We feel likewise certain that in the event of the Government refusing to bear the whole charges of the project, the people will gladly contribute towards its advancement, should the Government lend its assistance, bear a portion of the charges, and make it an object of national importance.

MANUFACTURES

While we strongly advocate the cause of agriculture, we cannot suffer the sister art of manufactures to pass without some suggestions for its
improvement. No permanent advancement in agriculture could be effected until the people are relieved from the necessity of relying on a foreign country for the requisite implements of husbandry. No nation can secure to itself the blessings and comforts of civilized life until it has manufactures of its own; and in short no country can rise to wealth or importance that is deficient or imperfectly versed in the art of manufacture. The necessity of improvements in manufacture in this country being therefore urgent, we would beg to suggest that a certain number of schools for instructing the people in the most important and useful branches of European manufacture be established by Government throughout the Province.

In these schools the youth will be taught the manufacture of iron and wood to enable them to construct implements and machines of husbandry and other works of utility; of silk and cotton to clothe the people; of utensils for domestic use; and in short of all other articles necessary for the comforts of life. Architecture, adapted to the present circumstances of the country, may likewise have its due place as essential to the comfort and convenience of man.

Manufacturing schools set up at the outset on a limited scale, will in process of time, when the people come to appreciate their advantage, not only acquire importance, but gradually relieve the State of the charges necessary for their support. The people too, in course of time, will flock to these schools for instruction and training, and enable them to support themselves.

EDUCATION AND SCHOOLS

We are constrained with regret to acknowledge that education in the country, under the enlightened Government of England, is in a retrograde state! During the prosperity of the Native Government, the education of the respectable classes in Sanskrit knowledge always formed an object of the social care and attention of the State. In every important village there existed public schools to train up the youth in the knowledge of Sanskrit literature and science; and so much was then the general thirst for Sanskrit knowledge, that numerous youths travelled to Nuddea and Benares to receive instruction in the abstruse sciences. Since the annexation of the Province to the British Empire, Sanskrit education, owing to the want of encouragement, has gradually been abolished. A certain number of institutions styled Vernacular schools— their use.

Retrograde state of education.

Sanskrit learning under the Government.

Mofussil Vernacular schools—their use.

In these schools are imparted in a foreign language, viz., the Bengalee, which is but imperfectly understood by the teachers themselves, not to speak of the pupils. The education which they afford is of the simplest and most elementary kind; the students seldom aspire to a higher knowledge
than a mere acquaintance with simple reading and writing. The few books
that are used on the different branches of elementary learning are composed
in a foreign tongue, which necessarily prevents their being of any popular
use. Much time is in the first instance wasted in acquiring a knowledge
of the Bengalee, and the reason assigned for the substitution of Bengalee
for the Vernacular Assamese, is, that "Bengalee is the language adopted
in the courts," as if the object were to make the Assamese a nation of
judicial officers; and strange to say, notwithstanding the proposed object
of the schools, very few ex-students of the Vernacular institutions in the
interior have ever qualified themselves to fulfil offices of trust or responsi-
bility in the courts of the Province. The knowledge which they acquire
seldom makes them fit for discharging any higher duties than those of a
Gaon Kakoti, or village accountant, so that very few youths from the
respectable classes ever resort to them. The teachers, too, engaged in
the Government Vernacular Schools are generally men ill qualified to
impart instruction in any of the higher branches of knowledge. We there-
fore think that little argument is necessary to prove that popular education
will never advance in the country unless the system at present pursued in
the Vernacular schools be re-modelled. In our humble opinion, the
following arrangements appear to be best cal-
culated to promote the cause of education—

**Means of promoting edu-
cation in the country.**

the substitution, in the schools, of the
Vernacular language in lieu of the Bengalee, the publication of a series
of popular works on the different branches of Native and European know-
ledge in the Assamese language, the establishment of a Normal school to
train up a body of teachers, and the creation of a separate department
for the study of Sanskrit in the several Vernacular schools.

**By the substitution of the Assamese, we do not mean to suggest that
Bengalee should be altogether abolished from the schools. On the contrary, we are of opinion that it should be cultivated as a language in-
dispensable to complete the cause of Vernacular education, and that the standard Bengalee works should likewise be intro-
duced in the higher classes. We are only opposed to its exclusive adoption as the medium of instructing the people in literature, science, and other useful branches of knowledge. We feel certain that the outlay of a few thousand rupees will enable Government to supply the Schools with a complete series of elementary educational works in the Assamese language, in every useful department of learning, literature, history, science and art.**

**We allude to the establishment of a Sanskrit department in the Mofussil schools, because throughout the Province the people still show the utmost zeal and promptitude in the cultivation of that language, and in our experience, a Sanskrit institution would be universally taken advantage of and more readily resorted to by the respectable classes than a mere Vernacular school. The combination of a knowledge of Sanskrit with that which a Vernacular education will afford cannot fail materially to improve the intellectual capacities of the people. Notwithstanding the indifference so**
displayed by Government, there are still to be seen numerous private schools throughout the country for the study of Sanskrit. In Bengal and Upper India, the British Government has provided means for the preservation of the ancient learning of the country by the establishment of magnificent colleges at Calcutta and Benares. But we can see no reason why in Assam the Government should not lend its assistance to preserve her ancient learning. Should the adoption, however, of a Sanskrit department to each school be deemed too expensive, we trust the Government will deem it fit to establish at least two Sanskrit colleges in Upper and Lower Assam.

Before quitting the subject of education, the question naturally suggests itself to our minds, viz., why the exertions of the Government to introduce the study of English into Assam have proved abortive?—and why all hopes of instructing the Assamese in the science and literature of Europe have been relinquished? In 1835, the Government established an English school at Gowhatly, in Lower Assam, under the superintendence of a European teacher. The experience of a few years, however, induced the Council of Education to abandon all hopes of success from the institution. The European head-master's office was abolished, and the establishment reduced to a single native teacher on an extremely low salary. The English school in Upper Assam is in no better state. The few that avail themselves of these two Government institutions seldom derive any substantial benefit. Not a single student has been hitherto able to acquire even the standard laid down for junior scholarships in the Government school and colleges. The slow progress of the school of 1835 disposed the authorities to conclude that the Assamese would never improve in European knowledge. Now, we are prepared to dispute the justice and correctness of this conclusion. That the people, especially the higher classes, are still anxious to instruct their children in the knowledge of European science and literature, has been amply proved from the circumstance that several native gentlemen have already sent their youth to the Government colleges in the Presidency for the express purpose of giving them an English education. The introduction of a taste for foreign language and literature must be, like all other improvements, allowed to take effect gradually; and it would be both unfair and unjust to judge of the capacity of a people to receive improvements from the trial of a period not extending beyond five or six years. We are inclined to believe that the slow progress made by English schools in Assam must be imputed more to defects in the system of instruction pursued in them, than to the want of zeal and promptitude on the part of the students; since it has never been advanced by any body that the Assamese are inferior in their intellectual capacities to any other Indian nation. We, therefore hope that additions may be made to the educational staff of the two English schools in Lower and Upper Assam, and that competent teachers may be appointed and an improved system of instruction introduced.

For the purpose of disseminating knowledge amongst the people, we would further suggest the expediency of establishing with schools a sufficient number of circulating libraries of Vernacular books throughout the country, and we hope that in
course of time, after the example has been set by Government, the people will soon feel the necessity of contributing to the support.

PUBLIC WORKS

The total want of roads in the country has been the source of serious inconvenience to the people. There are no highways which connect all the districts of Assam with each other; nor are there roads in all parts of the country by which travellers can journey from one village to another at all seasons of the year. In tracts not densely populated, foot-paths carrying through thick forests are the only roads that could be seen, and these, together with such roads as are better constructed, are likewise useless during the rains. Owing to this want of the means of inland communication, the poor classes can never stir out of their homes during the five rainy months of the year, and many a poor sufferer is actually precluded from resorting to the courts of justice for the redress of grievances. The injury to trade and commerce resulting from the want of good roads is not less remarkable.

