

Slavery In the Bengal Presidency Under East
India Company Rule, 1772 - 1843.

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LIST OF ABBREVIATIONS

B.C.	- Board's Collections.
B.C.J.C.	- Bengal Criminal Judicial Consultations.
B.F.C.	- Bengal Foreign Consultations.
B.P.C.	- Bengal Political Consultations.
B. Pub. C.	- Bengal Public Consultations.
B.R.C.	- Bengal Revenue Consultations.
Hansard	- Parliamentary Debates.
I.L.P.	- Indian Legislative Proceedings (Consultations)
P.P.	- Parliamentary Papers.
P.C.C.R.M.	- Proceedings of Controlling Council of Revenue at Murshidabad.
R.L.C.	- Reports: Law Commissioners and Evidence on Slavery In The East Indies.

ABSTRACT.

The thesis is an attempt to trace the history of slavery and its abolition in the Bengal Presidency under the East India Company's rule from 1772 to 1843.

The first Chapter defines slavery and traces its history in the early and medieval periods of Indian history before the advent of the British power. It explains the reasons for its sanction as a punishment for the armed dacoits in 1772, and the various sources of slavery and the ways the slaves were procured during the Company's rule.

The second chapter deals with domestic slavery in the Bengal Presidency in Hindu, Muslim and European families in the late eighteenth and the first half of the 19th century.

The third Chapter is a detailed study of agrestic slavery in the Bengal Presidency and its importance as a social and economic institution in the Country.

The fourth Chapter surveys the history of the seaborne slave-trade and deals with the measures taken by the Company's Government and the British Parliament to secure its gradual abolition.

The fifth and sixth Chapters are devoted to two areas, Assam and Arakan, which stand rather apart, in the social and political structure from the rest of of the Bengal Presidency.

The seventh Chapter seeks to examine the British attitude towards slavery and the slave trade in India and gives an account of the ameliorative measures taken by the Company's Government and the British Parliament to suppress slavery and slave-trade. The roles played by the utilitarians and by such Company officials as Richardson, Metcalfe, Leycester, Harrington and Neufville to abolish slavery from India are considered and the reason for their failure.

The eighth Chapter discusses the economic and social changes in Britain which led to the emergence of an anti-slavery movement strong enough to secure the institution of the Law Commission. It concludes with a study of the Law Commission's work and the abolition of slavery in 1843.

PREFACE.

The aim of this thesis is to study slavery in the Bengal Presidency under East India Company rule, from 1772 when Warren Hastings made enslavement the legal punishment for dacoity to 1843 when all forms of slavery were legally abolished by Act V of that year.

The importance and universality of slavery in the economic and social life of all the countries of antiquity has long been recognised. In Mohenjodaro and Harappa the rows of small houses by the city granaries and husking platforms have been assumed to be the lines for slave labour; in Vedic poetry raiding for cattle and slaves are alike enthusiastically hymned; in the first universal Hindu empire, that of the Maur~~y~~as, mining and state ~~of~~ agricultural settlements were run on the labour of slaves recruited in very large numbers in expansionist ways. In the Muslim period again, the use of slavery as a military and administrative device received much attention, from the time of the Turks down to that of the Mughals; in the earlier period many of the most successful generals and rulers rose from the ranks of the palace slaves, in the later, slaves, so Irvine argues, ~~found~~ the reliable core of most mansabdari contingents. Again, the earliest European powers in India, the Portuguese and Dutch recognised and

utilised slavery for their own purposes, using slaves both in their own households and as a commodity in their inter-Asian trade. In all these periods, and in all its manifestations, slavery has received the attention of the historians of India, as its importance indeed merited.

But slavery in the British period, from the establishment of the East India Company as a territorial power with legal and administrative control over considerable areas of India, has attracted very little notice, and its prevalence and its economic and social importance have been alike neglected, or slurred over. Such glimpses as are given - as in Wilson's Fort William Correspondence, Cary's - the Good Old Days of Honourable John Company, or Spear's and Dodwell's studies of the Company Nabobs - we glimpse of domestic slavery, of run-away Cooks, musicians or maids, and of faithful slaves rewarded with manumission and pensions by their dying English masters. Warren Hastings's decision to deport armed dacoits and their families into slavery seems, by contrast, a sudden barbarism. It should be, however, a reminder that slavery in India was an established institution, widespread and universally tolerated in Bengal, by the customs and usages both of the people and of their rulers. Slavery and the slave-trade were to be found in all three Presidencies, and in spite of the sufferings inherent in this degrading practice

and the many evils of its traffic, they had many defenders among the Company's administrators, and few who were ready to tackle the intricate, awkward question of their abolition. The practice of slavery in the sub-continent was sanctioned by custom, tradition and religion, and among the Hindus was closely interwoven with the caste-system. Both Muslim and Hindu law officers could show that it was recognised by their law, though subject to limitations - doubtless often ill observed. The East India Company's officials, who until the 1830's were accustomed to slavery in their own Western Civilization, were no less ready to accept the legality of the institution in India. In this attitude they were reinforced by expediency. If a few hundred administrators and a few thousand soldiers were to hold India under British dominion, they must act on the basis of a complete respect for the customs, religion and vested interests of the country. In the Company's Courts, litigants were accordingly dealt with according to the personal law of their faith, and to the pleas of the missionary and reformer the answer was returned that the Hindu enjoyed as good a system of morals as any other nation.

The struggle to secure the abolition of slavery in India thus depended upon two things - a growth of British Power and self-confidence and a change in British

moral attitudes. The principle of non-interference was abandoned as confidence grew in the stability of British rule and as the openness of mind and laxity of morals which characterised the late 18th Century gave way to a more religious view of life and a stronger sense of duty. This shift can be seen from the time of Lord Cornwallis, who voiced his detestation of the traffic in human beings, especially children in 1789, and by his proclamation and administrative pressure did something to check it. Increasingly thereafter the success of the Abolitionists in England, who had powerful connections in India, in such men as Charles Grant and Macaulay, was felt in India also. Though slavery in India was very different from that in the West Indies, and probably as its defenders claimed, much milder than that of the Americas, nevertheless the odium heaped upon the one could not but affect the other. This was perhaps fortunate, for whereas the economic changes of the Industrial Revolution made the work of the Abolitionists easier in the west, in India the comparatively static nature of Indian agriculture made it unlikely that there would be any spontaneous departure from the pattern of agrestic slavery. As it was, the unremitting pressure of the anti-slavery societies and the dogged perseverance of such individual reformers as Clarkson, Wilberforce, Thornton, Macauley, Shaftesbury, Fowell-Buxton, Brougham and

Lushington imposed reform upon India. The East India Company and its administrators of their own would have done little for the cause.

Much attention has been paid to the abolition of sati and to the suppression of infanticide and such tribal customs as the Meriah sacrifices. Yet it is certain that the greatest social question, affecting quite the largest part of the population of any reform, was that of slavery and its abolition. The problem of slavery was not merely that of the domestic slaves, employed though they were in considerable numbers but the much larger one of agrestic slavery, of a widespread agricultural serfdom of these lower castes living within the settled countryside. A study of this category of slave at once throws light upon the social structure and economy of eighteenth and early nineteenth century India, and upon the administrative inadequacy of the Company as an instrument of reform. A study of the effort to secure and then to implement the legal abolition of slavery in India also reveals what powerful elements in Indian society, and even in the East India Company, were ready to resist the improvement of the lot of those at the bottom of the Hindu social scale.

Ignorance of the extent of slavery in modern India, a preoccupation of British historians with the more dramatic struggle for abolition in the West, and perhaps in Indian historians a reluctance to survey what to-day would be

regarded as a shameful feature of Indian society, have combined to prevent any ~~very~~ serious study of Indian slavery in the British period. So there have been few, if any, studies of the historical role of slavery in India by sociologists or economic historians. There were tracts and articles published in the nineteenth century, in 1841 a tract called "Slavery and the Slave Trade in British India" was published by the Friends of British India Society - but this was a propagandist work issued in the closing stages of the Abolitionists struggle. In 1883, Sir Bartle Frere, Governor of Bombay, published an interesting and valuable article entitled - "Abolition of Slavery in India and Egypt", in the Fortnightly Review. But there was no attempt to produce a complete and comprehensive work on slavery in British India before the thirties of this century when D.R. Banaji published his Slavery In British India. The main defect of the work was that it attempted too much, for in trying to cover all three Presidencies for a period of seventy one odd years it failed to do justice to the subject, even for Bombay wherein his main interest lay. A further defect was the narrow range of the sources used, mainly the Parliamentary Papers. This led to an almost total neglect of the part played by British philanthropists, the Quakers and the missionaries, for whose influence and activities it is

necessary to consult contemporary tracts and newspapers. Moreover, besides omitting any reference to the role of public opinion and the impact of commercial expansion and capitalism in England, he paid but scant attention to the great problem of agrestic slavery in India.

The next important work on this subject was the unpublished D. Phil. thesis of Dr. B. Hjejle's at Oxford in 1958, entitled "The Social Policy of the East India Company with regard to Sati, Slavery, Thagi and Infanticide". In this excellent work, Dr. Hjejle gives much space to a general discussion of Indian slavery and its abolition, but only a few pages to slavery in the Bengal Presidency. Her collection of materials is methodical and her approach to the problem scientific, but the form of the thesis precluded attention to the specific problem of slavery in the Bengal Presidency.

In 1960, Devaraja Chananah's "Slavery in Ancient India" was published at Delhi. This study originally a doctoral thesis presented at the Sorbonne, does touch upon the abolition of slavery in the nineteenth century, but as the title indicates its main concern is with a vastly earlier period.

The only other recent study is a book which I myself published in 1959 whilst still a student at Jadav Pur University under the title Slavery in India. This product

of youthful enthusiasm attempted to cover the whole history of slavery in India from Vedic times to 26 January, 1950, when the Indian Constitution was promulgated. Its defects and inadequacies are many, as might be expected of the work of a student with little or no access to primary sources and to contemporary tracts, journals and newspapers. However, it did serve to show both that a full account of slavery in the Bengal Presidency under the Company's rule was needed, and that with more serious effort such an account might be attempted. Whence this thesis.

The choice of the Bengal Presidency as the area for study, though not without a personal element, is mainly dictated by the obvious importance of Bengal as the centre of British political, financial and commercial power. But the Presidency, like the American West was in constantly expanding area. By 1833, it had engulfed almost the whole of northern India/^{east} of the Punjab. To the original possession of Bengal, Bihar and Orissa, acquired in 1765, Banaras had been added by 1775. In 1801, the Nawab of Oudh ceded districts upon the eastern, southern and western boundaries of his kingdom. Wellesley's Maratha wars (1803-5) yielded Cuttuck, Raigarh, and districts in the Doab, including Delhi and Agra. From Burma, there were acquired in 1826 Arakan, Tavoy, Mergui, Tennasarim, Assam,

Manipur, Cachar and Jaintia. Since all these territories came under one administration the Bengal records dealing with slavery are often such as to make it difficult, if not impossible, to write about any but the whole area. However, if this has been a disadvantage, there is compensation on the diversity of social and economic structure which parts of the whole display. Finally, I have, as far as possible, excluded from consideration those regions now included in Burma.

The sources on which this thesis is based consists of unpublished and published materials - official documents and private papers, books and tracts, newspapers and periodical journals in both English and Bengali. In using these materials, emphasis has been laid on contemporary or near contemporary sources.

CHAPTER I.

SLAVERY IN THE BENGAL PRESIDENCY [1772 - 1843].

Introduction.

"Aslave", said Aristotle, "is a living tool, a tool which can move and talk with some amount of intelligence", and slavery may be defined as the ownership and use of human property.¹ "The master inherits, buys, sells or bequeaths his slave as he does his pick or his spade. As with a ~~best~~ of burden, the slave's health and happiness depend on chance - on the character of his master and on the nature of his work. The slave's soul is almost as much in bondage as his body. His choice of conduct, is narrowly prescribed. He cannot lead his own life".²

Or if a modern Indian, rather than any ancient Greek definition is required, J.G. Ravenshaw, Collector of South Canara has written "slavery is an obligation to labour for the benefit of master, without the ~~contact~~ and consent of the servant, the master at the same time having the right to dispose of him by sale or in any other way to make him the property of a third person."³

1. Quoted in R. Coupland - British Anti-Slavery Movement, 1st Ed., pp.1-2.

2. Ibid, p.2.

3. J.G. Ravenshaw, Collector, South Canara, To George Garrow, Actg. Sec. Bd. of Rev., 12 Aug., 1801, P.P., 1828, vol.24, p.550.

From the beginning of history, slavery has been practised among men. It was a universal element in the social and economic structure of all ancient civilizations - in those of Greece,¹ Rome,² the Middle East,³ Egypt,⁴ China,⁵ Japan,⁶ the Malayan⁷ Archipelago⁸ and India.⁹ It is a very ancient institution, and one to whose origin it is impossible to assign any particular date.¹⁰ In India, as elsewhere, slavery originated from the earliest laws of war. It is no accident that the name for the opponents of the Aryan invaders of India, Dāsas (or Dasyus), is later used in classical Sanskrit for slave or bondsmen. As the Mahābhārata declares, - "The vanquished is the victor's slave - such is the law of war".¹¹ With the advance of time and crystallisation of social institutions, slavery became more and more institutionalised, and its legally recognised forms and varieties increased. Though slavery did not become a caste institution, and men of any caste might become slaves, through crime or debt doubtless most slaves were of the Lower Castes, their status blurring with the servile position of the Sudras, to whom the Hindu society allotted its menial tasks. Despite the static use of unfree labour in the Mauryan period, the law

1. Encyclopaedia Britanica, p. 217.

2. Ibid.

3 - 10. Encyclopaedia of Social Science, vol. XIV, pp.75-77.

11. Quoted in A.N. Bose - Social and Rural Economy of Northern India, 1st edn., p.408.

was notably mild in its prescriptions for the treatment of slaves, and slave-markets and slave-trading do not appear to have generally existed. "In the early centuries of the Christian era, however, there was a trade in slave-girls between India and the Roman Empire in both directions".¹

Agrarian and domestic slavery continued throughout the Hindu period, as the law books testify. With the arrival of Muslim invaders, slavery in war obtained a fresh and strengthened lease of life. Sultan Mahmūd of Ghajni "Carried off crowds of prisoners as slaves, including no doubt skilled masons and other artisans whom he employed to beautify his Capital";² and of Qutb ud-din Aibak's conquest of Bundelkhand in 1203 his Muslim Panegyrist relates "Fifty thousand men came under the collar of slavery",³ These slaves were doubtless compelled to accept a wholesale conversion to Islam. Indeed in the time of Firuz Shah Tuglug, who was noted for his vast collection of slaves, conversion may have been a positive motive for enslavement, as the historian Zia-ud-din Barani hints. He writes that "the Sultan was very diligent in providing slaves, and he carried his care so far as to command his great fief-holders and officers to capture slaves whenever

1. A.L. Basham - The Wonder that Was India, 1st Ed., p.153.

2. Oxford History of India, 3rd Ed., p.206.

3. Ibid., p.236.

they were at war, and to pick out and send the best for the service of the Court About 12,000 slaves became artisans of various kinds. Forty thousand were every day in readiness to attend as guards ... Altogether, in the city and in the various fiefs, there were 180,000 slaves, for whose maintenance and comfort the sultan took especial care. The institution took root in the very centre of the land, and the sultan looked upon its due regulation as one of his incumbent duties. ¹

Besides such slaves, taken in India, there was a regular trade in slaves from other parts of Asia, and from East Africa, which provided the Habshis who became a powerful element in the Deccan Sultanate and in Bengal, where for a brief period in the fifteenth century Abyssinian slaves provided a ruling dynasty. ² It may be noted that at this same period slavery and slave markets were also to be found in the great Hindu kingdom of Vijaynagar. ³ when the Europeans first came to India in the pursuit of commerce, they thus found slavery established in the land as a commonly accepted institution. ⁴ There were several

1. Ibid, p.258.

2. Ibid, p.272.

3. Basham, op.cit., p.153.

4. Bengal Past and Present, 1910, vol.II, pp.271-72.

recognised and common modes by which a person might become a slave.¹ The rise of the East India Company as the predominant political force in the country did not lead to any change in the established order of things. Among many other customs and usages, the British inherited from their Mughal and Hindu predecessors the institution of slavery.² Even had they wished to eradicate slavery as a social evil, the Company for some decades after its assumption of territorial power would have lacked the administrative strength to do so, but in fact they shared the attitude of their political predecessors towards slavery, and even used enslavement as an instrument of repression.

The period between 1756 and 1765 was one characterised by chaos and conflict, for within eight years some four enthronements of Nawabs had taken place in Bengal, with several major military campaigns. Such frequent change of the head of the province, coming as it did after a half century of raids by the Marathas, seriously weakened the administration. The receipt of the Diwani of Bengal, Bihar and Orissa by the Company in 1765, by dividing responsibility added to that weakness, even though the company did not undertake administration through its own agents until 1772. These years had seen the steady

1. Hindu Pandits to judges, Sadar Dewany and Nizamat Adalat, B.C.J.C, L.P., No.50, 15 March, 1816.

2. H. Stark - Calcutta In Slavery Days, 1st ed. pp. 1-2.

whittling away of the Nawab's resources. This allowance was reduced from 53 to 41 lakhs in 1766, from 41 to 32 in 1769, and from 32 to 15 in 1772,¹ and with his military and police forces, so that though still responsible for law and order and for Criminal justice until Cornwallis' day, he increasingly lacked the means to enforce his decisions. The Company for their part initially followed a policy of indifference and non-interference, while under Warren Hastings there was such a series of experiments, many revised before fairly tried out, as made effective settled government impossible. It is no wonder that taking advantage of this opportunity, the native officers of the Nawab and of the East India Company, and the Zaminders committed a variety of atrocious crimes, without any effective check.² Rather it would have been surprising if, under such conditions in the country, crime had not been rampant.

Again, the problem of unemployment became quite acute in Bengal during the early years of British rule, Mir Jafar himself disbanded 80,000 soldiers who became unemployed. The English disbanded the remaining soldiers of the Nawab in 1765, only a small fraction of whom found employment in the Company's army.³ Many Zaminders throughout the country were dispossessed and

1. Oxford History of India, 3rd Ed. p. 5 & 3.

2. The 6th Report of the Committee of Secrecy, (1773), p.301.

3. J.C. Sinha - Economic Annals of Bengal, pp.51-3.

sometimes reduced to beggary, by the crushing land revenue demand of Mir Qasim and, later on, by the English Company.¹ This had two effects. Firstly, these Zamindars themselves started living by plunder. The English administration of Bengal had "left it on record, that a gang-robbery never occurred without a landed proprietor being at the bottom of it."² Again, lawlessness breeds lawlessness, and the miserable peasantry, stripped of their hoard for the winter, were forced to become plunderers in turn.³ Secondly, these dispossessed landholders had to dismiss their numerous armed retainers who increased the number of robbers. From every quarter of the province the news of atrocious crimes came to headquarters. The reports were miserable and disappointing. Villages were daily plundered and "travellers were frequently robbed and murdered".⁴ The picture given by the report of William Brooke, Supervisor of Jessor, was still darker, "It was so much infested with robbers", he wrote "who travel in large parties from three to four hundred in number, that many of the inhabitants of the different villages where they have resorted have left their houses and security. These banditti have committed great

1. W.W. Hunter - The Annals of Rural Bengal, pp.95-96.

2. Ibid, p.96.

3. Ibid,

4. Press List of Ancient Documents, Series II, vol. II, p.9.

slaughter among the poor wretches of this province, and after plundering their habitations, have set fire to them, and marched to the next town which they have treated in the same manner, not to mention the authority they assumed in making collections in the pargannas they passed through, which they have done to a very considerable amount." ¹

The Supervisor of Purnea declared that the decoits of his district were robbers by profession.² Likewise, Grose, the Supervisor of Rangpur, referred to the activities of the "numerous tribes of lawless plunderers, who ravaged the several districts of Rangpur, Edrakpur, Bahraband, Dinajpur and Rajshahi. In the course of his letter, he stressed the great necessity of the immediate suppression of their regular acts of depredation which tended, as he said, "to the ruin and destruction of the Country", besides contributing to the decrease of the revenues.³ The Committee of circuit referred to the organised bands of Sanyasis ⁴ and Fakirs, who in their religious garb constituted a powerful source of menace to public peace. They moved in groups of hundreds and even thousands, plundered villages and levied forced taxes

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1. W.Brooke to the Chief and Council at Murshidabad, 28 January, 1771, P.C.C.R, 4th Feb., 1771, vol.III, p.110.
 2. Ducanell's Letter to Murshidabad, Dated 18 Feb, 1771. Ibid, 25 Feb., 1771, vol. IV, p.20.
 3. Ibid, 28 Feb., 1771, vol IV, p.96.
 4. Ibid, 11 Feb., 1771, vol. III, p.155.

on the people. Their activities were particularly felt on the frontiers of Saran and Champeran, Purnea and Bhagalpur, Rangpur and Rajshahi. Similarly, on the Chittagong side the constant raids of the Arakanese ¹ and Mags ² endangered the security of persons and property.

Much of the trouble arose from the inadequacy of the Company's police forces. The Supervisors often felt helpless for want of adequate means of protection. In February, 1771, for instance, the Supervisor of Rangput applied to the council at Murshidabad for the reinforcement of his command to suppress the growth of robbery in his district. "Our force is so very inconsiderable", he wrote, "that we are not able to protect the ryots from the oppressions of the dacoits, who encouraged by our want of force, do considerable mischief." ³ But the chief and council expressed their inability to meet his demand for additional forces, and desired him to make the best use of the troops already assigned to his command. ⁴ Likewise, when the Supervisor of Jessore complained of the insufficiency of police forces, the Council gave the same instructions to him as they had done in the case of Rangpur. ⁵

1. Chittagong District Records, vol.I., Part II, p.69.

2. Ibid., p.31.

3. P.C.C.R.M., 28 Feb., 1771, vol. IV, p.38.

4. Ibid, 28 Feb., 1771 vol IV, p.38.

5. Ibid, vol. VIII, pp.43-44.

The request of the Chief of Lacca for additional troops to suppress the movements of the Sanyasis had met with a similar fate of rejection.¹

As for the Nawab's police force, the agreement of 1765 had already reduced it to insignificance. A further reduction was effected in December 1770, when the Foujadars were recalled from several districts, except that their establishments were retained only in those places which were contiguous to the factories of other European powers. The object of the President and Council at Fort William was to preserve the appearance of the Country government wherever it might have any connection with other foreign nations.² Even those who were retained were lacking in proper means of defence. They had to rely for their own protection under the Company's forces in the districts. Even the private merchants of the Company used to seize and put thousands into confinement,³

In such a state of confusion and uncertainty, the Company's troops also indulged at times in acts of pillage and plunder. In April, 1770, the Supervisor of Bhagalpur complained of "the desolate and ruined state of the country" caused partly by "the ravage of the troops on their march through the villages".⁴ In August, 1770,

1. Kelsall to the Chief and Council at Murshidabad, 5 Feb, 1771, Ibid, vol. III, p.155, P. 157.

2. Ibid, vol. II, p.35 and 58.

3. Ibid, vol. VII A, pp.135-138.

4. Press List of Ancient Documents, Series II, vol.II, p.9.

the Supervisor of Jessore reported that the Sepoys he had sent to suppress the bands of robbers in one of the parganas of his district, themselves began to plunder the inhabitants.¹

The task of the Supervisors to suppress this sort of lawlessness became all the more difficult on account of the terrible effects of the famine of 1769-70. Writing on 20 December, 1771, the Supervisor of Purnea observed that all his endeavours for the improvement of the Country had "met with the most material check from the ravages of the famine", causing the greatest mortality of the inhabitants, "which continued almost twelve months in a degree of severity hardly to be paralleled in the history of any age or Country".² Similar reports of misery and desolation came from all parts of the province. The dislocation of economic life of the province had a serious repercussion on the administration of law and order in so far as many of the hungry peasants took to theft and robbery, which increased immensely in the course of the famine.

The basic trouble arose not so much from a defect in individuals as from a lack of system. There was no definition of public offices. Their powers were

1. Ibid, p.25.

2. G.G. Ducarell to the Chief and Council at Murshidabad, P.C.C.R.M., 30 Dec., 1771, vol. VIII, p.109.

exercised without any regard being paid to their limits. Judicial posts were held by persons either on hereditary principles or of right acquired by purchase. There was no code of law in English, which might have enabled Supervisors to ascertain the correctness or otherwise of judicial decisions of County Courts.¹ The financial policy of the Company was equally responsible for the continuance of corruption in the administration of the Country.² The evil could not possibly be stopped so long as the company continued to appropriate the maximum share of the public finance to the increase of its investments. A reform of the officers of justice required substantial portion of its revenues to be used on the payment of adequate salaries to them, which it was not prepared to do.³

Above all, after Clive's departure to England, in Bengal the result of the divided responsibility of the 'dual system' was masterless confusion. The Magistracy, the police, the revenue officers, being diverse bodies, worked under different systems with conflicting interests under the Common head. They vied with each other in mismanagement, and there was no positive law and very little justice in the Country.

1. B.B. Misra - The Judicial Administration of the East India Company in Bengal, 1765-1782, unpublished Ph.D. Thesis, L.U., P.175.

2. Ibid.

3. Ibid.

In such circumstances, Hastings was appointed the Governor of Bengal in 1772. He had to start with "a confused heap of undigested materials, as wild as the chaos itself".¹ Hastings sincerely wanted to check lawlessness of the Country. "The security of private property is the greatest encouragement to industry, one the wealth of every state depends " - he wrote to the Court of Directors.² The Company's Government became very anxious to establish law, order and peace in the Country. But they found that it was impossible to do so without completely extirpating the bands of robbers who were plundering and devastating the soil. The anxiety of the Government is evident from the observations of the Committee of Circuit at Kashimbajar -

"We judge it necessary to add to the regulations, with respect to the Court of Foujdary, a proposal for the suppression and extirpation of Dacoits which will appear to be dictated by a spirit of rigour and violence, very different from the caution and lenity of our other propositions, as it in some respect involves the innocent with the guilty." ³

The Government of the Company wanted to suppress the dacoits by executing them and enslaving the members of their

1. G.R. Gleig Memoirs of the Life of Hastings, p.316.

2. Hastings to Directors, Nov. 3, 1772, G.W. Forrest - Selection from the State Papers, Etc., Hastings II, Appendix A.

3. Proceedings of the Committee of Circuit at Kashimbajar dated 28 June, 1772, Vol. I to III in one, pp.22-23.

families. But this measure, they were afraid, might not be wholeheartedly supported by the Court of Directors in England.¹ "We confess that the means which we propose can in no ways be reconcilable to the spirit of our own constitution; but till that of Bengal shall attain the same perfection, no conclusion can be drawn from the English law that can be properly applied to the manners and state of this country. The decoits of Bengal are not like the robbers of England", observed the Committee, - "individuals driven to such desperate courses by sudden want; they are robbers by profession, and even by birth; they are formed into regular committees, and their family subsist by the spoils which they bring hom to them; they are all, therefore, alike criminals; wretches who have placed themselves in a state of declared war with Government, and, are, therefore, wholly excluded from very benefit of its laws."² Finally the Committee observed that - "The ideas of slavery borrowed from our American Colonies, will make every modification of it appear, in the eyes of our own countrymen in England, a horrible evil, but it is for otherwise in this Country; here slaves are treated as the children of the families to which they belong; and often acquire a much happier

1. Ibid.

2. Ibid., p.23.

state by their slavery that they could have hoped for by the enjoyment of liberty; so that in effect, the apparent rigour thus exercised on the children of the convicted robbers will be no more than a change of condition, by which they will be no sufferers, though it will operate as an warning on others, and as the only means which we can imagine capable of dissipating these desperate and abandoned societies, which subsist on the distress of the general community."¹

Finally, on the 15th of August, 1772, the following legislation was passed by the Governor-General Warren Hastings in Council for the administration of justice in Bengal:

"That whereas the peace of this Country hath for some years past been greatly disturbed by bands of decoits, who not only infest the high roads, but often plunder whole villages, burning the houses and murdering the inhabitants; And whereas these abandoned outlaws have hitherto found means to elude every attempt which the vigilance of Government hath put in forces, for detecting and bringing such criminals to justice; by the secrecy of their haunts, and the wild state of the districts, which are most subject to their incursions, it became the indispensable duty of the Government to try

1. Ibid.

the most rigorous means, since experience has proved every lenient and ordinary remedy to be ineffectual. That it be, therefore, resolved, that every such criminal on conviction, shall be carried to the village to which he belongs, and be there executed for a terror and example to others; and for the further prevention of such abominable practices, that the village of which he is an inhabitant shall be fined according to the enormity of the crime, and each inhabitant according to his substance, and that the family of the criminal shall become the slaves of the state, and be disposed of for the general benefit and convenience of the people, according to the direction of the Government." ¹

Thus we see that the East India Company formally sanctioned the institution of slavery in India as a penal measure. Indeed slavery assumed immense proportions in the country during the Company's rule, with ramifications in the three Presidencies of Bengal, Bombay and Madras. The institution spread out all over the country in a short time. The slave population in India was considerable, and owing to the absence of complete and accurate statistics, it is difficult to estimate with any approach to exactness the total slave-population of the Country. In fact, prior to 1840, no census was

1. P.P., 1828, vol.24., pp. 1-2.

even made of the whole population of the British India.¹ It is, therefore, very difficult to get an exact number of slave population in India of any particular time. Nonetheless, the number was considerable; and Sir Bartle Frere estimated the number in British India, as constituted in 1841, as eight to nine millions.² He further added - "but there can be no doubt that the number of human beings liable to be bought and sold like chattles and forced to labour without any control over the fruits of their labour, was far greater in India than was at the time found in all the Colonies and dominions of Great Britain and the United States put together."³

"That such a system", said Wilberforce, "should so long have been suffered to exist in any part of the British Empire will appear to our posterity almost incredible."⁴ This is indeed a startling comment on the process of civilization while no slaves were to be found in England after the Somerset judgement of 1772,⁵ slavery gained a new life and vigour, and was engineered by the East India Company in Bengal in the same year.⁶ Slavery

1. Fortnightly Review, New Series, January-June, 1883, pp. 353-54.

2. Ibid,

3. Ibid,

4. Coupland - op.cit. pp.36.

5. F.J. Klingberg - The Anti-Slavery Movement in England, p.40.

6. D.R. Banaji - Slavery In British India, pp. 1-2.

and slave trade were not only tolerated by the Government, but actively practised in Calcutta and all other districts of Bengal by the Europeans as well as the Hindu and Muslim inhabitants of the country.¹ If in other fields of human relationship, the world was moving forward, in that field it was going back, restoring to a new and unnatural life. But it must be borne in mind that modern humanitarianism was only just coming to birth in those days. The treatment of children and animals, provision for the destitute, the sick, the insane, the punishment of crime, in all such matters the standard of eighteenth and nineteenth centuries were far below those of today.

The sources of slaves for the Bengal Presidency in this period were both internal and external, with the internal traffic and growth of the slave population being undoubtedly the more important. The internal was maintained in three main ways: by violence, that is by the kidnapping of men, women and children; under pressure of need, as when in periods of famine or other hardship parents sold their children, husbands their wives, or adults entered voluntarily into slavery; by natural growth - the children of slaves were normally themselves of servile status, and women marrying or cohabiting with slaves became slaves. One exceptioned, if numerically unimportant supply

1. Banaji, op.cit.

of slaves was that which followed from Warren Hasting's use of enslavement as a punishment for dacoity.

Of all the modes by which free-born persons were permanently relegated to the state of slavery, the sale of children by their parents or other natural relations was the most general and constant in its operation.¹ These sales took place under the pressure of necessity, such as crippling debt or in time of famine to preserve life - the strength of family ties and general delight in children characteristic of India precluding avarice and greed as a general motive.

The most striking example of compelling necessity in the whole period was undoubtedly the great Bengal famine of 1769-70. In November, 1769, the President and Council reported "an uncommon draught that has prevailed over every part of the Country, in so much that the oldest inhabitants never remember to have known anything like it".² In May, 1770, they reported "Not a drop of rain has fallen in most of the districts for six months. The famine which has ensued, the mortality, the beggary, exceed all description. Above one-third of the inhabitants have perished in the once plentiful province of Purneah"³. As Muhammad

1. R.L.C, Vol. I., 7-8.

2. Ramsay Muir - The Making of British India, p.97.

3. Ibid.

Reja Khan, Naib Nazim and Naib Dewan said that same month, "if the scarcity of grain and want of rain had been confined to one spot in the province, management and attention might find a remedy; but when the evil is total, there can be no remedy but in the mercy of God" ¹ Charles Grant's estimate was that three millions or nearly one third of the whole population had perished. ²

This famine * , unprecedented in Bengal, hit a countryside which had already been weakened by many years of administrative disorder. The period of office of the last great Mughal subaddar, Allah Wardi Khan had been one of almost continuous and destructive warfare against predatory Marathas and insurgent Afghans. ³

To sustain his war economy, he had increased the revenue demand by some 22 lakhs, a heavy burden though he was a just and efficient administrator. ⁴

1. Ibid, p.98.

2. R.L.C., pp.7-8.

3. Jadu Nath Sarker, Ed. History of Bengal, vol. II, p.457.

4. See Dr. A. Karim's unpublished Ph.D. Thesis, London University, 1962.

* Bankim Chandra Chatterjee in his famous novel Ananda Math based upon popular recollection of that famine gives a dramatic picture of the fearful sufferings of the people, offering their jewels, their wives and their children for sale and finding no buyers. For this See Ananda Math, Chapter I.

On his death had followed a disputed succession, Plassey and Buxar. The administration of revenue granted to the East India Company in 1765 had been continued under Indian deputies of great experience, but whatever their skill as administrators they could not prevent the ill effects of over assessment. The great demands which a parallel system of government, Indian and English, placed upon Bengal were made more oppressive by the extortion of great gifts from the Nawabs, and by the decay of justice and order which followed from divided authority. Richard Becker, Resident at Murshidabad draws a pointed contrast between the late Mughal system and that pursued by the Company. "The custom then was to settle a Malgajari with the different Zamindars on moderate terms. The Nawab abided by his agreement; the Zamindars had a natural interest in the Districts, and gave proper encouragement to the Ryots, when necessary would wait for the rents, and borrow money to pay their own Malgazari punctually" - but "when the English received the grant of the Diwani their just consideration seems to have been the raising of as large sums from the Country as could be collected The Zamindars not being willing or able to pay the sums required, Aumils have been sent into most of the Districts What a destructive system is this for the poor Inhabitants! The Aumils have no connection or natural interest in the

Welfare of the Country ... they fail not to rack the Country whenever they find they cannot otherwise pay their kists and secure a handsome sum for themselves".¹

People already under pressure from such revenue farmers - over whom the English Residents at Patna and Murshadabad could exercise no effective control - were then subjected in 1770 to a failure of harvests and the manipulation of prices by speculators. The court of Directors, in their despatch of 28 August 1771, accused even their own officials of such profiteering, and denounced the Bengal government for its failure to enquire into "the universal distress of the miserable natives", whose dying cries were said to have been "too affecting to admit of an adequate description".² The Directors were however themselves in part to blame: it was their consistent demands which had led in 1769 to the land-tax being "more rigorously collected than ever",³ and which led to a continued high collection in the years after the famine when timely remissions were needed. S. Middleton, the collector of Murshidabad wrote on this point, "Had the proper measures been pursued after that event, probably the effects of it might by this time

1. Ramsay Muir - op.cit. pp.93-4.

2. The Sixth Report of the Committee of Secrecy (1773), p.301.

3. Hunter - op.cit. pp.95-96.

have been felt in a much less considerable degree. But too much regard having been paid to realising as considerable present revenue as possible to Government, these effects have of course continued aggravating instead of wearing away of themselves".¹

The famine, and its aftermath of continuing agricultural distress led great numbers of starving men to sell themselves into slavery, as the only way to preserve their lives. Charles Grant also spoke of the large numbers who sold their children to slave-traders at a trifling price under the compulsion of starvation, and Sir William Jones observed that children were frequently sold by their hunger-stricken parents sometimes even for a single meal in the different districts of Bengal.² The same process was to be repeated again in 1785 when Dacca district suffered from a failure of the crops which reduced its inhabitants to the lowest depth of misery and distress. In order to secure for themselves the means of subsistence, parents were forced to sell their children, and many hundreds of them were so disposed of by them. From the interior of the country, they were despatched to Calcutta and its environs. Boats between Calcutta and Dacca were found loaded with children of all ages. Forty-two children, none above six years of age were rescued on one batch

1. Quoted in R.B. Ramsbotham - Studies In Land Revenue History of Bengal, 1769-87.

2. P.P., 1828, vol. 24, pp.9-10.

and brought to M. Day, the Collector of Dacca, who returned them to their parents.¹

The sale of children as slaves increased to such an alarming extent that Sir William Jones expressed his deep concern over this matter in 1785, while delivering a charge to the Grand Jury. "Many of you, I presume have seen large boats filled with such children, coming down the river for open sale at Calcutta. Nor can you be ignorant that most of them were stolen from their parents, or bought perhaps for a measure of rice in time of scarcity."² During such times many people were forced to sell their wives, children or even themselves, as some of the contemporary Bengali documents would have us believe. Thus for example, in the year 1177 B.S. (1771 A.D.), the year following the great famine, a woman named Chāru Bewa sold herself to one Lālā Guru Dāsa Rāya for her maintenance only, with the condition that he could punish her properly, if she ever attempted to escape.³ About the same time a woman called Savitū executed a deed of sale which ran as follows:

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1. From M. Day, Collector of Dacca, to W. Cowfer, Acting President, Committee of Rev., Fort William, Dated 2nd March, 1785, B.R.C., Enclosure to letter No.311, Dated 9 Sept., 1785.
 2. P.P., 1828, vol. 24, pp.9-10.
 3. S.R. Mitra - Types of Early Bengali Prose, p.17.