Two or three high roads intersecting and connecting all the divisions of Assam, appear to be indispensable for the present, until the increase of population renders additions to that number necessary. The magnitude of some of the public works of the former Government is everywhere remarkable; and it would be a matter of no less regret than astonishment, if the country have no roads under the British Government. The principal roads proposed could be made by the people at a very moderate expense to Government. Instead of employing hired workmen in their construction, we conceive that a certain remission in the Revenue of every village will induce the people to contribute their labours with alacrity, and at a much cheaper rate to the promotion of this project of primary importance to their happiness and comfort.

In various parts of the country, it will be seen that whole villages have been and are being destroyed by the encroachment of rivers. In those localities where the lands are low, the harvest is always uncertain, and the least inclemency of the weather leads to a total failure of the crops, and the consequent misery and ruination of the villagers, with serious loss to the public Revenue. We are therefore impressed with a belief, that if a due share of attention be bestowed by Government, the mischiefs could be in a great measure provided against by the creation of bunds, embankments, and such other means.

RELIGIOUS AND CHARITABLE ENDOWMENTS

The ancient rulers of Assam made numerous endowments and grants for the maintenance of various religious and charitable institutions throughout the country under the former Government, every precaution being of course taken to secure the due fulfilment of the objects of those
endowments. After the occupation of the Province by the British Government, its care continued to be exercised to a partial degree, with reference to the endowments in question. About the year 1842 the Government declared the principle of non-interference, and strictly prohibited the exercise of any control over the religious endowments in Assam; evidently influenced to adopt this policy by the law whereby all public connexion with the temple of Juggurnath was withdrawn. Now, "it is an acknowledged duty of the Government to provide, that endowments for purposes deemed pious and beneficial be applied according to their real and original destination. Where the endowment is perpetual, the duty of protection is a public and perpetual duty of the Government." This duty has been not only fully recognized by Government, but special provisions have been made by the legislature, in Regulation XIX. of 1810, for its fulfilment. We therefore, can see no reason why the provisions of the law should have been withheld, and the objects of the endowments permitted to be defeated. In the district of Kamroop, there exist magnificent and extensive endowments, not only for the maintenance of religious temples, but also for charitable purposes. That species of endowments which is termed Dharmothar, was expressly created for the convenience and reception of travellers and pilgrims. A vast amount of benefit would result to the country, if the Government adopts measures to secure the fulfilment of the original object of those dharmothars, and the right use and application of their proceeds. Under the present system, the revenue of the endowments are usually misappropriated by the leading members attached to them, and the community have no interest or necessity for preferring complaints for such misappropriations. The endowments have thus conduced to the promotion of private interests rather than the fulfilment of the original intentions of the endowers. We feel assured that an efficient control and supervision of the endowments could be maintained by the appointment of a Committee to control, direct and watch the proper use and application of their proceeds.

It would not be here quite out of place of observe, that we are unable to understand why the same liberal and lenient policy which induced the Government to uphold in Bengal all the rent-free tenures, held as such before the acquisition of the Dewanny, without any reference to their validity, should not have been observed, and why the genuine grants made by the ancient rulers of Assam should have been assessed at half the rates imposed on rent-paying lands. Under the provisions of Section V. Regulation XIX. of 1793, even grants made by the zemindars in contravention of their own agreements and the prohibition of Government previous to the Bengal year 1178 (A.D. 1771.) have been rendered liable only to half the amount assessed on the malgozarce lands; and similar grants of lands not exceeding ten beegahs, and "appropriated as an endowment on temples, or to the maintenance of other religious or charitable purposes," have been exempted from any assessment whatever. Notwithstanding the adoption of this liberal principle, we regret to find that the religious and charitable grants made by the ancient rulers of Assam, and declared valid and genuine on formal judicial inquiry, have been subjected to a tax at half the rate imposed on
rent-paying lands; and this because, as we are given to understand, the last reigning Rajah of Assam levied a tax on those grants by way of a contribution to enable him to defend the country from the incursions of the Burmese. We trust, however, the Government will deem it fit to act upon the same liberal and lenient policy which it has adopted with reference to all other provinces of the British Empire.

OPium CULTIVATION.

The growth of the poppy in Assam has, for some time past, engaged the attention of Government. Large quantities of Government opium have been of late imported; and the expediency of abolishing the cultivation of poppy by the people is at present under consideration. We are not aware of the precise intention of Government on the subject. Whether, by interdicting the culture of the drug by the people, the Government contemplates to expel the general use of opium from the country, or whether the Government proposes to substitute its own in lieu of the Native opium, we are alike ignorant. The extensive introduction of Government opium, however, leads us to conclude that the measure will be productive of consequences other than the extirpation of the drug from the country. If it be advanced, that by abolishing the production of opium in the country, and rendering it dearer to the people, the use will be rendered less universal, we would beg to submit that the people will never shrink from the use of the drug as long as they continue to obtain supplies of it; and that whatever may be the price put upon it they would seldom consider themselves too poor to purchase it. As a striking illustration of the truth of this position we would beg to point out the Chinese nation. Notwithstanding the most severe and sanguinary laws promulgated by the Chinese Government against the use of opium by the Chinese, the whole Empire has fallen a victim to the baneful drug.

The universal use of opium has converted the Assamese, once a hardy, industrious and enterprising race, into an effeminate, weak, indolent, and a degraded people. It has been universally the sole cause of undermining the health and physical constitution of the whole population. It is used by the young as well as by the old. Women themselves are often not excepted: and in many parts of the country, opium is freely administered to infants and children. It is therefore high time for the Government to provide speedy and effectual remedies to preserve the country from utter ruin and degradation. Opium was not so generally used in Assam a century back. Some fix the year 1792, the year of Captain Welsh's deputation to Assam to restore the reigning Rajah to his throne, as the time at which opium was introduced into the country. Without insisting on the truth of this account, we feel confident in asserting, that before the accession of the British power, twenty-eight years ago, the use of opium was not half so universal. We are therefore of opinion that strenuous measures and timely remedies will soon enable the people to recover their former state.
We conceive that no other remedy than the gradual diminution of the supply of opium can produce the desirable effect. The tree will grow so long as the root is not destroyed. The source must be completely exhausted, and the introduction of fresh supplies from out of the country carefully suppressed. To secure this object, the growth of opium in the country must be so crushed as eventually to lead to its total extinction. A sudden and total abolition of the culture of opium, however, will not only entail the loss of numerous lives, but would subject the people to much calamity and unhappiness. Even with the present abundance of opium, numerous poor people die of dysentery from the want of the drug; and when it is abolished, a great number will not have the means of purchasing it, as they now generally raise it in their own gardens at a trifling cost.

We have, therefore, to submit, that in the first place the importation of Government opium be discontinued, and that in the second, the poppy cultures be subjected to a heavy taxation. An over-assessment will deter those who cultivate it for the sake of realizing money by its sale, a practice which is at present extensively carried on. The cost of labour, together with an excessive taxation, will leave little or nothing to the cultivator as an adequate recompense for his trouble, and the culture of opium will then be an object not of luxury or gain, but of absolute necessity. None but those who cannot actually subsist without it will ever think it worth their while to cultivate it. It will thus become gradually less abundant and scarce. The old will be sparing in its use, and the young less eager to become its prey. So that it is to be confidently hoped, that in the course of another half century, when the old generation fades off, young Assam will be completely freed from the temptation of so deleterious a drug.

We are of opinion that the enhancement of the opium tax should be gradual, commencing from 4 to 10 Rs per purah or more, and that the assessment be comparatively lightened in those districts where its use is more universal. For instance, the tax should be heavier in Kamroop, where the use is less general, than in Seebsagur or Nowgong.

POPULATION MORTALITY—MEDICAL SCIENCE AND MEDICAL SCHOOLS

It has been already noticed, that one-half of the population of Assam was lost during the civil wars and the incursions of the Burmese which followed them. The innumerable deserted villages that are still to be seen throughout every part of the country, especially in Upper Assam, bear testimony to the fact. More than one-half of the country is now a vast extent of wastes. Though no marked progress in the increase of population is at present observable, yet it is to be hoped that an improvement in the administration of the Province will also lead to an improvement in its population. A large portion of the ancient inhabitants of the country took shelter on the frontiers. We believe that these people, under proper encouragements, may be induced to come back and settle in the
lands of their forefathers. The numerous independent mountain tribes that surround the valley of Assam may likewise, under proper management, be induced to settle in the plains, and we are further impressed with a belief, that the people from some of the badly provided parts of Bengal could be likewise invited to emigrate. Mortality, however, above all appears to have materially impeded the progress of population in Assam.

It is said that "sickness and mortality vary, both in place and in time, according to physical conditions"; and it has been ascertained, "that during the last two hundred years, with regard to nearly the whole of Europe, there has been a gradual improvement in health and life in proportion to improved conditions." An improvement in the condition of the people must therefore conduce to an improvement in health and longevity. We entertain sanguine hopes that when the improvements in the general state of the country shall have been effected, the rate of mortality in Assam will proportionately decrease. The Assamese will then feel the advantage and necessity of ventilation, cleanliness, and other means essential to the promotion of health. They will learn the right method of constructing their habitations and cleansing their towns and villages, and thereby avert sickness and ill health.

We cannot, however, here forbear observing that a most imperfect knowledge of the science of medicine has contributed materially to augment mortality in Assam. Since the last few years the ravages of sickness, and especially of cholera, have been so great that the annual deaths in some localities are supposed to have exceeded twenty per cent.

Many of the most malignant diseases to which human life is subject are little known or understood; and even the Hindu system of medicine, brought to some degree of perfection by the ancient Hindus, is little made use of by the people at large. In most parts of the country, incantations, charms and amulets are substituted in the place of medicines and the number of deaths caused by ignorant and opposite treatments is prodigiously great.

We are persuaded that it is in the power of the Government to improve this deplorable state of affairs. The establishment of a couple of medical schools in the country will confer on the population the full benefit of the European science of medicine. Instructions given in the Vernacular language will enable the youth to acquire a knowledge of the science with speed and facility: and intelligent young men from all parts of the country will resort to these schools on express motives of realizing a future livelihood. The wide and extensive benefits which the few native doctors, trained up in the Medical College at the metropolis have conferred on the country, are well known; and the incalculable good that would result from the foundation of district schools of medicine cannot be too highly appreciated. It is to be hoped that one or two native sub-assistant surgeons
educated in the Medical College of Bengal, assisted by the same number of native doctors from the Vernacular department of that institution, with a suitable supply of scientific apparatus, and a sufficient number of medical books in the Vernacular, will enable Government to open a useful school to teach the people how to live, and how to preserve and secure to themselves the greatest of all earthly blessings, viz., health. It is likewise to be hoped, that when the people come to feel the advantage of a medical academy, they would gladly contribute to its support, and study medicine as a profession.—a practice which has already been adopted in the neighbourhood of Calcutta.

THE JUDICIAL SYSTEM.

The present judicial system of the Province has utterly failed to afford any satisfaction to the people. All classes are unanimous in declaring that the mode in which justice is at present administered by the British Government is ill adapted to the simple habits of the people and the impoverished circumstances of the country. From one extremity of the Province to the other, if the opinion of the lowest clown be taken on the working of our judicial system, he would unhesitatingly declare, that "the public courts of justice are exclusively for the benefit of the rich and powerful, that it is both imprudent and foolish for men in humble life to resort to them for relief, that cunning and deceit, falsehood and perjury beset the courts on all sides, and that in the civil and criminal courts, truth is often transformed into falsehood, and falsehood into truth." Men of all ranks appear to be impressed with this opinion, and the necessary consequence is, that people in the interior of the country entertain the utmost dread to resort to the public tribunals for redress, and are obliged, in the majority of instances, passively to submit to injury or oppression.

We beg to express our full conviction that the defects in the judicial administration of the country, which form the subject of universal complaint, must be imputed, first, to the inefficiency of the Police; second, to the paucity of the courts, and their distance from the interior of a district; third, to the defective, tedious, dilatory, expensive nature of the law and procedure; and above all, to the universal corruption which prevails amongst the ministerial officers attached to the courts of justice. Persuaded that by a judicious modification of the present system the evils complained of may in a great measure be obviated, we beg to suggest the remedies, which, in our humble opinion, appear best calculated to lead to a reform.

THE POLICE AND MOFUSSIL COURTS.

We beg to submit that the Police system of the country is wholly inefficient to preserve the lives and property of the people. The darogahs in the interior, to whose hands the Government has entrusted the duties of the Police, fulfil their trust, with but few exceptions, without any justice
either to themselves or to the people for whose protection they are entertained. That sordid corruption which prevails among the ministerial officers of the courts prevails equally among the darogahs. Their love of gain often leads them actually to sell justice for money, and to lend their cooperation in the perpetration of injury and oppression on the poor and helpless. The Police darogah is the only authority to whom the Ryots can at all times look up for protection. But the temptations offered by the wealthy often induce those functionaries to wink at their proceedings. When a poor Ryot is put to duress or extortion, the wealth of his oppressor gains over the darogah to his side, and relief is not obtained. When murder, homicide, or robbery occurs in a village, the villagers purchase their safety by the levy of a general contribution for the darogah. Even the occurrence of an unnatural death in a village, and the inquisition that follows, afford a fruitful source of extortion on the people. The trial and investigation, in the first instance, of all criminal cases by the darogahs, and the exercise of partial judicial powers by them, are productive of no slight injury. The mercenary and biased proceedings in criminal trials held by them serve in various instances to convict the innocent and exculpate the guilty. The unlawful means practised by them to extort confessions are notorious; and the number of cases that are allowed to escape from punishment through the connivance of the police, exceeds all belief. A few years ago, the Government, with a view to guard against temptations, raised the salaries of the darogahs, and attached greater respectability to their posts; but the measure has proved abortive, and the Police officers are still as bad as ever. Little reliance is generally placed by the magistrates on the proceedings conducted by the darogahs. The large number of acquittals, notwithstanding the convictions of the Police, affords ample proof of this fact. The custom too of censuring and sometimes dismissing darogahs for not being able to trace out offenders, leads them to have recourse to various means for convicting innocent parties, and with no other motives than perhaps the simple purpose of escaping from censure or reprimand. It is no wonder, therefore, that the darogahs should freely abuse their powers, and sacrifice justice for private interest, convinced, as they commonly are, of “never being credited even when they represent the truth.” Now we can see no reason why the darogahs, on whose proceedings so little reliance is generally placed, and whose irregular conduct is often productive of such grievous oppressions to the poor, should have been at all allowed to hold trials or investigate offences, and entrusted with the responsible duty of protecting the lives and property of the people. We conceive that the appointment of a superior class of functionaries for the performance of Police duties is the only means by which a reform of the manifold mischiefs of the present system could be effected. We, therefore, beg to suggest that the office of darogah in its present form be abolished; that a class of mofussil courts be established in each thannah jurisdiction, under a judicial officer of rank and respectability, styled either a Sudder Ameen or an Assistant; and that such officer be charged not only with the general Police duties, but be vested also with civil, criminal and fiscal jurisdiction in his division. This measure, we feel assured, will serve
to remove two of the most prominent defects in the administration of the country, viz., the inefficiency of the Police, the paucity of the courts, and their distance from the interior of a district.

I. With reference to the constitution and functions of these courts, we beg to submit that the judicial officer stationed at each thannah should be entrusted with all the Police duties which are now performed by the darogahs, viz., the preservation of peace within the district, the suppression of crimes, the apprehension of offenders, the prevention of affrays, and the trial, in the first instance, of all crimes; that he should be endowed with original jurisdiction in all criminal cases, and vested with the same powers which are now exercised by the sub-assistants, viz., impropriation for a period not exceeding six months, and a fine below the sum of fifty Rupees.

These powers will be quite sufficient for the speedy and convenient determination of the great majority of cases that can possibly arise in one thannah jurisdiction; and all cases calling for a severer sentence could be transmitted to the magistrate for his final judgement.