"Suffering from want of food and being unable to make two ends meet, I, of my own free will, sell to you my daughter Srī Mani Dasi of six years age by taking from you Rs 3 in full exchange." ¹

The famine enforced sales which the collectors of Dacca reported in 1785 continued right down to the thirties of the nineteenth century. Two further examples suffice to illustrate the continuance of this practice. In 1816, Sage, the magistrate of Bakhergange, observed that "it is a common practice amongst the lower class of native women, on the loss of their husbands, or at the same time of the scarcity of grain, both in Sylhet and this district, to sell their children, by which the mother gain a livelihood".² Magistrate Blaquire of Calcutta told the Law Commission that during the inundation in 1834, "Children were commonly hawked about the streets of Calcutta and the neighbourhood."³

Another source of slavery was the self-sale of adults. These self-sales were made under similar circumstances as the sales of the children, but were a very much less frequent occurrence, and in some parts were apparently unknown.⁴ According to Myers, one of the sources

1. Ibid., p.87.

2. Sage to the Judges of the Court of Circuit, at Dacca, Dated 21 Feb., 1816, B.C.J.C., No.44, L.P., 24 May, 1816.

3. The Evidence of W.C. Blaquire, Appendix 1, R.L.C., vol. II, pp.32.

4. R.L.C., p.10.

by which slavery was perpetuated was the sale or pledge by a grown-up person to serve his creditor as a slave in liquidation of a debt, or till the redemption of a debt, or in consideration of money borrowed to discharge the debt due to another creditor. Though this source of slavery was limited in its operation yet members of people, when they were unable to pay their debts, did not hesitate to sign written documents by which they rendered themselves slaves to their creditors.¹ Many Muslims embraced slavery in this way. No free-born Muslims could be legally enslaved according to the principles of Quran. The Quran only sanctioned the enslavement of those infidels who were defeated in a war and distributed by the Hākim among the Ghazis, the victorious soldiers.² The free-born Muslim could, however, mortgage himself or his service and by signing a contract to serve his master for a period of seventy or eighty years, could enter a state which practically amounted to slavery.³

In the district of Bihar, persons of the Kurmi and Kāhār castes, used thus to sell themselves to their creditors as slaves.

1. Notes and Observations on slavery as existing in Bengal, Bihar, and Banaras and the Ceded and Conquered Provinces, by G.G. Myers, Appendix II.
R.L.C., pp.101-02.

2. B.C.J.C., No.49, L.P., 15 March, 1816.

3. Ibid.

One peculiar feature of some of these sales was that the mother or maternal relative of adult kurmis as kāhārs would sell them in their absence. Such sales were known as ban-vicri, or "forest sales": The prices fetched were low since the purchaser had to accept the risk that he might never track down and take possession of his purchase.¹

Another minor source of slavery in Bengal was the marriage or the cohabitation of a free person with a slave. In Rajshahi, a free-born woman was reduced to slavery if she married a slave.² In Tipperah, sometimes the consideration for which a free man gave himself up to slavery was marriage with a slave-girl, whom her master would not permit him to marry on other terms.³ In Purneah, a free man by marrying a slave-girl was liable to be personally degraded to slavery. But he himself was unsaleable. According to Dr. Buchanan, the same was also the condition in Bhagalpur.⁴

The third important source of slavery in the Bengal Presidency during the Company's rule was slavery by birth. Slaves were the personal property of their masters, and as such the offsprings of the slaves were always the slaves of their masters of their successors.

1. R.L.C., vol.1 p.9.

2. R.L.C., vol.1 p.43.

3. Ibid.

4. Ibid.

During the first two decades of the Company's rule, as has been seen many people were sold into slavery due to famine and other natural disasters. Their offspring were also regarded as the slaves of their masters. The Government also recognised this. So much is evident from Hastings's reply to the enquiry of the Provincial Council of Revenue at Dacca in 1774.¹ As it was "an established custom throughout the Dacca district to keep in bondage all the offsprings and descendants of persons who have once become slaves", wrote the Provincial Council of Dacca to Hastings, "We request to be favoured with your orders whether the benefit of your second regulation^{*} is to be extended to the children of slaves born subsequent to the period mentioned in the regulation".² But Hastings did not think it proper to take away the proprietary right of the masters on their slaves. "Considering your reference in the light of a general proposition ", he observed, "We are of opinion that the right of masters to the children of the slaves already property, cannot be legally taken from them in the first generation, but we think that this right cannot and ought not to extend further, and direct that you do make publication accordingly".³ But no step

1. Hastings to Barwell, Dated 12 July, 1774, B.R.C., L.R. No.281, Dated 12 July, 1774.

2. From the Provincial Council of Revenue at Dacca to Hastings, Dated 20th June, 1774.
B.R.C., L.R.No.351, Dated 28th June 1774.

3. Hastings to Barwell, Dated 12th July, 1774.
B.R.C., L.R. No.281, Dated 12th July, 1774.

* [In 1774, Hastings passed a regulation prohibiting the sale of free-born children without the execution of a deed of sale properly signed by a Kāji.]

was taken by the Government to secure the freedom of slaves of the second or third generations. Thus we see judge Leycester vigorously protesting in 1815 against the system of hereditary slavery. "Nothing perhaps", he wrote, "is so revolting as the idea of hereditary slavery. It might be considered an adequate inducement to deeds of charity to compensate them by the labours of the object of it during one generation, instead of aggravating the sorrows of accidental necessity by slavery through all generations." ¹ Indeed, many of the slaves in the Bengal Presidency in the late thirties and early forties were either the children of the persons who were sold by their starving parents during the famine of 1770 or other calamities, or of those kidnapped by the slave-traders or imported from foreign countries and sold there as slaves.

"The impact of famine and similar calamities ~~was~~ though heavy was occasional. The Company's administrative policies, also tended, however to reduce the poorer peasants and landless labourers to serfdom. The famine of 1770, and the falling off ² in the land revenues which followed, caused much concern to the Directors, and hastened their search for some stable revenue system for Bengal. The failure of the measures tried by Hastings,

1. From W. Leycester, Second judge of Berrity Court of Circuit to the judges of Sadar Dwanpy and Nizamat Adaslat, Dated 9 Sept., 1915, No.38, L.P., 14th Feb., 1817.

B.C.J.C.

2. Quoted In Ramsbotham - op.cit., pp.67-8.

whether five year or annual revenue farms, produced a growing belief of those with district experience that settlement must be more permanent, lighter and made with zamindars. P.R. Dacres of the Twenty-Four Parganas voiced a widespread feeling, when he wrote in 1775 "The auction of the lands for so long a period was not before known to the inhabitants of Bengal. Bidders were allowed to attend the sales, no less from a prospect of gain than from the novelty of the circumstances, a spirit of emulation was thus given birth to, and to have the reputation of land holders imperceptibly spurred them as to outbid one another. Thus was a district, the least calculated to feed such vain hopes, heightened in its rents to an exorbitant rate; for besides having suffered to an extreme degree from the direful effects of the famine, the soil is very unfertile and the ryots from the same cause so very indigent, that it is with difficulty that they are able to subsist upon their labour and pay their rents" ¹

The remedy proposed by the Directors was a settlement with the Zamindars, and they sent instructions to the Bengal Government to take steps for settling and establishing, upon principles of moderation and justice, according to the laws and constitution of India, the

1. Quoted in Ramshbotham - op.cit., pp.67-8.

permanent rules by which their respective tributes and services could in future be paid. ¹

These instructions Cornwallis, in his own good time, carried out. In 1789, he made a decennial settlement, and then with the concurrence of the Prime Minister Pitt and the President of the Board of Control, he declared the existing settlement of Bengal, Bihar and Orissa permanent in May, 1793. The chief features of the measure were that the Zaminders, who had hitherto been mere collectors of revenue, were declared absolute proprietors of the soil and that the revenue payable by them was fixed in perpetuity. ² They were not liable to eviction except on the ground of non-payment of revenue. What was the position of the ryots under this new dispensation? Philip Francis, when earlier he had urged a Zamindari settlement, had argued - "The land is the hereditary property of the Zaminder. He holds it by the law of the Country, or the tenure of paying a certain contribution to Government. When this condition is complied with, he is master of the land to re-let it to whom he thinks proper; but when he has given a lease of any part of it to a ryot, the condition of such lease should be universally adhered to. In other words, the same security,

1. B.B. Misra - The Central Administration of East India Company, 1773-1834, pp.184-85.

2. Ibid.

which the Government gives to the tenant in chief, should for the same reasons, descend to the under tenants in their several gradations; so that every rank of society or every member of it may have something to call his own." Francis hoped that self interest would make the Zaminder seek to attract tenants by good treatment - Cornwallis shared that view. Once Government had limited its demand, the Zaminder would limit his, the more so since, after the famine, much land had to be brought back into cultivation. Little attempt was made to safeguard the peasant by legislation, though the Zaminder was ordered to give pattahs to his tenants. Rather reliance was placed upon the working of economic laws and the effect of a scarcity of labour.

In practice, the Permanent Settlement placed the ryots at the mercy of the zaminders. In his anxiety to form a uniform system of title from a variety of proprietary and possessary tenures, Cornwallis neglected to ascertain the extent of estates, the limits of revenues paying and waste-lands. This neglect in the delimitation of boundaries afforded opportunities to encroach on the rights of the ryots in the waste and pasture lands attached to every village. In addition, it multiplies litigation to a degree never known before. The Permanent Settlement rendered the acceptance of pattas obligatory

on the part of the cultivators on the terms to be specified by the Zaminders, who were authorized under regulation 4 of 1794, to paste in their land office a list of rates and recover their rents from the cultivators according to the terms so offered on announced. A refusal to accept their terms placed them in a position to distrain the property of the cultivators, and thus cause their entire ruin.¹ Indeed, the zaminders were armed with enormous power by regulation 7 of 1789, by which they exercised the powers of *distrain* without any previous notice to the police or court.

The other effect of the Permanent Settlement was to withdraw company officials from the countryside, and so leave them in ignorance of rural conditions, since they had no further settlement or revenue work to perform. This and the increasingly complete hold of the zaminders as the population increased again, left the poorer classes defenceless, and drove many into the position of *seffs* and debt-slaves. Thus for example, a document dated 1212 B.S. (1806 A.D) states that one Ratna Vallabha Sārmā sold the daughter of a servant of his father to one R̥ghavendra Chakravanty for Rs. 3 only with the conditions that the latter could marry her to a son of a servant of his father and could sell or transfer their children in any way he

1. Ibid. pp.187.

liked.¹

Lord Hastings in a minute written in 1819 had to admit that the Permanent Settlement had "subjected almost the whole of the power classes throughout these provinces to most grievous oppression; an oppression, too, so guaranteed by our pledge that we are unable to relieve the sufferers."²

The next most prolific source of slavery in India seems to have been the kidnapping of children and women by the slave-traders - an evil of great extent, but impossible to trace in all its ramifications. According to Warren Hastings, "the practice of kidnapping children from their parents and selling them as slaves" widely prevailed in Bengal, and instead of having gradually died out, it has "greatly increased since the establishment of the English Government in it".³ The Government had already issued a proclamation on 17 May 1774 by which no child could be sold as a slave "without a Cawbawla or deed attested by the Kaji, signifying the place of child's abode, if in the first purchase, its parents' names, the names of the seller and purchaser".⁴ But these judicious precautions soon fell into abeyance,

1. S.R. Mitra - op.cit. p.101.

2. P.P., 1832, vol. VIII, pp.734,63.

3. Minute forwarded by the Governor in Council of Bengal to the Court of Directors, Dated 17th May, 1774.
B.R.C., Dated 17 May, 1774.

4. Ibid.

and their neglect "greatly facilitated this savage commerce, by which numbers of children are conveyed out of the Country on the Dutch and especially the French vessels and many lives of infants destroyed by the attempts to secrete them from the notice of the Magistrate".¹

Hastings realised that "there appears no probable way of remedying this calamitous evil, but that striking at the root of it, and abolishing the right of slavery altogether, excepting such cases to which the authority of Government cannot reach; such for example as laws in being have allowed, and where slaves have become a just property by purchase antecedent to the proposed prohibition."²

Hastings analysis was most certainly correct - while a market few slaves existed the temptation to kidnap remained, and indeed was almost a necessary concomitant of the trade in human beings. In August 1787, for example, the Superintendents of the Calcutta Police, Motte and Maxwell, reported to Lord Cornwallis that "they apprehended twenty persons from the age of four to sixteen, who have been stolen or improperly seduced from the Dacca province."³ Cornwallis ordered them to return the children

1. Ibid.

2. Ibid.

3. Supts. of Police to Cornwallis, dated 31st August, 1787.
B.R.C., Dated 20th September, 1787.

to their parents.¹ In 1789, the same police officers, rescued four boys and four girls from the custody of a Swiss officer named Borrel in the service of the Dutch at Colombo.²

In 1793, some children were kidnapped in broad daylight from the bazar of Midnapur by slave-dealers.³ They were, however, later on apprehended by Robert Bathurst - acting senior judge of the district. One slave-dealer Dena received 25 stripes of a whip, while Mussumut Shahzadi - the other dealer, received 25 stripes of a rattan. Besides, both of them were imprisoned for four months.⁴

8 Apart from the children, grown up women were also sometimes inveigled from their families and sold in Calcutta to replenish the brothels.⁵ According to a statement made by James Rees from Serampur in 1792, the agents of the Zamindars dealt in this slave-trade by seizing unhappy wretches and carrying them off to be sold as slaves to the heads of the bowds or harlots or others. He brought to the notice of the Government the case of a girl, who, along with her sister in 1791 were "surprised

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1. Cornwallis to Supts. of Police, B.R.C., dated 21st December, 1787.
 2. The Supts of Police to Cornwallis, dated 14th Sept., 1789, B.Pub. C., dated 16 September, 1789.
 3. R. Bathurst to J.H. Barlow, Registrar, dated 24 Dec., 1793. Proceedings of the Sadar Dewany and Nizamat Adalat, No.12, Dated 5 Feb., 1794.
 4. Ibid, No.13 of 5 Feb. 1794.
 5. James Rees to E. Hay, Secy to Govt., dated 6 March, 1792, B. Pub. C., No.21, 9 March, 1792.

by a gang of ruffians, seized and put on board a boat, carried away from their native place near Dacca, and sold, that she was brought to Serampur, and again sold to another of the bawds for the paltry sum of twenty-two rupees" She was also "compelled to sign a paper in favour of the said bawd, and had lived one year and seven months with her, obliged to work hard by day and prostituting herself by night to all comers for the emoluments of her barbarous keeper, at the same time she was most severely treated." ¹

That the wide-spread practice of stealing children long continued is evident from the observation of Judge Richardson of Bundelkhand, who in his letter to the judges of the Sadr Diwani and Nizamat Adalats, observed in 1808 - "The sanction of slavery not many years ago, gave birth to an infamous and most diabolical traffic, shocking to think of, and as injurious to our Government as disgraceful to the wretches concerned diminishing our resources, by depriving us of subjects".² Richardson referred to the practice of the slave-dealers who used to steal the young children and kidnap women and sell them as slaves to various persons. He voiced his detestation against this practice and sounded a utilitarian note of warning. ³ "Women of bad fame purchase females for

1. Ibid.,

2. Richardson to the Judges of the Sadr Dewany & Nizamat Adalat, dated 23 March, 1808.
B.C.J.C., No.47, L.P., dated 15 March, 1816.

the most public prostitution, which are thereby lost to the community, few of this class proving prolific, or if productive, rearing their children to maturity".¹ According to him, children were "sometimes sold to bondage by the fraudulent villainy of others in the case of death or absence of parents, instances of which are not uncommon."² The second judge of Dacca, who had served before in Sylhet, also expressed the same views in 1813. He pointed out that in the second session of 1812, in the course of 12 months, 150 prosecutions had been instituted on that account in the Foujdari Adalat, a number greatly exceeding that of the previous years. It was quite well-known that this trade in children was carried on under the cloak of an authorized commerce to a considerable extent, so that the number of slaves in the district of Sylhet was computed at nearly one-sixth of the entire population.³ The same views were also expressed by Magistrate J. Hayes of Sylhet.⁴ In 1816, the Magistrate of Buckergunge stated that during his residence for ten months in Sylhet, he often heard of persons who used to maintain their livelihood by enticing away girls

1. Ibid.

2. Ibid.

3. R.K. Dick, 2nd Judge at Dacca to M.H. Turnbull, Registrar of the Sadar Dewam & Nizamat Adalat, dated 12 March, 1813. B.C.J.C., No.41, L.P., dated 24 May, 1816.

4. J. Hayes to H. Walters, Registrar to the Court of Circuit for Dacca, dated 10 Feb. 1816. B.C.J.C. No.44, L.P., 24th May, 1816.

and boys of free parents from the adjoining territories of Kāchhār and Jaintia, by disposing of some to wealthy natives in the district and carrying some for sale to other places. ¹

Such was the demand for this human merchandise and so considerable was the profit made by the persons engaged in it, that the suppression of this evil was considered extremely difficult, in spite of the constant vigilance of the Police officers. This is evident from the statement of T. Brooke, the agent at Barrily. In 1811, he rescued 43 children who had been brought from the hills by merchants, who did not possess any title by which they could claim to sell these children as slaves.² But on that occasion more than 43 children had been carried off; for already twenty-three had been disposed of to individuals by the slave-dealers prior to the Agent's interference. According to Brooke, the hilly tracts of the Nepal territory were infested with a large number of slave-traders. The town of Nazibabad and Aguna were the established markets where this traffic was carried on. There also prevailed the practice among the more powerful inhabitants of seizing the children of their debtors and

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1. From J.W. Sage, Magistrate of Buckergunge, to the Judges of the Court of Circuit, Dated February 12, 1816. B.C.J.C., No.44, L.P., 24th May, 1816.
 2. T. Brooke, the Agent at Barrily to Chief Secy N.B. Edmonstone of the Govt. of Bengal, Dated May 3, 1811. B.P.C., No.60, dated 17 May, 1811.

to sell them in satisfaction of their demands.¹ But the Government of Bengal was not prepared to put it down, because the traffic under discussion, not having been prohibited by a formal Regulation of the Government, could not at that time be deemed absolutely illegal, and, therefore, Brooke's way of acting was strictly speaking considered irregular.

In March of 1816, J. Ewing, Magistrate of Sylhet, mentioned that instances frequently occurred of young girls and female children having been kidnapped in order to be sold to prostitutes in Dacca and other places, and that the persons who were generally involved in this crime were generally Fakirs or wandering Bazigars.* ²

In 1836, Charles Smith - the officiating civil and Session Judge of Sylhet, - pointed out that the kidnapping of persons, particularly of children, for sale as slaves was still prevalent to some extent, and that the profits derived from this source in the traffic of human beings was indeed considerable. Many children were inveigled away or stolen, leaving the parents in a state of deep distress at the loss of their offspring. ³

1. Ibid.

2. From J. Ewing, Magistrate of Sylhet to T.H. Walters, Registrar to the Court of Circuit, dated 15th March, 1816. B.C.J.C., No.44, L.P., dated 12 March, 1813.

3. Answer of Charles Smith, officiating Civil and Sessions Judge, to the Registrar of the Sadar Diwani and Nizammat Adalat, dated June 3, 1836, Appendix III, R.L.C. p.35.

* Bazigar = Wizard or occult magician.

The widespread kidnapping activities of the thugs perhaps surpassed all other offenders in cruelty, Col. William Sleeman, otherwise known as Thagi Sleeman, brought to light a nefarious practice which seemed to have gained ground since the conquest of Bharatpur in the year 1826.¹ It was known as 'Megpunnaism'. Parents and relatives with children in their care, were brutally murdered with a view both to kidnapping the children. They selected as their victims parents with grown-up children, who were driven by famine or domestic misfortunes to go in search of a new home in some other part of the country. The children were usually sold to Bfinjaries, who dealt in children all over India. Their best customers however, were the prostitutes who were always eager to buy good-looking children, and were ready to pay a higher price for those whose parents were dead; because there was then no possibility of their being reclaimed by their parents; A vivid description of the murdering activities of the Thugis is available in the accounts of Lt. Mills, who gathered his materials by cross-examining the Thug-Sardar Jiwan Dass, alias Prem Dass, on the 19th August, 1838. Thugi Sardar Jiwan Dass turned an approver and revealed all the trade secrets of the Thags.²

1. R.L.C., Vol. I, pp.348-49.

2. Ibid, pp.349-50-51-52.

Blaquire, who was in charge of the Calcutta Police, tried vigorously to put a stop to this traffic.¹ In his evidence, given in 1839 before the Law Commission, Blaquire observed that children were frequently kidnapped and sold as slaves in Calcutta. "It has always been my practice to interfere, when I have heard that children of women have been kidnapped in the Mufussil, (sometimes from as far as Murshidabad) and brought into Calcutta for sale". He further observed that "the greater part of these were girls about to be sold for purpose of prostitution". According to him, "these sales for purpose of prostitution still take place very frequently The houses of bawds, in Calcutta, swarm with women who had been inveigled from their families and prostituted against their will". In 1838, he "liberated two women who had been brought to Calcutta, to be sold, and restored them to their families".² In Calcutta and elsewhere in Bengal the vigilant efforts of the Police officials to check this traffic were hardly successful, and as late as 1839 kidnapping appears to have been practised in the very heart of Calcutta; for a correspondent wrote in the Calcutta Christian Advocate of August 24, 1839, "that the practice of enticing away young native widows, and

1. The Evidence of W.C. Blaquire, J.P., Appendix I, R.L.C., pp.32-33.

2. Ibid.

of purchasing young destitute native children, for vilest bazar purposes, is daily carried on to a considerable extent in Calcutta." ¹

The obvious inference to be drawn from these facts is that kidnapping was one of the principal sources of slavery in Bengal, and that so long as slavery prevailed kidnapping was bound to continue.

Another source of slavery in the Bengal Presidency was the importation of slaves from foreign countries. African slaves, known as Habshis, had long been imported into India by Indian and Arab merchants. It is noted in the list of expenses incurred by the Company for the entertainment of the Bengal Nawab in 1759 A.D. that the former spent Rs.500 in purchasing a coffee boy. ² After the extension of British rule in Bengal, they were still imported not only into the Indian states but also into the British Presidencies, and for services not only in Indian households, but in those of British and other European residents as well. ³

The Habshi slaves were generally employed by the rich Muslim nobles and the European residents of Bengal as their domestic servants. In Hickey's Bengal

1. Calcutta Christian Advocate, August, 24, 1839, Calcutta.

2. K.K. Datta - Studies In the History of Bengal Subah, Vol. I, p.497.

3. See Hickey's - Bengal Gazette, 1780-81, issues.

Gazette there occur many advertisements as to the disposal by sale of Coffrees as well as of Malayan slaves. One such who understood the business of butler and cook was offered for 400 rupees in 1778. Some seem to have been valued for their musical skill, others for dexterity in shaving or waiting at table.¹ In 1796, the Armenian Community in Calcutta raised a hue and cry over the importation of five Armenian lads as slaves from Georgia after the devastation of Tefleiz by the Turks.² They subsequently rescued the lads from the custody of the Muslim merchant who had imported them and was about to despatch them to Lucknow as a present to the Nawab-Oizir of Oudh.³ The incident created a considerable stir in Calcutta, and the Governor-General, Sir John Shore promised to settle the matter with the Nawab-Vizir.⁴ Meanwhile, the importation of slaves from foreign countries went on uninterrupted. This is quite evident from the letter of Superintendent of Police Gordon Forbes, who informed the Government in 1812, that "there are many Malay servants who have accompanied the families of several of the officers from Java."⁵ In 1823, Landford

1. Ibid.

2. B. Pub. C. No.44, 28th October, 1796.

3. B. Pub. C. No.46, 28th October, 1796.

4. B. Pub. C. No.48 of 28th October, 1796.

5. From Gordon Forbes, the Supt. at Chandernagore to Chief Secretary Edmonton, dated the 13th January, 1812. Bengal Foreign Consultations, Dated 17th January, 1812.

Arnot created a sensation by publishing an article entitled- "Slave Trade in British India" in the Calcutta Journal for 23 November. In his article Arnot alleged that "150 eunuchs have been landed from the Arab ships this session, to be sold as slaves in the Capital of British India. It is known too that these ships are in the habit of carrying away the natives of the Country, principally females, and disposing of them in Arabia in barter for African slaves for the Calcutta market." ¹ Arnot further alleged that a large number of young boys of tender age were brought by these dealers, and mutilated so as to grow up as suitable servants for the harems of rich lords. "Only one fact shall suffice to show the savage and murderous barbarity resorted to by the wretches engaged in a traffic so revolting to humanity. A gentleman has informed us that of 200 African boys, emasculated in India, only ten survived the cruel operation".²

Arnot's article raised a furore even in Government circles, and the magistrates of Calcutta were called upon to investigate into the matter, ³ They declared that the charges were grossly exaggerated.⁴ Nonetheless, they strongly recommended the Government to take some

1. Magistrates of Calcutta to W.B. Bayley, Judl. Secy, dated 24 Nov. 1823, B.C.J.C., No.28 of 25th March, 1824.

2. *Ibid.*

3. W. Bayley to the Magistrates of Calcutta, dated 27 Nov., 1823, B.C.J.C No.29, of 25th March, 1824.

4. *Ibid.*

positive actions to check the traffic.¹

But the importation of slaves from foreign lands was not completely suppressed even after this incident. Thus for example, the Bengal Harkaru of December 3, 1830, alleged that "A Mughul merchant had supplied his Majesty (the King of Oudh) with three Abyssinian women, seven Abyssinian men and two native girls, for which supply he was paid Rs.20,000."² The Indian Gazette of December 4, 1830 remarked that the attention of the Government and the public had been repeatedly called to the various circumstances which tended to establish that a trade in slaves was carried on throughout the Company's territories, and that, if they did not establish the fact, circumstances were sufficient to excite strong suspicion for an enquiry.³ But in spite of this warning given in 1830, a similar transaction took place three years later, when the Resident at Lucknow complained that two batches of African slaves numbering in all twenty-two females and twelve males had been imported via Bombay by Mughul merchants. One of these batches had been sold to the King of Oudh and the Padshah-Begum. "The rank of the purchasers",

1. W. Bayley to the Magistrates of Calcutta, dated 25th March, 1824. B.C.J.C. No.32 of 25th March, 1824.

2. The Bengal Harkaru, December 3, 1830.

3. The Indian Gazette, December 4, 1830.

said the Resident, "illustrates the difficulty of checking this traffic."¹

Magistrate Blaquiere, who was in sole charge of the Calcutta Police from 1800, told the Law Commission in 1839, ² - "These Hābshis were usually carried up the country to Lucknow and other places. Some, however, remained in Calcutta. These slaves were of both sexes, but the females preponderated. Some of them were adults and some children. Some of them were eunuchs. I think they were generally bought on the East Coast of Africa from their parents or from slave-owners. They were used only as domestic slaves by the purchasers in this country. They were always circumcised and made Musaulmans when they arrived here".³ He further observed that "very few slaves, if any, are imported into Calcutta since the increased vigilance of Custom House officers. This increase of vigilance commenced about two years ago when the establishment of the Custom House was re-organised."⁴ Before that time the importation was very great of Hābashis i.e. Abyssinians brought by Arab merchants from the Red Sea. ⁵

From the above study, it may be concluded that

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1. Fortnightly Review, New Series, March, 1883, p.361.
 2. The Evidence of W.C. Blaquiere, J.P., Appendix 1, R.L.C., p.31.
 3. Ibid.
 4. Ibid.
 5. Ibid.

slavery prevailed as an important institution in the Bengal Presidency during the entire period of the Company's rule.

Indeed, slavery became a widespread institution in the Presidency of Bengal with ramifications in the provinces of Assam, Bihar, Bengal, Orissa and Arakan, where both the native as well as the European inhabitants owned slaves.

During the long 71 years' history of slavery in Bengal, from 1772 to 1843, the slaves were used both as domestic servants and agricultural labourers.

Domestic Slavery in The Bengal Presidency (1772-1843)

Chapter II

Domestic or household slavery formed an important element on the social life of Bengal under East India Company rule, as it had done for centuries past. There was not a single respectable family in the country, so the Law Commission would have us believe, which did not have one family of slaves attached to it: every opulent person, every one raised above the condition of simplest mediocrity, was provided with household slaves.¹ As Blaquire, a Calcutta magistrate reported, this was as true of Hindu as of Muslim households, and of European households also.²

Many reasons have been given for the prevalence of domestic slavery. In part slaves formed an adjunct of rank and importance. The possession of slaves was a mark of affluence and distinction: a large retinue of slaves was part of the pomp with which the noblemen of the country delighted to surround themselves. The status of a man in society, Judge Richardson declared, was largely displayed by the number of slaves he owned.³ This was not true only

1. R.L.C., Vol.I, p.317.

2. The evidence of W.C. Blaquire, J.P., Magistrate of Calcutta R.L.C., Vol.II, pp.31-32.

3. Richardson to the Judges of Sadar Diwani and Nizamat Adalat, dated 23rd March, 1808, B.C.J.C., No.47, L.P., Para 11, dated 15 March, 1816.

of the landed aristocracy, for the middle classes, the minor landholders, merchants and even teachers, clerks and others in minor administrative positions were found owning up to five or six domestic slaves. For example Aga Kurbelai Muhammad, a Muslim teacher, testified to the Law Commission that he owned seven slaves,¹ and Abdul Bari, the Quzi of Calcutta, that he owned 24 families of slaves.² Social respectability might thus be fortified by slave owning by members of the middle as well as the upper classes: "slave holding and property were considered synonymous." The owning of number of slaves, as the employment of number of servants today shows that in Indian society "hierarchical attitudes are deeply ingrained," as Srinivas puts it - that "doing manual labour is the symbol of lowly status, just as not doing it is the symbol of high status."³

The slave was, of course, not only a status symbol. In a society which disdains manual labour, the services of those who would perform the more tiresome menial chores were required by all with any status to uphold. Moreover since

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1. The evidence of Aga Kurbelai Muhmmmed, Persian teacher of Calcutta Madrass, R.L.C., Vol.II, P.30.
 2. The evidence of Abdul Bari, Quzi of Calcutta, Ibid., pp.49-50.
 3. M.N. Srinivas, 'Caste in modern India, and other essays', p.94.

amongst Hindus at least caste limits the number of jobs which any one servant or slave will and can perform such domestic slaves were required in numbers. The question may be asked why people preferred to own slaves rather than employ hired servants? One answer is hinted at by the Law Commission which declared "They liked to have slaves because they liked to have hereditary domestics and dependents."¹ The two words of importance in this sentence are hereditary and dependents. The comment of William Irvine has already been noted, that in the Mughal nobles military contingents slaves formed the hard, reliable core, the only troops upon whose personal loyalty the mansabdor could rely. The house-born, house-bred domestic slave had these same qualities of dependent loyalty, which could not be expected from a hired servant. The Committee of Circuit in 1772, when defending the infliction of slavery as a punishment, argued that "here the slaves are treated as the children of the families to which they belong and often acquire a much happier state by their slavery than they could have hoped for by the enjoyment of liberty."² No doubt this statement must be in part discounted, but the picture of family status of the slave emphasises another reason for their use - that of preserving the privacy of the

1. R.L.C., Vol.I, p.317

2. P.P., 1828, Vol.24, pp.1-2. See also Cameron's Minute,
9 L.P., No.15 of 11 Feb., 1839.

home. The most obvious example, and the most extreme, was the Muslim nobles' use of eunuch slaves as guardians of their harems.¹ Metcalfe placed this aspect first on his list of reasons for slave owning: "for the sake of the privacy of the apartments of their wives, others for the gratification of their vicious propensities, and some others definitely for public prostitution."²

Finally, of course, there were purely economic considerations for the use of slaves. The price of an able-bodied slave in Bengal was fantastically low - in 1819 the price in rural area was reported to be twenty to twenty four rupees for a man, and still less for women and children.³ In time of famine children might be hawked in the streets of Calcutta for anything between four rupees and twelve annas.⁴ How well-fed and provided a slave might be must have varied from master to master, but costs must have been low. (Srinivas, writing in 1962, reports from personal experience in the 1950's seeing Harijan boys worked for upto seventeen hours a day for

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1. The evidence of W.C. Blaquire, J.P., Appendix 1, R.L.C., Vol.II, p.31.
 2. Metcalfe C., Resident at Delhi to John Adam, Secy to Govt., dated 3rd January, 1813. B.P.C., No.5, dated 26 Feb., 1813.
 3. R.L.C., Vol.I, p.50.
 4. The evidence of W.C. Blaquire, J.P., Appendix 1, R.L.C., Vol.II, p.32.

a rupee a week in cash, two suits of clothing, a year, and two meals a day. Srinivas - op. cit. I 91). Richardson from Bundelkhand reported in 1808 that it was the constant object of aims to get the greatest quantity of labour from his slave servants at the cheapest possible rate.¹ Slave labour in Bengal was undoubtedly cheaper than all other labour.

Moreover, the slave was an article of commerce. He was at anytime saleable or transferable by his master.² The master might earn some profit by selling his extra slaves, born in his household of his female slave. Again, the children of slaves were always the hereditary property of their master's successors.³ If the slave's service was not needed, he could be hired out, and young women were used as prostitutes.⁴

With all these advantages, real or presumed, only a strong social disapproval would have discouraged the owning of slaves. But in the eighteenth century few people felt that slavery was

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1. Richardson to the Judges of Sadar Diwany and Nijamat Adalat, dated 23rd March, 1808, B.C.J.C., L.P., No.47, dated 15 March, 1816.
 2. W. Leycester, Second Judge, Barrily Court of Circuit, dated 9 Sept., 1815, B.C.J.C., No.38, W.P., dated 14 Feb., 1817.
 3. Ibid.
 4. James Rees to E. Hay, Secy to Govt., dated 6 March, 1792, - B. Pub. C., No.21, dated 9 March, 1792.

wrong, or that it involved a moral injury to the owner as well as the slave. So even humane men such as Sir William Jones were to be found owning slaves.¹ Indeed, no community was free from the practice; Hindus, Muslims, Parsis and Jews all owned slaves, as did the European residents, whether, British, French, Dutch, Portuguese, Danes or Greeks.²

Though members of so many nations and communities were all slave-owners, and though slaves were almost as varied in origin as their masters, including as they did Africans, Arabs, Georgians and Malays as well as Indians of many sects, there were certain major patterns in slave ownership. Thus where Hindus owned domestic slaves the latter were usually Hindus. Muslim slaves would be reserved solely for outdoor work.³ For the domestic service of Hindu families, it was absolutely necessary that the slave should also be a Hindu and of a pure caste, otherwise the members of the family could not drink the water drawn or brought by him, and would be in danger of pollution in various ways.⁴

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1. Extract from the charge, delivered by Sir William Jones, to the Grand Jury in 1785, P.P., 1828, Vol.24, pp.9-10.
 2. The evidence of W.C. Blaquire, J.P., Appendix 1, R.L.C., Vol.II, pp.31-32.
 3. R.L.C., Vol.1, p.32.
 4. Ibid.

The principles of caste system were very rigorously enforced and the regulations as to untouchability still very ripe in Hindu society at this period. Dr. Buchanan has provided the curious observation that it was because servants in carrying the handle-less lotas and other jars normally grasped them with their thumb on the inside of the vessel that the danger of polluting the liquid in them arose - and hence the necessity of having the Hindus of pure castes to handle drinking water.¹

The Hindu slaves had thus to be divided into two classes, the pure and impure². The Kāyasthas, Goālās, Chāsās, Vaidyas, Rājputs and Kshatriyas were the slaves of pure caste, while the Sudras, Tanti, Teli, Hari, Dome, Bagdi, Kaibarta, Kewat, Barai, Napit, Rangri, Pan, Maity, Jele, Kahar, Lat, Chandal, Kumors, and Muchis were the slaves of impure castes.³

According as the caste was pure or impure their work would be domestic or outdoor. Thus in Bihar Dr. Buchanan found two main groups employed as slaves, the Kuṁmis (also called Juswar Kuṁmis and Dhanuks) and Kahas or Ramis. Both

1. P.P. (R.L.C.), 1841, Vol.28, p.236.

2. The evidence of Durb Sing Das, witness No.6, Appendix 1, R.L.C., Vol.II, pp.24-25.

3. The evidence of H. Rickett, Com. of Rev., 19th Div., witness No.8, Appendix 1, P.P. (R.L.C.), 1841, Vol.28, p.26

of these castes might be found doing similar menial work or employed in agriculture.¹ But since the Kahas were deemed to be of impure caste they were of no use ~~as~~^{for} domestic service, and so were found employed, for instance, as palanquin bearers.²

Moreover the caste restrictions did not work in one direction only. If the purity of a slave's caste dictated whether the master would decide to employ him upon certain domestic duties or not, regard for caste also imposed upon the master the obligation not to employ a slave of pure caste upon ritually defiling work. Thus a witness from Orissa, Ram Krishna Palnai, told the Law Commission that it would be derogatory to slaves of pure castes to compel them to work in company of untouchable slaves. To avoid exposure to such contamination "the slaves of pure caste in Cuttuck, when employed in outdoor works, were kept separate from the slaves of impure caste."³

Caste rules obviously meant that for many domestic tasks Muslim slaves would not be used by Hindu owners. Hindu slaves of Hindu masters, if converted to the Muslim or Christian faith, did not lose their seville status, but they did lose

1. R.L.C., Vol.1, p. 26

2. Provincial Council of Patna to Warren Hastings, dated 4th August, 1774, B.R.C., L.R.No.442, dated 16 Aug., 1774.

3. The evidence of Ramkrishna Palnai, Oria Priest, witness No.9, Appendix 1, P.P., (R.L.C.), 1841, Vol.28, p.36.

some of their utility. Yet in Bengal, though ownership of Muslim slaves was less regarded, many Hindus did own such slaves, and Muslims frequently sold themselves and their children to Hindus. This was very common in Mymensingh, and even in Sylhet, Dacca or Chittagong, predominantly Muslim areas, the poorer Muslims frequently so sold themselves.¹ The obvious reason was that the Muslims formed the poorer section of the population, the artisans, ryots and landless labourers, to whose worsening situation reference has already been made. The Hindus on the other hand, included in their numbers many of the zamindars, merchants, officials in government service and professional men, those with the wealth and position which made possible or even required the ownership of slaves. The Muslims they purchased were employed on such duties as did not bring them into intimate contact with the family - as sweepers, palanquin bearers and the like. One other result of the operation of the caste system remains to be noted. As a general rule, Hindus of the highest castes could not be owned as slaves by the Hindus of the lower castes. According to this principle, the Brahmins could never be bought and sold and employed as slaves in other Hindu families. "The

1. R.L.C., Vol.1, p. 29

Brahmins position in Hindu society depended almost entirely on the assured purity and holiness of his caste."¹ As a member of the priestly caste every Brahmin was respected and held in esteem by the Hindus of lower castes, irrespective of his individual profession. In theory no Brahmin could ever be reduced to slavery or any bondage whatsoever. Whether the theory did act as an absolute check to slavery is very difficult to ascertain. It seems likely that it did so only partially, for the slave-traders or otherwise procured slaves, especially women and children, without regard to their caste. Such poor creatures if very young might be sold to Muslim or Christian owners, whilst adults could always be sold to Hindus. Thus, for example, Blechynden relates that a Lt. Col. Kyd of Calcutta bought two young Rajput boys and converted them to Christianity.² On the other hand, though such higher caste Hindus as Kayasthas, Rajputs or Vaidyas very often owned slaves, the Brahmins do not seem to have done so, in the Bengal Presidency at least. It may be that this was merely because the orthodox Brahmins did not like Hindus of lower castes to enter their families, since Brahmins did not

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1. Krishna Kripalani - Rabindra Nath Tagore: A Biography. p.16.
 2. K. Blechynden - Calcutta Past and Present. pp.160-161.

take water or any foodstuff from a person who was not also a Brahmin. Their household work was usually performed by the widows or other female members of the family. But it may also have been the case that they considered the owning of slaves as derogatory to their religious principles. It was perhaps for this reason that the Raja of Orissa, Purusattam Deo specially prohibited the Brahmins from owning slaves in his estate.¹

In a Hindu family, the domestic slaves were married with the same religious rites and ceremonies as free men and the masters would defray the costs of the ceremonies.² The Hindus generally did not sell their married slaves separately. In Backhergange, Tripura, Dacca, Sylhet, Mymensingh, Rajshahi, Purnea, Sahar and parts of Trihut the custom prevailed of marrying female slaves to a peripaletic bridegroom called a Byakara. (The poor man's kulinism). Such marriages were called Punewah Shadee. Under this arrangement the bridegroom stayed with the slave bride for one night after the ceremony had been performed.³ He then departed and was not generally called upon to visit his wife till her first confinement.

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1. The evidence of Durb Sing Das, witness No.6, Appendix 1, R.L.C., Vol.II, pp.24-25.
 2. The evidence of Ram Kamal Rai, Muktar, Sadar Diwan Adalat, Appendix 1, R.L.C., Vol.II, p.37.
 3. P.P. (R.L.C.), 1841, Vol.28, p.355.

The Byakārā, a professional husband, was the husband of many female slaves, whom he visited by rotation. At each of his marriages, he received a present of four or five rupees from the master of the female slave, and at each visit to one of his wives, he received food and small gratuity. The object of this arrangement was probably to provide for marriage while still keeping the slave girl in her master's house, so that all her children might belong to him.¹ Mr. Cheap, the judge of Mymen[Singh], observed that this nominal marriage also served the purpose of safeguarding the slave-owner's reputation, and it was in order to do away with all suspicion and scandal that the Byakara was again called in after the delivery of the female slave's children.²

In cases of disobedience or fault committed by the slave, the master had the right to beat his slave with a thin stick or a rope on the back, and to bind him with a rope, and if he considered the slave deserving of severe punishment, he might shave his hair and expose him upon an ass.³ But the master had no right, according to existing Hindu customs and usages to exceed this exercise of his authority, and were he

1. The evidence of R.H. Mytton, Magistrate of Sylhet, Appendix 1, R.L.C., Vol.II, pp.11-12.

2. P.P. (R.L.C.), 1841, Vol.28, pp.354-55.

3. B.C.J.C., No.50, L.P., dated 15 March, 1816.

to inflict punishment upon his slave of a more severe nature than above stated, he was liable to pay a fine to the ruling power of a thousand kowries.¹

The degree of correction actually inflicted in a Hindu family by a master on his slave, depended no doubt, upon the individual temper and disposition of the master. For carelessness, idleness, impertinence, disobedience, insubordination, desertion and other misconduct, a slave was usually punished by reproof, abusive language, threats, temporary banishment from the presence of the master, stopping of rations, slaps, blows or chastisement with a shoe, twisted handkerchief, whip, thin stick or ratan, or by confinement, as by tying up for an hour or two.² Masters considered that they possessed the right of correcting their slaves as a father did his child, or a master his apprentice.³ But though slaves may generally have been kindly and humanely treated in the Hindu families, there were also numerous cases of ill-treatment. Thus, Jonathon Duncan, while touring Sandwip island, not only found slavery prevalent there,⁴ but had to hear complaints by the

1. B.C.J.C., No.50, L.P., dated 15th March, 1816.

2. The evidence of Chunilal Dube, Mookteer & Tahseeldar of the Nawab-Nazim of Murshidabad, Appendix 1, R.L.C., Vol.II pp.47-48.

3. The evidence of Ram Kemal Rai, Ibid., pp.37, B.R.C., 1 Aug., 1780.

4. Duncan's Sandwip Report, 16 Sept., 1779.
B.R.C., 1 Aug., 1780.

slaves against their masters. In fifteen cases the complaints were so serious that he set the slaves and their families at liberty.¹ Nonetheless, the domestic slaves in the Hindu families were generally more kindly treated than the agrestic slaves.² They were more like hereditary servants than purchased slaves, generally well-fed, well-clothed and well-cared for by their masters.³ A.D. Campbell who served in India for a long time as a Superintendent of Police and then as a Magistrate, told the Select Committee of Parliament in 1830, that the Hindus generally would not sell their domestic slaves to others, because they considered it a matter of great humiliation. According to him, "individuals generally became domestic slaves by being sold, when children by their parents, in years of scarcity." "A Hindu, however, who buys a child on such an occasion treats it as a Briton would, not as a slave, but rather as a servant to whom food and raiment are due, and whose wages have been advanced to maintain the existence of the authors of its being authorized by nature to contract for its service until it is old enough to confirm or cancel such compact. On the child attaining maturity, it is in practice, as free amongst the Hindus as amongst Britons, unless long habit or attachment induces it voluntarily to

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1. Duncan's Sandwip Report, 16th Sept., 1779, B.R.C. 1 Aug., 1780.
 2. Answers of A.D. Campbell, before the Select Committee of the House of Commons, Appendix 1, P.P. Vol.IX, 1831-32, pp.575-76, also see 901-2.
 3. Ibid,

acquiesce in a continuation of its service."¹ Sir Henry Colebrooke also confirmed that slaves were quite kindly treated in the Hindu families. The slaves also "laboured with cheerful diligence and unforced zeal, and their mutual conduct was consistent with the sense of such an obligation, that it was marked with gentleness and indulgence on one side, and with zeal and loyalty with other."²

Like the Hindus, the Muslims also owned a large number of domestic slaves.³ The Muslim among these slaves were chiefly members of the Muslim labouring classes who had sold themselves or had been sold when children by their parents or other relatives, or their descendants.⁴ But there were also some Hindus, who having sold themselves to Muslim masters, had embraced their religion. Again, there were those who having been kidnapped and sold in childhood to Muslims, had been brought up in the Muslim faith. Campbell observed, "The Mussulman Code, though opposed in its text to the reduction of free Mohammedans to a state of bondage, not only recognises and sanctions, in practice, slavery in general, especially that of conquered infidels, amongst whom it may fairly include

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1. Answers of A.D. Campbell, before the Select Committee of the House of Commons, Appendix 1, P.P., Vol. IX, 1831-32, pp.575-76, also see 901-2.
 2. R.L.C., Vol.I, p.326.
 3. The evidence of Abdul Bari, Kazi of Calcutta, Appendix 1, R.L.C., Vol.II, pp.49-50.
 4. Letter from the Provincial Council of Patna to W.Hastings, Esq., dated 4th August, 1774, B.R.C., L.R.No.442, dated 16th August, 1774.

the Hindus, but encourages domestic slavery in particular, especially by the purchase of children, in order to increase, by their conversion, the number of the faithful."¹ According to him, "under the spirit of proselytism which characterises the Mussulman faith, a male infant is no sooner purchased than it is circumcised, and whether male or female, it is invariably brought up in the Mahomedan creed, which, if it be a Hindu (as is usually the case) irrevocably excludes it from all return to its parents or relations."² Such converts were generally known as Mollazadas.³ Finally, the descendants of all such slaves were also the slaves of their masters.⁴

Among Muslims, therefore, there were no such bars upon the use made of slaves as were imposed by caste considerations in Hindu families. There was one parallel to the Hindu situation, however. In Muslim society, Sayyids enjoyed the same superior status as Brahmins in Hindu society, for Sayyids were deemed to be direct descendants of the Prophet. They could not, therefore, be reduced to slavery, nor could they be employed as a slave in a Muslim family under any circumstance.

1. The answers of A.D. Campbell, before the Select Committee of the House of Commons, Appendix 1, P.P., Vol.IX, 1831-32, p.573.

2. Ibid., pp.901-02.

3. B.A.L.R. No.442, dated 16th August, 1774,

4. P.P., (R.L.C.), 1841, Vol.28, p.24.

The rich and aristocratic Muslims, especially those who lived in cities like Calcutta, Patna and Lucknow, used to own, besides male and female slaves, a large number of Hābshi eunuchs.¹ They were regularly imported from Abyssinia and Arabia, via Muscat and Red Sea by Arab slave-traders and sold at high prices to the respectable Muslims of Calcutta and elsewhere.² These eunuchs were always circumcised³ and converted to the Muslim faith as soon as they became slaves of Muslim masters. These Hābshi eunuchs were in great demand as guards for Muslim harems. So, a large number of Hābshis were regularly sent to Lucknow from Calcutta for use as the guards of the harems of the ancient Muslim aristocracy there, Aga Kurbelai Muhammed testified that a Hābshi eunuch would sell in Calcutta for three to four hundred rupees, while he would sell at least for one thousand rupees in Lucknow.⁴ It is evident from the use of these eunuchs, that the mediaeval customs and usages still hung heavy on Muslim society in India during the company's rule.

In Muslim circles, the male slaves were known as Ghulams

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1. The evidence of W.C. Blaquire, J.P., Appendix 1, R.L.C., Vol.II, pp.31-33.
 2. From Magistrates of Calcutta to W.B. Bayley, Chief Secretary to Govt., dated 22nd March, 1824, B.C.J.C., No.28 of 25th March, 1824.
 3. The evidence of W.C. Blaquire, Cf. with the evidence of Aga Kurbelai Muhammed, R.L.C., Vol.II, pp.31-33, 30-31.
 4. Ibid.,

or Nufars, the females as Bandis or Laundis.¹ The Laundis were generally good looking girls, usually Hindu, who had either been sold by their parents, or kidnapped and disposed of by slave dealers. They were bought while children, mainly on account of their beauty and physical appearance. According to Dr. Buchanan, they were brought up in the Muslim families under the name of Laundis or slave-girls, to satisfy their masters' pleasure.² In their youth, they were meant exclusively for the sensual gratification of their owners, and when their youth and beauty faded away, they were relegated to the status of maid servants.³ Then they had to look after the wives and concubines of their masters, and were also required to perform the most tiresome and hard work of the household.⁴ The women slaves were jealously protected from the contact of any outsider.⁵ Dr. Buchanan observed that because of their seclusion he could obtain no estimates about

1. R.L.C., Vol.I, p.29.

2. Ibid.,

3. Richardson to the Judges of Sadpar Diwani and Nizamāt Adalat, dated 23rd March, 1808, B.C.J.C., No.47, L.P., Para 13, 15th March, 1816.

4. P.P., (R.L.C.), 1841, Vol.28, p.24. Cf. the letter of Richardson, B.C.J.C., No.47, L.P., 15th March, 1816.

5. R.L.C., Vol.I, p.29.

the number of female slaves in the districts of Bengal and Bihar he visited for his materials. In his accounts of the district of Purnea, he observed, that everything concerning the women being veiled in the most profound mystery, no accurate or detailed estimate could be procured of their number and general condition,¹ but that this was a luxury in which every Muslim of fortune was supposed to indulge as far as he could.² Dr. Buchanan believed that in Bhagalpur, there were many such slaves, as the most influential persons in the district were Muslims, "and some of them had dealt to a ruinous length in such property." In the district of Munger, a Muslim landholder had fifty Chulāms and seventy Laundis as domestic slaves.²

In a Muslim family, the master would employ his male or female slaves in a variety of works,³ in baking, cooking, in weaving, dyeing and washing cloths, as agents in mercantile transactions, as carpenters, ironmongers, goldsmiths, in transcribing manuscripts, as shoe-makers, twistors of silk, water-carriers, in shaving, in performing surgical operations, such as cupping and as farriers, brick layers and the like.⁴

1. R.L.C., Vol.I, p.19.

2. Ibid.,

3. B.C.J.C., No.49, L.P., dated 15th March, 1816.

4. Ibid.

He might also employ his slaves in fetching water for washing or for religious purification, in anointing his body with oil, rubbing his feet, in attending his person while dressing, and in guarding the door of his hārem.¹ Under Muslim law, the master might also have sexual connection with his female slave, provided she was arrived at the years of maturity and the master had not previously given her in marriage to another.²

Masters had every right to chastise their slaves for laziness or misbehaviour.³ According to Muslim law, a master might beat his slave with a stick or slippers for correction.⁴

But if a master oppressed his slaves by employing them in any duty beyond their power and ability, such as insisting upon their carrying a load which they were incapable of bearing, the Qāzi might chastise him.⁵ It was also improper for a master to order his slave to do that which was forbidden

1. B.C.J.C., No.49, L.P., dated 15th March, 1816.

2. Ibid.

3. Ibid.

4. The evidence of Abdul Bari, Qāzi of Calcutta, Appendix 1., R.L.C., Vol.II, pp.49-50.

5. B.C.J.C., No.49, L.P., 15th March, 1816.

by the law of the land, such as putting an innocent person to death, setting fire to a house, assaulting another, or prostituting himself, stealing, drinking spirits, or slandering and abusing others.¹ It was further unlawful for a master to punish his male or female slaves for disrespectful conduct further than verbal or mild correction. A Muslim master had no legal right to inflict corporal punishment on his slaves. Moreover, if a master should have sexual connections with his female slave before she had arrived at years of maturity, and if this connection caused any injury to her person, the Qāzi might punish him at discretion (tazir).²

As in the case of the Hindu master and slave so with the Muslim it is impossible to say with any certainty what degree of protection religious law and social custom provided to the slave. The regulations framed by the Prophet, were certainly administered by the British Government in relation to Muslim slaves.³ But all Muslim masters obviously not complied with them; Muslim slave-owners, like all other slave owners, used to beat their slaves or otherwise punish them even for trifling mistakes. The slaves, on the other hand, had neither

1. B.C.J.C., No.49, L.P., 15th March, 1816.

2. Ibid.

3. Ibid., No.52, Para 22, L.P., 15th March, 1816.

the opportunity nor the courage to resist the outrage of their masters.¹

For a slave, who often owned no property and was quite possibly illiterate, to institute an action against his master for ill-treatment was difficult and probably dangerous. (Doubtless many slaves were quite unaware of the fact that they had legal rights). Those who in disposition did have recourse to the courts and sued for the government's protection against their tyrannical masters must always have been for fewer than those entitled to have done so. The hundred and fifty cases constituted by maltreated slaves in the twelve months of 1813 represented but that portion of the iceberg visible above the water line. The slave's "peculiar situation, want of relatives and friends, and "general ignorance and poverty" must have prevented very many from seeking redress against their wealthy and powerful masters.² Campbell was of opinion that the male slaves were far more kindly and indulgently treated than the female slaves.³ According to him, male slaves were "amalgamated with the family itself",

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1. B.C.J.C., No.52, Para 22, L.P., 15th March, 1816.
 2. From the Second Judge of Dacca to M.H. Turnbull, Registrar to the Nizamat Adalat, dated 12th March, 1813; B.C.J.C., No.41, L.P., 24th May, 1816.
 3. The evidence of A.D. Campbell before the House of Commons, Appendix 1, Pub. Rep. from Select Committee of the House of Commons, P.P., 1832, Vol.II, p.453.

which treated them indulgently "with somewhat of that privileged familiarity allowed in all countries to those who are permanently attached to a family, and rather its humble members by adoption than its servants or slaves."¹ They were "well-fed, well-clothed and employed in domestic offices, common, except in families of the highest rank, to many of their masters' relatives."² "Such, however, is not the lot of the female domestic slaves employed as attendants in the seraglios of Muhammedans of rank, they are very often treated with caprice, and frequently punished with much cruelty."³ In his opinion, once admitted into the harem, they were considered part of that establishment which was the point of honour of a Muslim, and they were completely secluded from all communication from others.⁴

In Muslim families, the women slaves generally remained in a state of concubinage.⁵ In some, the masters might marry the female slaves under the Nikah form of marriage, so

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1. The evidence of A.D. Campbell before the House of Commons, Appendix 1, Pub. Rep. from Select Committee of the House of Commons, P.P., 1832, Vol.II, p.453.
 2. Ibid.
 3. Ibid.
 4. Ibid.
 5. R.L.C., Vol.I, p.36.

as to tie them more firmly to them.¹ The purchase by some wealthy Muslim of large numbers of slave girls as concubines often produced feverish cries of disgust from English officials. Judge Richardson wrote to the Sadar Court in 1808 - "If anything can add to the horror which the idea of slavery raises in every human breast, it is the reflection that by the Muslim law respecting female slaves, the master is not only legal lord of their persons for purpose of laborious services, but those of sensual gratification; even such as his prevented or unnatural passions impel his brutality to indulge."² It seems probable, however, that their morbid concern for the slave girl's sufferings at the hands of their licentious masters would have latter been turned to the sufferings inflicted by their brutal mistresses. Some of the most brutal cases of maltreatment involved the mistress rather than the master of slaves. Thus in 1805 it was a woman, Nazrum un-Nisa who was convicted by the Nizamat Adalat at Calcutta of cruelly treating her eight year old slave-girl and sentenced to one year's rigorous imprisonment for burning her with boiling oil.³ Again when in 1837 a young slave girl

1. R.L.C., Vol.I, p.36.

2. Richardson to the Judges of Sadar Diwani and Nizamat Adalat, dated 23rd March, 1808, B.C.J.C., No.47, L.P., dated 15th March, 1816.

3. P.P., 1828, Vol.24, pp.96-97.

was brought to the Calcutta magistrates with the bones sticking through her flesh, her wrists broken, deep burn holes in her shoulders, and lacerated sides, injuries from which she died next day in the police hospital, it was a Mughal lady who was found to be the perpetrator of the crime. She was tried for the murder of the slave-girl but "was shown every possible indulgence and was finally acquitted."¹ As a last instance mention may be made of a case of 1840 wherein a slave girl was murdered by male servants of a family at the instance of her mistress, a rich Muslim woman. In this case the woman and her two sons, also implicated in the crime were punished by a fine.² It is evident from these few examples that Muslim laws about the humane treatment of slaves were not in themselves sufficient to discourage some cruelty - and that British administration of those laws was scarcely as rigorous as was required.

The slaves formed a marketable commodity in all the districts of the Bengal Presidency, and the purchase and sale of slaves were everywhere permissible by law.³ The price of trained coffree slaves was high, even in the 1820's, for

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1. Slavery and The Slave Trade in British India, pp.22-23.
 2. Ibid.
 3. Bengal Past And Present, 1910, Vol.II, p.271

they had a rarity value, but even Indian slaves were dearer in Calcutta than in other parts of Bengal. For that reason slaves were regularly carried for sale to the city of Calcutta as far afield as Dacca and Talalpur.¹ In 1785, Sir William Jones commented that it was at that time common to see large boats coming down the Hugli filled with children who were openly sold in Calcutta.² As late as 1839, Blaquire could still testify that "In ordinary times, dealers go from Calcutta into Sylhet, Dacca, and Mymensingh, and there purchase Hindu and Mussulman boys and girls whom they sell to Mussulmans of Calcutta as domestic slaves, the price varying from twenty to thirty rupees."³

In country districts, such as Rangpur, Dinajpur and Tripura, prices were often lower. In Rangpur, for example, poor peasants would sell their children to wealthier households for a few rupees only, girls for twelve to fifteen rupees, a coach boy for twenty four.⁴ In Dinajpur, young children would seldom fetch even as much as ten rupees,⁵ though this was partly because of the danger that they would abscond when they became adult.⁶

1. Magistrate J. Hayes, to H. Walters, Registrar, Court of Circuit, Dacca, B.C.J.C., No.44, L.P., dated 24th May, 1816.

2. P.P., 1828, Vol.24, pp.9-10.

3. The evidence of W.C. Blaquire, J.P., Appendix 1, R.L.C., Vol.II, pp.31-32.

4. R.L.C., Vol.I, pp.50-51.

5. James Cumming Papers, Home Missl., Vol.529, pp.305-06.

6. R.L.C., Vol.I, p.51.

In Bihar, the following were the average prices of slaves:-

Persons from	1	to	7	years old	.....	Rs 10/-
"	"	8	to	14	" "	Rs 30/-
"	"	15	to	30	" "	Rs 50/-
"	"	31	to	50	" "	Rs 30/-
"	"	51	to	60	" "	Rs 12/-

These were the usual prices for both males and females, purchased for ordinary purposes or general work, but a young and handsome slave-girl bought as a concubine would fetch a hundred to two hundred rupees.¹ During famines and times of scarcity, children were sold by their starving parents for prices varying from four rupees to twelve annas only.² So, in 1785 when the people of Bengal, particularly of the eastern part of the country, were reduced to the lowest pitch of misery and distress owing to failure of crops and scarcity of grain.³ Children, wives and men embraced slavery merely to secure their means of subsistence.⁴ During this period many well-to-do people bought large numbers of slaves.

In Orissa, a more backward and remote area, prices were even lower than in Bihar. Even at the main centre, Cuttack, the price of a young adult slave, male or female, varied only

1. R.L.C., Vol.I, p.51.

2. The evidence of W.C. Blaquire, J.P., Appendix 1 to Rep. Law Com., 1839, pp.32-33.

3. B.R.C., Enclosure to L.R. No.311, 9th September, 1785.

4. Ibid.

from five to twenty rupees. Children at five years ^{of age} old would fetch about a fifth of the price of adults. In this predominantly Hindu area caste was important, and slaves of pure castes generally fetched a higher price, since they alone could be used in domestic service. The one exception were the men of the tough, well-built Gokha caste who, though impure, fetched the best price of all as labourers able to perform the most strenuous work.¹

In addition to the purchase price of the slave, there had also to be paid a regular registration fee of four rupees fourannas for the regular deed of sale, or the contract by which Muslims by engaging their services for seventy or eighty years virtually sold themselves into slavery.²

What the cost was of maintaining a slave, once bought, is clearly unknown in any modern statistical sense. Religious law laid down that they should receive adequate food, clothing and lodging: whether they did must have depended upon the financial capacity and personal disposition of their master. There seems to be a consensus of opinion that domestic slaves fared better than field slaves and those in rural areas better than in towns. Evidence offered by Ram Krishna Palnai, a priest of Orissa, provides actual figures held by him to represent

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1. The Evidence of Durb Sing Das, Witness No.6, Appendix 1, R.L.C., Vol.II, pp.23-24.
 2. B.C.J.C., No.49, L.P., dated 15th March, 1816.

an average outlay upon slaves.¹ He stated that for daily food a slave would generally receive a seer of rice, half a Chhattack of oil, and one quarter of a seer of dāl, or a pice to buy vegetables; two pice per week for tobacco, and half a pice per day for fire wood, unless the slaves were permitted to cut it from their masters' land.² For their annual supply of clothes, the slaves received four dhotis, two ungochhas, one chādār and one blanket. The slaves were also entitled to maintenance from their masters in old age and infirmity. In the western parts of Bengal and the eastern parts of Bihar, "this support of the master to his old and infirm slaves was never withheld."³ But in south Bihar, there was no provision for those slaves who from old age or infirmity, became unable to work, and if they had no families to support them, they had to depend solely on the charity of others. Dr. Buchanan held that the slaves were very poorly provided in Bhagalput and that the allowance was particularly scanty when the slaves grew old, and many of them had to live on charity.⁴ In his opinion, the aged slave was as little cared for in Patna, Bihar and Sāhābād, as in the district of Bhagalpur.⁵

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1. The evidence of Ramkrishna Palnai, Appendix 1, P.P.(R.L.C.) 1841, Vol.28, pp.29 and 236.
 2. Rep. Law Com., 1839, Record Dept. (71) No.143, pp.38,
 3. The Evidence of Ram Kamal Rai, Appendix 1, R.L.C., Parliam-entary Papers, Vol.28, 1841, 243-44.
 4. Rep. Law Com., 1839, pp.38,
 5. *Ibid.*

Besides the Hindus and the Muslims, the European inhabitants of the Presidency - the Portuguese, the French, the Dutch, the Greeks, the Danes and the British owned a large number of domestic slaves.¹ There was no reason, after all, why a French merchant or an English East India official in Calcutta and other places should not own slaves just as their compatriots did in the West Indies. Slavery at European lands was in fact extensively practised in Calcutta and its neighbourhood such as Hugli, Chinsurah, Chandernagur, Barrack Pur and Seyampur.²

The Western pattern of slavery developed in the Americas, was far more rigid and harsh than that traditional in India. Nevertheless, under Indian conditions Europeans seem to have owned slaves for very much the same social reasons and to secure from them very much the same work as did their Muslim or Hindu counterparts. Slaves were desired for social ostentation, to perform domestic services and occasionally as sources of profit. Advertisements in Hickey's Gazette and other Calcutta Papers of the 1780's make this plain: "Wanted a coffree slave-boy, any person desirous of disposing of such

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1. The Evidence of W.C. Blaquire, J.P., Appendix 1, R.L.C., Vol.II, pp.31-33.
 2. W.H. Carey - The Good Old Days of Honourable John Compay, Vol.I, pp.467-68.

a boy, and can warrent him a faithful and honest servant, will please to apply to the printer;"¹ or "To be sold by private sale - Two Coffree-boys, who play remarkably well on French-Horn; about 18 years in age, belong to a Portuguese Padree lately deceased. For particulars, enquire of Vicar of Portuguese church;"² or "To be sold:- A fine coffnee-boy, that understands the business of a butlar, kidmutgar and cooking. Price four hundred sicca rupees. Any gentleman wanting such a servant, may see him by applying to the printer."³

These coffrees were negro or Abyssinian slaves, the Habshis who were regularly imported into Calcutta from East Africa and Abyssinia via Jedda and Mascat by the Arab slave merchants.⁴ They were generally regarded as handy and efficient, they conferred more prestige than an Indian slave, and Europeans were in any case accustomed to African slaves, both in Europe and the Americas. (This was the period when the little Negro boy was fashionably in Europe). The price a coffree fetched was high - some 400 rupees on average in the 1780's, and between 1820 and 1824, on evidence of Aga Kurbelai Muhmmmed, some hundred and fifty to two hundred

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1. Hicky - Bengal Gazette or the Original Calcutta General Advertiser, No.XLVIII, Saturday, 16th Dec., to 23rd, 1780.
 2. W.H. Carey - op. cit., p.466-7
 3. Ibid., p. 467.
 4. The evidence of Aga Kurbelai Muhmmmed, Appendix 1, R.L.C., Vol.II,

rupees.¹ Whether the evidence really reveals a halving of prices over the forty years cannot be certain, nor, if there was a real fall, whether such a fall was due to a change in European attitudes towards slave-owning and lessening demand, or to an increase in the supplies on the market. Judge Leycester observed in 1815 that "there are very many natives of Africa in the provinces under the Bengal Government, that have been imported by people now holding them as slaves, or that have been since transferred by resale,"² and the judicial records show that they were still being regularly bought and sold in Calcutta "like the beast of the field," as late as 1824.³ As with other slaves, the children of coffree slaves were themselves slaves, so that numbers may have been naturally increasing, even though restrictions on slaving reduced importations. Busteed states that European owners "not only bought and sold African slaves, but also went in for breeding them for the slave-market,"⁴ though whether the evidence he quotes will bear the weight of a generalisation is not clear. From Hickey's Gazette of 1780-81, he gives the following advertisement: "Wanted by a gentleman now in Calcutta, two

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1. The evidence of Aga Kurbelai Muhmmmed, Appendix 1, R.L.C., Vol.II, pp.30-31.
 2. W. Leycester, Second Judge of Barrily Court of Circuit, dated 9th Sept., 1815, B.C.J.C., No.38, W.P., dated 14th Feb., 1817.
 3. B.C.J.C., No.28, dated 25th March, 1824.
 4. H. Busteed - Echoes From Old Calcutta, p.136.

very handsome African ladies of the true sable hue, by the vulgar commonly called Coffees. They must not be younger than 14 years each, nor older than 20 to 25. They must be well-grown girls of their age, straight lined and straight eyed and have a rational use of all their faculties. - The better of (if) a little squarmish. But beware of spot and blemish. They will be joined in the Holy Bands of wedlock to two gentlemen of their own colour, caste and country. A dowry is not expected of them nor will there be any jointure settled on them. As the master of those African gentlemen would not wish to have them disappointed, he hopes no ladies will apply but those who are really and truly spinsters."¹

African slaves were even in the port of Calcutta a rare commodity. The less wealthy sections of the European community contented themselves with the cheaper Indian slaves from Sylhet, Dacca or Mymensingh to supply their domestics.² In his evidence before the Law Commission, Mr. Chaap, the Magistrate of Mymensingh stated that children of both sexes were frequently brought from those areas by Roman Catholics and Protestants especially by the Portuguese and Greeks. They bought young children and brought them up, not as slaves but as menials in their own creed.³

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1. H. Busteed - Echoes From Old Calcutta, p.136. Cf. Carey - Good Old Days of Honourable John Company, Vol.I, p.470.
 2. The evidence of W.C. Blaquire, J.P., Appendix 1, R.L.C., Vol.II, pp.31-32.
 3. R.L.C., Vol.I, pp.50-51.

One feature of domestic slavery peculiar to the European community was that they at times brought with them slaves acquired in other countries - such as Malaya,^{x1} and that when they left India they quite frequently took their slaves with them, to Europe, St. Helena,² even to New South Wales.^{xx3}

Over his property, his slaves, the master was by the law of the country armed with full power. It was therefore held quite proper to seek to recover runaway slaves, it was as illegal to harbour such runaways as knowingly to receive any other sort of stolen property, and an absconding slave was open to punishment as a thief of his master's property.

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1. Capt. Sparrom to G.H. Barlow, Secy to Govt., dated 25th June, 1799. B. Pub. C., No.27, dated 25th June, 1799.
 2. B. Pub. C., No.2, dated 7th Oct., 1791
 3. B. Pub. C., No.3, dated 1st Oct., 1819.
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^xIn 1795 two Malay slaves were brought for employment in the Botanical Gardens of Calcutta, and the Superintendent, F. Buchanan, expressed his great satisfaction at their skill in cultivating spice plants.

^{xx}In 1819 Browne left Bengal for Australia taking some ^{thirty} twenty five slaves with him. He so brutally treated them, however, that they were sent back to Bengal by order of the Governor of New South Wales.

Many advertisements in the Calcutta press offered rewards for the return of runaways and warn others against employing them. Three such will suffice for the many which might be quoted: "Eloped from the service of his mistress, a slave boy, aged twenty years or thereabouts, pretty white or color of mustard, tall and slender broad between the cheek bones, and marked with small-pox. It is requested that no one after the publication of this will employ him, as a writer, or in any other capacity, any person or persons, who will apprehend him, and give notice thereof to the printer of this paper shall be rewarded for their trouble;"¹ "Eloped: a Malay slave boy, about 5 feet 5 inches high, his hair rather long, but not tied, speaks a little English, he went off in a pair of white long trousers and a shirt, without any waistcoat, hat or shoe on. It is supposed, he is either gone to Calcutta, or lies concealed in Calcapore, or some adjacent place, as he is a perfect stranger to the road, only having been in Bengal four months. Whoever will deliver him to the printer of this paper, shall be amply awarded for their trouble. Gentlemen are earnestly requested to detain him, should he offer himself as a servant and send him as above. His name

1. Hickey - Bengal Gazette or the Oriental Calcutta General Advertiser, No.2, January 27 to 3 Feb., 1781.

is Wilkes;"¹ or "Slave-boys run-away:- On the fourteenth of October last, two slave-boys (with letters V.D. marked on each of their right arms, about the elbow, named Sam and Tom, about 11 years of age, and exactly of a size) ran away, with a great quality of plate, etc. This is to request, if they offer their service to any gentlemen, they will be so kind as to examine their arms, keep them confined, and inform the owner. A reward of one hundred sicca rupees will be given to any black man, to apprehend and deliver them up, J.H. Valentine Dubois, Lieutenant; Chunar, November 5, 1784."²

An advertisement of March, 1789, not only offered a reward for the return of an eloped Malay slave, but threatened legal action against any who should employ him. "Whoever harbours the said slave boy after this notice will be prosecuted according to law."³ The slave himself, if recaptured was normally flogged for his crime. Thus a slave-girl named Peggy who ran away from her master, a Mr. Anderson, when arrested and presented before the Municipal Magistrate of Calcutta was ordered to be flogged five times with a rattan and then returned to her master.⁴ Another slave-girl Sarah

1. Carey - op. cit., p.468.

2. Ibid., pp.466-67.

3. Ibid., p.467.

4. Busteed - op. cit., p.132.

for having fled from her master on a number of occasions was sentenced to fifteen rattans.¹ Again a certain Bionarold Pinto lodged a complaint with the magistrate against his slave-girl for running away for the second time, and upon his complaint she was ordered to be flogged five times.²

As Busteed comments the rights of property were such that "its mere plea was sufficient in law to justify magistrates in ordering a poor girl, who in running away had presumably acted in self-defence, to be beaten with a rod."³ In the eighteenth century no surprise seems to have been occasional when a reward was offered for a runaway "marked on the back and arms with the scars of a number of small burns" and with "an iron ring on one leg,"^x and none, when as has been seen, a slave was to be identified by the wound mark of his master's initials. This is understandable when it is observed how lightly even the murder of a slave was regarded by European juries. Thus in 1795 an army officer, Lt. Arc Fander was accused of having murdered his seven year old slave

1. Busteed - op. cit., pp.131-32.

2. Ibid., p.132.

3. Ibid., p.135.

^x In this case the owner did not chose to give his name, but only stated that he was living at 1, Larkes Lane - possibly a ship's captain.

boy Bukshee.¹ The matter was reported to the police by the Muslim concubine of the officer, who deposed that after "he squeezed the throat of the boy," he had been buried close to his quarters by some of his other slaves.² When he was tried by grand jury he was found not guilty and discharged.³ Again in 1806 Blaquire, a Calcutta justice of the peace arrested a master in the pilot service named James Biron, and committed him for trial for the wilful murder of a coffee girl and with the infliction of serious injuries upon another.⁴ He had been arrested by the police at the Bankshall Ghat while trying to throw the girl's body into the river, and the body was found to bear the marks of several acts of violence and cruelty.⁵ Nevertheless the jury found him not guilty of the first charge, though sentenced to two years rigorous imprisonment and a fine of two thousand rupees upon the second charge.⁶

On this case Lord Macaulay commented "Surely, all this

1. B.C.J.C., No.15, dated 13th March, 1795.

2. Ibid., No.18, dated 13th March, 1795.

3. W. Jackson, Company's Attorney, to G.H. Barlow, Sub-Secy, in the Judl. Dept., dated 26th June, 1795. B.C.J.C., No.1, 3rd July, 1795.

4. Blaquire to G. Dowdeswell, Secy, Judl. Dept., dated 16th July, 1806. B.C.J.C., No.15, 17th July, 1805.

5. Ibid.

6. W. Jackson to G. Dowdeswell, Judl. Secy, Govt., dated 10th Dec., 1806. B.C.J.C., No.39, dated 18th Dec., 1806.

was in the highest degree shocking to all the notions of the Hindus."¹ It may be doubted, however, whether any section of Indian society was then in a position to throw stones. The Hindus still burned their widows, oppressed their wives, or sacrificed their first born male children in the Ganges² - and were ready to defend their orthodoxy. If the Hindu tolerated Kulinism and Byakara marriages, the Muslim aristocracy were held to be notoriously licentious. Nor did the European community set much of an example: Dr. Carey observed of his contemporaries "Drunkenness, gambling and profane swearing were almost universally practiced."³ Brutality was commonplace as Nehru has pointed out." When George III' came to English throne in 1760, there were about 160 offences for which men, women and children were put to death. By the time his long reign ended in 1820, nearly a hundred new offences carrying the death penalty were, however, added to this terrible list. The ordinary soldier in the British army was treated worse than a beast of the field, with a brutality and inhumanity that horrify. Death sentences were common and commoner still was flogging, inflicted in public, flogging upto several hundred lashes, till death sometimes

1. Busteed - op. cit., p.135.

2. Rev. W. Ward - A view of the History, Literature and Religion of the Hindus, 5th ed., p.251.

3. Carey - op. cit., p.455.

intervened or the mangled body of the sufferer, just surviving, told the story of his dying day."¹ It was unlikely that men of such a stamp should act as leaders in the struggle for higher standards in a foreign country, when even at home standards were so low. Jawaharlal Nehru asked in his Discovery of India which England came to India in the eighteenth century: "The England of Shakespeare and Milton, of noble speech and writing and brave deed, of political revolution and the struggle for the freedom, of science and technical progress, or the England of the savage penal code and brutal behaviour, of entrenched feudalism and reaction"?² The newspapers and law reports would certainly suggest the latter.

Yet even in the eighteenth century there were signs of protest and change. In 1790 the Calcutta Chronicle reported that Government was considering measures to ameliorate the lot of the slave, and that one proposal was that "no slave of either sex was to be shackled with the marks of bondage which many of them are now constrained to put on".³ The same paper was ready at last to see the faults in others, complaining loudly "against the barbarous and wanton acts of more

1. Jawaharlal Nehru - The Discovery of India, p.285.

2. Nehru - op. cit., pp.285-286.

3. Busteed - op. cit., p.135.

than savage cruelty daily exercised on the slaves of both sexes, by that mongrel race of human beings called native Portuguese."¹ To such complaints Sir William Jones had already added his general indictment when addressing the Grand Jury in 1785 he declared, "I am assured, from evidence, which, though not all judiciously taken has the strongest hold on my belief, that the condition of slaves within our jurisdiction is beyond all imagination deplorable; and the cruelties are daily practised on them, chiefly on those of the tenderest age and the weaker sex, which, if it would not give me pain to repeat, and you to hear, yet, for the honour of human nature, I should forbear to particularise. If I except the English from this censure, it is not through partial affection to my own countrymen, because my information relates chiefly to the people of other nations who likewise call themselves Christians".² Lord Macaulay, as has been seen, voiced his detestation, and it may well be that it was the hateful aspect under which slavery presented itself to Sir Philip Francis in Calcutta was not without its effect; for we find him afterwards in Parliament as one of the most ardent and zealous supporters of Wilberforce in his

1. Busteed - op. cit., p.135.

2. P.P., 1828, Vol.24, pp.9-10.

efforts for the abolition of slave trade.¹ As late as 1831, a correspondent writing to the Bengal Chronicle could still complain of the prevalence of domestic slavery in Calcutta. "That slavery exists in Calcutta is a fact too notorious to be denied. I am led to this remark from a thorough knowledge of its actual existence as also from being a frequent eye-witness of the extreme cruelty practised towards the generality of that neglected class, who are kept in such an abject state of blind ignorance and dread of the police that, although suffering the greatest of hardships, hardly one would have the courage to enter the precincts of justice."² But their treatment towards their slaves, it seems, changed in the thirties of the nineteenth century owing to the growing humanitarian movement sponsored in England by the Quakers and other philanthropists. The industrial revolution had changed the structure of English society, which made political, social and legal reforms imperative. The rising middle class developed a new social and political outlook and philosophy.³ Consequently, the treatment of children and animals, the provision for the destitute, the sick, the insane, the

1. Busteed - op. cit., p.135.

2. Bengal Chronicle, February 15th, 1831.

3. D.R. Bhandari - History of European Political Philosophy, Bangalore, 1959, pp.395,

punishment of crime - in all such matters the standards were being raised by the British philanthropists.¹ Though the European inhabitants of Bengal remained the owners of a large number of slaves in the thirties and early forties of the nineteenth century till slavery's abolition in 1843, they undoubtedly treated their slaves more humanely than their eighteenth century predecessors. This is quite evident from the fact that no case of atrocious crime committed by any European master toward his slave, was reported during that period.