Under Section II., Clause 1 of the Rules for the administration of criminal justice in Assam, officers with the powers above alluded to are empowered to hold the preliminary proceedings in all heinous cases likely to be committed to the sessions. The trial in the first instance, therefore, of offences of all kinds, will not only remedy the mischiefs of entrusting the same to Police darogahs, but considerably abridge the proceedings, to the great benefit of the people, and prevent the necessity of the same officer, namely the magistrate, holding second trial as a court of sessions before a jury, under the provisions of Section II., Clause 4 of the Assam Rules.

Numerous cases under Act IV. of 1840 and Regulation VII. of 1810, relating to dispossesssion from lands, recovery of wages, and breach of contract, &c., occur in the country. In the Regulation Provinces these cases come under the cognizance of magistrates only. To give the people, however, the full benefit of the Mofussil courts, it appears necessary that their jurisdiction be extended to the trial and decision of the cases in question, subject to an appeal to the magistrate.

To enable the Mofussil judicial officers to discharge the functions of the Police, it seems necessary that they be allowed a suitable staff of constables, and a superintending officer, styled either a darogah or a nazir, with purely ministerial duties to perform. The superintendent may, with safety, be deputed to pursue offenders, hold inquests, prevent affrays, and such like active duties rendering it incumbent on the judicial authority personally to hold local investigations, or proceed to the spot whenever the nature of a case renders such a course indispensable. The darogahs, under the existing system depute their subordinate mohirries or jemadars to conduct local inquiries in all ordinary cases, and as the heavy duties of the judicial
officer will prevent his proceeding to hold inquiries in every case, this duty may likewise safely be delegated to the superintendent, or other ministerial officer of the court, restrained, as they then would be, from any irregular conduct by his immediate presence.

II. We have also to submit that the Mofussil courts be likewise invested with original jurisdiction in all civil cases arising within their respective limits, and that their power be limited to the trial of cases not exceeding in value 1,000 Rupees. The rule in the Assam code which prescribes the presentation of all petitions of plaint in civil cases in the first instance to the senior assistant in charge of a district has been productive of much delay and inconvenience. We, therefore, suggest that the rule now in force in the Regulation Provinces be extended to Assam, and that the mofussil courts be empowered to receive and proceed upon original plaints without any reference to the Assistant Commissioner.

III. Lastly, we think that in Revenue matters, the judicial officer at each thannah should be empowered to hold the summary suit court of his division, and decide actions relating to arrears or exactions of rent, to issue distraint at the instance of persons having charge of the collection of Revenue, to try and determine summary suits instituted for the purpose of contesting distraint, to superintend the distribution and receipt of pottahs and kubooleuls, to dispose of all disputes relating to assessment at the time of such distribution (to which subject we have already alluded), and in short to try all miscellaneous cases that belong to the Revenue department.

We cannot speak too highly of the incalculable benefits that would result from the establishment of a Mofussil court invested with powers to try all cases in each thannah jurisdiction. We feel assured that this is the only means by which life and property could be properly and effectually protected. The infliction of oppression and various other injuries by the rich on the poor, with the connivance of a corrupt Police, will be put an end on the poor, with the connivance of a corrupt Police, will be put an end to. The extortion of confessions, the unlawful detention and restraint of witnesses and parties at the thannahs to extort money, the compulsion and intimidation practised on witnesses to deliver false testimony, and not unfrequently the training up of witnesses to pass through cross-examinations without detection before the magistrate, and the extortions from the villagers in the prosecution of local inquiries, will be thoroughly done away with. We have already shown how the distance of the Collector’s court from the interior of a district prevents a poor Ryot from seeking redress against his powerful opponent, and constrains him passively to submit to any exaction or injury. A visit to the Sudller station, perhaps at the distance of two or three days’ journey, renders it necessary for the Ryot to forswear his cultivations, and if his case happen to involve any disputes of intricacy, he is detained for a year, or at least for half a year. Then, after a vexatious litigation, if he gain his case, still, his fields being neglected, he is reduced to want, and
IML deprived of his food for the whole year! Again, the poverty of
the people does not admit of their purchasing provisions in the town.
Whenever they set out on a complaint, they generally carry with them rice
and other articles of food; but frequently, when they are short of their
provisions, and consume what they take with them, they are obliged to
march back to their homes, leaving their cases behind them to take their
desired course. A reference to the records of the courts of justice will
show that more than one-half of the cases in the Revenue and Criminal
departments are dismissed on default; and this because the poor sufferers
can neither afford to support themselves in the town, nor to employ vakseels
or agents to look after and conduct their cases in their absence. Often,
we have known from personal experience instances in which a wealthy
and powerful oppressor actually compels the object of prey to submit
quietly to his oppressions. If the sufferer ventures to set out on a journey
to the courts of justice, with the view of representing his grievances, he is
waylaid, compelled to return, and subjected to more oppression. Application
to the Police is fruitless, because he who has wealth to command,
command the police too, and the poor victim is obliged to remain content
at his home, calling to his mind that remarkable ancient proverb of his
ancestor, viz., "the destroyer nigh, but the preserver far!" Grievances like
these, we beg to submit, will be effectually redressed by the establishment
of Mofussil courts; and their situation in the vicinity of the Ryots' homes,
will not only enable the latter to resort to them with better success, but be
the means of curbing the oppression of many a formidable and powerful
neighbour and landlord. We, therefore, earnestly hope that the Government
will not refuse, on considerations of economy, to sanction the creation
of a sufficient number of Mofussil courts for the administration of
justice. We cannot deny that the adoption of the measure will entail an
increased expenditure on the State; we beg, however, to submit that the
additional expense thus involved cannot but be trifling. A considerable
saving will be effected by the abolition of the office of darogalis, who are
now paid from 50 to 100 Rupees; and we conceive that a monthly
allowance of from 150 to 250 Rupees will be sufficient to secure the services
of a respectable body of men as Assistants or Sudder Ameens, to be in-
vested with judicial and Police authority in every thana jurisdiction. We
have further to submit that the present functions of Mofussil Moonsiffs
may be abolished; and that the Assistant or the
Mofussil judge in the
Sudder Ameen in every extensive jurisdiction,
where a single officer is unable to perform with
efficiency his duties in all the several departments,
be allowed an inferior judicial officer, as his Assistant, whose duty it would
be to try cases referred to him by his immediate superior, to assist him in
the superintendence and performance of the Police duties, to hold local
inquiries or inquests, and in short, all other miscellaneous duties that may
occur within the jurisdiction. The Junior functionary may be, with equal
propriety, placed in immediate charge of the branch Police stations or
pharces of a jurisdiction.

We have also to submit that the establishment of Mofussil courts will
necessarily decrease the amount of business in the sudder stations, and that
some of the judicial functionaries there employed may, without any inconvenience or injury, be stationed in the interior, and a considerable part of the expense thus saved.

In conclusion, it may not here be improper to observe that it is the duty of the ruling power to protect the lives and property of its subjects, and it would be a matter as well of regret as of astonishment if the Government refuse to adopt measures for the fulfilment of that duty merely because it may involve a trifling additional expense.

THE RURAL POLICE

Before quitting the subject, we cannot forbear expressing our great surprise at the total want of a rural Police throughout the country. A traveller may pass through ten miles of a densely populated country without meeting with a single officer of peace! There is not a village in Assam, how large soever may be its population, that has a single chowkeedar or constable! Parties might carry on private fights, create riots, break the peace, or proceed to perpetrate any crime without a soul to prevent or check them, or even to communicate intelligence of the same to the Police station ten miles off. If we are correctly informed, such a state of affairs does not exist in any other Province of the British Empire; and we are led to consider it most extraordinary that under the British Government, the villagers, sometimes amounting to thousands in a single village, should have been left to themselves without a single officer responsible for the preservation of peace among them.

We, therefore, beg to urge the necessity of constituting a rural Police force for the Province, and appointing one or more officers of the peace to each village: and we have further to suggest that if the appointment of an independent and efficient class of village chowkeedars be deemed too expensive, each village be provided with some person from among themselves, remunerated on the scale which now regulates the allowances of the fiscal officers. We, however, beg to entertain great doubts as to the usefulness of persons thus appointed, and we only recommend the measure, influenced by an apprehension that the necessity of too extensive an outlay induces the Government to deny the benefit altogether. We have, however, to observe that we would prefer the imposition of a regular chowkeedaree tax on the villagers rather than be wholly deprived of the benefits of a village Police.

We now proceed to suggest the remedies which will, in our humble opinion, lead to a reformation of the other principal evils in the administration; viz., "the tedious, dilatory, and expensive nature of the law of procedure."

LAW OF PROCEDURE

Under the former Government all complaints were heard and determined 

vivâ voce, and the party complaining obtained redress in the course of
a fortnight or week, and sometimes sooner. Under the existing judicial system of the Province, a party, how trivial soever his complaint may be, can never obtain relief without submitting to a vexatious and harassing course of procedure, extending from at least six months to an unlimited length of time; and even when he obtains an award in his favor, the execution of the same is attended with so many obstacles that he is in many instances actually compelled to relinquish all hopes of recovering his dues. Justice is thereby defeated, and the people prefer giving up their just dues rather than resort to so uncertain a course and throw away money to meet the costs of suit in pursuit of an object which they are never sure of securing.

The local legislature wisely foresaw the mischiefs of introducing in full the Regulation law of procedure among a simple and ignorant people, and in some measure remedied the evil. With a view to abridge the proceedings in regular civil suits, it empowered the Assistants of the district, in Clause 7, Section II. of the Assam Rules, to "insist on the attendance in person both of the plaintiff and defendant, and to examine them on oath and hear their pleadings verid voce." Now we beg to submit that this law has long since been a dead letter. The Principal Assistant, who alone is vested with the power, seldom tries original suits, and in the few that he retains in his file, the course is never adopted. In fact, the provision itself has been rendered almost useless by leaving an option to the Judges or senior Assistants to apply it only to cases where they deem its application indispensable, and the consequence is that it is now treated almost as an obsolete law.

In the Metropolis of British India, as well as in the other Presidencies, causes relating to debts and damages, not exceeding in value the sum of 500 Rupees, are tried and determined in a "summary duty" by the Small Cause Courts constituted under Act IX. of 1850. The procedure in those courts, and the speedy and expeditious relief which they afford, have given universal satisfaction to all classes of the people, and have conferred a lasting and inestimable benefit on the poor. The petty cases that are likely to come before the Mofussil courts of the Province would not be found half so intricate as those that arise in the capitals, where trade and commerce are so extensively carried on. The parties too in the Mofussil are less able to engage in lengthy litigations than the wealthy merchants and tradesmen in Calcutta or Bombay.

We can, therefore, conceive no reason why Small Cause Courts should not be opened in the Mofussil; or why the provisions of the Assam Code, which nearly give the same benefit to the Assamese, should not have been carried out and rendered applicable to all cases.

We in consequence hope that the provisions in question may be per-
milled to have a more extensive application. That the procedure of the Courts in petty cases be so modified and altered as to give the courts of the country the character of Courts of Small Causes, and afford to the people better and more expeditious means of recovering their rights.

To promote this end, and to improve the law of procedure, we beg humbly to submit the following suggestions:

I. That whenever a civil action is preferred for the recovery of debts or damages, in which the sum claimed may not exceed 300 Rupees, it be rendered imperative on all the courts, instead of trying the action like a regular civil suit, to proceed with it in a summary way. That instead of issuing first a notice and then a proclamation, calling upon the defendant to file his reply to the plaint within fifteen days from the issue of those processes respectively, and allowing further time for the filing of the rejoinder and replication, the defendant be required by a summons to appear on a day to be fixed at the discretion of the court, either in person or by vakeel, to answer to the complaint; that the plaintiff be also required to be in attendance on the appointed day either in person or by any authorized agent; and that the presiding officer be required to record briefly the statements and pleadings of both parties, and after hearing and noting down the evidence which either party may have to adduce, either on the same or on a subsequent day, proceed to deliver judgment "without further pleading or formal joinder of issue."

II. That in the event of the defendant failing to attend or to show sufficient cause for his absence on the day fixed for his appearance, and the court being satisfied of the due service of the summons, the case be allowed to be tried and determined ex-parte, on the evidence of the plaintiff; but that if the defendant absconds or conceals himself and thereby prevents the due service of the summons on him, the proclamation prescribed by Clause I. Section II. of the Rules, be issued before an ex-parte trial of the case.

III. That the ends of justice seem to render it necessary that the rule in Section XI, III, Act IX. of 1850, which empowers the Small Cause Courts to grant a new trial of a cause decided ex-parte, on sufficient cause being shown for the same, should be also extended to the Mofussil courts in the trial and determination of small causes.

IV. That with reference to the present circumstances of the country, and the character of the inferior tribunals, we are by no means prepared to believe, that appeals in cases decided on " civilizations of the country, and the character of the inferior tribunals, we are by no means prepared to believe, that appeals in cases decided on "v" v," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"," v" v"
of the witnesses should be recorded the Assamese or Vernacular language of such parties or witnesses, and being duly attested by their signatures, in proof of their accuracy, put up as a separate record to enable the appellate court to refer to it whenever an appeal is preferred.

V. That respectable persons have often been observed to prefer complaints and lodge defences through their agents and vakils, which their regard to truth, as well as a fear of publicly exposing their dishonesty, will not in many instances enable them to support by a personal deposition in a court of justice. Instances too are by no means uncommon in which a majority of the lower and middling classes in this country, from their simple and honest habits, will be led at once to politics of a case when they are personally examined in a public tribunal, and before opportunities are allowed to them to entrust their cases to the cunning and dishonest attorneys and mookhtars that infest the courts.

The wise framer of the Assam Code, therefore, has empowered the Judges or Senior Assistants of districts, by Clause 6, Section II, of the Rules, to insist on the attendance in person both of the plaintiff and defendant, and to elicit the truth of a complaint by their personal statements. As, however, almost all the cases in the Province are now tried by the inferior courts, and the Principal or Senior Assistant seldom or never tries any original suits, and under the system now proposed, the Mofussil courts will exercise original jurisdiction, we submit that to render the rule practically useful, it is indispensable that all the courts should have authority to exercise the powers in question, subject to the appeal already prescribed in Clause 6, Section II, of the Rules. With reference to the extensive powers given to the courts of all grades by the provisions of Act XXVI, of 1852, we can perceive no impropriety in extending the rule in question to the lowest tribunals in Assam.

VI There is no provision in the Assam Rules for enforcing or compelling the attendance of a defendant, who may refuse to attend, or abscond after a requisition for his personal appearance has been issued to him under Clause 6, Section II, of the Rules. We have therefore to suggest that in such cases recourse may be had to a "writ of attachment to compel the appearance of the defendant," in the same manner as is provided in Section XI.1. Regulation IX, of 1850; and that parties considering themselves aggrieved by such requisition should have the option of filing a petition of appeal against it, which shall bar its enforcement pending the orders of the appellate court—a course already prescribed in the Clause in question.

We have also to submit that a refusal on the part of the plaintiff to obey the requisition may be visited with the penalty of dismissal on default, subject to the usual appeal.
VII. The people in this country still entertain the utmost dread against delivering false testimony on oath, administered according to the forms dictated by their religions. Under the former Government, when the truth of a case could not be clearly ascertained by the evidence adduced on both sides, the courts called upon either the plaintiff or the defendant, according to the circumstances of a case, to bear out his allegations by oath; and a refusal to comply with this requisition vitiated the fairness of his pleas. The Regulation law, as defined in Section VI. Regulation IV. of 1793, prescribes the examination on oath of parties in suits only when both the plaintiff and the defendant agree to it. Clause 6, Section II. of the Assam Code, however, empowers the senior Assistant to take the examination of parties on oath. This rule too has long since been a dead letter. We, however, believe that its general application to all cases will deter many respectable individuals, in consequence of the extreme aversion felt by the Natives to take oath, from prosecuting just claims; and consequently be productive of much injury. We, however, beg to protest against its total abolition, and are of opinion that its judicious application, in cases where the ends of justice render such a course advisable, will often lead to the discovery of truth and the promotion of justice; since, in many cases, respectable people will seldom attempt to sustain or defend a fraudulent or unjust case, when called upon to depose on oath. We, therefore, trust, that the power of examining parties on oath be granted to all the courts, and that it be rendered imperative on them to exercise it in cases of every description, and on all occasions where the ends of justice render such a course indispensable: subject, however, to the usual appeal. We believe that the exercise of this power will also be found in consonance with the principle declared in the recently published draft of a proposed act for amending the law of evidence.