But in the Hindu, and perhaps even more in the Muslim society, of Bengal, the treatment of slaves by their owners remained a little altered. Cases of brutal treatment, and even of murder continued as late as 1840.² Both the Hindus and the Muslims of the country were so wedded to mediaeval customs, usages and ways of life that they were scarcely susceptible to any social change; Krishna Kripalani observed of the contemporary society:- "India had ceased to be creative. Politically she was hardly aware of the loss of national freedom, and culturally she hugged the trappings of the new servitude or blindly clung to the shackles of the old. A few

1. R. Coupland - The British Anti-Slavery Movement, Oxford, 1933.

2. Slavery And The Slave Trade In British India, London, 1841, pp.45,

solitary incongruities apart, it was an age of toadies and of reactionaries, those who aped the western ways and those who sought consolation in the bondage of immemorial tradition and dogma."¹

*The inequity of a bad custom is at times not sufficiently or easily realised, and an evil institution is tolerated, because people have come to look upon it as a part and parcel of their social life. Such was the case with slavery: the inequity of domestic slavery was imperfectly realised by the people of India, and its many evils were patiently tolerated as something unavoidable. If change was to come it would have to be initiated by forces outside Indian society."²

1. Krishna Kripalani - Rabindra Nath Tagore; A Biography.
p.1,

Chapter III

Agrestic Slavery in the Bengal Presidency (1772 - 1843).

Agrestic slavery existed in ancient^I and mediaeval India; it still prevailed widely when the East India Company assumed power in eighteenth century India². It was perhaps at its worst in Malabar, Canara and Coorg where the Cherumars and Pariars were hereditary bondslaves of the landholders³, permanently attached to the soil; but further north in the Bombay Presidency, the condition of the ploughmen or halis was little better.⁴ Under the Mughals it had been very common in Eastern Bengal, and in the days of the Company the institution enlarged rather than contracted in the Bengal Presidency. The use of un^dree labour for the cultivation of the soil was particularly common in Bihar and in eastern Bengal, Assam, Arakan and Orissa⁵.

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1. Deva Raj Chanana - Slavery In Ancient India, Delhi, 1960, p. 4.
 2. W. Leycester, Second Judge of the Barrily Court of Circuit, to the Judges of the Sadar Deiwani and Nizamat Adalat, Dated 9 Sep. 1815
B.C.J.C., No 38, para 120 L.P., Dated 14 Feb., 1817.
 3. Mr. Graem's Report on Malabar, Dated Jan, 14, 1822.
P.P., 1828, vol 24, p 914.
 4. R.L.C., vol. I, pp 191, 260.
 5. J. Hayes, Mag. of Tripura, to the Court of Circuit, Dacca, Dated 10 Feb., 1816.
B.C.J.C., No 44, L.P., Dated 24 May, 1816.

The bondage of agrestic slaves in Bengal, whether it had been voluntarily accepted in a search for protection and an assured livelihood, or actively imposed by a landholder in search of cheap labour, originated as Hayes - the Magistrate of Dacca reported "in the extreme poverty of the lower orders of the society".¹ During the great famine of 1770, about one-third of the population died of starvation,² and many people sold themselves to slavery in order to save their lives³. There followed a period of disorder, misrule and poverty. The district records of Bengal, the richest and most advanced province, and first in importance to the East India Company, provide ample evidence of the prevailing anarchy and oppression. Bands of robbers, some in a religious guise pillaged the countryside. The trade and commerce of the country was badly affected by the uncertainty

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1. From J. Hayes, Magistrate of Tipperah, Dated 10 February, 1816.
B.C.J.C., No 44, L.P., 24th May, 1816.
 2. Despatches to Bengal, Dated 28th August, 1771, vol.6, p# 84.
 3. Bankim Chandra Chatterjee - Anandamath, chapter 1
cf. S. R. Mitra - Types of Early Bengal Prose, Calcutta.

as to where power lay in Bengal, and the continuing struggle for political mastery higher up the Ganges valley.¹ Much oppression was practised by the English merchants and their Gomastahs towards the manufacturers, weavers and workmen of the country.

"Various and innumerable" were "the methods of oppressing the poor weavers, such as by fines, imprisonments, floggings, forcing bonds from them, etc."²

This combined with the disappearance of the princely markets, led to the abandonment of trade by the specialist weavers in the country, and so to further economic distress of the people.³ To this must be added a shortage of coin which hampered trade caused by an outflow to China. Furthermore, the use of the territorial revenues to finance the purchase of the investment for England led to a drain from the Bengal Presidency

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1. L.S.S. O'Malley - Modern India and the West, Oxford 1941.
 2. William Bolts - Considerations on Indian Affairs, pp.73, 191.
 3. J.C. Sinha - Economic Annals of Bengal, p.78.

estimated at thirty eight million pounds during the period 1757 to 1780. This "heavy drain led to a great impoverishment of the province".¹

Bengali society was thus already in disarray when in 1772 the Company took over the task of revenue collection. Unfortunately, the existing zamindars were largely ignored, and the right to farm the land revenue was put to auction. This method ended in failure, for the revenue farms fell into the hands of speculators who had neither territorial connections nor influence and often no experience of the management of agricultural estates, and who, as often as not, defaulted in their engagements. Resort was next had to a direct agency; the Company appointed its own collecting agents. Here again, the experiment miscarried, for they knew no more of the systems of tenure and the methods of cultivation than their masters.²

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1. Ibid, 451-3, also see - Bengal: Past & Present, vol 71, pp 34-43, an article by Prof. N.K. Sinha - Drain of Wealth from Bengal in the Second Half of the 18th Century.
 2. L.S.S. O'Mahley - Modern India and the West, p265

This mismanagement in the system of land-revenue seriously weakened the economic structure of Bengal. Charles Grant said that in 1787 "the country and the people were not in so good condition as that in which we found them.....the history of our rule in Bengal is in great part a history of our own errors"¹. He painted a grim picture of the debasing struggle to collect revenue, the drain of wealth, and the terrible sufferings of the people during famine. During this period, the miseries of the people reached their highest pitch.² The poor cultivators were reduced to a minimum level of subsistence, many of them were totally ruined, and whenever crops failed from time to time, many people were seized for default of rent and sold into slavery in execution of the Court's decrees, while others were compelled by poverty to sell their children, wives and even themselves³.

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1. Observations of Charles Grant, General Appendix to the Report of the Select Committee on the Affairs of the East India Company, 1832, vol. 1 pl8
 2. Ibid.
 3. S. R. Mitra - Types of Early Bengali Prose, Calcutta P

The mismanagement in the system of land revenue also considerably affected company's finance. The home authorities vigorously expressed their dissatisfaction over the declining and fluctuating Bengal receipts and ordered Cornwallis above all to produce certainty. It resulted in the promulgation of the celebrated Permanent Settlement on 22nd March, 1793, by Lord Cornwallis. The settlement gave the Zaminders a permanent right to their land on payment of the fixed revenue demand. As the Despatch authorizing Cornwallis to act made clear the Government was aware that the Zamindars were scarcely perfect instruments¹, for it noted their "ignorance, incapacity and want of principle",² and laid down that it must reserve the right to "interfere from time to time..... for the protection of the people³".

But in practice the lack of adequate administrative machinery, and preoccupation with receiving the revenue in full led the Bengal Government to give a free hand to

1. A. T. Embree - Charles Grant and British Rule in India, p116

2. Ibid.

3. Ibid.

the Zamindars in the internal management of their estates. The ancient aristocracy of the country had already been replaced by a shrewd, opportunist and self-seeking commercialized group who had invested their capital in the purchase of land, with every intention of making a profit.¹ Such Zamindars paid to the Government treasury the stipulated sums every year, but being free in all essentials to collect, what they could from the cultivators they did so with little regard to custom or regulations about Pattas. Indeed, they so fully availed themselves of this opportunity, as Radhakamal Mukherji has shown that by the end of the nineteenth century, the peasantry were paying "thirty times more to the Zamindars than their due for the collection of revenue".²

To protect general revenue the legal powers of the Zamindars over their tenants were steadily increased, as by the regulation of 1799 which permitted an agent to exercise the Zamindar's powers of distraint,

1. B.B. Misra - The Central Administration of East India Company, P
2. Radhakamal Mukherji - Land Problems in India, p305

and to do so without previous notification of any Court or official.¹ The recovery of the population from the disaster of the 1770 famine also tilted the balance increasingly against the cultivators, permitting rack-renting and the imposition of cesses upon him as he became more anxious to secure land to till. A peasantry driven steadily nearer the subsistence level was the more exposed to the effects of natural calamities - a failure of the rains, the death of cattle from diseases. When such loss was suffered the peasant, with no reserves, was forced to borrow from the Zamindar or money-lender, who would charge an exorbitant rate of interest. The latter were also ready to use the resources of the law, or even forgery to oppress the illiterate peasants. The floodgates of land litigation were now opened, forged papers, hard swearing and the power of a party to exhaust the resources of the other by Chicanary, delays and appeals - these now became the deciding factors.²

1. S. Gopal - The Permanent Settlement in Bengal and its Results, p31
2. J.C. Jha - Tribal Unrest on the South West Frontier of the Bengal Presidency, 1831-33, Ph.D. Thesis, L.U., 1961, pp43-44.

The Zamindars, who knew how to handle the new machinery of the Courts, used them for exacting the full value of their bonds. The Courts ignorant of the land structure, indifferent to the ruinous rates of interest being charged, enforced decisions according to the letter of the regulation¹. As a result a great portion of the agricultural labour force fell into debt, and so came to be nothing else but slaves. Furthermore, when the service contract entered into by an undebted ryot did not extend to his children, the farmers and the landholders made use of further deception in order to secure for themselves the services of the children also. The children were persuaded to marry as soon as they were of age; and the well-to-do masters of the children's parents willingly advanced money for the performance of the necessary ceremonies. The money advanced did not exceed ten rupees; but on receiving this loan the children bound themselves to service as their parents had done before.² Thus the whole family was reduced

1. op.cit. *Did*.

2. From J. Davidson, Principal Assistant to the Governor-General's agent in Chota Nagpur, Camp Tomar, Dated January 24th 1836, to the Secretary of the Law Commission, Rep Law Commission, 1839, Record Dept. (71), No 143, pp156,

to perpetual slavery. Thus Hayes, the magistrate of Tripura reported "...slavery existed in the district of Sylhet to such a degree that persons would sell themselves as slaves to satisfy demands of rent, while others would, from similar necessity, dispose of their own slaves".¹ "Some individuals, in order to supply the immediate wants of nature, voluntarily submit to a state of slavery and dispose of their persons for determinate services so long as they may be capable of performing them,"²

The problem of agrestic slavery in the presidency was not a minor or unimportant one, for the number of those in a servile state was often large in relation to the total labour force. Agrestic slavery was interwoven in the social fabric of the country and played a vital role in the economic life of the Bengal Presidency. In Sylhet, for example, slavery prevailed to an unusual extent, and slaves were to be found attached to all family estates, and were generally transferred with the estates.³ The judge

1. Magistrate Hayes to the Court of Circuit, Dacca, Dated 10th Feb., 1816

B.C.J.C. No44, L.P., Dated 24th Mar., 1816.

2. Ibid

3. Ibid

at Sylhet put the proportion of slaves to freemen at the extremely high figure of one to three¹ - a state of affairs which David Scott attributed to the preponderance there of Muslims, most of them landholders².

In Dacca, agrestic slavery seems to have existed from the early days of the Company's rule.³ But the number of slaves increased considerably about the year 1785, when, according to collector Day of Dacca, the people were reduced to the lowest pitch of misery by a failure of the crops, so that many of them were compelled to sell their children and even themselves into slavery.⁴ According to Sarva nanda Rai, a witness from Dacca, agrestic slavery was very prevalent in this district. He did not speak without knowledge for his mistress alone was the owner of 1,400 slaves. Of these, some 450 were domestic slaves, the rest presumably being employed in the cultivation of her land.⁵ Raj Govinda Sen, a witness from Tipperah,

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1. Answer of Charles Smith, offic. Civil and Session judge of Sylhet, to the Registrar of the Sudder Dewanny and Nizamat Adawlat, 3rd June, 1836 R.L.C. vol I pl37.
 2. David Scott to Chief Secretary Swinton, Dated 10th Oct. 1836 R.L.C., vol II, p318
 3. Hastings to S. Middleton, Dated 12th July, 1774
B.R.C. 4.S. No281, Dated 12th July 1774
From Day to Cowper, Dated 2nd March, 1785
 4. B.R.C. Enclosure to Letter No311, Dated 9 Sept. 1785
 5. The depositions of Sarva nanda Rai, Muktar of Bagoruthi Durya Appen I, R.L.C., vol II, p41.

observed that agrestic slaves were very numerous in his district. There was not a single family of respectability, either Hindu or Muslim, that had not one family of slaves.

"I should say one-fourth of the population are slaves."¹

In Chittagong, most of the landholders owned a large number of agrestic slaves. Like Sylhet, most of the landholders in Chittagong were Muslims. Abdul Bari - the Kazi of Calcutta told the Law Commission in 1839, that he inherited 24 families of hereditary slaves from his father.²

It appears from the evidence given by various persons in 1839 before the Law Commission that agrestic slavery also prevailed in the districts of Mymensing, Rangpur, Rajshahy, etc. where all the landholders both large and middling owned agrestic slaves for the cultivation of their lands.

Agrestic slavery also prevailed to a considerable extent in Bihar. There all the big Hindu landholders and middle class people used to own agrestic slaves. The accounts of Dr. Buchanan afford an unusually full glimpse

1. The depositions of Raj Gorinda Sen, Muktar of the Rayja of Tipperah, Appen 1, Ibid, 42-3.
 2. The depositions of Abdul Bari, Kazi of Calcutta, Appendix 1, Ibid, p49.
- 3.

of slavery in Bihar. According to him, it existed in the districts of Bihar, Bhagalpur, Patna and Shahabad and Purnea as a part and parcel of the society. In Bhagalpur, there were about fourteen or fifteen thousand families of slaves, most of whom were settled in the western parts of the district, south of the Ganges, but also a good many of them in the Fiezula-Gunge area. In Bihar and Patna districts, there were about 4,500 families of slaves - mostly cultivators.¹ Buchanan gave the following numbers as the

of the able-bodied male slaves in the districts:-

Districts	Entirely Domestic	Partly engaged in agriculture and partly in domestic service	Employed entirely in agriculture	Total men slaves
Bhagalpure	574	2,560	4,434	7,568
Bihar & Patna	5,055	18,495	32,820	56,370
Purnea	790	17,009	3,650	6,140
Shahabad	720	3,765	5,355	8,810

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According to Richardson, in Bihar, "there are districts under the Company's dominions wherein to my

1. R.L.C., vol. I, pp33-34

2. Ibid, p34

knowledge (particularly Ramghar), the greatest part of the cultivators and labourers are slaves".¹

H. Russul told the Law Commission in 1839 that in Bihar, Patna, Ramghar, Shahabad and Tirhut districts five per cent of the population were slaves.²

According to another witness, Pandit Vaidya Nath Misra, the proportion of slaves in Tirhut and its adjoining districts, was one or two sixteenths of the whole population.³ Shankar Nath Jha informed the Law Commission that his employer Kashinath - the Zaminder of Kolsong had two hundred families of slaves. "About 20 or 25 slaves are employed about his household, the rest are employed in the cultivation of the lands which he keeps in his own hands."⁴

Agrestic slavery was also in vogue in Orissa

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1. J. Richardson, Bundelkand, to the Judges of Sudder Dewanny and Nizamat Adalat, 23rd March, 1808. B.C.J.C., No.47, L.P., dated 15th March, 1816.
 2. The depositions of H. Russul, Vakil of Sadar Diwani Adalat, 1839, Appendix 1 R.L.C. vol.II, p.9.
 3. The depositions of Vaidya Nath Misra, Pundit of the Sadar Diwani Adalat, Dated 1839, Appendix 1, Ibid p.7.
 4. The depositions of Shankar Nath Jha, Priest in the Family of Kashinath, Appendix 1, Dated 1839. Ibid. p.51.

as Durb Sing Das made clear in his evidence.

Referring to the northern division of Orissa, he said -

"The proportion of slaves to freemen is as 6 to 10; a great zamindar will sometimes have 2,000 slaves. There are many such. Junda Jay Chowdhuri and Bhagavat Chowdhuri and others. I dare say there are 200 or 250 who have as many."¹
He further added -

"I am an owner of slaves. I have fifty."²
But according to Edward Rapton, the Magistrate of Balasore district, there were 8,022 slaves in a total population of 462,000 inhabitants in the Parganas of Bhadrak Chukla.³

The many concurring testimonies make it clear that agrestic slavery was very important in the Bengal Presidency during the period of East India Company rule. As Judge Leycester pointed

1. The depositions of Durb Sing Das, Oria Missul Khan, Calcutta Sadder Diwany and Nizamat Adalat, Dated 15th January, 1839, Rep. Law Com., 1839 Record Dept. (71), No.143, pp.14-15.

2. Ibid.

3. From Edward Rapton, Magistrate of Balasore, to the Secretary of the Indian Law Commission, Dated 7th May, 1837, Appendix II, R.L.C., 1841, vol.28, p.242.

out in 1815 to the sadr adalat, many estates in the Presidency were entirely estate cultivated. This was true moreover not only of the great zamendars, but of the minor talukdars and landholders, all of whom owned a few slaves to cultivate their lands. The slaves were as much a part of their working stock as the plough cattle.¹

Nor were the humans less important numerically than the other cattle. Richard Allen, the Secretary of the Hibernian Anti-Slavery Society of Dublin drew up in 1841 a consolidated table of the number of slaves estimated for the various regions of the Bengal Presidency. The figures were as follows:-

- | | |
|-----------------------------|---------------------------|
| 1. Assam - 27,000 | 9. Rangpur - 536,140 |
| 2. Bhagalpur - 49,861 | 10. Rajshahi - 766,341 |
| 3. Biharard Patna - 131,280 | 11. Sylhet - 361, 240 |
| 4. Cuttuck - 600,000 | 12. Shahabad - 21,340 |
| 5. Chittagong - 175,200 | 13. Sharan - 180,509 |
| 6. Dacca - 275,190 | 14. Tirhut - 212, 210 |
| 7. Mymensingh - 363,677 | 15. Tripura - 343,065 |
| 8. Purnea - 24,560. | 16. Murshidabad - 95,366. |

Total- 4,042,979 ²

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1. Leycester to the judges of the Sudder Diwanny and Nizamut Adawlut, dated 9th September 1815. B.C.J.C., No 38, L.P., dated 14 February, 1817.
 2. The British Friend of India, 1842, pp.91-92.

It will be noted that there were wide variations between districts, and the words of Henry Torrens are here worth recalling. "Slavery, its laws and local usages are in Bengal, one mass of anomaly and contradiction. In some districts it is so prevalent, that slave-holding and property may be almost considered synonymous. In others it is either extinct or nearly unknown. In some the Civil Courts are loaded with suits for slaves, as that of Mymensingh, which had on the 30th June 1836, 250 such cases pending before it."¹

Why were agrestic slaves so extensively employed instead of free peasant labour? An attempt has already been made to answer this question, in relation to domestic slaves, in the previous chapter, and it is not necessary to reconsider the matter in all its aspects. Certainly slaves of any sort were thought to add to a master's status. "In Hindusthan slaves are kept for show" - declared Richardson²,
~~XXXXXXXX~~ Abdul Bari confirms this with his statement, - "It

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1. Notes on slavery by H. Torrens, Acting Registrar of Sadar Diwani and Nijamat Adalat, 1839, Appendix 1, R.L.C., vol.II, pp79-80
 2. Richardson to the Judges of Sadar Diwani and Nijamat Adalat, Dated 23rd March, 1808.
B.C.J.C. No47, L.P., Dated 15th March, 1816

is usual in my country, for respectable people to have slaves".¹ Again in the early years of our period slaves certainly were particularly cheap and abundant. After the great famine of 1770² or that of 1785 in the Dacca area, slaves could be bought for a trifling sum.³

But there is little doubt that slaves were particularly valued in Bengal because they provided the only certain labour force entirely at the disposal of the landholder. The importance of such a force became steadily greater as the Company increased the efficiency and vigour of their revenue collection, most notably after 1794 when the rule was established that a zamindar's estate could be sold at any time after sunset on the day on which a Kist or instalment of the revenue fell due but remained unpaid. After 1770 for a generation or more there were more lands lying waste than cultivators to till them: the ryot for a period had the upper hand of the landholder and

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1. The evidence of Abdul Bari, the quji of Calcutta, 1839, Appendix 1, R.L.C. vol.II, p49.
 2. See Bankim Chandra Chatterjee's Ananda Math, chapter 1. cf. S.R. Mitra - Types of Early Bengali Prose
 3. B.R.C., L.R. No.311, Dated 9th September, 1785.

could drive a hard bargain. The law which the Indian landlord has usually been able to put to his own purposes was for once turned against him. The methods by which he could recover arrears from his tenants were tedious and cumbrous in comparison with those available to Government for use against the zamindar under the sale laws. As Gopal has pointed out, in 1797 estates whose revenues formed eleven per cent of the total assessment were advertised for auction.¹ Under such circumstances a body of slave cultivators, entirely under the zamindars' control, was of the utmost value.

The composition of the Bengal slave force had certain distinctive features. In Malabar the agrestic slaves were all Cherumars, while in Kanara, all the agrestic slaves were Pariars by Caste, though not all Pariars were necessarily slaves.² But in the Bengal Presidency, there was no such hard and fast rule as to the caste of the agrestic slaves. Naturally enough the Hindus of impure castes and the Muslims formed the bulk of the class of

1. S. Gopal, op cit p30

2. R.L.C. vol 1, p191

agrestic slaves, for in Hindu families, slaves of pure castes were reserved for domestic tasks from a necessary regard for Caste - purity within the home.¹ But within these broad categories a great variety of castes contributed to the slave force of the Presidency.

In Bihar, the agrestic slaves of Hindu religion were generally known as Kahars and Dhanucks². The Kahars were slaves of impure castes³, while the Dhanucks were of pure castes; who, as their name implied were archers. They were formally the militia of the country.⁴ All the Dhanucks at one time were probably slaves, and many had been purchased under a method of recruiting that had long been prevalent in the country. But none of these terms were applied in different parts with any uniformity. The words were taken in one sense in one district, and in a different sense in another. Thus, for example, the word Laundi was used in a variety of senses: sometimes, it applied to women,

1. Ibid, pp32

2. Ibid, p24

3. From the Provincial Council of Patna to Warren Hastings, dated 4th August, 1774

B.R.C., L.R. No442, Dated 16th August, 1774.

4. R.L.C., vol I, p25

who in the eastern districts of the country gave their services as domestics merely for food and raiment; it was admitted that these women had not been purchased, could not be sold, and might change their masters at their own will. But, the same word Laundi was also used to denote the female slaves, often concubines of Muslim families¹ and of the servile status of these latter there was no doubt.

In the district of Gorakhpur, the agrestic slaves belonged to the Kurmi caste. In South Bihar, the Hindu slaves were in general Kayets, Kumars, Kamars, Chasas, Kurmis, and Kyburts. In Tirhut, the agrestic slaves were all Kaibarttas, commonly called Keuts, who were again sub-divided into Kaibartta proper, Dhanuck, Amat and Kurmi*. According to Buchanan, throughout the province of Bihar, except Tirhut, the Hindu~~s~~ slaves were principally of two castes of Kurmis (also called Juswar Kurmis and Dhanuks and Kahars. Buchanan also called them Rowanas)²

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1. R.L.C. , vol I, p 29 .

2. Ibid, pp23-25,

(Kahar = A caste of fishermen, porters and domestic servants in upper India.

Kaibartta = Originally a tribe, now a caste in Bengal and adjoining areas, their occupation being fishing or cultivation.

Dhanuck = A caste of field labourers in upper India.

Kewat = A fishing and cultivating caste of upper India)

For these, see J.H. Hutton - Caste in India, pp 279, 282-83

The Kahars also sometimes acted as the palanquin bearers of their masters when necessary.¹

Many of the agrestic slaves in Bihar were, however, Muslim converts. The labouring class of Muslims, who sold themselves or their children into slavery, were principally of the jola caste; but also Dhunias, Domes and Sekanas. The Muslims of the higher classes, that is to say the Sayyids, Shaikhs, Pattans and Malicks, according to existing usages and customs of the land, could not be sold into slavery. Even so in times of extreme distress such as famine, even the Sayyids were known to sell their children into slavery, though their buyers were usually the wealthy Hindus.

Muslims who were enslaved still remained Muslims.

Poor Hindus, on the other hand, on becoming the slaves of Muslim masters, adopted their religion, and their children likewise were bred up in Islam.² They were called 'Mollazaders', literally born of the mullah, though the term, in Behar was

1. Letter from the Provincial Council of Patna, to Hastings, Dated 4th August, 1774.

B.R.C. L.R. No442, 16th August, 1774.

2. B.R.C. M.I P.28.

was sometimes applied indiscriminately to all Muslim slaves.¹ (Hindu slaves of Muslim masters were sometimes allowed to retain their own faith.) Converted or not, they were, however, invariably employed as agricultural labourers.² According to Buchanan, in the districts of Bihar and Patna, there were 2,800 families of Muslim slaves whom he classified as Mollazadars. He placed them in his list of persons converted to the Muslim faith, but adhering to the doctrine of caste in full vigour. In Shahabad, he estimated the number of such Muslim slaves at 510 families.³

As in Bengal and Bihar so too in Orissa it was the Muslims and the Hindus of impure castes, such as Gokha, Pandra, Pan, Jeli, Maity

1. Ibid

2. The evidence of H. Russell, Appendix 1, R.L.C., vol.II p9.

3. R.L.C. vol. 1 pp28-29.

Chandal and others who constituted the bulk of the agrestic slaves.¹

According to the orders of the sadr diwani and nijamat adalats issued in 1836, slaves were also to be regarded as the personal property of their masters.² But there were notable differences in the way in which this ruling was applied in the various Presidencies. In the Deccan, the agrestic slaves, like the serfs in mediaeval England³, were permanently attached to the soil. Their masters owned them along with the land to which they were attached, and they could not generally be sold separately from the land of which they were regarded as a part. They were bought, sold,

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1. The depositions of H. Ricketts, Commissioner of Revenue, 19th Division, Cuttuck.
R.L.C. vol II, p18.
 2. R.L.C.vol.I. p. 127.
 3. The Calcutta Christian Advocate, September 7th, No19, 1839

leased, mortgaged and even transferred, but usually along with the land, and not separately . Again where the effects of landowners were sold by order of the Government in order to recover areas of revenue, the agrestic slaves were auctioned with the land to the highest bidder.¹ The connection with the land was indeed so close that the slaves acquired some rights in the lands they tilled. Thus, for example, the Halis of the Bombay Presidency had some right to the soil, and their owners could not eject them from the land. But in the Bengal Presidency, they had no such privilege. They were slaves, pure and simple, differing in their condition from house-

1. P.P., 1841 vol 2, p 164. *Appendix* 14.

hold slaves only as the one was occupied in outdoor work, and the other in the business of the interior of the house.¹

Agrestic slaves, like domestic slaves, were often bought or disposed of like chattels in the Bengal Presidency. H. M. Pigott reported in 1816 that in Dacca "the custom of disposing of persons already in a state of slavery, is common throughout the district, regular deeds of sale are executed, some of which, indeed, have been registered in this Court".² He also reported that "when an estate to which slaves are attached, is disposed of by private sale, the slaves are very commonly sold at the same time".³ But Pigott added that in Bengal "a separate deed of sale for the slaves was always expected".⁴ Sage, the Magistrate of Backergange

1. Ibid

2. H.M. Pigott, Asst. in charge, Dacca, to the Court of Circuit, Dacca, Dated 1st March, 1816.

B.C.J.C., No44, Dated 24th May, Dated 24th May, 1816

3. Ibid.

4. Ibid.

made much the same point. Writing in the same year, 1816, he explained, -

"Some there are, whose families have been in a state of slavery for the last hundred years, and who, when the sale of an estate takes place, are included in the purchase."¹

But he went on to point out that because so many suits were instituted over the possession of the slaves, often with subsequent reference to the Court of Appeal, purchasers always demanded a separate title to the slaves.² On the other hand, the purchasers of an estate would obviously wish to buy the slaves attached to it, since in a period when there was a shortage of labour in relation to land, full production was not possible

1. J.J. Sage, Mag., Backergange, to the Registrar, Court of Circuit, Dacca, 12th Feb., 1816.

B.C.J.C., No.44 L.P., Dated 24th May, 1816.

2. H.M. Pigott to Court of Circuit at Dacca, 1st March, 1816.

B.C.J.C., No.44, Dated 24 May, 1816.

without it.

Agreestic slaves came upon the market sufficiently often for observers to present some statistical evidence as to their value. Thus the magistrate of Bihar furnished the Law Commission with the following table of prices for his district of slaves purchased for field and general work:

1. Slaves from 1 to 7 years old Rs 10/-
2. Slaves from 8 to 14 years old..... Rs 35/-
3. Slaves from 15 to 30 years old..... Rs 50/-
4. Slaves from 31 to 50 years old..... Rs 30/-
5. Slaves from 51 to 60 years old..... Rs 12/-

These, he stated, were the usual prices for both male and female slaves purchased for ordinary purpose or general work. Elsewhere, however, he indicated that females generally fetched about one third more than males, because their offspring would belong to their owners. Buchanan gave as a rule of thumb for Patna and Bihar that slaves usually would fetch a rupee for each year.¹

1. R.L.C., vol I, p51

of their age, until they reached twenty, when they were at their highest value. In Shahabad, according to the same authority, young women would sell for about 20 rupees, men usually 15 rupees. In Bhagalpur or Bihar, the price of the slave was settled wither by the parties themselves, or by a Committee of arbitrators, who would generally determine the value of the slave after a personal examination of the poor creature. In Bhagalpur, the following were the usual prices of agrestic slaves:-

1. A male of 12 or 13 years of age.....Rs15 to 22/-
2. An adult male of 18 or 20 years of age..Rs 26 to 40/-
3. A female of 12 or 13 years of age.....Rs 25 to 40/-
4. A female of 15 to 20 years of age.....Rs 40 to 60/-

In South Bihar a young female of Kahar caste would sell for about 25 to 80 rupees, while a young male Kahar for about 25 to 40 rupees. In the district of Tirhut, the price of slaves, ranged between 40 to 100 rupees¹. It must be borne in mind that the scales of prices given above were those prevailing in ordinary times only. In times of scarcity and famine, children

were sold by their parents for prices varying from 4 rupees to 12 annas, and sometimes even for a single meal.¹

In Cuttuck, the price of a young adult slave, male or female, varied from 5 to 30 rupees; children of five years of age would fetch about one-fifth of the above. Here, though the slaves of pure castes would normally fetch a higher price than unpure castes. As has been seen, the Gokha men were regarded as peculiarly tough and skillful labourers, and they were allowed to work as sharecroppers. The Gokha women too sold for a high price, never less than fifty rupees because of their skill in buying and selling.²

Like the domestic slaves, the agrestic slaves were usually fed, clothed and housed by their masters.³

1. Ibid. p. 58-1

2. The depositions of Durb Seing Das, Oria Missul Khawn, in the Sadar Diwani Adalat, Appendix 1. R.L.C., vol II, p15.

3. Ibid, p14

But whereas the domestic slaves as a rule used to live in the master's house, the agrestic slaves would live in separate huts, either by the house, or near the fields which they cultivated. They were generally allowed a separate hut and a small garden for themselves and their families.¹

Thus, in Bihar, the Provincial Council of Patna reported in 1774 that agrestic slaves were allowed to work freely alongside the ryots and hired labourers, cultivating on a share cropping basis.² They would also receive an allowance of grain and cloth, though no uniform standard of allowance seems to have been recorded. Indeed, there seems to have been much variation in their treatment. In some cases, they were well treated and lived like

1. Ibid.

2. Provincial Council of Pantna to Hastings, 16 August, 1774 B.R.C., L.R. No.442, dated 16th August, 1774.

the free peasants, but there are many instances of their being very badly provided for. In some places, they were allowed to work freely with the free-peasants or hired labourers.¹ They used to cultivate the lands of their masters like the ryots and gave their masters the lion's share of the produce of the land, keeping some for their own maintenance. Thus for example, Kashinath Khan, the agent of the Ranis of Natore, told the Law Commission in 1839, that - "Some of the agricultural slaves are fed by their masters, but others cultivate for themselves, land which their masters, have allotted to them, - cultivating at the same time the master's land. In this case the master supplies cattle and the ~~xxx~~ implements of husbandry."²

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1. Letter from Provincial Council of Patna to Hastings, Dated 16th August, 1774, B.R.C., L.R.No442, Dated 16th August, 1774.
 2. The depositions of Kashi Nath Khan, Agent of the Ranies of Nator, Appendix 1 R.L.C., volIII, P 16.

But Ashadquli Khan Bahadur - the Wakil of the Nawab-Nazim, said in his evidence that - "In Bihar, there is a caste called Bamans, who live by agriculture. Most of landholders in Bihar belong to this caste. The inferior landholders of this class who superintend personally the work of cultivation, employ slaves, and I have heard that ill-disposed masters of this class will sometimes beat their slaves severely and sometimes confine them by tying them up."¹

In the district of Bihar, the daily allowance for an adult male slave was three seers of rice in the husk, or two seers of wheat unground, and, in addition, three quarters of a seer of satler, which was a flow made from the inferior grain of a pulse. This being more than the slaves could consume, they bartered the surplus for salt and other condiments and might sometimes get a little tobacco out of the surplus. They had no allowance of fuel, but had to find it for themselves

1. The depositions of Ashad Quli Khan Bahadur - the Wakil of the Nawab-Nazim of Murshidabad, Appendix 1, R.L.C., vol.II, p52

The usual allowance of clothing was two pieces of cloth per year.¹

Buchanan paints a grimmer picture. In Bhagalpur, he reported the slaves as being very poorly provided for, They usually received a daily allowance of three seers of rough rice, or of the coarser grains, the great quantity of the husks of the former making it less valuable than the latter. From this, the poor creatures had to find their clothing, salt, oil, other seasoning, fuel and cooking utensils. Their masters gave them a wretched hut, where they actually lived alone, for although they were almost always married, their wives and children had to live in the master's house, generally receiving their food and clothing there. The agrestic slaves in Bhagalpur received no allowance from their masters when there was no work on the farm, though they were allowed to cut fire wood, or do any other kind of labour for a subsistence.²

1. R.L.C. vol. I pp 37-8.

2. Ibid.

Since Buchanan reported that slaves in Patna, Bihar and Shahabad were given an even less generous allowance, his evidence scarcely squares with that of the other witnesses.¹

In Orissa, however, according to Durb Sing Das, they were generously maintained on a scale which would certainly have made them better off than the slaves of Bihar. Durb Sing Das was himself the owner of fifty slaves and he told the Law Commission -

"I give an adult male slave a seer of rice, half a chhattack of slat, half a chhattack of oil and one quarter of a seer of dal, or a pice to buy vegetables. I also give two pice a week for tobacco: two pice purchase as much tobacco in Cuttuck as four annas here".²

He also allowed them to cut firewood upon his land. The usual allowance for firewood, when the slave had to purchase it, was ~~Half~~ a pice a day.

"I give four dhotis, two ungochas, one chadar, one blanket every year". - observed Durb Sing Das.

"This is the usual allowance given to slaves. They are provided with lodging." ³

1. Ibid.

2. The depositions of Durb Sing Das, Appendix 1
R.L.C. vol.II, pp.14-15.

3. Ibid., p.15.

For the doubtless often rough or inadequate food provided them, and their huts and two pieces of cloth a year the agrestic slaves were expected to make a very full return in work. The men were not only set to manuring, ploughing, sowing and irrigating the rice fields, harrowing, hoeing, reaping and threshing, but also they had to fence the fields, to tend and watch the cattle and even to transport the agricultural produce on their backs to market. At the close of the harvest they were employed in felling trees and preparing materials for house building in what thus became a year long round of labour. The work of a female slave was pounding and winnowing rice and spreading out the rice in the sun. Their children, as soon as they became five or six years of age, were employed to tend the cattle.¹

Though slavery in Bengal was not, as in American plantations, a large scale organisation but was a family affair, the general conditions of the agrestic

1. Richardson to the Judges of Sadar Diwani and Nijamat Adalat, Dated 23rd March, 1808
B.C.J.C., No47, L.P., Dated 15th March, 1816

slaves was often deplorable. They were bought or bred by their masters for their own pecuniary gain and their treatment by their owners especially in Bihar fell even to the level of that meted out to the slaves of Malabar. Judge Richardson, who for many years lived in the Rangar and Bundelkhund area of Bihar observed - "The increase of cultivation and abundance of grain ... makes no alteration in the miserable state of these unhappy wretches. If even so much is gained by their labour, they reap no advantage, A rag of the coarsest texture, scarcely sufficient to cover their nakedness and a scanty allowance of the most cheap and unpalatable food is their uniform portion!"¹ Moreover, in Bihar at least slaves were neglected by their owners. Richardson observed - "In their ~~ma~~ old age, it is the master's interest to get rid of the feeble, who eat but cannot labour, consequently the worn down wretch is neglected and perishes more speedily for want of care, having no family or

1. Richardson to the Judges of the Sudder Dewanny and Nizamut Adawlat, Dated 23rd March, 1808.
B.C.J.C. No47, L.P., Dated 15th March 1816
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children to ameliorate and ease the pains of sickness, or prop the weakness of decline by the soothing attention of filial duty and affection."¹

Furthermore, it very often happened that by his owner's death or misfortune the slave was transferred with the cattle or lands of his master to a less lenient lord. Sometimes, the ill-treatment of their masters forced them to abscond. If they were recaptured, "they labour sullenly and slowly, and repeat their desertion at the first opportunity. If lucky enough to evade discovery, they seek a retreat in the fastness of the woods and associate with men of similar circumstances."² In daily terror of being apprehended, they could not cultivate the soil, nor could they hire out their services to other land owners, because if recaptured again, they would have been beaten half-dead or even sometimes killed. But since they must live, they chose the only possible means, "theft and plunder."³

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1. Richardson, who had a rolling style as well as a real hatred of slavery, wrote of the agrestic slave's lot:-
"Perhaps exposed to the burning heat of a vertical sun, immersed to the knees in water, stagnate and unwholesome respiring a vapour inimical to existence, perhaps buried alive in mines replete with noxious minerals and bareful air which slowly consumes the human frame, they die by piece meal."
 2. Ibid.
 3. *ibid.*

Richardson, with his writer's eye for a phase, speaks of the runaways eventually becoming so familiar with crime that "murder becomes the wanton sport of the day." The reality was not quite so remote as might at first be thought. Hamilton, on his 'Hindusthan' also presents a rather similar picture of South Bihar. "Theft is common throughout Ramghar," he observed, "but murder more prevalent among a particular class, which are the slaves possessed by persons inhabiting the mountainous and inaccessible interior, and of savage and ferocious habits. When petty disputes occur, these slaves are compelled by their masters to perpetrate any enormity and are more especially employed for the purpose of assassination."¹ Any refusal or hesitation on the part of the slave was attended with immediate death, which was generally his fate if he failed in his attempt. On the other hand, if he succeeded, he was liable to be sought out by the police, and executed as a murderer. Hamilton further observed that - "the usual police have hitherto been unable to seize the cowardly instigator, and if recourse be had to a military force, he retires into the jungles."²

The use of slaves for private robbery and vengeance was

1. W. Hamilton - Hindusthan, Vol.I, 1826, pp.283-84.

2. Ibid.

matched in parts of eastern and south-eastern Bihar such as Ramghar, Manbhum and Dhalbhum, by their use in the wars and civil disturbances waged by the zamēndās and tribal chiefs against encroaching British authority. J. C. Jha has remarked in this connection that this was the natural "consequences of introducing into an undeveloped tribal area a complex, legalistic administrative system. That system was the regulation-bound Cornwallis system developed for the plains areas of the Bengal Presidency ... Tribal society was already feeling the unhappy effects of the hinduization and alienation of the tribal rājās and zaminders of the area, when the British penetration began. Both impacts were, therefore, felt at once, and both introduced foreign notions and foreign people into the area, in an influx which led eventually to the economic ruin of the people."¹ In the course of their rising, he observed, "the tribal people were guilty of most heinous crime, of banditry, murder and arson. But they knew no other method of effective protest,"²

1. J. C. Jha - Tribal Unrest on the south-west Frontier of the Bengal Presidency, 1831-33, unpublished Ph.D. Thesis of London University, 1961, pp.5,
2. Ibid.

Under such conditions, it was but natural that the slaves did not attach the slightest idea of guilt to the murders they were thus delegated to commit; on the contrary when seized, they always confessed and appeared to expect applause for having done their duty.¹ They were destitute of any moral feeling, and hardly possessed sufficient perception to be aware of the consequences attendant on such a crime.² Even the experience of such misuse of agrestic slaves, and the reports of men such as Richardson or Hamilton did not, however, strive the Bengal government to action. Until 1843 no specific action was ever taken to ameliorate their condition and to prevent cruelty and exploitation by their master. Moreover, if the British officials were on the whole silent - Judge Richardson being the most notable and eloquent exception - so were Indian social reforms. The new, western educated middle classes, which denounced so many other evils was remarkably silent upon agrestic slavery, perhaps because slave owning was so widespread even in their own class. Doubtless they believed, with those judges of the sadr dewani and nizamat adalats who replied to Richardson's appeal of 1808 for action, that the question of meddling with slavery and its abolition was inopportune.

1. W. Hamilton - op. cit.,

2. Ibid.

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External Slave Trade In the Bengal Presidency (1774-1843),

Chapter IV.

Slaves formed a marketable article both in the home as well as the foreign trade of eighteenth century Bengal. The official documents of the Bengal Presidency show that slaves were regularly imported into Bengal and were also exported from Bengal to foreign countries and settlements such as Sumatra,^I Ceylon,² St. Helena,³ Pondicherry,⁴ Burma,⁵ and even Australia.⁶ The Portuguese,⁷ Dutch,⁸ French,⁹ and Swiss,¹⁰ the Danes,^{II} and the Arabs¹² were all engaged in this organised traffic. "The sale and purchase of slaves was permitted everywhere in British India," and "justified as an incident belonging to that species of property."¹³

I. P.P., 1828, Vol. 28, p.2.

2. Bengal Public Consultations, No.6 of 3rd June, 1789.

3. Bengal Public Consultations, 8th August, 1794.

4. Bengal Foreign Consultations, No. 13 of 20th April, 1791.

5. Bengal Political Consultations, No. 47, 17th October, 1805.

6. Bengal Public Consultations, No. I, 1st October, 1819.

7. Bengal Revenue Consultations, 17th May, 1774.

8. Ibid.

9. Bengal Foreign Consultations, No.3, 15th April, 1791.

10. Bengal Public Consultations, 16 September, 1789.

11. Calcutta Gazette, extraordinary, Thursday, August 6, 1789.

12. From Calcutta Magistrates to Secy W.B. Bayley, 22nd March, 1824.

13. Slavery and The Slave Trade In British India, London, 1841, 35.

Indeed S. Ahmad states that "the East India Company itself engineered traffic in slaves, as a highly profitable concern".¹

The Portuguese had carried on a slave-trade in Bengal before the advent of the English power.² Their independent settlements in eastern India had found it a source of income, and had carried on a slave-trade in active collaboration with the Maghs, whose Kingdom, Arakan, bordered Bengal and Burma,³ There was always a demand for slaves in Arakan, where they were engaged either as craftsmen or as field labourers. They regularly kidnapped men, women and children from the southern districts of Bengal, along the coast line of the Bay of Bengal, and sold their human cargoes in Arakan, Sumatra, Java and Malacca.⁴ In due course both the French⁵ and the Dutch participated in the slave-trade also⁶ the English even considered the possibility of securing slaves in India or the Indian Ocean islands for shipment to the West Indies, for in 1757 some "gentlemen of the West Indies wrote to the Honourable Company to appoint a ship from Europe for that service"⁷

1. Bengal Past and Present, Vol.11, pp 271.

2. W. Carey - The Good Old Days of Honourable John Company, 1906,

3. Ibid.

Vol.1, pp 466.

4. Ibid.

5. Bengal Foreign Consultations, No.3, 15th April,1791.

6. D.G.E. Hall.

7. Public Proceedings, 13th June, 1757.

This venture did not, however, succeed. Nor did the experiment of shipping malefactors from Malaba to St. Helena as slaves, for of the ten first shipped, five " soon after their arrival desperately hanged themselves, and the survivors threatened to destroy themselves rather than submit to any kind of work"¹. The ill success of this venture did not discourage the Company from using slavery as a punishment again in 1772, for in that year the Committee of Circuit proclaimed - "every Convict or murderer or felon not condemned to death by the Sentence of the Court should be sold as a slave or transported as such to the Penal Settlement on the Coast of Sumatra".²

Slavery was a recognised institution at this time in almost every country bordering on the Indian Ocean from Madagascar and Zanzibar in the west, through Ceylon, and Burma to Java and beyond. The slave traders who flourished in Bengal were able to find a ready market for their human cargoes in the slave markets of all these countries. As for British India, the capital Calcutta was itself a busy market,³ and one from which the Company drew a profit, for the sales of slaves were regularly registered in the Court House, where a duty of four and a quarter rupees had to be paid.⁴

The largest item in the supplies of the slave-dealers was

1. Ibid.

2. P.P., 1828, Vol 24, P.2.

3. K.K. Datta - Studies from The History of the Bengal Subah, pp. 498-99.

4. W.H. Carey - op. cit. p. 466-7.

always the young children.

The famine of 1770,¹ and the crop failure in the Dacca area in 1785² threw large supplies upon the market, as starving peasants sought to safeguard their lives by selling their children.³ In 1785 the Bengal Revenue Consultations speak of boatloads of such children, collected from the districts of the interior, being despatched from Dacca to Calcutta for sale.⁴ Sir William Jones, in June of that year referred to this as commonplace while delivering a charge to the Grand Jury: "Many of you I presume have seen large boats filled with such children coming down the river for open sale at Calcutta. Nor can you be ignorant that most of them were stolen from their parents or bought perhaps for a measure of rice in time of scarcity."⁵ These poor children were for the most part "conveyed out of the country on the Dutch and especially the French vessels."⁶

These slave-traders and their native agents would also kidnap young children and export them to foreign lands. "In 1774 Warren Hastings reported "The practise of stealing children from their parents and selling them for slaves, has long prevailed in this country , and has greatly increased since the establishment

1. See Bankim Chandra Chatterjee's Ananda Matt, Chapter I.

2. M. Day, Collector of Dacca to W. Cowper, Act. President of the Com. Rev. B.R.C., L.R. No. 311, Dated 9th Sept. 1785.

3. Ibid.

4. Ibid.

5. P.P., 1828, Vol. 24, pp.9-10.

6. B.R.C., Dated 17th May, 1774.

of English Government in it."¹ To check this practise he issued a proclamation prohibiting the purchase and sale of children without a Cawbala or deed of sale properly executed by the parents of the child and counter signed by a qazi.² But this proclamation, as it appears, soon fell into disuse and the slave-traders continued their 'savage commerce' in which "many lives of infants were destroyed by the attempts to secrete them from the notice of the magistrate."³ In September, 1785, Collector Day of Dacca drew the attention of the Government to this matter. At this time forty-two children had been rescued by Lidsey, a member of the Revenue Committee of Calcutta. These children, none above six years of age, were afterwards brought to Day, who restored them to their parents.⁴ In August, 1787 the Superintendents of Police of Calcutta, Motle and Maxwell, informed the Governor-General Lord Cornwallis that they had apprehended "twenty persons from the age of four to sixteen who have been stolen or improperly seduced" - from Dacca. The person who was in charge of them, being alarmed, had made good his escape out of Calcutta.⁵ Cornwallis asked the Superintendents to return the children to the judge at Dacca, to be delivered to their parents.

1. Ibid.

2. B.R.C., Dated 17th May 1774.

3. B.R.C., 17th May, 1774.

4. Day to Cowper, Act. Pres., Com. of Rev.,
B.R.C. , L.R. No. 311, Dated 9th Sept., 1785.

5. The Supts. of Police to Earl Cornwallis, the Governor General in Council, B.R.C., Dated 20th Sept., 1787.

6. Ibid.

On 21st December, 1787, the Superintendents of Police, wrote to Lord Cornwallis again, informing him that they had "transmitted to the Collector at Dacca, 12 boys and 12 girls to be restored to their parents and relations, they having been improperly¹ brought from Dacca province for sale as slaves in Calcutta." They also enclosed a letter of Collector Day of Dacca expressing his intention of restoring the children "to their parents or relations in the same manner as those transmitted to me two years since."²

The trade in young children by both Indian and European slave-traders gained great notoriety, and there were constant complaints and reports from Company officials. The Governor-General, Lord Cornwallis was moved to denounce the traffic in a strong letter to the Directors, dated 2nd August, 1789. "An infamous traffic has, it seems, long been carried on in this country by the low Portuguese, and even by several foreign European sea-faring people and traders, in purchasing and collecting native children in a clandestine manner, and exporting them for sale to the French islands, and other parts of India. I have at different times taken steps to prevent the continuance of practices, which are so shocking to humanity, and so pernicious to your interests."³

1. Ibid.

2. The Supts. of Police to Earl Cornwallis, Governor-General in Council, B.R.C., Dated 21st Dec., 1787.

3. Ibid.

4. Earl Cornwallis to the Court of Directors, Dated 2nd Aug., 1787. P.P., 1828, vol.24, pp 13-14.

There was no anti-slavery law or regulation at this time in the Bengal Presidency, so the activities of these foreign slave-traders could not be legally suppressed. The Government of Warren Hastings had realised as early as 1774 that "there appears no probable way of remedying this calamitous evil, but that of striking at the root of it, and abolishing the right of slavery altogether."¹ Cornwallis agreed with this diagnosis, and consulted Muslim Law officers and Hindu Pandits on the question, but he hesitated to abolish slavery totally as the institution had so long been recognised by the Customs and of the land.² He tried the effects therefore of executive action issuing on 22nd July, 1789, the following proclamation:- "Whereas information, the truth of which cannot be doubted, has been received by the Governor-General in Council, that many natives and some Europeans, in opposition to the laws and ordinances of this Country and the dictates of humanity, have been for a long time in the practice of purchasing or collecting natives of both sexes, children as well as adults, for the purpose of exporting them for sale and slaves in different parts of India or elsewhere, and whereas the Governor-General in Council is determined to exert to the utmost extent the power and authority vested in him, in order to prevent such

1. B.R.C., Dated 17th May 1774.

2. P.P., 1828 vol. 28 pp 13-14.

3. B.Pub. C. 22nd July, 1789.

practices in future, and to deter, by the most exemplary punishment, those persons who are not to be otherwise restrained from committing offence, his Lordship hereby declares, that each and every person or persons subject to the jurisdiction of the Supreme Court, or in any respect to the authority of this Government, who shall in future be concerned directly or indirectly in the above mentioned inhuman and detestable traffic, shall be prosecuted with the utmost rigour, in the Supreme Court, at the expense of the Company, and if British born subjects shall be forthwith ordered to Europe, or if such person or persons be not subject to Court's jurisdiction, he or they, upon information being given to the Magistrate or district in which the offence shall have been committed, shall be apprehended by him and kept in confinement, to be dealt with according to the laws of the country.

And also, that no one may plead ignorance hereof, the Superintendents of the police for the town of Calcutta, and the Magistrates of in the several parts of the country are required to give immediate notice of this proclamation in such manner as shall render the knowledge of it universal to persons of all discriptions, and to repeat the same on the first day of January in every year; they are further directed to pay the strictest attention to the regulations contained in it,

and to take the most active steps in their power to enforce them.

And that all persons offending against this proclamation may be brought to punishment for the same, and the unhappy sufferers rescued from misery , a reward of one hundred sicca rupees is hereby offered for their discovery. The money will be paid to the informer or informers on his or their application to the Secretary of Government , on presenting to him a certificate of the conviction of the person or persons committing the offence , of which such informer or informers made discovery.¹ The Governor-General in Council further recommends to British Commercial houses and private merchants, to assist, as far as depends upon them, in carrying these regulations into effect, by taking the most effectual means in their power to prevent the Commanders of their ships or vessels , or of the ships or vessels consigned to them , or otherwise placed under their directions, from carrying away natives of this country in order to sale them for slaves.

The master attendant of this port is hereby forbidden to grant in future an English Pilot to any ship or vessel, the Commander of which shall not have previously declared upon oath that there are not then on board , and he will not during his continuance in the river, consent to receive on board, any

1. Ibid.

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natives to be exported as slaves , with an intent to dispose of them at some foreign place, or whom he (the Commander) has any reason to imagine will be disposed of as such after they leave this country.

And the master attendant is hereby directed to give notice to all the native pilots, that if they should pilot out any vessel, having on board natives of this description, knowing or believing them to be such, the privilege of piloting will be taken from them for ever, and their names and offences registered. And that no one may plead ignorance of this order, it is hereby directed that it be placed constantly in view at the Bankshal, in the English and Country language."¹

This proclamation issued by Lord Cornwallis was a very important measure indeed. This was the first official legislation enacted by the Government since the recognition of slavery by Hastings in 1772. Hitherto there had been no positive way by which Government officials could effectively check the ever increasing growth of the trade or the activities of the slave-traders. But this proclamation enabled the police officials, magistrates and other government officials at least to suppress the regular, if clandestine exportation of children and other natives.

1. Ibid.

Cornwallis rigorously imposed the enforcement of the proclamation issued by him. On his instructions, the police became very active and a number of children were soon discovered in the ships of various Europeans. He was able to report in 1789 to the Directors " I lately directed that a Commander of a Country-vessel who carried off some children last winter," "should be prosecuted criminally before the Supreme Court".¹ The Commander so tried was a certain Peter Horrebow - the Commander of a Danish ship. He was charged with procuring and collecting " one hundred and fifty unhappy children", whom he took on board from Fultah and exported under English colours to Colombo for sale as slaves.² It was alleged that the Dutch Governor of Ceylon Mynheer Van de Grare "in terms most honourable to himself", had refused to permit their being landed, but that Horrebow "not caring to lose the profit on a cargo so judiciously chosen, found means to elude the vigilance of the Governor and accordingly avoided himself of an excellent market for his wares"³

Peter Horrebow was tried in the Supreme Court of Calcutta⁴ by a Grand Jury presided over by the Honourable Justice Sir Robert Chambers. He was found guilty and was sentenced to three months' imprisonment, and to pay a fine of five hundred rupees to

1. Parliamentary Papers, vol. 24, 1828, pp 13.

2. Bengal Public Consultations, No. 9, 29th May, 1789.

3. Bengal Public Consultations, 29th May, 1789.

4. Calcutta Gazette, Thursday, 30th July, 1789.

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the King, and to find security for his good behaviour for three years himself in the sum of 5,000 rupees, and two securities in 2,500 RS. each.¹ But he was granted remission of his sentence when he begged the mercy of Lord Cornwallis.²

On the 14th of September, 1789, the same police superintendents, Motle and Maxwell, in a letter addressed to Lord Cornwallis, requested him to instruct them as to how to deal with the case of Mr. Borel- a Swiss officer, in the service of the Dutch at Colombo, who had tried to smuggle some native children out of India.³ They had apprehended four boys and four girls in his house. Some other children were also discovered already put aboard the ship Charlotte. Borel admitted that he had bought six of them as his servants in Calcutta and the other two were the property of a man named Milliat from Chandunagore. These children were all from Dacca and between six and twelve years of age.⁴ The superintendents further reported that a number of children were still in Midnapur, waiting for the vessel to take them up.

1. Calcutta Gazette, August 6th, 1789.

2. B. Pub. C. No. 11, 29th May, 1789.

3. From the Superintendents of Police to Lord Cornwallis, K.G., Dated 14th September, 1789. B.P.C. Dated 16th Sept. 1789.

4. Ibid.

The names and descriptions of the children procured by Borel were as follows:-

1. Rām Sonā, aged 9; she was a month in Calcutta. A Muslim brought her from Garriahat and sold her to a woman, who then sold her to Borel.
2. Pedro, aged 6; a Portuguese cook brought him from Amiatolla and sold him to Borel.
3. Khiroon, aged 12; her brother sold her to Flora, who sold her to Borel.
4. Pānchoo, aged 6; a Portuguese cook sold her to Borel.¹

The superintendants of police refused to give Borel any of the children when he requested them to allow him to take two of them to attend upon him as slaves on board, on his "declaration that they shall neither be treated as slaves nor sold as such." He, too, therefore, sought the intervention of the Governor-General.² Leave was granted for his taking two of the children to sea, on his making an affidavit that "they should neither be treated as slaves nor sold as such."³ The other children were restored to their parents.

In November, 1789, Motte and Maxwell arrested the sarang of the ship Snow Hero for decoying some persons on board

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1. Ibid.
 2. Borrel to E. Hay, Secretary to the Govt., dated 24th September, 1789, B. Pub. C., dated 25th September, 1789.
 3. B. Pub. C., 25th September, 1789.

with intent to carry them away and sell them as slaves.¹
The superintendents were ordered to release the sarang giving him a severe warning to the effect that if "he even in future is guilty of the offence for which he was taken from the ship, he will be punished in the severest manner."²

In 1790, the same superintendents informed the Government of the case of two boys Buxoo and Soona Wallah, who had escaped from their master M. Monéer. Monéer had bought them at Chandernagore from two men called Davies and Petit Jaun.³ Petit Jaun had bought them at Dacca from a person called Panchoo, "who carried on this infamous traffic." Davies and Petit Jaun had brought these boys down to Chandernagore, some time back, with a number of others, amounting in all to 60 males and females, whom they had otherwise disposed of.⁴ Since Chandernagore was a French area and Monéer was residing there, the Government sent the intimation of this complaint "to Mr. Mottett, the agent of the French nation in Bengal."⁵

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1. B. Pub. C., No.22, 11th November, 1789.
 2. B. Pub. C., No.24, 11th November, 1789.
 3. From the Superintendents of Police to Earl Cornwallis, K.G., the Governor-General in Council, B. Pub. C., No.14, of 17th December, 1790.
 4. Ibid.
 5. Ibid.

What action the French Government took is, however, unknown for no reply appears in the records.

The case of M. Monier draws attention to the problem raised for the British authorities by the existence of other European settlements in Bengal, over which their writ did not run. Chandernagar in particular became a centre of the slave trade after the promulgation of Cornwallis' proclamation in 1789. They procured the children through their native agents who brought them to Chandernagar, from where they were dispatched to Pondicherry and other French settlements.^x

Magistrate W. N. W. Hewett of Midnapur, wrote to Cornwallis from Contai subd^ursion of 13th April, 1791, that a ship under French Colours was carrying slaves from Bengal

^xWe gather from the letter of Francis Light that a Frenchman called St. Croix had forcibly seized a man, two boys and a woman from a small boat in the Andaman group in 1790. His intention was to get a ship load of Andamanese and sell them at French islands. He killed two Andamanese when a large number of them tried to rescue their fellowmen from his custody. Francis Light met him in Prince of Wales island and wanted to offer three thousand rupees for each person. But St. Croix refused. He said, "he would not take less than six thousand rupees, that he expected to make more of them from his countrymen as curiosities." He sailed the same evening for Chandernagar, which put an end to the negotiation. Nothing further could be known about the fate of the poor Andamanese. For this see B.F.C., No.2, dated 15th April, 1791.

to Pondicherry, and that he wanted to rescue them.¹ He was at once empowered by the Government to "use our authority on this occasion,"² and accordingly he stopped the vessel. He found seventeen girls and seven boys, whom he "landed at Khejuri, put into a tent, provided for their support." The name of the vessel was the Stisam Low, Commanded by Sarang Pona Molla Mamalore and with a M. Jourdan, who had freighted the ship on board. Hewett "produced to Monsieur M. Jourdan the proclamation of the ... Governor-General in Council, dated 22nd July, 1789, to which he yielded immediate compliance, and made no objection to the children being put on shore."³

Hewett furnished a list of the children he had rescued, and so provided incidentally a guide to some of Calcutta's doubtless well-known but unsuing characters.⁴

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1. "It was a merchant of Khejuri, named George Wheatley who had first alerted Hewett. He reported to Hewett that he had heard "that there is a vessel on her passage down here." What clinched his suspicion was the request of the commander that he should procure two large boats to go to Chandernagar. W.N.W. Hewett to Cornwallis, dated 13th April, 1791. B.F.C., No.3, dated 15 April, 1791.
 2. B.F.C., No.5, dated 15 April, 1791.
 3. Hewett to Cornwallis, dated 14 April, 1791. B.F.C., No.13, dated 20 April, 1791.
 4. B.F.C., No.14, dated 20 April, 1791.

1. Flori, 16; slave of a person called Jeffery, resident in Territta's Bazar, close to Mr. Tirritta's house.
2. Aunchi, 10; slave of a Portuguese woman Reza Bibi of Chinsurah.
3. Jaunu, about 13; slave of Bintur - a Portuguese of hall-Bazar, Chandernagar.
4. Sussan - 17; slave of Latour of Chandernagore.
5. Dulle - 14; stolen from Dana by Senkaruah Sing, who left her, at the house of Mahrua; was sold by her to Petit Jaun, and by him to M. Jourdan.
6. Jayah, 16; stolen from Dana by a Bawd and sold to a Portuguese unknown, in the house of M. Latour, she became the property of Latour afterwards, who disposed of her to M. Jourdan.
7. Mirhan - 14; stolen from her parents, sold to Sampson of Calcutta by Mundi Majhee. Sampson later on sold her to Petit Jaun, who sold her to M. Jourdan.
8. Mary - 7; enticed by a procuress called Lury of Calcutta, who lived in Chandni chalk area. She sold her to Petit Jaun, who again sold her to M. Jourdan.
9. Kamlee - 8; was in possession of a Muslim called Guzzah Gossein and was stolen from there by a bawd of Chinsurah, then sold to Petit Jaun, who sold her to M. Jourdan.
10. Sury, 10; was sold to Petit Jaun by a Portuguese of Khidenpur, Calcutta, who sold her to M. Jourdan.
11. Gaurmohan - 17; stolen from Madorolly, sold to Rama Bibi, by her to Petit Jaun, who sold her to M. Jourdan.

12. Hanoo - 16; a male servant of Petit Jaun enticed her away; Petit Jaun sold her to M. Jourdan and put her on board of the ship.¹
13. Lugulah - 8; brought from Dacca by an Armenian named Cranfelt, who sold her to Roja Bibi. Roja Bibi sold her to M. Jourdan.
14. Pieran, 7; She was at a peon's house in Dana and enticed from thence by a Portuguese woman, who sold her to Petit Jaun, who again sold her to M. Jourdan.
15. Hannah - 8; all the account she could give of herself was that Petit Jaun told her that he would make her the mistress of a Captain, and sold her to M. Jourdan.
16. Mary - Servant of M. Jourdan.
17. Sizard - do
18. Sarvani - belonged to another officer.

B o y s :-

1. Joshi Sylrah or Harsoo - 12; after his mother's death his grandmother sold him to Petit Jaun, who sold him to M. Jourdan.
2. Jack - 4; was sold by his uncle to Petit Jaun who sold him to M. Jourdan.
3. Jaggoo - 7; was sold by his father's directions to Petit Jaun, who sold him to M. Jourdan.
4. Anthony - 12; inveigled by a Portuguese called Jaun Thakoor from Dacca. That Portuguese sold him to Petit Jaun who sold him to M. Jourdan.²

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1. Ibid.
 2. Ibid.

5. Pidroo - 12; he was brought from Dana, in a boat full of children for sale, by an unknown Portuguese woman, now residing in Chiua Bazar in Calcutta. He knew his address
6. Meinooally - 6; and
7. Tom - 10, were too ill of the small-pox to be brought for examination.

Ratifeah and Tom belonged to M. Jourdan.

Pedro belonged to another officer.¹

Jourdan pleaded not guilty and wrote a letter to Cornwallis asking for his forgiveness. "You will be so good my general, as to excuse my ignorance on this subject," he wrote to the Governor-General, "and allow the slaves to be returned to their old masters, as the greatest part of them belong to unfortunate people, whose necessities made them send them to Pondicherry, the place of my destination."²

"The children were, I find upon inquiring from them, brought down in Puneh Ways to Kulpi, under the charge of the man Petit Jaun and there embarked by him; some of them are of an age and understanding to give material evidence against this man."³ "He is a resident, I understand, of Chandernagore, a well known character in the line of obtaining and conveying away many helpless children from this country. His

1. Ibid.

2. Op. cit.,

3. From Hewett to Cornwallis, dated 15th April, 1791; Bengal Foreign Consultations, No.18, 20th April, 1791.

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apprehension might possibly be effected at some unguarded moment within the jurisdiction of the English Government, as I am informed he sometimes comes down to Calcutta."¹

"Hewett after taking" every possible care² "of the children, handed them over to Superintendents Molte and Maxwell."³

In the meantime Rady, Gomastah for Vencantah Ramadoo, the owner of the ship, had sent a petition to Lord Cornwallis, alleging that the Frenchman had forcibly put on board of his ship "four black girls and two boys," and "that these boys and girls were sent on board without any order or freight being allowed for them."⁴ According to the petitioner, "on the 28th March the vessel left Calcutta, and arrived in four days at Kulpee, when by order of the French Captain, they came to anchor; there they continued at anchor four days, under the pretence that the French Captain's baggage was not arrived from Calcutta; on the fourth day, two Punchways came alongside with about 24 slaves; the sarang objected to taking them on board, as neither he nor his owners had any

1. Ibid.

2. From Secretary E. Hay to Magistrate Hewett, Bengal Foreign Consultations, No.20, 20th April, 1791.

3. From Hewett to E. Hay, dated 21st April, 1791, Bengal Foreign Consultations, No.1 of 27th April, 1791.

4. Petition of Rady Cromastah, for Vencantah Ramadoo, owner of the ship Shree Rampoo, to Earl Cornwallis, K.G., Etc., B.F.C., No.1 of 27th May, 1791.

intimation of slaves coming on board; an alteration took place, when the French Captain said, that he had a right to do as he pleased and that he had bought the vessel; and afterwards beat the sarang Poona Mulla Mamlore, as can be proved by all the ship's crews."¹ The petitioner requested the Governor-General to order an investigation into the matter.² Cornwallis was anxious to secure the conviction of the Frenchmen involved in this traffic, but since the offenders were foreigners he referred the matter to the Supreme Court of Calcutta for an opinion. A Grand Jury in the Supreme Court reviewed the case, and informed Secretary Edward Hay on the 16th June, 1791, that "in the course of their inquiries, they have great grounds for believing, that the two persons named Jourdan and Fousselle, have been guilty of taking children from Bengal, with the intention of selling them as slaves, but the Grand-Jury are given to understand by the Judges of the Supreme Court, that the offenders, as foreigners, are so situated as not to be amenable to the jurisdiction of the Court; they therefore, take the liberty of submitting it to the wisdom of the Hon. the Governor-General in Council to take such manner as he may think proper to bring the offenders to punishment."³ Mr. Harris informed

1. Ibid.

2. Ibid.

3. From H. Harris, Foreman of the Grand-Jury to Secretary E. Hay, dated 16th June, 1791, B.F.C., No.4 of 17th June, 1791.

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May that M. Pousselle was then in Calcutta and Monsieur Jourdan at Chinsurah.¹

On receipt of the opinion of the Grand-Jury, the Government immediately sent a copy of their representation to the Advocate-General and asked him to give his opinion on the following points:-²

"As to the means, which this Government is authorized by any powers legally vested in them to take, in order to bring to punishment both or either of the offenders charged in the representation from the Grand-Jury, supposing them not amenable to the jurisdiction of the Supreme Court of Judicature.

As the Board desire to have the question tried and solemnly decided in the Supreme Court, in how far, if at all, French subjects, resident in the Company's provinces, and not in the ancient factories of that nation, are subject to the Court's jurisdiction, what steps should be taken to bring the point to issue, by obtaining Court's determination thereupon."³

Advocate-General T. H. Davies informed Cornwallis that⁴
- "I am of opinion, that as the persons against whom the representation has been made by the Grand-Jury, are foreigners, and as the offence which they are charged with, must

1. Ibid.

2. B.F.C., No.1, 29th June, 1791.

3. Ibid.

4. From T. H. Davies, Esq., Advocate-General to Earl Cornwallis, K.G., dated 16th July, 1791, B.F.C., No.2, of 22nd July, 1791.

have been committed out of Calcutta (otherwise the Judges of the Supreme Court could not have informed the Grand-Jury that they were so situated as not to be amenable to the jurisdiction of the Court), the members of the Government can only proceed against them, to bring them to punishment by acting in their capacity of Magistrates of Nizamat or Supreme Criminal Court of Justice, for offences committed in the provinces by natives and others not amenable to the jurisdiction of Supreme Court, and in that capacity taking the examination on oath of the witnesses, who charge them with the crime imputed to them; or else by ordering the provincial magistrate of the district in which the offence is charged to have been committed to take their depositions; for though I am not acquainted with the forms of proceeding by the provincial Magistrates, in criminal cases, I imagine that their practice is conformable to that of the English law, which requires that an information shall be lodged upon oath before a Magistrate, to authorize him to issue a warrent for the arrest of any person who may be charged with the commission of a crime, or a breach of the peace; and that without such practice of our law is not founded on any local or partial usage or reason, but on the principles of natural justice."¹

1. Ibid.

With respect to the second point Davies said, "I know not of any other method which can be pursued for the above purpose, than for some one of the members of the Council to take the depositions of the witnesses in his capacity of the justice of the Peace, and to issue thereupon his warrent to apprehend the parties accused, and upon their apprehension to commit them, by a regular mittimus, to the jail of Calcutta. For if the parties accused are neither British subjects, nor employed directly or indirectly in the service of the company, or of some British subject, and if the offence was not committed within the limits of the town of Calcutta, and factory of Fort William, or the factories subordinate thereto, I apprehend that no one of the present judges would conceive himself warrented in committing him for trial before the Supreme Court; and I think it my further duty to inform your lordship, that according to the best of my judgement and understanding, neither the Act of Parliament or the Charter of Justice, which established the Supreme Court, nor any one of the subsequent Acts of Parliament, which affect its jurisdiction, contain any clause or sentence which could warrent the Supreme Court in taking cognizance of crimes committed by foreigners not in the service of the Company, or of some British subject (unless committed within the

limits of the town of Calcutta and factory at Fort William, or of some of the factories subordinate thereto) on which could support an argument in favour of such an extension of their jurisdiction."¹

On receipt of the advice of the Advocate-General, the Government lost no time in giving order to Hewett, Magistrate of Hijlee "that the offence charged to M. Jourdan and M. Fousselle, either as the principals or parties, be laid before the Magistrate of Hijlee, within whose jurisdiction it was committed. He was further instructed "to take the evidence on oath of the persons mentioned in the letter from the foreman of the Grand-Jury, viz. the Sarang of the vessel, the second sarang of the vessel, the pilot and M. Vialais, and to transmit the depositions of each, as soon as they are respectively taken."² Nothing further regarding the trial and punishment of the Frenchmen is traceable in the records. But the children were properly provided for. Superintendent of Police Meyer informed Cornwallis that he had "disposed of the boys and girls who were placed under the care of this office, by restoring some to their friends and relations, and providing proper employment for others, and that the expense

1. Ibid.

2. Minute of the Board, B.F.C., No.3, 22nd July, 1791.

of their maintenance will cease from this day."¹ He also enclosed with his letter a statement of the charge incurred, which was as follows:-

Charge for the maintenance of the
boys and girls under the care of the
Police office.

1791:

October ...	... Their diet at 1½ rupee per day	46 - 8
	House rent	3 - 8
		<hr/> 50 - 0
November ..	... Their diet	46 - 8
	House rent	3 - 8
	Blankets	17 - 0
		<hr/> 65 - 8
December ..	... Their diet	46 - 8
	One house rent for 15 days	1 - 12
	Another house rent for a month at amas 7 per day	3 - 8
	A Durwan's pay for 15 days	Rs 2/-
		<hr/> 53 - 12

1792:

January ...	... Their diet for 20 days	Rs 30 - 0 - 0
	House rent	4 - 10 - 8
	Durwan	2 - 10 - 8
		<hr/> T o t a l 206 - 9 - 4 ²

1. From G. C. Meyer, Supt. of Police to Cornwallis, dated 20th January, 1792, B. Pub. C., No. 37, of 3rd February, 1792.
2. Ibid.

It was ordered that the account should be passed and paid by the Civil Pay Master.¹ In 1805, Peter Johannes - a Portuguese inhabitant of Rangoon, applied to George Udney - the Deputy Governor of Bengal, to return his female slave Mary alias Albina, who had managed to escape on board the ship Shah Pririe, sailing under English colours.² Deputy Secretary Adam informed him "that the Burmese female who has been brought from Rangoon to this port stated in your memorial, and in the document annexed to it will be sent back to Rangoon by the first opportunity which may occur."³ Accordingly, Johannes informed him that "My Poona brig will get ready in course of eight days to sail for Rangoon, on board of which the woman is to return back thither."⁴ But C. F. Martyn a Calcutta magistrate, took objection to the proposal and wrote to Adam - "it would be a dereliction of my duty, if I suppressed a fact, which has just come to my knowledge, and therefore, I have to request that you will submit, for the information of the honourable the Vice-President in Council, that this pretended Burmese female is no other than

1. Op. cit.,

2. From P. Johannes, to G. Udney, Vice-President and Deputy Governor in Council, Fort William, B.P.C., No.43 of 17th October, 1805, p.

3. From J. Adam, Dy Secy to P. Johannes, dated 17th October, 1805, p. B.P.C., No.45, 17th October, 1805

4. Peter Johannes to J. Adam, Dy Secy, 24th October, 1805, p. B.P.C., No.30, 24th October, 1805

^xDespite his good Dutch name, he was described by the witnesses as a native Portuguese.

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a subject of His Majesty, being born in Calcutta, has family connections here, and was decoyed away some years ago, by a Portuguese to Rangoon, and there sold for slavery.¹ Martyn enclosed with his letter an affidavit from Mary - the girl who had escaped from Burma, and the depositions of certain other persons, including her grandmother Tomasaria de Rozario, and remarked; - "the woman expresses the utmost aversion of being forced to return to a country where captivity for life awaits her."²

Mary, said in her deposition, that she was born at Calootola within the town of Calcutta. Her father was a seacunny, named Benedict, and her mother's name was Iria. Both of them were dead.³ When she was about seven, a European Portuguese called P. Cardozo, "who was at Calcutta then, but now resides at Rangoon with his family, carried me under promise of good treatment to his house one day, from the street, without the knowledge of my parents, and after two days, took me from hence on board of a ship to Rangoon, where he made me his slave, and to do the business of his house."⁴ About four years ago Cardozo had sold her to one Salvador De Monte, butler of Captain Johnston for one hundred and sixteen

1. From C. F. Martyn, Magistrate to J. Adam, Dy Secy to Government, 19th December, 1805, B.P.C., No.9, 26th December, 1805.

2. Ibid.

3. B.P.C., No.10, 26th December, 1805.

4. Ibid.

rupees. He kept her as his mistress for about three years and then went on a voyage to Madras. Then John Pierre, a gunner of the ship commanded by Captain Campbell, took her into his keeping. She lived with him on board the ship for eight months while the ship was at anchor at Rangoon. She hid herself in the gunroom when the ship sailed for Calcutta. When at sea she told the Captain of the ship that she had been born in Bengal, and on arrival at Calcutta told the Magistrate that her "maternal grandmother named Tomasia" was still living at Calcutta.¹

Her grandmother, Tomasia de Rozario, in her depositions stated that Mary was her granddaughter and that she had given her away to a Portuguese when Mary was only nine years of age, because financial condition was desperate and Mary's mother was dead. Now, about three months ago, Mary had come to her place accompanied by a chankidar, "and looking me some time in the face, burst into tears. I asked her why she wept? She replied, "Do not you recognise me? I am that Mary of yours; the Portuguese to whom you gave me, sold me as a slave at Pegue; she replied, she had run away, and come on board of a ship. The next day I was brought before Mr. Blaquiere, whom I stated the above circumstances."²

1. Ibid.

2. B.P.C., No.11 of 26th December, 1805.

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Luzia da Cruz of Calootola said in her deposition that she knew Mary quite well. "When she had attained the age of nine years, she was given to an European Portuguese, who promised to adopt her and have her married, and took her away from hence on board of a ship, promising at the same time to bring her back; since which period there has not been any account of the above Portuguese nor the said Mary; the woman now here present, who calls herself Mary, is the identical person that was given to the above Portuguese to be brought up."¹

In the meanwhile Peter Johannes had procured a passage for Mary and made arrangements to take her back to Burma on board the brig Poona.² But he was informed by Martyn that the magistrates "do not consider themselves possessing the power of compelling her return." Thereupon Johannes wrote to the Secretary expressing his hope "that Government, under all the circumstances, will be graciously pleased to issue an order to the Magistrate for her delivery."³ But Adam, in his reply, made it clear that the Government would not hand the girl over.⁴ "It appears from information taken before

1. B.P.C., No.12 of 26th December, 1805.

2. From P. Johannes to J. Adam, Deputy Secretary, dated 19th December, 1805, B.P.C., No.26th December, 1805.

3. Ibid.

4. From J. Adam, Deputy Secretary, to Peter Johannes, dated 26th December, 1805, B.P.C., No.16 of 26th December, 1805.

Mr. Martyn one of the justices of the Peace for the town of Calcutta, that the woman who was brought from the port of Rangoon on the ship Shah Pririe is not a subject of the King of Ara, but a British subject born in Calcutta, who was carried to Rangoon some years ago and there sold for a slave." Adam, therefore refused to comply with Johannes's request: "The Vice-President in Council does not think proper to authorize the adoption of any measure for requiring her to return to Rangoon, or to address any representation on the subject to the Vice-roy of Pegue."¹

Adam also instructed Dowdeswell, the Superintendent-General and Justice of the Peace, not to comply with the request of Johannes, he having been informed that no measures will be adopted to cause her to return thither, and you will accordingly reject any application which may be made to you for that purpose."²

This isolated case does suggest that the proclamation of Cornwallis could be successfully used in suppressing the exportation and illegal sale of Indian natives as slaves in foreign lands, and that some of the officials were anxious so to employ it.