VIII. Had our limits permitted, we could have pointed out numerous other minor defects in the law of procedure which, in our humble opinion, demand modification and amendment. In adverting, however, to those that are most prominent, we would beg leave to state that both the Assam and the Bengal Codes have prescribed to the courts the adoption of the following measures, before entering into any detailed investigation of a case: namely:—

1st. That the courts should "examine the truth of the complaint by the oaths of the parties if they mutually consent to it"—(Section VI. Regulation IV. of 1793.)

2nd. That they should induce the parties to refer their disputes to arbitration to obtain a final adjustment of their claims, to enable the courts to decide thereon. (Clause 10, Section II. Assam Rules.)

Now we beg to submit that an inquiry into the records of the courts will clearly prove that in not one in a hundred cases do the courts ever consult the wishes of the parties to adjust their disputes by any of the above means, far less induce them. We, therefore, trust that it may be declared
imperative on all the courts, and in all cases, whether the procedure be
summary or regular, to require the parties to adjust their disputes by oath
or arbitration before proceeding with their investigation.

To render arbitration practically useful, we conceive that when both
parties cannot agree in appointing one set of
arbitrators, each be allowed to nominate one,
and the court to appoint a third: and that the award of the majority be
permitted to guide the decision of the courts. We understand that this
course has already been directed to be adopted in the courts.

LAW OF EVIDENCE

We beg to submit, that the present system
of examining witnesses in
the courts of justice is the principal, nay, the
only cause of "truth being transformed into
falsehood, and falsehood into truth." It has
facilitated the commission of perjury to an extent scarcely credible, and
in fact, it has utterly defeated the ends of justice, and converted the public
tribunals into engines of oppression rather than of protection. Under the
existing practice of the courts, witnesses are seldom or never examined
personally by the judges. The duty of examination is delegated to the
head omu, who again, unless the case be of a most important nature,
deputes a subordinate mohurir to record the evidence; and not uncommonly, if the case be not very momentous, and particularly in petty criminal
cases, the duty is entrusted to one of the numerous unpaid omedwar
(candidate) that frequent the courts.

Now it is notorious that in ninety cases out of a hundred, the mohurir
is paid by the party at whose instance the wit-neses are summoned, not only to set down the
depositions correctly, but as it is said, to prevent the same "being spoiled
or rendered unfavorable." It is true, that in civil cases the vakeels on
both sides watch the examinations; but in a great majority of instances,
complaints are made by the parties or their vakeels of depositions having
been erroneously recorded. It is impossible for them to dispute every
word the mohurir writes out, and when it is once recorded it is difficult to
have it corrected by a representation to the judge. The general incapacity
and ignorance of the pleaders in this country likewise renders their presence
in many cases useless. Often too, the mohurir or omedwar, from his im-
perfect acquaintance with the art of composition, is led to fall into errors in
expressing the real purport of the witnesses' statements, and not unfrequently
he confounds or misconstrues the precise meaning and intention of a witness.
His incapacity and limited knowledge makes him often omit the most
important and essential questions to a witness: and the consequence is,
that the point on which a witness is examined is often left without elucidation.
In no instances, however, has the examination of witnesses by mohurirs
admitted of such serious abuse, or been productive of so much injury to
justice, as in criminal cases. The evidence for the prosecution is generally
taken without the presence of the defendant, or before he is summoned,
and there being nobody to watch the examination, the mohurir puts down whatever he thinks best conducive to the interest of the party who buys him over to his side. The defendant, when he is summoned, is allowed the privilege of cross-examination, but this cannot remedy the fraud that may have been already perpetrated in the original deposition, and even if both parties be in attendance in a criminal trial, their ignorance of the language in which the deposition is recorded, (for it must be remembered that the Vernacular is not the court language of Assam,) prevents their discovering any incorrect statement put down by the mohurir. It is customary for the mohurir to read out the depositions after examination to the witnesses, and to inquire whether it coincides with his statements. The poor witness, ignorant of the language in which the mohurir recites to him his deposition, has no other alternative than to signify his assent by a simple nod, and this is taken to be a sufficient proof of the accuracy of the deposition. Thus, the advantage which is to be gained by inspiring the witnesses with respect and solemnity by the presence of the judge is lost, and he can have no opportunities of observing the "quality, age, education, understanding, behaviour and inclinations of the witnesses upon whose evidence he is to decide."

We have, however, to submit that this system of examining witnesses cannot be wholly ascribed to the legislature. On the contrary, Section II., Clause 3, of the Assam Rules enjoins the senior Assistants to examine the witnesses themselves, or to delegate that duty to the junior Assistant, and only in cases of necessity to the head omia; and Clause 7 of the same Section provides, that the native judges "are in all instances expected to cause the depositions of witnesses to be taken in their own presence, and are not empowered to delegate that duty to any of their ministeral officers." The Criminal Rules go up a step higher, and require judges in all petty criminal cases to record themselves the substance of the evidence. Now had it been possible for the native judges or the inferior courts to give full effect to this law, the existing evils in the examination of witnesses, in ninety out of a hundred cases that occur in a district, could have been obviated. But we beg to express our strong conviction, that the large number of cases that now overwhelm the files of the lower tribunals renders it impossible for the judges to superintend personally the examination of the innumerable witnesses that daily attend their courts, and this obstacle cannot be removed without lessening the burden of business in the courts, and allowing them sufficient leisure to devote a portion to their attention to the examination of witnesses. We have, therefore, to suggest in the first place that the plan of establishing the Mofussil courts he carried out; and in the second, that judges of all grades be positively required personally to conduct the examination of all the witnesses that are produced before them. According to the existing practice the examination of witnesses may take place in the presence of the judge, or in other words, in the same room in which the court is held, but the mere presence of the judge without his being "attentively or intelligibly
OATHS

We conceive that the abolition of oaths as formerly administered, and the substitution of the affirmation prescribed by Act V. of 1840, has been in many instances, the cause of extensive perjury in the courts. A great majority of the witnesses that are examined in the courts of the Province belong to the lowest and the most illiterate class. Their extreme ignorance and total want of education deprive them of a due sense of the solemnity and religious character of the affirmation laid down in the present law. It has been already mentioned what awful dread the natives entertain against speaking untruth on oath administered in conformity with the forms of their religion. According to their general belief, a false oath is visited with almost instantaneous Divine punishment: and it has often been found, that a party against whom a witness is produced readily agrees to forego his pretensions if the witness depose on oath according to the form prescribed by their religions. For instance, the Kachari population of the country would tremble to speak a lie with the siroo plant in their hands, the Garrows with earth, and the Hindoos with a shastra or an idol before them. The rude tribes in particular have no right sense of their obligation to speak truth by merely calling God to witness their testimony, without the observance of forms. It cannot be denied that the educated and respectable class in Assam have a due sense of the solemnity of the affirmation prescribed by Act V. of 1840, and that to compel them indiscriminately to observe the formal oaths required by their religions might, in some instances, give rise to much inconvenience and unpleasant feelings, but we conceive that to exempt all classes from the oaths prescribed by their respective persuasions, and to substitute a form which they can but little understand or appreciate, is nearly equivalent to receiving their testimony without any oath whatever. We have, therefore, to suggest that the courts be empowered to administer to witnesses that form of oath which is enjoined by the religion of the Natives, and that they be permitted to exempt at their discretion only such witnesses whom they may on a due consideration of their rank, education, and respectability, think fit to examine only in the form dictated by Act V. of 1840.

We further beg to state, that we are at a loss to comprehend why, while the form of examining Christian and Natives in the Supreme Court.

Consequences of substituting the affirmation under Act V. 1840, in lieu of oaths.
been abolished from the Mofussil courts, they are still kept up in the highest Court of Justice in India: viz., the Supreme Court of Judicature at the Metropolis.