1. Ibid.

2. From J. Adam to G. Dowdeswell, dated 26th December, 1805, B.P.C., No.15, 26th December, 1805.

Apart from the exportation of slaves from Bengal by slave-traders, the European residents of the Presidency, while leaving for home, were in the habit of taking with them their native domestic servants. They would either take them to Europe as their domestics or sell them at a profit in St. Helena or other ports of call.¹ One of the earliest of such cases on record came to light when a certain John Cammedy or John Richmond, a native of Bengal complained that he had been sold by the Rev. Carr, chaplain of St. Helena,² to a Mr. Wright for fifty pounds.³ Wright told Brooke, the Governor of the island, that "Cammedy informed him and repeatedly complained that the said Rev. Mr. Carr, had sold him without his having any right or title whatsoever so to do, and he desired him to write to Bengal. According to Wright, "Cammedy has been a faithful and good servant to him, and he believes him an honest man."⁴ In a letter to Wright, W. A. Cammedy, the father of the poor creature, endorsed this. "Captain Carr requested of me to let my boy John go to England with

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1. W. Carey - The Good Old Days of Honourable John Company, Calcutta, 1906, Vol.I, pp.466-70.
 2. From John Cammedy to R. Brooke, Esq., Governor of St. Helena, May, 1791, B. Pub. C., No.2, of 7th October, 1791.
 3. B. Pub. C., No.2 of 7th October, 1791.
 4. Ibid.

him, and he would take great care of him, and would bring him safe back to me; the Captain being an old shipmate of mine, I did not dispute entrusting my boy with him. I never was more surprised than when I received a letter from my poor unfortunate boy, informing me that he was sold as a slave."¹

The Rev. Carr was asked by the Government of Bengal to explain his conduct. In his reply, he informed the Government, "that Captain Carr, then commanding the Barwell India-man, when he touched at the island of St. Helena, in the year 1777, left the complainant behind with me as a slave. That I, considering and verily believing him to be a slave, did follow the usage of the island at the close of the year 1781."² He admitted his fault, and promised "to pay back to Mr. Wright the purchase money, trusting he will make such abatement as ten years service and increased age usually requires in the re-selling of slaves."³

On receiving this information and these explanations, the Government of India set Cammedy free. They also sought the advice of the Advocate-General about the property of dismissing the Rev. Carr and prosecuting him. The Advocate-

1. Op. cit.,

2. From the Rev. Mr. Carr to J. L. Chauret, Esq., Sub-Secy, Public Department, dated Dinapore, 19th October, 1791, B. Pub. C., No.25 of 26th October, 1791.

3. Ibid.

General, W. Burroughs, replied, however, "that no criminal prosecution can, I fear, be supported here for the offence of selling a native as a slave at St. Helena, even though the person charged should be a British subject, and within the jurisdiction of Supreme Court, inasmuch as the jurisdiction is not completed within its jurisdiction."¹

The Cammedy incident evoked sufficient stir in government circles, for the Court of Directors to ask the Governor-General in Council to issue advertisements for the discovery of other free natives in St. Helena, who might have been fraudulently taken from Bengal and illegally sold as slaves.² The Advocate-General advised "the liberation of persons detained as slaves at St. Helena, cannot I apprehend, be effected under any authority here, but must be accomplished by the Government of that island."³ But the Government was determined to put an end to the practice of exporting natives of British India to St. Helena and other places, and illegally selling them as slaves. So, on the 8th August, 1794, the Governor-General in Council issued a proclamation against the export of slaves.

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1. B. Pub. C., 8th August, 1794.
 2. P.P., 1828, Vol.24, p.45.
 3. B. Pub. C., dated 8th August, 1794.

The Governor-General had previously consulted Burroughs, who had reported - "The Government of St. Helena, is in my opinion, invested with sufficient legal power to liberate such persons as are detained without due proof of the right to detain them as slaves."¹ He also advised the Government "not only to direct that criminal prosecutions or civil actions should be instituted here against such persons as are amenable to the jurisdiction of the Supreme Court and against whom sufficient evidence can be obtained, but also to require all persons, in whose service natives shall hereafter embark from hence, to give security, against their being sold or given away as slaves."²

On receipt of this opinion, the Government immediately prepared a Proclamation which was issued on the 8th August, 1794.³ It was decreed that:-

"Whereas the Honourable Court of Directors for the affairs of the East India Company, in consequence of information received by them from the Governor and Council at St. Helena, stating that sundry persons, natives of Bengal and other parts of India, had been unlawfully and unjustly sold

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1. Ibid.
 2. Ibid.
 3. Ibid.

as slaves at that island, did direct that an advertisement be published in this settlement for discovery of such persons as had been guilty of the unlawful and inhuman conduct aforesaid; which advertisement was published accordingly, on or about the 9th day of September, in the year 1793, by and under the orders of the Governor-General in Council: And whereas the said Honourable Court of Directors, by despatches since received at this presidency, have transmitted further orders on the subject aforesaid, and directed the most effectual measures to be taken, as well for liberating the unfortunate persons detained as slaves at St. Helena, in manner aforesaid, as for putting an end to a practice so disgraceful to humanity; and the Governor-General in Council has lately received from St. Helena detailed intelligence, on oath, sufficiently showing that some persons proceeding from India to England have been guilty of selling and disposing of several free inhabitants of these provinces, and of other parts of India, as slaves at St. Helena; and the Governor-General in Council is resolved, by all lawful means in his power to discover and prosecute to conviction all persons who have so offended, or shall hereafter so offend, and also to suppress so disgraceful and cruel a practice; he, therefore, thinks fit to proclaim, and proclamation is

accordingly hereby made, of the above recited orders from the Honourable the Court of Directors, and also that the Secretary to the Government at this Presidency has been directed to receive and lay before the Governor-General in Council that may be sent to his office, touching any past or future instances of selling or giving away persons as slaves at the island of St. Helena, and that the commission of such offence is strictly prohibited under the pain of the severest displeasure of the Government, and the most rigorous punishments in the Courts of law; And it is hereby further proclaimed that criminal prosecutions for the public offence and civil actions for the private injury arising from the private sale, or giving away any person as a slave at St. Helena or elsewhere will be instituted here against such persons as are amenable to the jurisdiction of the Supreme Court of Judicature, and against whom sufficient evidence can be obtained to support the same; and moreover, that in future all persons in whose service natives shall embark from Bengal for England, will be required to give a sufficient security against such natives being sold or given away as slaves at St. Helena or at any other place or settlement during the voyage to Europe."¹

1. Ibid.

The Government later fixed the amount of such security at one thousand sicca rupees.¹

This proclamation, it appears, was effective. For 16 years after the promulgation of the proclamation of 1794, no case of illegal export of slaves or free persons to foreign lands was reported. But in 1812, Superintendent Forbes of Chandernagore informed the Government that certain French persons, from the Java campaign, were anxious to take their Malay slaves with them on repatriation.² "I beg to be informed," he wrote to the Chief Secretary of the Government, "whether any of them will be permitted to go to England, and if so, under what restrictions."³ Forbes enclosed a letter of enquiry submitted to him by one Captain Tennison, seeking permission to take a Malay woman and a slave boy with him to Europe. He pleaded that since they were complete strangers in Bengal, they would hardly be able to get their livelihood, if he left them there. He, therefore, requested permission either to take his slaves to England or to allow them "a passage back to their native country, as my present circumstances do not admit defraying any expense for that purpose."⁴

1. P.P., 1828, Vol.24, p.48 .

2. From Gordon Forbes, Esq., Superintendent at Chandernagore, to Mr. Chief Secretary Edmonstone, dated 13th January, 1812, B.F.C., dated 17th January, 1812.

3. Ibid.

4. From Captain Tennison to G. Forbes, Commissioner for Chinsurah, dated 13th January, 1812, B.F.C., No.32, 17th January, 1812.

Edmonstone informed Forbes that although the peculiar circumstances of the situation "appear to His Lordship in Council to be such as to justify their exemption from the usual deposit required for all native servants, antici-
dentally to the embarkation for Europe," the Governor-General wondered whether it was understood by the masters that "the moment their slaves land in England they will virtually become entitled to all the privileges of freemen." He, therefore, agreed to provide transport to their native country for the slaves, if required, but meanwhile ordered that the petitioners be asked whether "after this explanation they are still anxious to take their slaves, and the latter are willing to be taken to England in preference to their being sent back to their native country."¹ This order was circulated to the petitioners.² Several of the Malay slaves even when they knew the choice before them, still opted to accompany their masters to England,³ and the Superintendent of Chandernagar furnished Edmonstone with a list of them.

The following was the list of Malay slaves attached to officers, prisoners of war, under orders to embark for Europe.⁴

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1. Ibid.
 2. B.F.C., dated 8th February, 1812.
 3. B.F.C., No.16, dated 8th February, 1812.
 4. B.F.C., No.17, dated 8th February, 1812.

Name of the Ship	Name of the Servant	Name of his master
Union	Cezor	Lt. Delhuille
Ocean	Manilla	Captain Gervois
James Sibbald	April	Captain Tennison

The same scrupulous care in the enforcement of the proclamation of 1794 was shown again in 1815, in a case brought up John Elliot, one of the Calcutta magistrates. According to him, it often happened that children were brought in from police thanas, who had lost their way, and were unable to point out the residence of their parents, and were in consequence placed under the care of the nazir of the court, until they were claimed by their parents.¹ A Malay boy had been brought in on this way, but had been claimed by a zamindar called Shaikh Fateh Ali, who declared that the boy was his slave, and had been bought for 100 rials, by his brother-in-law, a subadar of the Golandaz battalion, when in Jara. The boy had thereupon been produced, but had refused to go with the man, declaring that he had been cruelly treated, and would not stay with him any longer. Elliot, "under the proclamation by the late Marquis Cornwallis," deemed "it

1. From John Elliot, Magistrate to W. B. Bayley, Esq., Acting Secy, Judl, Dept., dated 4th January, 1815, B.C.J.C., No. 24, 18th July, 1815.

expedient to report the case for the information of the Government in order that the boy may be returned to his own country."¹

On receipt of this report, the Government ordered Elliot to liberate the boy. "The act of purchasing and bringing from Jara, as a slave, the boy alluded to in your letter, being illegal," wrote Secretary Bayley to Elliot, "You are desired to inform Shaik Fatley Ali accordingly; and to liberate the boy from further restraint; explaining to him at the same time, the purport of the present orders for his information."² One further case of the exportation of slaves came to light in 1819. In that year, thirty five natives of Bengal were sent back to Calcutta from Australia, at the expense of the Government of New South Wales. J. F. Campbell, Secretary to the Government forwarded a list of slaves, twenty six men and nine women and an account of their release.³ "These thirty five natives were discharged by the order of the beach magistrate here," he wrote to Ricketts, Secretary to the Bengal Government, "from the service of Mr. W. Browne, a merchant, who came here some time ago from Calcutta, in

1. Ibid.

2. Bayley to Elliot, 18th July, 1815, B.C.J.C., No.25, 18th July, 1815.

3. J. F. Campbell, Secy, Govt. of New South Wales to C. M. Ricketts, Chief Secy, Govt. of Bengal, 22nd July, 1819. B. Pub. C., No.1, dated 1st October, 1819.

consequence of their having been cruelly and inhumanly treated in their said service, are now embarked for their native country at the expense of this Government, on board the ship Mary."¹ The slaves in their complaints to the beach Magistrate gave evidence of having been most brutally treated by Browne and his wife. One slave, Karim, reported - "Mr. Browne gave me five or six blows with his fists. I ran behind a cask, where I was so severely beaten, that two men came and lifted me up, gave me water, took me in the kitchen, and nursed me. I was so beaten that I hang behind the cask for an hour. Mrs. Browne called out of the window, "Give the rascal two or three more kicks.' Mr. Browne once gave me fifteen strokes with a horsewhip, because I did not get his breakfast ready in time."² Even the women slaves were not spared. Thomessa - a slave girl - testified, "Mrs. Browne used to beat me most shamefully on the most slightest occasion," and further complained that ".... Mr. John Browne beat me twice, once with a rattan, then with his hand on my face, he cut my eye, he thrashed me on the steps."³

Proceedings were immediately started against Mr. Browne, who at first agreed to give these poor victims a passage to

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1. Campbell to Rickett, 23rd July, 1819, B. Pub. C., No.3, dated 1st October, 1819.
 2. B. Pub. C., No.1, dated 5th November, 1819.
 3. Ibid.

Calcutta. "I am now ready to produce the accounts of those entitled by agreement to return to India this season and some others, and, I trust, have the remaining accounts ready duly before the time appointed for the ship to sail hence."¹ But then, he changed his mind and refused to pay anything to the Government.² So they instituted a case against Browne for the recovery of passage money. "Mr. Browne, having either refused to pay the passage or subsistence money of these poor victims," wrote the Secretary Campbell, "the Governor of New South Wales, has been obliged to support and find passage for them at the expense of this government, to an amount exceeding £400/- for the recovery of which legal proceedings are about to be instituted."³ But Browne escaped upon some technical grounds⁴ since there seemed no prospect of the Bengal Government recovering the amount so spent, the Governor-General ordered that the sum of £386-3-0 be paid by the Bengal to the New South Wales Government, since the sum in question was humanely distributed by the Government of New South Wales," for the relief and

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1. B.P.C., No.8 of 5th November, 1819.
 2. B.P.C., No.1 of 5th November, 1819.
 3. Ibid.
 4. B.P.C., No.15, dated 5th November, 1819.

accommodation of these thirty-five natives of Bengal."¹

Browne's case shows that an occasional rogue could still escape both from the ban on the exportation of slaves, and from the law when set in motion. It also shows, however, a steady turning of the tide of opinion against slavery, so that within British territories, whether St. Helena or Australia, governments showed themselves hostile to the institution and ready, even at considerable expense to suppress it.

The proclamations of 1789 and of 1794 sought to suppress the exportation of Indians to foreign lands and their illegal sale as slaves there. But no measure was taken by the Government to check the importation of slaves by Arabs and Europeans before the year 1811. Between 1780-81 issues of Hickey's Bengal Gazette carry a number of advertisements for the purchase and sale of Coffree and Malay slaves, inserted by the European residents of the Presidency.² The evidence of Calcutta Magistrate, W. C. Blaquire, and others to the Law Commission makes it clear that the traffic in Coffrees or Habshis from Abyssinia long continued, Europeans employing them as Khitmudgars³ or in similar posts, Muslims

1. B.Pub. C., No.15, dated 5th November, 1819.

2. See Hickey's Bengal Gazette, 1780-81, Vol.

3. See also Carey - op. cit., pp.466-70.

as eunuch guardians of their harems.¹ There is also a case in 1796 of Armenians being imported as slaves - though from the hue and cry raised by the Armenian Community in Calcutta, this would seem to have been exceptional. Five Christian Armenian boys were involved, taken after the fall of Tifflis to the Turks, and as the Armenian petition to Sir John Shore related, "shipped at Basorah, on board the ship Munsurri, with a view of selling or enslaving them to some of the Moors in Bengal; they were afterwards transhipped at Muscat, on board the Hediose, Nacodah Murshed, now in the river."² On receipt of this petition, the Government asked Edmonstone - the Persian translator to send for the Nacodah and ascertain the fact of the arrival of the slaves, and inform him, that Government would not allow them to be sold, and that he would be held responsible that they were not sold.³ However, the Armenians had meanwhile taken the law into their own hands, for while the boys were being moved through Calcutta by the Muslim owners, they were forcibly rescued.⁴ Sir John directed that they "remain in possession of the Armenians,

1. The evidence of W. C. Blaquire, Appendix 1, R.L.C., Vol.II, pp.31-32. Cf. The evidence of Aga Kurbelai Muhammed, Ibid, p.30.

2. The Armenian Citizens of Calcutta to Sir John Shore, Gov. Gen., 17th October, 1796, B. Pub. C., No.44, dated 28th October, 1796.

3. Secy Barlow to N.B. Edmonstone, 18th Oct., 1796, B. Pub. C., No.46, dated 28th October, 1796.

4. B. Pub. C., No.46, dated 28th October, 1796.

until such time as their attendance be required."¹

Edmonstone continued his enquiries, and reported to Shore the story of the slaves as given by the master of the ship they had carried on. This was that "Haji Muhammed Reja, a resident of Baghdad, was about two years ago at Lucknow, where he received particular marks of favour from the Nawab Vizir, and that being solicitous on his return to Baghdad to show the sense he entertained of his Excellency's kindness, he purchased the slaves in question, with an intention to send them to him as a present, that he accordingly gave them in charge to a brother or relation, who conveyed them to Bussura and thence to Muscat, upon the Munsury, a small ship bound to the port; that they were embarked at Muscat upon the Edroosey and arrived here under the charge of the person who first brought them from Baghdad."² Edmonstone evidently believed the nacodah's story, and he suggested in his report that "Haji Muhammed Reja's object in sending the slaves is not so disinterested as the nacodah would make it to appear, and that he expects either a price in money, or some other equivalents for the boys."³ Sir John Shore was obviously

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1. Sub-Secy H. Macleod to Edmonstone, 25th October, 1796, B. Pub. C., No.47, dated 28th October, 1796.
 2. Edmonstone to H. Macleod, Sub-Secy, 26th October, 1798, B. Pub. C., No.48, dated 28th October, 1796.
 3. *Id.*

like minded, for he allowed the boys to remain with the Armenians of Calcutta, and he prepared to secure their permanent release by writing to the Nawab-Vizir and asking for it.¹ His actions were enough to specify the Armenian Community amongst whom there had been a great communal stir.

In 1807, a general act against slave dealing in all British territories was passed through both houses of Parliament, to become operative on 1st January, 1808.² This was further strengthened in 1811 by the Felony Act, 51 Geo III C 23, which made slave trading a felony punishable by transportation.³ These two measures in England were followed up in India by the passing of Bengal Regulation X' in 1811 "preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the Presidency of Fort William."⁴

The Regulation, after a preamble "whereas instances have occurred of the importation of slave from foreign countries into the British territories and whereas such traffic is inconsistent with the dictates of humanity, and with the

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1. B. Pub. C., No.48, 28th October, 1796.
 2. Encyclopaedia Britannica, Vol.25, London, 1911, pp.223-24.
 3. R. Coupland - British Anti-Slavery Movement, p.111.
 4. B.C.J.C., No.11, dated 26th September, 1812.

principles by which the administration of this country is conducted, went on to prohibit the importing of slaves, whether by land or by sea into the Presidency, and to prescribe six months' imprisonment and a fine of upto two hundred rupees as the punishment for such an offence. Persons imported as slaves were to be freed, or sent back to their friends and connections in their native country as seemed most advisable. Finally it was laid down that the Captains or Super Cargoes of all vessels, other than the Company's, arriving at Calcutta must enter into penalty bonds of five thousand rupees that they would not sell slaves, before their cargoes might be discharged."¹

This Regulation was passed almost at the same time as Act 51, and was in fact an improvement upon the latter since it was categorical in making the importation of slaves by land or by sea an offence, whereas the Act was ambiguous on that point. It was followed in 1813 by similar measures in Bombay² and Madras. (The Bombay Act, on advice of the Advocate-General H. G. Macklin, banned all importations without specifying how effected).³

The series of measures thus taken were expected to put

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1. B.C.J.C., No.60, dated 6th August, 1811.
 2. W. Newnham, Sub-Secy, Govt. of Bombay, to G. Dowdeswell, Chief Secy, Govt of Bengal, 13th Feb., 1813, B.C.J.C., No.17, L.P., dated 13th March, 1813.
 3. B.C.J.C., No.19, L.P., dated 13th March, 1813.

an end to the traffic in slaves. In 1823, however, the greatest doubts were expressed as to whether the Arab and Portuguese slave-dealers really had been put out of business. The matter was raised by Landford Arnot in an article in the Calcutta Journal of 1st March, 1823. He there asserted that Calcutta was still "the mart in which the manacled African is sold like the beast of the field to the highest bidder."¹ He further alleged that the slave dealers, who were Arabs, were in the habit of carrying away the natives, especially the female children, and disposing of them in Arabia in barter for African slaves for the Calcutta market.²

Landford Arnot's article created a considerable stir in government circles and the government at once called upon the magistrates^x of Calcutta to enquire into the matter and submitted a report.³ The magistrates in their report called the article "grossly exaggerated", but nonetheless, they recommended that "the taking of a bond under the provisions of Section 5, Regulation X', 1811, from the Captains or super-cargoes therein mentioned should be discontinued, and

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1. Magistrates of Calcutta to W. B. Bayley, Chief Secretary, Govt. of Bengal, 23rd November, 1823, B.C.J.C., No.28, dated 25th March, 1824.
 2. Ibid.
 3. Chief Secy Bayley to the Magistrates of Calcutta, B.C.J.C., No. , dated 25th March, 1824.
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^x They were H. Shakespeare, W. C. Blaquiere, J. W. Hogg and Charles Peton.

that in lieu of being required to execute a bond, a printed notice should be delivered to them on their arrival, informing them of the real penalties attached to the crime of selling or disposing of persons as slaves within the British territories. The purport of the notice should likewise be publicly promulgated on board the vessel."¹ According to their suggestion, the government immediately circulated an extract from the Statute 51 Geo. 3 C.23 with a translation in the Persian and Arabic languages to all the Arab merchants and other persons connected with Arab shipping resident in Calcutta.² They were directed by the Government to make known the purport of it to their correspondents in the Red Sea, Persian Gulf and other places.³ Even this measure did not entirely stamp out the traffic in slaves, for Blaquire, one of the magistrates, who had reported in 1824, told the Law Commission in 1839 that effective control had not been established until the late 1830's. He stated in 1839 "I should think that very few slaves, if any are imported into Calcutta, since the increased vigilance commenced about two years ago when the establishment of the Custom House was

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1. Magistrates of Calcutta to Bayley, 22nd March, 1824. B.C.J.C., No.28, dated 25th March, 1824.
 2. B.C.J.C., No.29, dated 25th March, 1824.
 3. B.C.J.C., No.30, dated 25th March, 1824.

re-organised. Before that time the importation was very great of Habshis, i.e. Abyssineans brought by Arab merchants from the Red Sea."¹

Sir Barthé Frere, writing in the Fortnightly Review, also expressed the view that the measure of 1824 had not entirely stopped the traffic, though it had curtailed it, and pushed up the price of slaves. It seems probable that it was in fact the re-organisation of the Customs service in 1834 - to which Blaquiere refers - that effectively ended the sea-borne trade through Calcutta.²

That did not prevent a great deal of slave movement across the land frontiers of India, and from province to province - there were reports of this from almost every district of Bengal, the North-Western Provinces, Central India and Madras. The seaward control in Bombay and Madras also seems to have been weaker than that in Bengal. In 1833, the Resident at Lucknow reported that two batches of Afghan slaves, 22 females and 12 males had been imported via Bombay by Muslim merchants and sold to the King and Queen Mother of Oudh.³

In 1837, to secure a more effectual control of the

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1. The evidence of W. C. Blaquiere, J.P., 1839, Appendix 1, R.L.C., Vol.II, p.31.
 2. The Fortnightly Review, New Series, March 1, 1883, pp.36 37.
 3. Ibid.

slave trade "which was carried on to a considerable extent by Arab boats and vessels frequenting the Port of Bombay and several ports subordinate to this Presidency," the Government of Bombay issued a notification drawing attention to the severity of punishment under Act 51 "for all persons, whether foreigners or British subjects, importing slaves, importing slaves from foreign countries into any British port, or disposing of such slaves by their sale within British territories."¹

In 1838, Pottinger the Resident, in Cutch informed the Government of Bombay, that "notwithstanding the Proclamation issued, and other measures taken by His Highness the Rao of Cutch to prohibit and prevent anything of the kind, 26 slaves were brought this session by boats from Zanzibar and Mombasa to Mandari."² The slaves as well as who imported them were taken to Bhoz, where a statement was taken by the Government officials, at Pottinger's request. Pottinger also urged upon the Rao "the necessity of or repeating his proclamation, and making the owner of each boat that clears out hereafter for the Coast of Africa, enter into a bond not to bring back slaves on any pretence."³ The situation was even

1. P.P., 1841, Vol.28, p.168.

2. Ibid., p.228.

3. Ibid.

worse in Madras Presidency. In 1837, one Badar Swami Chetty - an inhabitant of Combaconum, and so a British subject, accused of "kidnapping children with an intent of dealing with them as slaves," was arrested by the beach Magistrate of Madras.¹ He was Commander of a vessel named the Maideen Bux. His ship was seized and thirty two children rescued from it, "all of very tender age, none being more than ten, and some apparently only few years old. He was tried in the Supreme Court of Madras for being engaged in trafficking in slaves, in defiance of the statute 51 Geo. C.113, But the prisoner and his other companions were acquitted, "in consequence of a flaw in the indictment, and no further proceedings could legally be instituted."² The Government subsequently referred the case to the Advocate-General of Madras, as it reflected "great discredit on the law officers through whose negligence it occurred," but he found that it was impossible in view of the judgement given, to take any further action.³

Nor was the failure the end of the matter. Another vessel the Sriwasti Lachmi arrived at about the same time from Rangoon with ten young children on board. They were

1. P.P., 1841, Vol.28, p.110.

2. Ibid.

3. Ibid.

"claimed by the people on the vessel as their own," but the master attendant of Madras was personally convinced that they had been illegally brought away from Burma.¹ He felt unable, however, to do more than bind the nacoda or Commander under heavy penalty for one year, in view of the difficulty of making good any charge against the suspected parties.² It became apparent, as a result of the enquiries set on foot by these cases, that slaving was prevalent all along the Coast. A judicial despatch reported that it was a common practice for Choliah traders to take young children on board their vessel at the northern ports on the Coast of Coromandal, and to convey them to Nagore," from where they were sent away in native vessels to the eastwards, and sold to the Malays or perhaps to the Dutch, and that "this traffic extends along the Coast of Sumatra, from Berculen to Achin, and probably to their places ... within the Straits of Malacca."³

These revelations, and the acquittal of the master of the Maideen Bux, led the Madras Government to take further action. They had sought the advice of the Advocate-General of Madras on the case who had reported that -

"Under the slave dealing Act 51 Geo C.113, the vessel and

1. P.P., 1841, Vol.28, p.110.

2. P.P., 1841, Vol.28, p.115

3. Madras Marine Letter, No.1, 17th December, 1839. Judicial Despatch to Fort St. George, No.12, dated 16th September, 1840.

her cargo will (in case the slave-dealing shall be established) be forfeited and she may possibly be so also under the Registry Acts. But there are none but the Governors of Her Majesty's colonies, or their deputed officers, or Her Majesty's naval or Military officers, who are competent to seize such forfeitures, and they must be condemned in some Vice-Admiralty Court. This jurisdiction, it has been decided by the Court here, does not exist at this Presidency, for want of renewal of the Commission to the Chief-Justice."¹

The only competent authority to deal with such crimes,² the Advocate-General thought, was the Vice-Admiral of the naval force.

Hardly was the ink of the Advocate-General's letter dry, when Governor Elphinstone contacted Rear-Admiral Sir F. L. Maitland - the naval Commander in Chief, with a request that "Your Excellency may adopt such measures as may appear proper in respect to the seizure of "Maiden Bux" in event of the charge being established."³ The Governor also instructed the Collectors and Magistrates of the different maritime districts were to adopt measures to put a stop to the traffic

1. From George Norton to the Secretary to the Govt. of Fort St. George, dated November 6, 1839, P.P., 1841, Vol.28, P. 109.

2. *Id.*

3. Elphinstone to Maitland, dated 11th Nov., 1839, P.P., 1841, Vol.28, p.110.

in slaves which was believed to exist on the Coast, "and for the apprehension and punishment of persons concerned therein."¹

The request of the Government of Madras was promptly complied with by the naval Commander who reported "the necessary order on the subject has been issued, and steps taken, with a view to the commanding of H. M. Ships in the Bay of Bengal keeping a look out for slave-trading vessels, and co-operating with the civil authorities on the coast in the suppression of this illicit traffic."² No further cases of slave-trading were reported after this naval patrolling of the Bay began. The occurrence of cases of slave-trading within India, and in the Indian Ocean - perhaps inevitable while the Company sought to control the trade without abolishing the institution of slavery itself - attracted the attention of the abolitionists in England. In 1841, the Anti-Slavery Society published a tract "Slavery and the Slave Trade In British India". In this tract the pathetic condition of about nine million Indian slaves was revealed and the vacillating policy of the Government of India sharply criticised. "Had proper measures been taken by the East India

1. Elphinstone to Maitland, dated 11th November, 1839, P.P., 1841, Vol.28, p.110.

2. Ibid.

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Company to discountenance the system of slavery within the territories which successively became subject to its authority, either by conquest or by cession," it was alleged in the tract, "the evil complained of would scarcely have had an existence at the present time."¹

This public pressure and disquiet led the British Government to extent its efforts at international control. They had already passed Act 51 in 1811 to prevent slave trading within British territories, and in 1822, in common with major European powers, had declared that "they were ready to concur in everything that might secure and accelerate the complete and final abolition of the slave-trade."² Now, on 20th December, 1841, in London, they signed a further treaty with Austria, France, Prussia and Russia. It was agreed that those of their ships of war which should be provided with special warrents and orders."³ This right of search was to extend northwards to the 32nd parallel, south to 45th parallel, and west and east from the American Coast to that of India.⁴ The efforts made under this treaty,

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1. Slavery And The Slave Trade In British India, London, 1841.
 2. Ellenborough Papers, P.R.O., 30/12/27/22.
 3. Ibid.
 4. Ibid.

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especially by the British Government which patrolled the Red Sea and Arabian and Indian Ocean led to a rapid elimination of slave trading on the Indian Coasts. With the passing of Act V' of 1843, abolishing slavery in India, the external slave-trade came to a total stop.

The history of the external slave-trade in the Bengal Presidency had thus three distinctive phases - firstly, the period between 1772 to 1789, during which the trade was carried on extensively and quite unhindered by any regulation, by both native and European slave-dealers. The second phase was opened in 1789 by the issuing of a proclamation against the exporting of slaves from Bengal. In the next twenty five years the Government became steadily more aware of the problem of the importation of slaves, and took its first measures against the traffic, showing down but not eliminating it. Finally, after 1824, the determination is plain to secure the total abolition of the slave-trade, and public opinion exerts an active pressure upon the home government. The rigorous punishment of slave-dealers in India, the institution of naval patrols, international after 1841, and the abolition of slavery as a legal institution in 1843 finally end the trade.

CHAPTER V.

SLAVERY IN ASSAM

The province of Assam was under British rule for less than twenty years of the period of our study, for it was only conquered from the Burmese and annexed between 1824 and 1826. It came into British hands in a most disturbed and disordered condition for during the nineteenth century the Ahom rulers of Assam had been weakened by internal dissension, and by tribal raids encouraged by the Burmese until in 1816 they finally succumbed to Burmese invasion. In eight years the Burmese halved the Asamese population "partly by massacre, partly by driving 30,000 in slave-gangs to Ava".¹ Since Assam had always lain rather isolated and off the main highways of civilization - the Mughals, even at the height of their power had never occupied more than the fringes of Lower Assam - and it had recently suffered from revolt, invasion and depopulation, Assamese society in 1826 was at a low ebb when British administrators took charge.²

Prior to 1832 Assam was divided into Lower and Upper Assam, and it was only in the lower half of that

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1. Cambridge History of India, V. p.558.
 2. Even Sylhet, the most advanced of the districts, which had fallen to the Mughals and then to the Company, still used cowry shells as currency until 1820, some seven hundred million being received annually in payment of the land revenue and remitted to Calcutta. R.L.C., vol.1., p.96.

country that any attempt was made to introduce a full scale administrative system. Even there the Bengal administration with its elaborate codes was not applied, but instead, under the first commissioner David Scott, a looser, experimental non-regulation system was created, based upon but not tied to the details of the Bengal system. After 1832 the division of the country became more complex, and the control of the Sandar Diwani and Nijamat adalat more close.¹

As in other parts of India, slavery had existed in Assam from very ancient times, and it prevailed very extensively throughout Assam, during the period of our study.² The existing social usages and customs of the land recognised three distinct classes of slaves - those who had been born of slave parents, those whose mothers were slaves, though their fathers were free men, and women who had either been purchased or who had freely married male slaves, and together with the women, their offspring. This classification, it may be admitted, does not explain how slavery was first introduced into this country. It may therefore, be surmised that the above mentioned classification was rather meant to be a practical rule to decide whether a man or a woman fell under the laws of slavery. On this point David Scott, the first Commissioner in Assam declared, "By Hindu law, a free woman marrying a slave

1. P.P. [R.L.C.], 1841, vol.28, p.96.

2. Ibid.

becomes herself a slave, and gives birth to a servile progeny; but although this is the law both in Bengal and Assam, masters in the latter country frequently permit their slaves to marry free women upon a special contract with the girl's father that the progeny shall be free. In case of doubt, the ordinary rule is, that the children follow the condition of the parent."¹ In the opinion of Scott, the female slaves were usually married and there was very little open or regular prostitution for hire in the province. However, the Magistrate of Lower and Central Assam in estimating the total slave population from the number of adult slaves in that part of the province in 1830, allowed only for a quarter of the latter being married, while the magistrate of Goalpara stated that 99 out of 100 prostitutes both in Goalpara and Assam "were either slave-girls or slave women".² The expression used by him would have us believe that many women of those two classes were compelled to have recourse to prostitution by their owners."³

Jenkins, who succeeded David Scott as Commissioner, presented a more complex picture. In 1835, he discussed the rules governing the marriage of slaves in Assam in a letter to the Secretary of the Government of Bengal.⁴

1. P.P.[R.L.C.], 1841, vol.28, p.99.

2. Ibid.

3. Ibid.

4. Jenkins to Mangles, Dated 31 July, 1835.

9. L.P., Enclosure No.10, Dated 28 Sept., 1835.

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He stated that if a ryot wished to marry a slave girl, the owner of the girl would give the ryot five rupees as a bond that all the offspring of the connection should belong to the master of girl; and, in the event of their separation (from whatever cause), the man was entitled to that five rupees. Furthermore, the slaves living on farms, and cultivating lands, might marry their daughters to ryots, and if there was no agreement with the owner, the offspring of the connection were divided into four lots, two and a half (putting a value on the half share) of which belonged to the owner and the remainder to the husband of the girl.¹ When a female slave married a male slave the owner of the latter purchased the female from her owner at her market price.²

According to another officer, however, the position was really much simple. The condition of the mother was the sole criterion in deciding the condition of her offspring, for the good reason that in Assam to prove the identity of the "father of a child begotten of a female slave would be difficult indeed."³

Besides these, one of the principal sources of slavery in Assam, as in other parts of the Bengal Presidency, was the sale of children by their parents in times of individual distress or general scarcity.⁴ Female children

1. Ibid.

2. P.P. [R.L.C.], 1841, vol.28, p.96.

3. Ibid.

4. Ibid.

were constantly sold to the land-owners and prostitutes, and adult females would occasionally sell themselves to discharge a debt, or relieve their parents and relations.¹

Young children were also sometimes kidnapped, or taken by decoits and despatched to Bengal for sale.² In September, 1823, David Scott, sought the permission of the Governor-General in Council "to send back to Assam about twenty young children of both sexes", who appeared to have been kidnapped by five Assamese robbers. They were accused of "committing decoity and murder on the Brahmaputra within the Assam territory, and apprehended with a part of the plundered property at Goalpara".³ The children were restored to their parents and the decoits were handed over to the Government of Assam for trial.⁴

Except a few Naga females presented by the mountain chiefs to the king of Assam as curiosities, the Assamese did not appear to have imported slaves from outside.⁵

Another source of slavery in Assam was the reduction of criminals into slavery.⁶ Under the former

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1. The evidence of R.H. Mytton, Magistrate of Sylhet, Appendix 1, R.L.C., vol.II, p.12.
 2. David Scott, Com., N.E. part of Rangpur, to W.B. Bayley, Chief Secy, Govt. of Bengal, Dated 4 Sept., 1823. B.C.J.C., No.9, L.P., Dated 18th September, 1823.
 3. Ibid.
 4. Chief Secretary Bayley to D. Scott, Dated 18th Sept., 1823, Bengal Criminal Judicial Consultations, No.10, L.P., Dated 18th Sept., 1823.
 5. P.P. [R.L.C.], 1841, vol.28, p.96.
 6. Ibid. p.96.