In connexion with the law of evidence, we have to observe that the recent extension of the rule which exacts from parties the deposit of subsistence money of witnesses at the rate of two rupees a head before a summons for their appearance is issued, has nearly closed the courts to the poor classes of complainants, who can never afford to deposit 6 or 4 rupees in a petty criminal case. It is however, to be hoped, that the establishment of Mofussil courts will at once remedy the evil.

**EXECUTION OF DECREES**

The rules at present in force relating to execution of decrees of personal claims, are so palpably defective and ineffectual, that judgments have often proved fruitless; and parties encounter far greater difficulties in procuring satisfaction of their decrees than in obtaining them. Under the provisions of Clause 3, Section V. of the Assam Rules, on the application of the decree-holder, a writ of attachment is issued against the goods and chattels of the debtor, with instructions to the peon to make over the attached property to the charge of some respectable person of the village. It always happens that no respectable person of the village ever agrees to take charge of the property, as it subjects him to a heavy responsibility, besides the costs necessary for their safe custody, and it can never be expected that any person will take the risk upon himself, and take care of a stranger's property without any compensation for his trouble and expense. Neither the decree-holder nor the peon being allowed to remove the property from the village, they have no other alternative than to make over the attached goods to some dependent, relation or creature of the debtor whom the latter may point out; and too often the attachment is merely nominal, a dependent or relation of the debtor giving a written acknowledgment for the property without the same having been ever preserved either by himself or by the peon or decree-holder. At the time of sale, when the person in charge of the property is called upon to produce the same, he, in collusion with the debtor, either absconds, hides himself, or comes forward with a plea that the property has been damaged, lost, or destroyed; whereupon the court declares its inability to proceed summarily against the defaulter, and refers the decree-holder to a regular action against him for the recovery of the property, under the authority of a Construction of the Sudder Court, No. 958, of the 6th June 1835. The original debtor is accordingly released, and the decree-holder proceeds with a second action against the receiver of the property, and if he succeeds in obtaining a decree against him he may possibly meet with no better success, for when the property of the defaulter is attached it may similarly be made over to the charge of another person, and should he follow the same fraudulent and evasive course, a third action arises, and so on, until there is no end! A century might thus elapse before the decree-
obtains satisfaction of his original decree! Though we are not prepared to advance that such frauds are committed in every case, yet we are convinced that they are by no means of very rare occurrence, and that in the majority of cases of execution of decrees, frauds similar to these are often practised and that in only ten out of a hundred cases it is found that attached property is quietly surrendered for sale. Unless this system be improved, parties will often be deprived of the benefit of judgments obtained perhaps by a lengthy and harassing litigation. We have, therefore, to suggest that attached property capable of being removed be at all times brought to the court and kept in the custody of the nazir, the decree-holder defraying the costs of removal, and that in all cases where a removal is impossible, either owing to the want of coolies to carry them or other causes, the decree-holder be permitted to provide means for the safe custody of the property by allowing a proper remuneration to the person who receives charge thereof, and that the expenses thus incurred be realized from the proceeds of sale. It may, however, often happen, that all the villagers will refuse to take charge of the property, and the decree-holder having no means of removing it, will have no other alternative than to leave it with any person the debtor may point out. In such a case, however, we have to suggest that the public fiscal officer of every village be required to take charge of the property, being duly remunerated for his trouble and expenses, and that in the event of his refusing to surrender the property, he be summarily compelled to do so. If the proposed plan of establishing Motussil courts be carried out, we feel assured that no difficulty will arise in the removal to the court of attached property.

We have further to suggest that the rule in the Regulation Provinces which requires the issue of an advertisement thirty days previous to the date of intended sale be not allowed to supersede the provisions of Clause 5, Section V. of the Assam Rules, which limits the period of advertisement in the sale of personal property to only fifteen days. The latter rule does not appear to have been fully carried out in all the courts; and as we conceive that much delay and inconvenience have resulted from its non-enforcement, we trust that it may be strictly adhered to. It would not be improper here to mention that in the Small Cause Courts at the Presidencies sale of attached property in execution of judgments takes place after five days, under Section LXXII. Act IX. of 1850.

We have also to observe that the rule which requires decree-holders to file a schedule of the debtor's property, with his application for a writ of attachment, has been likewise a source of serious inconvenience and delay. It is often impracticable to ascertain what particular goods or chattels are in the possession of the debtor. The decree-holder cannot be expected to inspect his house and furniture, and any inventory which he may file must be framed either upon guess or upon information received from uncertain sources. The property mentioned in the schedule is often not forthcoming in the debtor's house, and attachment under the present practice is not capable of being enforced against the debtor's other
property, though it may be found at his house and in his possession! Opportunities are thus offered to the debtors to procure a removal of their property with the greatest facility by the time a second writ of attachment issues, and the execution of judgments is consequently impeded and delayed. This obnoxious practice is not recognized or sanctioned by the Rules, but has been recently introduced under the authority of a certain Circular Order of the Sudder Dewanny Adawlut, dated 22nd April 1842. The practice is neither in accordance with the custom which obtains in the Presidency Small Cause Courts. We also conceive that the practice in question is irreconcilable to reason and justice, that it exacts from the decree-holder what he can never possibly fulfill, and conduces to retard and defeat the execution of judgments. The rule, however, opposite to the attachment of landed property, ought not, in our humble opinion, to be applied to the attachment of personal property, and we have, therefore, to suggest that writs should be issued in general terms to attach all the goods and chattels found in the possession and premises of the debtor adequate to the satisfaction of the decree; and that should the property there found prove insufficient, the person of the debtor be under the same writ arrested and taken into custody.

**REDRESS IN THE CRIMINAL COURTS**

With reference to the circumstances of the country, and in due regard to the condition of the people, it has been customary in cases of assault and other injuries, in which pecuniary penalties are imposed, to grant to the complainant the benefit of a portion of the fine levied from the defendants, by way of compensation and damage to the injured party. We, however, find with regret, that the rule in question is now very rarely, and in fact never, acted upon in the Province, except in special cases. The withdrawal of this great boon has been the cause of much dissatisfaction and hardship to the poor. A poor Ryot, beaten, abused, or maltreated by his powerful neighbour, forsakes his cultivations, prosecutes his complaint under various hardships and difficulties, and lays out money from his scanty purse during half a year; and after all these privations, is obliged to return home with no other redress than perhaps the bare consolation of seeing his adversary subjected to a trilling fine to Government. To pursue his opponent by an action in the civil court would be quite beyond his means; and unless he can obtain damages or reparation of his injuries in the same proceedings, he has no other remedy left but to rest contented. We have, therefore, to submit, that the practice of awarding a portion of the fine in criminal prosecutions to the injured party be revived, and allowed to have general extensive application; and we have only to observe that this practice is consonant to the principle sanctioned in Act XVI. of 1850, which provides a similar remedy for all serious offences against property.

**ADMINISTRATION OF HINDOO LAW, AND LEGAL OPINIONS**

We have to bring to the notice of the Government, that whenever questions of Hindoo law arise in the courts of the Province, they have no proper authority to whom they can apply for expositions. The consequence
is, that every court is obliged to refer to, and to be guided in their decisions by, the pundits in their immediate vicinity, who often influenced either by improper motive or by ignorance of the law, deliver opinions not only conflicting with each other, but often erroneous, and incorrect questions frequently arise in which it is necessary to ascertain what are the different doctrines of Hindoo law on a proposed point, and which of them are applicable to the country. If the courts be allowed to refer to any pundit they may happen to meet with, whatever might be his pretensions to a knowledge of Hindoo jurisprudence, for decision of a question of law, there would be no end to conflicting and erroneous expositions.

We have, therefore, to submit that a body of Hindoo law officers, consisting of two or three of the most learned pundits of the country, be constituted for the whole Province; and that the courts be required in all cases to refer to them for opinions. If the records of the courts be referred to, the number of erroneous and conflicting expositions that have guided their decisions would exceed all belief. A responsible body of lawyers would have prevented such a state of affairs. Considering the paucity of cases in which points of Hindoo law are involved, and the little work which the law officers will have consequently to perform, we conceive that a very small remuneration, not exceeding perhaps 1,200 Rs. a year, will be quite sufficient to secure the services of two or three competent Hindoo pundits. Questions of Mahomedan law are of very rare occurrence, and they may be with facility explained by the district kazees, assisted by two or three Mahomedans acquainted with the local law and usage of Assam.