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Government, before the British occupation of Assam in 1826, prisoners of war and criminals, who often being capitally condemned had their sentences commuted, were disposed of as slaves. Sometimes, even free men, were relegated to slavery and made over to the King's spiritual advisers, courtiers and nobles. These slaves were called Bohuttea.¹ These royal gifts of slaves for temple service were also imitated by private benefactors - men who had no children or relatives to whom to bequeath their slaves would earn merit by dedicating them as the slaves of God.² According to Pandit Vishnu Datta Dalai, a Brahmin and the chief priest of the temple of Goddess Durga, "under her name of Kāmākhyā, which is seven day's journey east of Goālpara", "the Rājā assigned twelve villages to my temple and twenty five slaves to the Goddess."³

There also existed in Assam a peculiar system of service tenures or of state serfdom. Most of the land in Assam was at the direct disposal of the state, without any intermediary class of landowners or zamindars intervening between the Government and the cultivator.⁴ The state did not exact a land revenue from the cultivators, either

1. Ibid.

2. The evidence of Pandit Visnu Datta Dalai, dated 1839, Appendix 1, R.L.C., vol.II, p.29.

3. Ibid.

4. The evidence of R.H. Mytton, Mag. of Sylhet, Appendix ¹. R.L.C., vol.II, pp.11-12.

in cash or grain, instead it exacted a set quota of labour from each able-bodied man, or Paik, applying this labour both to the production of crops for the support of the government, and to public works.¹ Sometimes a poll-tax was levied in lieu of these services, or, if the Paik were an artisan, then he was required to work at his craft for the state. Each Paik was expected to give his services for three months in the year - in the other nine months he worked upon his own family holding, granted tax-free by the state for his subsistence. By granting the Paiks in Khels and employing the Paiks in rotation a continuous supply of labour was achieved. To protect the labour supply the Paiks were forbidden to leave their Khels and they were strictly prohibited from selling themselves or their sons into slavery - and so depriving the state of their services - unless with Government permission.²

The East India Company found the system in decay. In the last days of the Ahoms and under the Burmese the Paik system had been abused, and had become the source of much of the slavery existing in Assam. It had always been the practice of the Government to pay its officers by assignments of the labour of the Paiks and these officers had profited by the instability of the Government both to enslave the persons and usurp the lands of the Paiks thus

1. P.P. [R.L.C.], 1841, vol.28, p.96.

2. Ibid.

assigned to them. After the province came under the British rule, a minute enquiry was instituted into this abuse, and 6,136 slaves were liberated under the operation of it; but the investigation proved "so vexatious and was so corruptly conducted by the agents employed by the Government, that it was put a stop to by the Commissioner, before it was completed".¹ Many of the paiks still continued as slaves, and though this evil was fully known to the Law Commissioners in 1841, they had no specific remedy to propose for its correction.²

The wars and civil disturbances which had preceded the British occupation of Assam Valley had also permitted the hill tribes bordering the Assam Valley to reduce the settled plainfolk to slavery. At about the close of the eighteenth century the Khampti tribe had moved down from the hills and with the permission of the Rājā of Assam, had settled at Laffa Bori on the Jhinga river.³ About 1814, they took forcible possession of Saidiya, reducing the Assamese inhabitants to slavery, and maintained possession of the district. They were supported by the Burmese during their occupation and invasion.⁴

About the same time, another hill tribe, the Singphos, had also taken advantage of the weakness of the Assam Government and carried their ravages beyond the

1. Ibid.

2. Ibid.

3. Ibid., p.97.

4. Ibid., p.97.

capital Rangpur, laying waste the whole country as far as Jorhat, and carrying off the inhabitants into slavery, Both banks of the river Dihing were swept by their depredations, and the number of the captives carried off by them ran into many thousands. Of these greater part were sold to the hill Singphos, Khampis, Shams, etc. When Assam became a British territory in 1826, 7500 slaves who had been confined by them as domestic slaves, were liberated, and negotiations were set on foot for the liberation of the rest.¹ During the last years of the Burmese occupation many Assamese were enslaved and carried off by their conquerors. To escape this fate, a great number of Assamese fled into the Company's territory, either westward into the neighbouring district of Goalpara or southward into Jaintia.² The wealthier landowners of the district gave them asylum and provided the refugees with employment as servants or labourers. But on whatever terms the refugees had originally been employed, many of the employers later claimed that the refugees had become their slaves. It is certain that some had in fact bought a livelihood at the cost of their liberty, but others disputed the landowners' claim to them as their slaves. In the absence of documentary evidence, the Magistrate of Goalpara district found himself much embarrassed by the numerous and conflicting claims.³

1. Ibid.

2. P.P. [R.L.C.], 1841, vol.28, p.97.

3. Ibid.

The disordered condition during the Burmese withdrawal were further aggravated by a virulent famine which broke out in 1825. To meet the emergency, the British Commissioner, David Scott had recourse to the Assamese practice in such cases - that is to say he issued a proclamation permitting free men to sell themselves as slaves from June to October of that year as the only means of preserving their lives.¹ The sanction of the Governor-General in Council was subsequently obtained to this measure, but it was disapproved by the Court of Directors,² Scott did his very best to vindicate himself. He explained the reasons for which he sponsored the order. He wrote -

"I violated no law or custom that is in force in any other part of the British territories in India; but I merely suspended the operation of a local fiscal regulation. My Proclamation had no other effect than that of waiving the claim of Government to the capitation tax upon persons, who might be compelled by famine to sell themselves as slaves, and it did not, as supposed by the Honourable Court, confer any validity or legality upon the contracts entered into, that they might not otherwise possess, agreeably to the provisions of the Hindu and Mohammedan Laws."³ He further observed -

"That the lines of many of the destitute persons, who in 1825 sold themselves in Assam, might have been preserved,

1. Ibid. p.96.

2. David Scott to George Swinton, Dated October 10, 1830, Appendix VI, BP. [R.L.C.], 1841, vol.28, p.322.

3. Ibid.

without their being reduced to slavery, by supplying them with food, on the public account is very certain. But I doubt much that an application to Government for leave to expend twenty to thirty thousand rupees or even a much larger sum, in that way, would have been complied with at that time, I am aware of no means that could be more certainly and extensively conducive than making it the interest of those who had grain, to divide it with those who had none".¹

This report is dated 10th October, 1830, but was never despatched and was found amongst David Scott's paper after his death. From the corrections noted upon it, it would appear to have been kept back for revision.²

David Scott's argument certainly had much practical force and though his further attempt to show that Assamese slavery was not very rigorous was perhaps disingenuous, his point about the legality of his action was quite certainly valid. From the establishment of British rule in Assam it was provided that all sales of slaves should be registered at the office of the head station of each district. The sales of children by their parents as well as of the sale of slaves by one master to another were also regularly registered there. The usual way in which a man sold himself was by a deed sale. The deed was known as Kharidagi Pottah.³

1. Ibid.

2. P.P. [R.L.C.], 1841, vol.28, p.96.

3. The evidence of R.H. Mytton, Magistrate of Sylhet, Appendix 1, R.L.C., vol.II, pp.11-12.

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The Government also recognised certain milder or temporary forms of slavery or bondage in Assam. The one was known as Bhakta-dāsà, or slavery for food.¹ In 1830 there were some three or four thousand serfs of this category in central or lower Assam, who had voluntarily placed themselves under the protection of the great men of those portions of the province, and worked upon their estates, receiving nothing but their maintenance. But they were at liberty to depart whenever they liked.²

The other form of bondage, was when a man embraced slavery by mortgaging his service to a rich man for a specific number of years, as 7, 14 or 20 years. He was held in bondage and bound to ~~serve~~ his master till his debt was cleared or the specific period as agreed upon, ^{had} elapsed. If the person died whilst he was a bondsman, the bond became null and void, and his sons could not be forced to take their father's place unless they were his heirs.³ This type of slavery prevailed to a great extent in Assam: four thousand persons mortgaged their services for a specific period in lower Assam in the year 1830 alone. Several European settlers in Assam had recourse to this method of obtaining labourers for their estates, but many of their bondsmen deserted them and made good their escape. The

1. P.P. [R.L.C.], 1841, Vol.28, pp.99.

2. Ibid, pp.99.

3. F. Jenkins to R.D. Mangles, Judicial Secretary to the Govt. of Bengal, dated July 31, 1835, LL.P., Enclosure 10, Dated 28 Sept., 1835.

planter found it impossible to trace the fugitives due to the non-cooperation of the natives.¹

The following were the usages relating to bondsmen under the former Government. A man who mortgaged himself for twenty rupees was entitled to the produce of one doon (or one quarter of a pwa of land) of rice from his master. A man bound for more than twenty rupees was entitled to three pwas of dhan (paddy) a month and three pieces of cloth a year.² Under the Aham rules, those who mortgaged themselves as bondsmen in this way were entitled to get amounts of food from their masters. Thus a man who had mortgaged himself for twenty rupees was entitled to the produce of "Doon" or 1/4 of a Poorah of Dhan per month and yearly three pieces of cloth."³

If any loss occurred to a master from a bondsman, unless owing to ill-health, the bondsman was bound to pay interest of one anna for every rupee of his debt and in the event of his death his heir was bound to serve in his stead, until he had paid off the money.⁴ According to the

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1. P.P. [R.L.C.] 1841, vol.28, p.99.
 2. Translation of a report made by a native gentleman to F. Jenkins, Jenkins to Mangles, July 31, 1835. 9 L.P.No.10
 3. Translation of a report made by /of 28 Sept., 1835. an Assamese to F. Jenkins. F. Jenkins to R.D. Mangles, Secretary to the Govt., dated July 31, 1835. 9 L.P., No.10 28 Sept., 1835.
 4. From Captain A. Bogle, Principal Assistant Agent to the Gov. Gen. in the Dist. of Kamrup, to Commissioner F. Jenkins, dated July, 11, 1835. 9 L.P., No.10, dated 28 Sept., 1835.

magistrate of Durrang, all bondsmen used to receive their food and clothes from the mortgagee, and their family would also get a portion of grain for their support. They could obtain their release at any time on discharging their debt, and the bond became void on their death. But it is clear that on the last mentioned point the usage was as previously stated, viz., that the heir of a deceased bondsman was answerable for the debt. This undoubtedly made the status of a bondage in most cases as degenerate as that of a slave. The greater number of bondsmen had become so for a small sum of money which was hardly ever more than thirty rupees. In most cases, the obligation descended from parent to child for several generations.¹

"The illegal proceedings of parties employing bondsmen have frequently been of such a character that they have not even attempted to defend them when once brought under investigation, but have resigned all claims to further servitude."² He further observed, - "I have known instances, in which not only men and women were retained in a state of slavery for their life time for a very small sum, but their children also, unless a fortunate chance placed it within their power to pay off the original loan with interest, which considering the high rate of interest in Assam (which was about 48%) rarely happen."³

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1. Ibid.
 2. Ibid.
 3. Ibid.

About the dishonesty and deceitful nature of the slave-holders Captain Bogle remarks, - "In consequence of the ignorance of the bondsmen, and the power and injustice of those to whom they were bound, it frequently happened that though a man had bound himself for not more than eight rupees, yet his son and grandson remained in bondage. In fact, if a bondsman died without having discharged his debt, the master seized upon his nearest relation and compelled him to serve so long as the debt remained unpaid." ¹

In Goalpara, and some other portions of lower Assam, the system of bondage had the same pernicious results. ²

All the evidence shows that slavery was extensive in all areas of Assam. The province was potentially rich but lacked labour, and as has been seen the rulers, nobles and temples therefore depended upon the labour services of the faiks, or those of slaves. A census taken about the year 1830, of the population of lower Assam, as then constituted, gave a total population of 350,000 of whom 11,000 or 12,000 were adult slaves. ³ Of these slaves, it was calculated, one-fourth were married, and allowing four births to each marriage, the officiating magistrate estimated the whole number of slaves at 27,000, or about eight percent of the entire population. According to the same authority, slaves were less numerous in the district of

1. Ibid.

2. P.P.[R.L.C.], 1841, vol.28, p.100.

3. Ibid.

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Durrang than in other parts of the province.¹ Among the Jaros of the hills south of the Brahmaputra valley, the slaves formed about two-fifths of the whole population, and almost entirely belong to the chiefs by whom they were formerly led to war. These slaves were not only distinguished for their obedience, but for their courage also, as freedom was a reward often bestowed on them for exhibiting great valour.²

Almost all the domestics in Assam were slaves, and every man of rank had several slaves in his family. Free servants could scarcely be hired, and female servants were very rare. Since every landowner had to work for himself, since no free labourers could be procured either for a share of the crop or for money wages, the only assistance available was that of slaves, and a good many of them were employed by those who could afford to. Slaves were valued for the official, noble or Brahmin, even essential possessions, not lightly to be disposed of. To sell his slave was considered highly discreditable to master, an indication of ruin. Nevertheless transactions in slaves did take place and British officials were able to supply tables of average prices for their districts. Doubtless individual prices varied according to the physical and other qualities of the slave, but for the Hindu in Assam or elsewhere a major factor was the caste of the slave. The main

1. Ibid.

2. Ibid.

pure castes were the Kos, Kybartas, Kyasthas, Kalitas and Nāpits, ¹ and these always commanded a higher price since they could be used as domestics. The Domes, Hiras, Kumars, Jogis, Kacharis, Baruid and Bairagis were the main impure castes ² who were used for field and other outdoor work. Muslims belonging to Hindu families obviously fell into the latter category. The following is a price list prepared in 1835 for slaves of leading pure castes, Kolitas, Kayasthas and Koch:-

District	Men	Boys	Women	Girls
1. Darang	Rs.20/-	Rs 10 to 15/-	Rs 15/-	Rs 8 to 10/-
2. Kamrup	Rs 40/-	Rs 15 to 20/-	Rs 20/-	Rs 12 to 20/-
3. Nowgong	Rs 20/-	Rs 10 to 15/-	Rs 15/-	Rs 8 to 12/- ³

The prices of inferior castes, viz., Jogeas, Domes, Kacharies and others were one-third less. The range of prices was stated by other officers to be from 10 to 60 rupees.⁴

There was also some movement of slaves out of the province with East India Company troops and officials. In 1825, when lower Assam was first occupied, a severe famine forced many Assamese to sell their children for trifling

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1. The evidence of Visnu Datta Dalai, Appendix 1, R.L.C., vol.II, p.29.
 2. R.L.C. Vol.I, pp.97-98.
 3. J. Mathie, Offg. Mag., Darang, to F. Jenkins, Dated July, 31, 1835, 9 L.P., No.10, dated 28 Sept., 1835.
 4. Translation of a Report made by an Assamese to Commissioner Jenkins, Jenkins to Mangles, dated July, 31, 1835, 9, L.P., No.10, Dated 28 Sept., 1835.

sums of money as slaves. The officials, troops and merchants who had entered Assam on its occupation bought many of them, and when they were transferred carried them with them.¹ Formerly also the Garo hillmen in exchange for salt from Sylhet and the cotton from their own hills which they imported into Assam, used to take many slaves with them.² The slaves were chiefly Garos who were sent back among their impure countrymen as a punishment for their transgression.³

The initial reaction of the British authorities to slavery in Assam was to tolerate it and even defend it. Political necessity would perhaps have imposed such an attitude, since initially great reliance had to be placed upon Assamese nobles and officials in the management of the country, and there was even considerable discussion about the advisability of restoring Aham rule; all these nobles and the royal family were great slave owners. But there was perhaps a more positive approval than that imposed by political considerations - one arising from the realization that the factor upon the economic improvement of Assam was the shortage of labour and the impossibility therefore of building up any but a subject labour force. Finally

1. P.P., [R.L.C.], 1841, vol.28, p.98.

2. The evidence of R.H. Mytton, Appendix 1, R.L.C., vol. II, p.11-12.

3. P.P. [R.L.C.], 1841, vol.28, p.99.

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there is little doubt that in Assam the condition of the slave was not as harsh as that of slaves even in other parts of India - if only because the geography of Assam, with its hills and jungles always ... easy reach of the valley floor, made escape from oppression comparatively easy. A day's journey carried the slave beyond his master's reach.¹

The evidence submitted to the Law Commission suggests that the slaves and bondsmen in Assam were, on the whole well-treated, though there were some complaints of oppression by masters, or insubordination of slaves to the new British officials. Slaves were provided with food, clothing and shelter, and the expenses incidental to their marriages, the birth of their children, deaths and all other occasions for religious ceremonies.² Likewise, their family was granted a daily allowance of grains. Moreover, the master was bound by law, to maintain his old or infirm slaves, and the general feeling would be strongly against the neglect of that obligation.³

The most usual way of maintaining the slaves was by assigning them a portion of the master's estate to cultivate, the produce of which was so divided between the master and the slave, as to give the latter enough for the maintenance

1. P.P. [R.L.C.], 1841, vol.28, p.98.

2. Jenkins to R.D. Mangles, Secretary to the Govt. of India, Dated July, 31, 1835. 9 L.P., Enclosure No.10, dated 28 Sept., 1835.

3. The evidence of R.H. Mytton, Appendix 1, R.L.C., Vol.II, p.12.

of himself and his family.¹ If a person possessed many slaves, he only required the labour of a few in rotation, and allowed the others to engage in the cultivation of lands, for the rent of which he became responsible, reserving to himself what profit there might be after allowing the slave a fair maintenance. In the poorer and middle-class families the slaves were fed from the family kitchen,² the domestic or house-hold slaves being fed from the remains of the master's table.³ British officials were ready to argue that, if the slaves did not take advantage of the easy roads to escape it was from fear of losing the advantages of his situation. Scott believed that slavery was in general not unduly harsh in Assam, and he was even ready to argue that this was true of the lot of the female slaves. He declared that they were always treated "with a degree of consideration", and he pointed out that the universal designation of a female slave in Assam was Beti or daughter."⁴ But even Scott had to admit that they were generally used for immoral purposes. The practice of making concubines of their female slaves, and of bringing up the offspring of such connections along with their

1. P.P. (R.L.C.) 1841, Vol.28, p.97.

2. The Evidence of Pandit Shan Kar Nath Jha, Appendix 1, R.L.C., Vol.II, p.51.

3. Ibid.

4. P.P. (R.L.C.), Vol.28, p.98.

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other children, is not uncommon amongst the nobles and even the Kings of Assam."¹ Mytton - the Magistrate of Sylhet, remarked in this connection, "the master could by law, compel his female slave to marry against her consent," Indeed, they were married at an age at which they were incapable of giving consent.² Scott finally admits that the slaves were morally in a degraded condition, and in Assam, "they were of more disolute and depraved habits than the free population."³

The condition of agrestic slaves was nearly on a par with that of the agricultural labourer. In physical condition, they were not worse off than the peasantry of the country.⁴ But notwithstanding the generally favourable description of the slaves, it was also acknowledged that slavery caused a moral injury both to the master and the slaves. David Scott had been prepared not only to defend slavery as an institution on political or economic grounds - as he did when arguing that self-imposed bondage was the only effective recourse

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1. P.P., (R.L.C.), Vol.28, p.98.
 2. The evidence of R. H. Mytton, Appendix 1, R.L.C., Vol.II, p.12.
 3. P.P., (R.L.C.), 1841, Vol.28, p.98.
 4. Ibid.

open to those threatened by famine - he was also ready to argue on social grounds that many who were bondsmen were just such feeble persons as in every country found themselves in the toils of debt or in prison. Later officials also found arguments for the continuation of slavery.¹ Thus Captain White argued in a letter to the Commissioner, Jenkins, that since the labourers could not be procured at the principal stations in Assam, the mitigated state of bondage was bound to prevail, whether it was prohibited or not.² There was no chance of improving this anomalous state of affairs, until and unless the population of Assam increased, or some other extra-ordinary stimulous was given to increase the productive labour of the country. According to him, slavery in Assam was not like slavery in Bengal or other parts of Hindusthan; for in those parts it was possible to abolish the slave system or mitigate bondage altogether, because the slave-owners could out of due compensation go to an open market and get, in exchange, out of the redemption money, an equivalent in labour. But in Assam, where productive labour was not easily procurable, it would be greatly detrimental to the interests of the higher classes, and would be attended with minous consequences. He furthermore pleaded that an immediate

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1. Scott to G. Swinton, dated October 10, 1830., Appendix VI, P.P. (R.L.C.), 1841, Vol.28, p.322.
 2. From Captain White to F. Jenkins, dated June, 30, 1835, I.L.D., No.10, dated 28 September, 1835.

abolition of the system of slavery and bondage, prevailing in Assam, was bound to fail due to its inadaptability to the wants of the community and the shock it would give to established habits and usages.¹ The same official had earlier, in 1830, written to Scott, - "I should therefore, hail with joy any measure leading to its abolition, as being likely to have beneficial effect in elevating the character of the population. But with reference to the very backward state of society in Assam, I should think it would be inexpedient, to abolish slavery entirely."² In 1835, he even reversed his earlier proposal that the children of slaves ought to be declared free at birth, explaining that it appeared to him that this suggestion would be inexpedient, as there would be no provision for their maintenance. Therefore, in order to avoid this danger, which would naturally follow their emancipation, he proposed that the birth of such children should be registered, and they should be emancipated after making a due compensation when they would attain maturity.³

Nonetheless the tide set in against countenancing slavery, even in Assam. Both under Scott and under Jenkins, the land revenue system was modified so as to put an end to the old

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1. From Captain White to F. Jenkins, dated June 30, 1835, I.L.D., No.10, dated 28 September, 1835.
 2. Captain White, offig. Mag. Lower Assam to D. Scott, Commissioner, Appendix VI, P.P. (R.L.C.), 1841, Vol.28, p317
 3. White to Commissioner Jenkins, dated June 30, 1835, I.L.P. No.10, dated 28 September, 1835.

Paik system and to bring Assam into line with other parts of British India. As a result, after about 1830, many slaves were found deserting their masters, fleeing into other districts and settling down as cultivators of waste lands.¹ In his report of that year the Magistrate of Lower Assam stated that there were many complaints of such flights.² Ultimately no less important was the establishment of the industry in Assam, from the mid-1830's, since it not only provided a new demand for labour, but, using the steamer service on the Brahmaputra, began to bring in labour from Chota Nagpur and other areas to satisfy the need which Assam had also felt.³

Besides these internal changes within Assam, there was also pressure from the Government of India and the Court of Directors gradually to abolish slavery. Initially slavery had been given legal sanction by the British administration in Assam. Thus in a letter dated 4 February, 1830, Scott the Commissioner of Assam, instructed the Political Agent in upper Assam to open a register for a period of six months for the purpose of recording names of all the slaves within his

1. P.P., (R.L.C.), 1841, Vol.28, p.98.

2. P.P., (R.L.C.), 1841, Vol.28, p.98.

3. See the M.A. Thesis of A. Barua, L.U. 195.

jurisdiction, and to issue a proclamation notifying that all persons remaining unregistered on the expiration of that period would be held free.¹ This regulation had received the sanction of the Government, and all sales of slaves, as well as of free children by their parents and sales of slaves by one master to another, were registered at the office of the head station of each district.² This general recognition of slavery was, however, steadily whittled away. In July, 1833, issued a proclamation prohibiting the sale or mortgage of any individual who is a native of Assam, to a foreigner. Any violation of this regulation was liable to be punished by a fine not exceeding 100 rupees, and the person who would sell himself to a foreigner would be punished by imprisonment for a period not exceeding six months.³

Again during the early years of British rule, it had been the practice of the criminal courts in Assam to restore fugitive slaves to their masters. As the number of such cases rose, and masters tried to establish their rights over the persons of their slaves, the Commissioner was forced to apply to the Presidency Sadar Court for instructions on this problem.

1. P.P., (R.L.C.), 1841, Vol.28, p.100.

2. The evidence of R. H. Mytton, Mag. of Sylhet, dated 1839, Appendix 1, R.L.C., Vol.I, p.

3. P.P., (R.L.C.), 1841, Vol.28, p.100.

4. Ibid.

He reported on 26 January, 1835, that "many such cases were brought forward in Assam and North-East Rangpur and that persons were probably illegally detained in bondage, but were unable to prosecute suits for their liberation. In reply, he was instructed by the Court, (the Sadar Court at Allahabad Concurring) that "if the party alleged to be a slave complain that he is detained by violence be proved, redress should be offered to him, and the opposite party referred to a civil action to prove his claim."¹ The direction of the court, though in answer to a particular reference, formed a precedent for the guidance of all the magistrates of Assam, subject to the control of the two Sadar Courts.

In June, 1836, the Political Agent in Upper Assam, on receiving an application from a Khanpti Chief to surrender his fugitive slave, ordered his restoration to him. Thereupon, he was called upon by the Government of India to show cause for his having done so. He stated in answer, that 10 years previously the British Commissioners, Mr. Scott and Colonel Richards, had issued a proclamation giving notice that the right of the Assamese slave owners would be respected.² On September, 12, 1836, he was informed by the Indian Government, that "it is the wish of the Governor-General in Council,"

1. P.P., (R.L.C.), 1841, Vol.28, p.100.

2. Ibid.

that all functionaries, as a general rule, should refrain from "any summary interference for compelling the return to a state of slavery of individuals who may have effected their escape from it."¹ At the same time a copy of these instructions was forwarded to the Agent of the Governor-General on the North-East Frontier, for his information and guidance. According to the instructions, "every individual must be presumed to be in a state of freedom until the contrary is proved, and where rights are claimed affecting his freedom, there seems to be no reason why claimants should have greater facilities afforded to them in ordinary cases."²

In very similar fashion the power of masters over their slaves was defined and reduced. There had been no well defined code of regulations in Assam governing the rights of masters and slaves. British Courts, therefore, normally consulted the respectable inhabitants of the district upon disputed points. According to Commissioner Jenkins, the relative rights of the masters and slaves depended more on local customs and usages, than on Muslim or Hindu law, for neither system of law had had more than a partial partial

1. P.P., (R.L.C.), 1841, Vol.28, p.100.

2. Ibid.

prevalance in Assam and a considerable part of the inhabitants were neither Hindus nor Muslims.¹ Captain White - the officer in charge of central and lower Assam, in a report, dated 9th August, 1830, observed that the master had the power of inflicting corporal punishment on their slaves.² His views were supported by the evidence given to the Law Commission by Pandit Shankar Nath Jha that masters could punish their slaves, either by stopping their rations, by striking them with the hand, or beating them with a thin stick or rattan.³ Nevertheless the Sadar Court intervened in Assam in cases of harsh punishment, applying the precedent of the decision of the Sadar Nizamat Adalat in trial member 67 of 1805, punishing masters who inflicted undue punishment and releasing their slaves.⁴ Captain Bogle argued that since the acquisition of the province by the East India Company, masters had never been permitted "to punish their slaves more severely than a father may punish his child, and the practice which prevailed among the principal people of keeping stocks in their houses into which they put their slaves or any poor person who offended them had since been disallowed."⁵ He

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1. Jenkins to Mangles, Secy, Govt of Bengal, dated July 31, 1835. I. L. P., No.10, dated 28th Sept., 1835.
 2. Captain White to D. Scott, dated 9th Aug., 1830., Appendix VI., R.L.C., Vol.II, p.317.
 3. The evidence of Pandit Shankar Nath Jha, Appendix 1., R.L.C., Vol.II, p.
 4. P.P., (R.L.C.), 1841, Vol.28, p.100., Cf. P.P., 1828, Vol.24, pp.95-96.
 5. Bogle to F. Jenkins, dated July 2, 1835., I.L.P., No.10, dated 28th Sept., 1835.

obviously thought it unjust to strip masters completely of their power of inflicting punishment on their slaves. "I think," he wrote, "that an Act abolishing master's power of punishment altogether would make no change in the Law of Assam. I consider, if a slave complained and it turned out that his master had only given him a slap, the court would scarcely think the case worth noticing."¹ Nonetheless, the pressure of the Courts continued to be exercised against the master and in favour of the slave.² In another matter the Government acted more decisively. It had been the practice in Assam to recover arrears of land revenue or to secure decrees of the Courts by sale of the defaulter's effects, and in particular by auctioning his slaves.³ This habit continued until 1834, when on the occasion of considering certain rules of practice proposed by Mr. Jenkins - the then Commissioner, for the guidance of the Court, including some relating to the system of bondage, and for gradually emancipating the slaves meant for sale in execution of the decrees of the Court, the Government informed him, by a letter, dated 25th August, 1834, that "the subject of the state of slavery and bondsmen would be taken into consideration hereafter," and directed that "in

1. Bogle to F. Jenkins, dated July 2, 1835., I.L.P., No.10, dated 28th Sept., 1835.

2. P.P., (R.L.C.), 1841, Vol.28, p.100.

3. P.P., (R.L.C.), 1841, Vol.28, p.100.

the meantime the Court should abstain from selling slaves in satisfaction of decrees, or for any other object."¹

The Court of Directors, in their despatch, dated 3 January, 1834, remarking on the previous determination of the Indian Government on this subject, observed, "We are hardly prepared to sanction the rule you have adopted of allowing slaves to be sold by the public auction for the benefit of private creditors."² Finally, therefore, prohibitory orders of Government regarding the public sale of slaves, either for arrears of revenue or decrees of Court, were circulated to local officers in September, 1834, and were followed, said Captain Bogle in his evidence, "by a great decrease in the value of the slaves."³ The institution of slavery was thus gradually eroded by administrative action or the direction of the Courts. There remained the less obviously compelling question of debt bondage. In February 1834, Robertson, the then Commissioner of Assam framed the following rules for the guidance of the Courts of the province⁴:-

1. If any individual has become or shall hereafter become bound to serve another in return for a certain sum of money during any clearly specified term of years, such a

1. P.P., (R.L.C.), 1841, Vol.28, p.100.

2. Ibid.

3. Ibid.

4. P.P., (R.L.C.), 1841, Vol.28, p.101.

transaction shall be accounted legal, and be upheld accordingly."

2. If any individual, however, has become or shall become bound to some in like manner for an unlimited term of years, under a general condition, that his or her bondage is to continue until a certain sum of money be repaid, then on a suit being instituted, by a person so situated, for his/her release, the Court before which it may be tried, shall after fixing the price of the plaintiff's labour, and deducting therefrom what may be esteemed a fair equivalent for maintenance, carry the balance to the credit of the plaintiff. Whenever the sum total thus credited shall suffice to extinguish the original debt, with legal interest, or whenever a plaintiff shall pay up whatever may be wanting in the amount thus carried to his or her credit to effect such extinction of the said debt, in either case the Court shall award to such plaintiff an entire discharge and liberation from his or her bondage."
3. "To prevent protracted investigations, as well as to protect masters from vindictive prosecutions, it is further enacted that no master shall be required by a slave to account for an amount alleged to be due to him on

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account of labour performed during the time of his bondage."¹

On receipt of these instructions, Lt. Mathie, the officiating magistrate of Durrang, introduced fixed rules for the guidance of the Civil Courts in his district:-²

1. "That all persons who have mortgaged or bound themselves or another to a creditor for any specific sum shall be entitled to their release at any time the mortgagors may pay down the amount they originally borrowed, with the legal interest of 12 per cent per annum."

2. "That the mortgagors shall be entitled to a remission on the original debt of one rupee per mensem for the services they or the persons they have mortgaged have rendered to the mortgagee from the date of entering his service, provided the bondsman has not been fed and clothed either by the mortgagor or himself. Should the mortgagee have fed and clothes the bondsmen, then, instead of getting a remission of one rupee for his services he will only be entitled to four annas per mensem."³

According to Lt. Mathie, these rules were very successfully operated to the great advantage of those unfortunate persons who were being oppressed.⁴

When Robertson was succeeded as Commissioner, by Jenkins,

1. P.P., (R.L.C.), 1841, Vol.28, p.101.

2. J. Mathie, to F. Jenkins, dated July 31, 1835, I.L.P., Enclosure No.10, dated 28 Sept., 1835.

3. Ibid.

4. Ibid.

the question of abolition was re-opened, and the district officers were asked to submit their opinions on the subject. Captain Bogle thought that emancipation of slaves could be most safely and easily attained by means of a proclamation which declared that all children born after a certain date should be free. As to the computation of the period it was his opinion that it might be determined from the date of the proclamation or from Treaty of Yandaboo when Assam became permanently annexed to the British Territories.¹

He did not, however, consider that the subject of bondsmen required any interference on the part of the Government, because free persons when they entered into a bondage were competent to judge for themselves the amount of risk they were undertaking. The only case where a law might be passed to declare bondage illegal was the one where a parent gave away a child in bondage; if a person was so disposed of, he should be declared free from the date of such law's enactment.²

Finally he recommended that the circumstances which had led free men to become bondsmen should be enquired into. For as bondage was at times entered upon for paltry sums of three

1. A. Bogle, Principal-Assistant Agent to the Governor-General in the district of Kamrup to F. Jenkins, dated July 2, 1835, I.L.P., No.10, dated 28 Sept., 1835.

2. Ibid.

rupees and less, and passed from father to son, even a cursory inquiry would in his opinion set a number of such unfortunate bondsmen free.¹

T. Brodie, another officer, took a much more decided line, for he considered the mere toleration of slavery as unjust from the very beginning; and he had no hesitation in giving his assent to its abolition. He was, however, not in favour of its immediate extinction, as the sudden suppression of slavery might upset the domestic relations of the native community.²

Brodie was in favour of a gradual extinction of slavery, which he thought could be easily carried out by passing an enactment to the effect that after a certain period slavery would cease. According to him, such a measure would remove the difficulty of compensating the slave-owners; for the usufruct of the slave for the period prescribed would be fully equivalent in value to the original purchase money, including interest.³

He further suggested that similar measures should be adopted for the gradual emancipation of bondsmen. In cases

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1. A. Bogle, Principal-Assistant Agent to the Governor-General in the district of Kamrup to F. Jenkins, dated July 2, 1835, I.L.P., No.10, dated 28 Sept., 1835.
 2. T. Brodie, Junior Assistant, in the Division of Nowgong, to F. Jenkins, dated July 2, 1835, I.L.P., Enclosure No.10, dated 28 Sept., 1835.
 3. Ibid.

where the period of bondage was not fixed, the debt to be paid should decrease at the rate of 8 annas per month. But in no case should the period be allowed to exceed that set apart for the entire extinction of slavery.

Finally, Brodie expressed his opinion on the much-debated question whether it was expedient to prohibit the sale of children by their parents in times of scarcity in order to save them from starvation. He pointed out that if such practices were allowed, avaricious men would take advantage of the necessities of the poor. He, therefore, considered it necessary to limit the traffic to a certain extent. According to him, this could be done by declaring that the parties thus sold were entitled to have their labour at their own disposal on attaining the age of maturity.¹

Thus we see that all the assistants of Commissioner Jenkins were unanimously in favour of gradual abolition of slavery, although they differed from each other over the question of the ways and means which should be adopted for that purpose.

Having considered the opinions of these officers, the

1. T. Brodie, Junior Assistant, in the Division of Nowgong, to F. Jenkins, dated July 2, 1835, I.L.P., Enclosure No.10, dated 28 Sept., 1835.

commissioner, Jenkins drew up the following rules for the gradual mitigation of slavery and bondage in Assam¹:-

1. All children born after the date of the proclamation should be declared exempt from servitude for life; they should serve their parents or owners until they attained the age of 18 years, on the condition that they were to be fed, clothed and well treated.
2. The children born during the term of bondage of their parents could be emancipated by the Magistrate on paying the owner the sum of ten rupees for the support of the child during its infancy.
3. Registration should be made within six months of all slaves and of children born after the date of the proclamation before the Putwarris of villages and chaudhuris of parganas - failure to enter their names would be a sufficient proof of their freedom.
4. If any slave was imported from a country which was not under British rule, such slave should be released by the Magistrate and returned to his country. If such slaves were not in a position to maintain themselves, the Magistrate might hire them out for a term of years not exceeding seven. As to the areas to which this prohibition should be applied, it was suggested that it should include the states of Khasia, Cachar and Bengal, including North-East Rangpur. Moreover, if the slaves were imported

1. Rules proposed to be enacted in Assam for the gradual mitigation of slavery and bondage, submitted by F. Jenkins, with his letter of August 22, 1835, to R. D. Mangles, Secy to Bengal Government, I.L.P., No.10, 28 Sept., 1835.

with the object of selling them to another party, the person so importing them should be made liable to pay a fine not exceeding 200 Rupees or suffer six months' imprisonment.

5. The exportation of slaves should likewise be prohibited. But this regulation should not be made applicable to slaves who had been born in slavery or had been already domesticated for a period of five years or upwards, nor should it apply to females who were pregnant or bore children to their owners. However, by way of exception it was provided that, if the slaves by their own free will declared before a Magistrate, that they were willing to accompany their owners, they would be entitled to a passport on which this particular circumstance had to be explicitly mentioned.
6. The sale of children was to become invalid after the proclamation of these rules; an exception was, however, made by which the sale of children was legalized in times of famine on the clear understanding that after a definite period they should be declared free. To prove the validity of such a sale it was necessary that it should take place in the presence of three or more witnesses and before a village officer who should authenticate the deed and should forward it through the chaudhur of the pargana to the magistrate for registry.
7. All owners should register children born of their slaves in the manner prescribed above within six months from the date of their birth. In the absence of such registration, they were liable to lose all right and title to every such child.

8. The transfer of all slaves and bondsmen within the Province, either by sale or gift, should be registered as afore said; but it would be illegal to transfer the services of children under the age of six years so as to separate them from their parents.
9. The rule that applied to parents and children should also apply in the case of husband and wife. Any breach in this regulation would be punishable not only with the forfeiture of every right to the service of the husband, wife or child, but also with a fine not exceeding 50 rupees or three months' imprisonment.
10. Further it was made unlawful for any person above 18 years of age to bind himself or herself down for so many years in addition to 7 years as he or she might be under the age of 18 years; thus a person of 17 years of age might enter bondage for 8 years, one of sixteen years of age for 9 years, and so forth.
11. All bondsmen should be entitled to the allowance of food and clothing according to the usages and customs of province.
12. All bondsmen whose engagements were not made for any definite period could obtain their release after the issue of the proclamation by proving that they had served for seven years in payment of their debt.
13. In valuing the slaves work in payment of his debt the services rendered by the slave should be calculated at the rate of 4 annas per month. If it happened that the amount calculated exceeded the amount of his debt, the bondsman was not entitled to recover this excess from his master, but he was entitled to his liberty.

14. Bondsmen could obtain their liberty at any time on paying off the sum for which they were bound.
 15. In the event of the death of the bondsmen all the engagements between him and the master would be considered as cancelled.
 16. The provincial customs regarding the marriage of slaves should be allowed to continue without interference or infringement.
 17. Any slave or bondsman could emancipate himself, his wife or children at a sum fixed by a panchayat appointed by the magistrate.
 18. If slaves or bondsmen were ill-treated, the case was cognisable by a magistrate. They were, however, liable to moderate correction by their masters; and any gross misconduct on their part would be punishable by the magistrate by flogging, not exceeding 35 stripes.
 19. In the case of run-away slaves it was proposed that, if any person harboured such slaves, he would be liable to a fine not exceeding 200 rupees or to imprisonment for six months; and the slave was to be restored to the owner by the magistrate who would moreover inflict the necessary punishment as he deemed just.
 20. Any complaints from slaves in breach of the above-mentioned regulations, should be decided summarily by the magistrate. If either party thought himself aggrieved by the decision of the magistrate, he was free to institute further proceedings in a Civil Court.¹
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1. Ibid.