**JUDGES AND VAKEELS**

Up to this time no rules have been framed to test the qualifications of the individuals who are appointed to the bench, nor body of respectable and qualified pleader constituted to conduct causes in the several courts of the Province. The nomination of judges to the subordinate courts entirely depends upon choice, and upon personal acquaintance with the candidates' qualifications. The necessary consequence of this rule is, that the choice is sometimes misguided, and the estimate formed of the candidate's fitness proves either erroneous or based upon an imperfect knowledge of his character and attainments. The appointment of judges without any form of examination has likewise proved discouraging to merit, as well as to exertions in the acquirement of knowledge or fitness; and it has also served to keep the majority of the Native judges in deplorable ignorance of the law which they are appointed to administer.

The want of a constituted and respectable bar in the courts of the Province has been likewise productive of no small injury to the administration of justice. There are no regularly appointed vakeels attached to the courts of Assam. Every person is allowed to plead and conduct a case without any reference to his character and qualifications, and this pri-
vilege has infested the courts with the most unprincipled and ignorant men, and parties often actually lose their just claims owing to the incapacity and ignorance of their pleaders. Though there are no recognized vakeels, yet there are always in the courts a certain number of men who professionally follow pleading, and who are almost exclusively appointed by parties to conduct their cases. So that the throwing open the bar to all classes has produced no other favorable results than an inducement to a host of illiterate and ignorant men to occupy it. We have, therefore, to suggest that instead of permitting an ignorant and a degraded class of men to act as pleaders, a respectable, intelligent, and better qualified body be organized to fill the responsible duties of advocates and vakeels, after duly testing their qualifications and legal fitness, as far as the general circumstances of the Province would admit. We however, cannot deny that numerous individuals desirous of resorting to the courts would not have sufficient means to engage the services of the regularly appointed pleaders, who will, in consequence of the privilege allowed to them, necessarily increase their rates of fees. In such cases we would strongly protest against the rejection of the friends and relations of the poor suitors, and would beg to suggest the expediency of vesting the courts with discretionary powers to admit the pleadings of such friends and relations whenever they deem such a course unobjectionable.

In appointing the judges of the courts, we have to suggest that they be subjected at least to some trial of their qualifications; and that a knowledge of the principles of law, the regulations, and the practice of the courts, and ability to dispose of litigations with soundness of judgment, as well as rank, respectability, and character, be considered the essential qualifications of candidates aspiring to the bench. In regard to the Europeans designed for the bench, we would beg to insist upon the necessity of exacting from them a more intimate acquaintance with the Vernacular than they at present generally possess.

SUPERVISION AND CONTROL OVER THE COURTS OF JUSTICE

We have to observe on this subject, that the covenanted European judicial officers of the Province have given more satisfaction to the people by their justice, uprightness and impartiality than the generality of the Native judges who preside in the subordinate tribunals; and we conceive, that the supervision and control exercised by the covenanted judicial officers over their subordinates, are far from being at all efficient. The unwillingness which the superior functionaries now generally evince to inquire into complaints that have any tendency to impeach the character of the subordinate officers, has proved highly discouraging to the institution of just and well founded charges. Men prefer to submit to injustice and silence, rather than appear against any judicial authority, since any unfavourable remark or allegation on the conduct or proceedings of a judge is never inquired into, but generally visited
with heavy pecuniary penalties. To secure, therefore, vigilance and uprightness in the judicial officers, it seems highly essential that every possible encouragement should be held out to parties to represent any just complaint they may have to prefer against the conduct or proceedings of judicial officers, and that it be always diligently inquired into.

The supervision at present exercised over the subordinate courts is in our humble opinion wholly insufficient. It is true, the senior Assistants and the Commissioner periodically inspect the books of all the subordinate tribunals, but it cannot be denied that the mere inspection of books seldom leads to a discovery of the innumerable irregularities, and faults and failings, to which the courts are daily subject. We have, therefore, to suggest that the decisions as well as all other proceedings of the subordinate courts be always closely and frequently inspected, and that the Assistants in charge of Districts, as well as the Commissioner, be required personally to watch the manner in which the subordinate courts fulfill their duties and conduct their proceedings.

LANGUAGE OF THE COURTS

Under the Provisions of Act XXIX of 1837, the Vernacular language of a District was directed to be used in the courts. We find, however, with regret, that notwithstanding the provisions of this wholesome law, a foreign language, viz., the Bengallee, has been introduced into the courts of Assam. It is only to the officers and other persons connected with the courts that Bengallee is generally intelligible. The mass of the population and even private gentlemen possess no knowledge of the language. The Native judges are less familiar with the Bengallee than with their own tongue, and the European judges have always been found to understand the Vernacular Assamese with greater facility than the Bengallee; and they often speak the former with a degree of fluency much to be commended. Even evidence which under Section VI., Regulation IV. of 1793, ought to be taken in the language intelligible to the witnesses is recorded in Bengallee, and the mischiefs arising from this practice have been already alluded to on the head of evidence.

For more than ten years after the annexation of the Province the Assamese was the language of the courts. On what grounds the Bengallee has been now allowed to supersede the Vernacular we are at a loss to understand. The Assamese being the Vernacular language as well of the people as of the majority of the judges and ministerial officers of the courts, no inconvenience can possibly arise from its use, and if it be advanced that the Bengallee bears an affinity with the Assamese, we would beg to point out that the Bengallee bears no closer resemblance to the Assamese than it does to the Oriya language, and if the courts of Orissa be allowed the privilege of using the language of the country, we are unable to understand why the same benefit should have been withheld to the
Assamese. The few cases that go up to the Sudder in appeal may easily be translated into Bengalee, and should circumstances render it indispen­sable, the proceedings of the courts may be conducted in Bengalee without detriment.

REGISTRY OF DEEDS

Very few people in the country are able to sign their names, and almost all the deeds or documents are signed by their writers for the party who executes them. This practice has in innumerable instances led to the ruin of various individuals, and numerous deeds are daily produced in the courts supported by hired evidence. We have, therefore, to suggest that to remedy the evil, the greatest encouragement should be held out to the people to register their deeds by empowering the courts at every thannah to register deeds, and by lowering the fees from one rupee to four annas, according to the nature and value of the transaction which the deeds may represent.

REGISTRATION OF MARRIAGES

In no part of India perhaps are the bonds of matrimony so un­scrupulously violated, or connubial relation so little regarded by the mass of the population, as in Assam. In some Districts, more than one-fourth of the cases relate to questions of marriage, and their number has often been so great that the legislature (Section II, Clause 5, of the Assam Rules) has found it necessary to authorize the courts to dispose of them generally in a summary way. Cases of elopement, seduction, and dis­possession of wives, are of constant occurrence in the courts of the Province, and men fight for their wives in the same manner, as they do for their lands and goods. It is often impossible to decide between contending parties who among them have been legally married; the evidence adduced on both sides being equally conclusive in favor of the pretensions of each. Generally men and women among the lower orders, live together as husbands and wives without ever undergoing the nuptial rites. Whenever either a charge of adultery or an action for the recovery of a wife is preferred, the complainant fails to make good his charge, either because he cannot, under conflicting evidence, prove his marriage, or because he omitted to perform the requisite nuptial ceremonies. To encourage the people, therefore, to observe the rites essential to the validity of marriage, and to prevent the recurrence of the innumerable disputes that arise for the possession of wives as well as to obviate the occurrence of offence against the conjugal happiness of the people, we would beg to suggest the expediency, may, the necessity of rendering it imperative on the people to register their marriages by the opening of a register of marriages at the Mofussil courts of each thannah jurisdiction, entitling every person to have their marriages entered in the register at a trifling cost. The measure, while it will be productive of no inconvenience or injury to the people, will serve to protect inviolate their conjugal rights and domestic happiness.