In the district of Kamrup, in April 1837, 211 cases had been decided under the Commissioner's second rule, and 355 were nearly ready for decision. A great many bondsmen obtained their discharge under the operation of it.¹ These proposals received the sanction of the Government of India and were immediately enforced in Assam.²

The annual statements on the administration of Criminal Justice in Lower and Central Assam show that in the three years following the application of Jenkin's regulations, that is in 1836, 1837 and 1838, some two hundred cases were tried; eighteen of these were cases of illegal purchase of slaves - already punishable under Regulation X of 1811 and Regulation III of 1832, three were of sales of slaves, twenty four concerned abduction or decoying away slaves - mainly children, and the bulk of the rest, apart from twenty six cases of slaves absconding, related to the forcible detention of persons in slavery. The total number is not large, and the record shows that the pressure of the Courts was steadily diminishing the operation of slavery.³

The history of the abolition of slavery in Assam, is one of the gradual translation into practice of the humanitarian ideals of the British officials, supported by the orders

1. P.P., (R.L.C.), 1841, Vol.28, p.102.

2. Ibid.

3. Ibid., p.103.

of the Government of India and of the Court of Directors. But slavery was not totally wiped out from Assam with the promulgation of Act V' by Lord Ellenborough in 1843.¹ In contrast to other provinces of India, slavery continued to exist in Assam among the hill tribes even at a much later period, though there was no legal sanction behind the institution. This is evident from the correspondence published in the Lansdowne Paper in the eighteen-nineties, in which the widespread nature of slavery along Indo-Burma border has been reported, and the continuing efforts of the Indian Government to eradicate it.²

1. I.L.P., No.16, dated 7 April, 1843.

2. Lansdowne Papers, IB, Vol.VI, pp.1045-46.

CHAPTER SIX

SLAVERY IN ARAKAN.

Arakan is the most westerly part of Bengal.¹ Arakan maintained close political and commercial links with Muslim Bengal from the 14th to the 18th Century. Indeed, in the 17th Century Arakan was a maritime power of some importance, and its naval forces based on Chittagong, "working with those of Portuguese free-booters settled in the head of the Bay, dominated the riverine tracts of Bengal". The Arakanese or Maghs, noted for their warlike habits, frequently ravaged Noakhali and Backhergunge, carrying away among their other loot considerable number of slaves. Indeed, for some time, these districts were practically under the control of the Arakanese, while in 1625 they even went so far as to sack Dacca.²

In the latter half of the seventeenth century the political involvement with Bengal was increased by the flight to Arakan of Prince Shah Shuja after his defeat by the troops of his brother Aurangjeb. The latter, as emperor, made lavish offer for Shuja's extradition, but these were refused by the Arakanese ruler. Eventually, however, in February 1661, Shuja's efforts to secure his own freedom of action led to an attack upon his house, and he was most probably

1. Encyclopaedia of Islam, p.606.

2. Ibid.

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killed in the struggle which followed.¹

The death of the Mughal prince drew dower Mughal vengeance upon Arakan. Shayista Khan, the Viceroy of Bengal "curbed Arakanese raids by destroying two Arakanese fleets and taking Chittagong in 1666."² With this, the Arakanese ascendancy in Bengal came to an end. But slave raiding continued uninterrupted far into the 18th Century. In 1762, Muslim soldiers of fortune, in active collaboration with many Bengali prisoners, captured power in the Capital and for twenty years had the mastery in Arakan.³ At least two great Bengali Muslim poets Dawlat Kādi and Sayyid-al-Awwal received the patronage of the Arakanese court and Al-Awwal's great work Padmayati affords an unusual glimpse of contemporary Arakanese court and social life.⁴ Descendants of these Muslim soldiers still live in the Ramri and Akyab areas.⁵

Late in the eighteenth century the close connection between Arakan and Bengal was ended by the conquests of Bodawpaya, King of Burma. In 1784 he annexed Arakan, which remained in Burmese hands for forty years. But the situation was again revised in 1826 when the East India Company annexed Arakan by the treaty of Yandabo at the conclusion of the first Burmese war.⁶ Thereafter Arakan

1. Ibid.

2. Ibid.

3. Ibid.

4. Sukumar Sen, Bānglā Sāhityer Kathā, Calcutta University. cf. (Bisveswar Bhattacharya, Bengal Past & Present, No.65, 1927, pp.139-44.)

5. Encyclopaedia of Islam, p.606.

6. G.E. Harvey, British Rule In Burma, p.19.

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was administered by the Government of Bengal through two joint commissioners Hunter and Paton, till 1829; then through a Superintendent, successively Paton and Dickinson, under the commissioner of Chittagong, till 1834. Thereafter Arakan was administered by a Commissioner called Captain Dickinson, 1834-37, and then by Captain (later Sir Archibald) Bogle - 1837¹ - 49. The judicial functionaries in this province were subject to the control and superintendence of the sadu diwani and nizamat adalat.² Thus we see that the link between Bengal and Arakan was for many centuries a close one, both geographically, commercially and politically. Since Arakan was also a major centre of slave raiding and trading for much of that period, a study of slavery in Arakan under the East India Company seems essential.

Slavery had existed in Arakan as a social and economic institution long before the advent of the British in India, for as has been seen the Maghs carried on a slave-trade in active collaboration with the Portuguese from the 16th Century onwards.³ The Maghs and the Portuguese, the propagators of the slave-trade in Bengal, had caused wholesale destruction in the Sunderbans area, as the ruins of the many places testified. We read the following account in the East India Chronicle:-

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1. H.H. Dodwell, [ed.], - Cambridge History of India, vol.V, p.558.
 2. R.L.C., vol. I., p.164.
 3. Bengal Past & Present, vol. II., 1910, p.271.

"February, 1717, the Maghs carried off from the most southern parts of Bengal 1800 men, women and children. In ten days they arrived at Arakan, and were conducted before the sovereign, who chose the handicrafts men, about one-fourth of the number, as his slaves. The remainder were returned to the captors with ropes about their necks to market, and sold according to their strength at from 20 to 70 rupees each. They were by their purchasers sent to cultivate the land, and had fifteen seers of rice each allowed for their monthly support. Almost three-fourths of the inhabitants of Arakan were said to be natives of Bengal or their descendents"¹. The Portuguese and the Magh pirates gathered in the Sunderbans and frequently haunted the neighbourhood of Akra, Budge-Budge and Calcutta.²

With the British conquest of Arakan in 1824-26, "there lay before them a kingdom devastated by forty years of Burmese rule, without records showing the system of administration".³ One of the problems which the new administrators faced in the intervals of dealing with dacoity and revolt and preparing a rydwari settlement, was the inherited system of slavery. According to Captain Dickinson, the Commissioner of Arakan, writing in October, 1831, three classes of slaves had been recognised in Arakan, under the local and Burmese

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1. W.H. Carey - The Good Old Days Of Honourable John Company, Vol. I, p.466.
 2. K.K. Datta - History of the Bengal Subah, 1st Ed., p.499.
 3. Dodwell - op.cit., p.561.

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Governments. They were Pho-byng-Gaunthi, Khang-dogh-boh, and Chit-Pica-Lara.¹

The Pho-byng-Gaunthi, or one subjected to authority or domestication by reason of a price paid, comprised those who had become the property of their masters by purchase. The slaves of this category were generally foreigners. They were either hillmen or Bengalis. The Bengalis had been captured in former times by pirates or kidnappers, who formed expeditions to Sandwip and the Sunderbans in the neighbourhood of Backhergang for this purpose, and sold their prisoners on their return.² They were the hereditary property of their owners, who might punish them in any way they liked, not affecting their life or limb.³ Their masters had also the right to transfer their services either for a limited period or permanently to others. The party to whom they were transferred became vested for the time being, or permanently with the power of their former masters.⁴ Their masters were responsible for their conduct and answerable to the ruling authority for crimes committed by them.⁵ These slaves could own no property, perhaps because they were foreigners. They could be manumitted, however, but they could not otherwise obtain their freedom, with the exception of girls, who if seduced by their masters were considered free women on the birth of a male child to him.⁶

1. P.P., [R.L.C.], 1841, vol.28, p.104.

2. Ibid.

3. Ibid.

4. R.L.C., vol.I, pp.165-65.

5. P.P., [R.L.C.], 1841, vol.28, pp.104-5.

The second class of slaves were called Khaing-daugh-boh or the house-born. They were the descendants of the Pho-byng-Gaunthi, and were subject to all the restrictions under which their parents had lived.¹

If a slave of either of these categories were given by his owners to a Phungi or priest, he became dedicated to religious purposes, and his state of slavery was perpetual, as a Phungi could not accept money, or sell his slave. Such a slave was called Kong-Thamkida or "sweeper of the temple".²

The third species of slavery was called Chit-Pica-hārā or "the escaped from battle taken by the land". Such persons taken in war were entitled to manumission after the occupation of a country, or after peace had been concluded, but they were not unfrequently sold, especially when they were too young to know their rights.³ They might be manumitted if they could prove in a court that they had never belonged to either of the first two categories. This was the custom of Arakan.⁴

A system of debtor slavery also prevailed in Arakan. The debtor slaves were known as Pongrahnī * or Keong-bong or the pledged, in consideration of money paid. There were, however, regular deeds subscribed to by the parties, and attested by witnesses, specifying the period during which

1. R.L.C., vol. I, p.165.

2. Ibid.

3. Ibid.

4. Ibid.

* Pongrahnī = one who accepts debt.

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the slave was to serve, and the amount paid. These slaves were free on liquidation of their debt, or of the money paid for them, or on the expiration of the period they had engaged to serve according to the terms of the agreement.¹

According to a report of Captain J.L. Brown, the officiating Magistrate of Akyab, dated 28th September, 1833, three categories of slaves prevailed in his district. These included the perpetual or hereditary Pho-byng, and slaves whose manumission could be obtained on paying the purchase money - which averaged forty rupees in Akyab, but also a peculiar category called Monhe-Tolling. This last group consisted of women who had sold themselves into slavery, usually for about twenty rupees, for a period of twenty years.²

In Arakan, according to the local customs and usages, a man might pledge himself or his children, and with her consent, his wife also. These slaves might compel their master or mistress to transfer them to other persons who were willing to pay their original price, or the amount of their debt.³ If a married woman debtor slave was seduced by her master, the sum of sixty rupees must be written off the debt, but if an unmarried female debtor-slave cohabited willingly with her pledge, no deduction was allowed.⁴

1. P.P., 1837, vol. III, pp.47-48.

2. Capt. J.L. Brown, offig. Mag., Akyab, dated 28th Sept., 1833, Witness No.5, Appendix VII. R.L.C., vol.II, pp.356-57.

3. Ibid.

4. R.L.C., vol.I, p.166.

According to Charles Paton - the joint Commissioner in Arakan, we find the consequence of this kind of illicit intercourse stated differently:-

"Should the woman (the wife) become pregnant whilst in power, the debt is rendered null and void, and the husband can redeem his wife, and if he chooses to take the child also, and a fine of 60 rupees from the father".¹ Slaves of this class might be corrected by the hand of their masters or mistresses, with a cane, with a bunch of rods, or with the open hand. But masters had no right to maim or disfigure them. Moreover, they could not ask others to punish their slaves.² They had the right to correct them. to such an extent and in such a manner only as a parent would correct his own children. Wounds or mutilations inflicted by a pledge, or by his orders, on his slave-debtors would cancel the debt wholly, or in part, according to a table of fines for such acts drawn up in the Burmese Courts.³ How far such provisions continued to operate after 1826 is uncertain. Though local customs and usages were respected, the law of Arakan was standard British law,⁴ administered by the British judicial officers strictly in accordance with the instructions of the Sad[~] diwani and ni³amat adalat at Calcutta.⁵

1. Ibid

2. Ibid

3. Ibid

4. Harvey - op.cit., p.34.

5. R.L.C., vol.I, p.164.

In the Aug region, only debt bondage was common, and originated principally in the pledging of children by their parents, "in consequence of want, or to secure a retirement free from labour", which the parents would enjoy at the expense of the freedom of their child. They did not hesitate to mortgage their children for twenty or thirty rupees. If misfortune befell the family to which a child was pledged, and they were no longer able to keep it, they would demand from the parents the sum advanced, who would borrow it from another, to whom the child was then transferred as the security. In this region also, female children were bought and sold "to be maintained in a state of concubinage".¹

With regard to the treatment of slaves, Captain Brown, the officiating Magistrate of Akyab wrote in 1833:-

"The Maghs, generally speaking, treat their slaves well, at least as well as their wives; which inclines me to think few would avail themselves of their liberty; for it is only where a woman is cruelly beaten and ill-treated that she flies to the Court for protection and release from thralldom".² But this view has been completely contradicted by Captain D. Williams, the Senior Assistant Superintendent at Ramri. According to him, it

1. PP., [R.L.C.], 1841, vol.28, pp.164-5.

2. Captain J.L. Brown, Mag. of Akyab, dated 28 Sep., 1833, witness No.5, Appen. VII R.L.C., vol. II, pp.356-57.

was the policy of the slave owners to keep their slaves as poor as possible. They did so in order to prevent any chance of their manumitting themselves.¹ It seems, that the treatment of slaves varied considerably from place to place according to the financial condition and personal disposition of the owners. Thus for example, the Kyengs generally treated their slaves well and sometimes allowed them half the profits of their own labour.²

After the British conquest, steps were taken for the gradual abolition of slavery in Arakan. In 1831, the Superintendent, Captain T. Dickinson, issued a proclamation to the effect that any person refusing to receive the price of a slave tendered with a view to his release, should forfeit the price and the services of the slave. The proclamation ran as follows:

"The inhabitants of this country advance money to men and women and retain them as slaves. For the sake of getting money, these people then may be slaves to all. Seeking subsistence, they do not give their lives. This practice is the bane of the country; nor is it usual with all the Maghs. It is requisite that all should promptly release persons, men and females, refunding the price of their bodies." ³

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1. Capt. D. Williams, Senior Asst. Supt., Hamri, dated 1st Sept., 1833, P.P., [R.L.C.], 1841, vol.28, p.424.
 2. P.P. (R.L.C.), 1841, vol.28., P.104.
 3. Proclamation From the Foujdari office of the Supt. of Arakan, dated 1st October, 1831, issued by Capt. T. Dickinson.
Ibid, p.427.

It was further ordained that if any person, contrary to the proclamation, should not receive the price tendered, and detain others as slaves, "on complaint and proof, the person so retained, together with price, will be discharged." ¹

Regulation X of 1811 which prohibited the traffic in slaves by land and sea and Regulation III of 1832 which prohibited the transfer of slaves from one district to another, were both considered in force in Arakan prior to the proclamation of abolition. ² Captain Williams - the Senior Assistant of Mamri, after mentioning several cases in which he had liberated slaves, observed:-

"There is a practice among the Maghs of pledging their wives or children for the payment of a debt, which they maintain is not slavery. I have, however, most preemptorily prohibited it, allowing only the debtor to pledge his own body." ³ On the 29th April, 1832, he issued a proclamation, which ran as follows; completely prohibiting the traffic in slaves:

"From the date of the accession of the English Government under Regulation X of 1811, all slaves, imported for purposes of traffic into this province are at once absolutely released and free, whether from a foreign Country, from the English Country, or the ter-

1. Ibid.

2. R.L.C., vol.I, p.168.

3. From Capt. Williams, dated 1st Sept., 1833.
P.P., [R.L.C.], 1841, vol.28, 424.

ritories of Rājās and others. Therefore, this proclamation is published for general information. The date of the conquest of this province, that is, of the treaty of Yandaboo is 24th February, 1826. Since that date, all slaves purchased from a foreign country (and brought into this), or sold from that province into any other place in the Company's territory, shall have their liberty. " ¹

According to this proclamation, anybody who acted contrary to it, and imported or exported and sold any human being in Arakan, was liable to be imprisoned for a period of six months "on apprehension and proof". ²

In 1833, some correspondence took place between Captain Williams and Captain Dickinson, the Commissioner, on the question of the abolition of slavery, and the result was that the Commissioner directed him to declare all slaves and bondsmen free, if he thought he could do so with safety. The proposals of the Commissioner were in substance that Williams should interdict the recovery in the civil courts of the persons of slaves, or any money or consideration claimed on account of the sale, purchase, transfer or mortgage of slaves. He also laid down that any person petitioning the criminal courts for release from restraint imposed upon them on the pretence of their being slaves, should have their remedy by an order being passed to the

1. Ibid.

2. Ibid.

effect that they were at liberty to go where they pleased, and that any persons illegally restraining them would render themselves liable to punishment.¹

Captain Williams wrote to the Commissioner, "on my first assuming charge of Ramri, I liberated three slave girls (Manipuris), the property of the most respectable man in this district" I have since given general circulation to the prohibition of selling and purchasing slaves, or introducing them from other countries, and have emancipated several others, and in one instance, the owner sued the emancipated slave for her price, a decree was given in his favour, and consequent incarceration of the defendant; but she was soon released again, no subsistence being provided."² Williams had already issued a proclamation on 1st September, 1833 prohibiting slavery and the slave-trade in his region.³

Thus we see that steps were taken in Arakan to abolish slavery in a systematic way, step by step, soon after it came under British occupation, and neither slavery nor the slave-trade nor bondage of any kind was recognised by the local Courts after 1834.⁴

1. R.L.C., vol.I, pp.167-68.

2. Capt. Williams to Commissioner of Arakan, dated 1st Sept. 1833, P.P. [R.L.C.], 1841, Vol.28, p.424.

3. Ibid.

4. R.L.C., vol.I, pp.167-68.

Significantly, slavery in Arakan was virtually abolished nine years earlier than in the rest of British India. The speed of the advance doubtless reflects the absence of any large body of influential men whose interests imposed caution, the comparative obscurity of Arakan permitting men to do official good by stealth, and the readiness of individuals to act upon their own initiative. After 1834, according to the Indian Law Commission, many slaves left their masters and others were regularly released on petition. The few slaves who remained with their masters continued their state voluntarily. They were fully aware of the fact that they might be released at any time on application to the magistrate. The condition of these slaves, however, was not distinguishable from those of free labourers. Though the promulgation of the proclamation caused considerable dissatisfaction among the slave-owners, no disturbance was created, nor was there any public demonstration.¹

The ready and quiet acceptance of the abolition of slavery in Arakan may perhaps be attributed to the nature of the economy. The agriculture of the country was carried on by very many small proprietors, who held the plough themselves. Moreover, there was no want of free labourers; and even the sons of the Tahsildars and

1. Ibid., p.168.

other more important people, were known in some instances to hire themselves out as day labourers. At harvest time a great many free labourers also came from Chittagong, and would return home after the harvest.¹ This may well explain why the British officials did not find it difficult to effect the abolition.

The annual statements on the administration of criminal justice in Arakan make it clear that slavery disappeared quite quickly. In 1836, in Akyab district only six cases of illegal slave holding were tried, and in 1837 in Aug district only nine.² By the time that Act V of 1843³ had come into effect in Arakan there was virtually no slavery in the country remaining to be abolished. An area once notorious for slaving and slavery had indeed led the advance to abolition.

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1. P.P. (R.L.C.), 1841, vol.28, p.104.
 2. R.L.C., vol.I, p.168.
 3. I.L.P., No.16 of 7th April, 1843.

Chapter VII

British Attitude Toward Slavery and Anti-Slavery Measures in the Bengal Presidency (1774-1833)

Slavery, as has been seen, was an ancient and widespread institution in India. It was found everywhere within the old Bengal Presidency, and on their conquest in Assam, Arakan and the Delhi territories also. It was no less common in the other Presidencies of Bombay and Madras, and must be counted as perhaps the greatest social evil from which British India suffered during the period of East India Company rule. The evil was an inherited one, bequeathed by the Hindu and Muslim states to which the Company succeeded, but it was one which was positively affirmed by the Company, being administered and enforced by its courts.¹ The abolition of the much less general evils of sati, thagi and infanticide were, and are, widely applauded. The long delays before slavery was tackled have been less remarked and eventual abolition in 1843 has been given less praise as a major measure of reform than it deserves.

1. H. Stark, Calcutta in Slavery Days, pp.1-2.

Until the early years of the nineteenth century the regular policy of the East India Company had been to avoid any dangerous interference in the social and religious life of its subjects. This policy was not only suited to the peculiar nature of British rule in India; it was quite in harmony with the British political tradition and British political practice. Changes took place under the garb of restoration; new institutions were created in order to preserve old ones; old laws were given new meanings.¹ Thus having conquered Bengal by diplomacy and arms, the English considered it necessary to obtain the sanction of the Mughal Emperor whose authority was more nominal than real, to administer the country on his behalf. By securing the Diwani of Bengal in 1765, Clive sought to clothe the newly established English power with a legal garb familiar to Indian tradition and practice. The new English government sought to maintain the old laws and institutions, and established customs and usages so long as they did not affect the British interests.² Urged by the same spirit of interest, the Company legalised, perpetuated and administered the traditional Muslim and Hindu laws of slavery in India.

1. A.F.S. Ahmed, The Development of Public Opinion in Bengal, 1818-35. Unpublished Ph.D. thesis of London University, 1961.

2. Ibid.

Though slavery was generally accorded legal recognition by the Company, for purposes of administrative expediency, one aspect of the institution, the traffic in children was felt to be too infamous to tolerate. The kidnapping and the sale of children had long been practiced in all parts of India, but the evil increased greatly during the Bengal famine of 1770 and in disordered years that followed that disaster (years when a scarcity of labour made slaves an even more valuable property). In 1774, only two years after he had made enslavement a lawful punishment for dacoity, Warren Hastings noted that "the practice of stealing children from their parents and selling them for slaves, has long prevailed in this country and has greatly increased since the establishment of English government in it".¹ He explained its growth in two ways. "The influence derived from the Englishmen to every man, whose birth, language and even habit, entitles him to assume a share in its privileges, and the neglect of the judicious precautions established by the ancient law of the country (which requires that no slave should be sold without a Cawbawla or deed attested by the Guzi, signifying the place of the child's abode) if in the first purchase, (its parents' names, the names

1. Minute of Hastings to the Court of Directors, 17 May, 1774. B.R.C., dated 17 May, 1774.

of the seller and purchaser and a minute description of the persons of both) having greatly facilitated this savage commerce, by which numbers of children are conveyed out of the country on the Dutch and especially the French vessels and many lives of infants destroyed by the attempts to secrete them from the notice of the Magistrate".¹ "There appears no probable way of remedying this calamitous evil, but that of striking at the root of it, and abolishing the right of slavery altogether, excepting such cases to which the authority of government cannot reach; such, for example, as laws in being have allowed, and where the slaves have become a just property by purchase antecedant to the proposed prohibition".²

He went on to report that "the opinions of the most creditable of the Mussulman and Hindu inhabitants have been taken upon this subject, and they condemn the authorized usage of selling slaves, as repugnant to the particular precepts both of the Koran and Sharstar, oppressive to the people and injurious to the general welfare of the Country".³ All that Hastings did,

1. Minute of Hastings to the Court of Directors, 17 May, 1774. B.R.C., dated 17 May, 1774.

2. Ibid.

3. Ibid.

however, was to issue a regulation in 1774, forbidding the stealing of children or their sale as slaves without the execution of a deed.¹ The regulation was promulgated on 17 May 1774 and ran as follows:--"That every person who shall forcibly detain or sell any man, woman or child as a slave, without a Cawbawla or deed attested in the usual manner by the Camzee of the place where the slave was purchased by the proprietor, or who shall decoy away or steal any children from their families or places of abode, shall be punished as the law to which he is amenable shall direct.

"That from the 1st day of July 1774, answering to the 21st day of Rabee Astamy or the 11th Āshār, Bengal style, no person shall be allowed to buy or sell a slave who is not such already by former legal purchase, and any Quzi who shall grant any Cawbawla after that date for the sale of any slave whatever shall be dismissed from his employment and such Cawbawla shall be invalid".²

Soon after the promulgation of the regulation, the provincial council at Dacca asked whether the children of slaves were to be given its protection. "As it is an

1. B.R.C., L.S. No. 213, dated 17 May, 1774.

2. Ibid.

established custom throughout the Dacca district to keep in bondage all the offspring and descendants of persons who have once become slaves, we request to be favoured with your orders whether the benefit of your second Regulation is to be extended to the children of slaves born subsequent to the period mentioned in that Regulation".¹ The Council went on to point out that since a property in slaves had been created and formally acknowledged by the legislation of the country, their emancipation could not be effected without inflicting great financial loss upon their proprietors, and a destruction of established proprietary rights".²

Hastings refused to abandon his position, however, and answering the Council's specific query about the extension of slave status from parents to children, stated, "We are of opinion that the right cannot and ought not to extend further and direct you accordingly".³ Copies of the letter were sent to the Dacca, Murshidabad and Patna Councils, and copies of the Regulations to the committees

1. Provincial Council of Revenue at Dacca to Hastings, 20 June, 1774. B.R.C., L.R. No. 351, dated 28 June, 1774.

2. Ibid.

3. Hastings to Barwell, 12 July, 1774. B.R.C., L.R. No. 281, dated 12 July, 1774.

of revenue at Calcutta, Patna, Burdwan, Dinajpur and Dacca, with orders for their enforcement.

At the time the regulations certainly were enforced, for early in August, 1774, the Patna Council reported that they had "made public your pleasure, that the rights of the masters over their slaves should not extend beyond the first generation".¹ But the hopes that Hastings entertained of seeing slavery disappear gradually over a generation were not fulfilled. Rather at the end of a generation complaints were widespread about the extent and vigour of the slave trade, and the complete disregard of the government's intentions by the slave traders. Thus, the Collector of Dacca, M. Day, was compelled at the beginning of March, 1785, to draw the attention of the Committee of Revenue at Dacca to a traffic in children which had lately been established between the low caste Portuguese of Dacca, and those of Calcutta, Chinsurah and the other European settlements in Bengal.² He proposed that orders should be issued to the custom masters, to search all the boats coming to the ports of Calcutta and its neighbourhood, in order to detect those culprits and

1. Provincial Council of Patna to Hastings, 4 August, 1774. B.R.C., L.R. No. 442, dated 16 August, 1774.

2. Day to Cowper, 2 March, 1785. B.R.C., Enclosure to L.R. No. 311, dated 9 Sept., 1785.

bring them to justice, since they were acting in defiance of the long established orders of the government. He further stated that he had placed in confinement, until the receipt of the Committee's orders certain persons with whom he had discovered 42 children for sale.¹ On the 14th of the same month the Committee reported that they had ordered Day to take steps "for the apprehension and prosecution of the persons guilty of so flagrant a contempt and violation of the orders of government",² and submitting their proposed measures for approval, asked the Governor-General Macpherson for his speedy interference "to stop the pernicious trade... which is also as inhuman as it is illegal".³ Their recommendations were approved by Macpherson, who directed that in future "the utmost diligence should be used to prevent the trade of children being carried on".⁴

How necessary such measures were is made clear by a passage in the charge to the grand jury delivered by Sir William Jones, judge of the Supreme Court in the same year

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1. Day to Cowper, 2 March, 1785. B.R.C., Enclosure to L.R. No. 311, dated 9 Sept. 1785.
 2. Cowper to Macpherson, 14 March, 1785. B.R.C., dated 9 Sept., 1785.
 3. Ibid.
 4. R.L.C., vol. I, p.309.

1785, wherein he commented upon how common it was to see boatloads of children coming down the Hugli to be disposed of as slaves in Calcutta.¹ But equally it is clear that neither the executive action of Collectors, nor the instructions of the Governor General, nor the condemnation by a Supreme Court judge served to stop the slave trade, for in 1815 its vigorous continuance was again admitted by the government of India. The Bengal Criminal Judicial Consultations of 15 March, 1816, refer to such a prevalence of the purchase and sale of slaves all over the Presidency that many parents upon the slightest difficulties, or in years of scarcity, often far short of famine, would sell their own children. Many profligate persons, both men and women, also made a trade and practice of inveigling away and stealing the children of others and selling them as slaves, readily finding purchasers who would buy them without making the least enquiry into the right of the sellers to dispose of such children.²

Four years later, in 1789, Governor-General Lord Cornwallis, greatly disturbed by the activities of the Portuguese and other slave traders, himself wrote to the

1. P.P., 1828, vol. 24, pp. 9-10.

2. B.C.J.C., No. 53, dated 15 March, 1816.

Court of Directors on the subject of mitigating or abolishing slavery and the slave trade in the Bengal Presidency. The constant reports by the police officials from the various parts of the country of the nefarious activities of the slave traders deeply moved him.¹ He too felt that the only way by which the trade could be effectively suppressed was to withdraw the legal sanction of slavery. In this he agreed with Hastings' diagnosis, but he was less ready to take bold action inhibited perhaps by that regard for the stabilizing of property rights which informed his land revenue policy. "There are many obstacles", he observed "in the way against abolishing slavery entirely in the Company's dominions, as the number of slaves is considerable, and the practice is sanctioned both by Hindu and Muslim laws."² But that he was anxious to do away with slavery, or render it less harsh, is clear, for he went on to say, "I have, however, a plan under consideration, which I hope to be able to execute, without doing much injury to the private interests, or offering great violence to the feelings of the natives, and which has for its object the abolition of the practice under certain limitations, and the establishing some rules

1. P.P., 1828, vol. 24, pp. 13-14.

2. Ibid.

and regulations to alleviate as much as may be possible, the misery of those unfortunate people during the time that they may be retained in that wretched situation".¹

The immediate measures taken by Cornwallis were directed only against the slave trade, not against slavery as such. On 27 July, 1789, an ordinance was gazetted prohibiting the exportation of natives of British India as slaves.² Cornwallis made it clear that he would use the most vigorous measures open to turn against such slave trading, and he exerted all the influence he could upon the pilot service, upon British business houses in Calcutta and upon individuals to secure the success of his measure.³ The first offender, tried after the promulgation of the regulation, the Dane Peter Horrebom was duly sentenced to three months' imprisonment, a fine of five hundred rupees, and security for three years' good behaviour to the extent of twenty thousand rupees in all.⁴

Moreover the anti-slavery measures adopted by Cornwallis seem to have inspired Montigny, the French

1. P.P., 1828, vol. 24, pp. 13-14.

2. Calcutta Gazette, Extraordinary, Monday, July 27, 1789.

3. Ibid.

4. Ibid., Thursday, 6 August, 1789.

Governor of Chandernagore, to issue a similar proclamation "prohibiting all persons within the jurisdiction of the French Government, from purchasing or transporting any of the natives of these provinces as slaves", and to offer in order more effectually to prevent the infamous practice, a reward of 40 rupees to any person who should give information about an offender, besides the sum of ten rupees for each slave who should be released in consequence.¹ It was announced that both sums were to be paid by the offender. The Master Attendant of Chandernagore was also advised to see that "no native be embarked without an order signed by the Governor". All captains of ships were strictly prohibited from receiving any natives on board.²

It can be seen that Cornwallis had aimed lower than Hastings but achieved more. But the complete abolition of slavery in British India was something he was not prepared to aim at. Slavery was too much an integral part of the country's social and economic system, deeply ingrained historically and practised with the approval and participation of both the Hindu and Muslim religious leaders. For this reason the Company, in 1798 enacted

1. Calcutta Gazette, Extraordinary, Thursday, 17 Sept., 1789, p.

2. Ibid.

that henceforth Hindu and Muslim slaves were to be governed in accordance with the principles of Hindu and Muslim laws respectively.¹ By this regulation, which served to secure to the slave the protection afforded under those laws, nevertheless the proprietary rights of the masters were recognised over their slaves.

In his letter to the Court of Directors, dated 1789, Cornwallis had observed that he had a plan in mind for the partial abolition of slavery.² Unfortunately no further official note or correspondence can be found in his files or private papers. The Law Commissioners remarked "no further notice of the plan here adverted to by his Lordship has been traced upon the Records of the Bengal government".³ Whether pressures of work prevented their prosecution or whether the immediate measures against the slave trade were thought to be a sufficient first instalment of reform or whether pressure was brought to bear upon him, from Britain or in India is not known. What is clear, however, is that the measures of Hastings, the criticisms of Sir William

1. The Minute of J.H. Harrington, 21 November, B.C.J.C., No. 14, dated 26 December, 1826.

2. P.P., 1828, vol. 24, pp. 13-14.

3. R.L.C., vol. I, pp. 310-11.

The case ostensibly only settled the illegality of forcibly retaining possession of a slave, but as Granville Sharp who had defended Somerset, and as every one else knew, once that was settled slavery was at an end in Britain. From that time forward all the slaves in England, whether or not they chose to remain in their old masters' service, were recognised as free men. Thus mainly as the outcome of one man's work, slavery was deleted from the British Isles. But that was not all Granville Sharp had done. The Somerset case marked the beginning of the end of slavery throughout the British Empire. Granville Sharp, in fact, had initiated a movement which was to proceed, slowly at times but continuously and inexorably, to its ultimate triumph in 1833.¹

Before the Somerset case the bulk of English and European opinion had suffered the slave trade: "there were few protests and these were ineffective".² Slavery existed under the very eyes of eighteenth-century Englishmen. Busts of black moors and elephants, emblematical of the slave trade, adorned the Liverpool town hall. The

1. Klingberg, Op.cit., P.40.

2. Eric Williams, Slavery and Capitalism, p. 39.

Jones, and the vigorous language and actions of Cornwallis had made a notable psychological impact upon Bengal society. The newspapers had once been full of advertisements of the slave traders. Ten years later, not a single journal or newspaper of Calcutta contained any such advertisement. Moreover, some of the journals started campaigning against slavery and the slave trade. Carey remarks--"when the indignation of the British Parliament was directed against slavery in the West Indies, the Calcutta newspapers declared that "The barbarous and wanton acts of more than savage cruelty daily exercised upon slaves of both sexes in and about Calcutta by the native Portuguese' made it most desirable that the system of bondage in the East also should be brought under the restraints of the Legislature".¹

Carey's comment is a reminder that the change in the climate of opinion in India was paralleled by another greater change in England. The year 1772, in which the East India Company had assumed responsibility for the administration of Bengal was also the year in which Lord Chief Justice Mansfield decided, in the case of the Negro Somerset, that slavery had no legal foundation in England.²

1. W.H. Carey, The Good Old Days of Honourable John Company, vol. 1, Calcutta, 1909, pp. 471

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insignia and equipment of the slave traders were boldly exhibited for sale in the shops and advertised in the press.¹ A Westminster goldsmith made silver padlocks for blacks and dogs.² Slaves were sold openly at auction. Slaves being valuable property, with title recognised by law, the postmaster was the agent employed on occasions to recapture runaway slaves and advertisements were published in the official organ of the government.³ Negro servants were common.⁴ Freed Negroes were conspicuous among London beggars and were known as St. Giles blackbirds. So numerous were they that a Parliamentary Committee was set up in 1786 for relieving the black poor.⁵

The great change in opinion on the justice and expediency of the slave trade which occurred during the course of the one hundred years from 1713 to 1815, has been well stated by Baines: "So totally different was

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1. J. Latimer, Annals of Bristol in the Eighteenth Century, p. 147.
 2. S. H. Swinny, The Humanitarianism of the Eighteenth Century and its results, in F. S. Marvin (ed.), Western Races and the World, Oxford, 1922, p. 140.
 3. Latimer, op.cit., p. 147.
 4. M. Steen, The Sun is my Undoing, p. 50.
 5. M. D. George, London Life in the Eighteenth Century, London, 1925, pp. 137-138.

the feeling which then prevailed on this subject that whilst the article of the treaty of Vienna, denouncing the African slave trade, was regarded as the noblest article of the great pacification of 1815, the article of the treaty of Utrecht, giving England the privilege of importing negroes into the Spanish possessions in America as well as into her own, was regarded as one of the greatest triumphs of the pacification of 1713".¹

The elder Pitt was still a champion of the slave trade; the younger Pitt struggled to have it abolished. Only in the second half century did active, organised opposition arrive leading to emancipation in England in 1772 and in Scotland in 1778, to the destruction of the trade in 1806 and 1807, and to the attempts to secure universal abolition at the Congress of Vienna. That right-about change of attitude in the course of a hundred years is symptomatic of a more general radical revolution within society. In the half century after the peace of Utrecht, England was still in the hands of the aristocracy,

1. F. J. Klingberg, The Anti-Slavery Movement in England, London, 1926, p. 22.

who formed taste, were the patrons of literature, sought to control the press.¹ Any other public opinion could ill make itself felt when the newspapers were so scarce and expensive. What protest was heard was isolated and occasional--Defoe in his Reformation of Manners condemned the slave trade,² so did Thompson in his Summer with the picture of the shark showing the negroes with the slave trader on the Middle Passage.³ So again did William Blake with his:

"My mother bore me in the southern wild,
And I am black, but O! my soul is white!"⁴

During the latter half of the eighteenth century, however, powerful leaders in religion, literature, economics, law and government had done much to awaken the public conscience. Slowly the ignorance regarding the slave system was being dispelled; the powerful economic arguments in favour of slavery were being questioned. Adam Smith, in a few dry sentences in his Wealth of Nations, published in 1776, struck at the

1. Klingberg, op. cit.

2. Eric Williams, op. cit., p. 48.

3. Klingberg, op. cit., p. 31.

4. The poetical works of William Blake, London, 1914, p. 68.

roots of slavery by arguing that it did not pay. "It appears from the experience of all ages and nations", he wrote, "that the work done by freemen comes cheaper in the end than that performed by slaves".¹ And again: "The work done by slaves, though it appears to cost only their maintenance, is in the end the dearest of any".² "A person who can acquire no property, can have no other interest but to eat as much, and to labour as little as possible. Whatever work he does beyond what is sufficient to purchase his own maintenance, can be squeezed out of him by violence only, and not by any interest of his own".³

Jeremy Bentham, active in so many reform movements, especially that of Criminal Law, was also an early opponent of slavery. Directed to the subject by the severity of the laws in force to keep the slaves submissive Bentham joined hands with Adam Smith in attacking the economic foundation of slavery, holding that a free man did produce more than a slave: "Two circumstances concur in diminishing the produce of slaves: the absence of the stimulus of reward, and the insecurity of their condition. It is easily perceived, that the fear of punishment is

1. Adam Smith, The Wealth of Nations, I, p. 83.

2. Ibid., p. 364.

3. Ibid.

little likely to draw from a labourer all the industry of which he is capable, all the work that he can furnish. Fear leads him to hide his powers, rather than to show them, to remain below rather than to surpass himself. By a work of supererogation, he would prepare punishment for himself: he would only raise the measure of his ordinary duties by displaying superior capacity".¹

Thomas Paine, powerful as a radical leader in England, America, and France, published his essay on slavery in Philadelphia in March, 1775. He called attention to the anomaly of striving for national freedom while maintaining personal slavery. "That some desperate wretches", he said, "should be willing to steal and enslave men by violence and murder for gain, is rather lamentable than strange. But that many civilized, nay Christianised people should approve, and be concerned in the savage practice, is surprising, and still persist, though it has so often been proved contrary to the light of nature, to every principle of justice and Humanity, and even good policy, by a succession of eminent men, and several late publications".²

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1. The Works of Jeremy Bentham, Principles of the Civil Code, Vol. I, p. 345. Cf. F. J. Klingberg, op. cit., p.52.
 2. Klingberg, op. cit., pp. 54-55.

Men of letters outside politics were also directing their attacks against slavery. Dr. Porteous, the evangelical Archbishop of Canterbury denounced slavery in the strongest terms.¹ Dr. William Robertson, both in his History of America and in his Charles the Fifth, declared slavery contrary to humanity and to the teachings of Christianity. He held, too, that Christianity had been responsible for the destruction of slavery in Western Europe, and from this the thought naturally followed that slavery ought to be abolished among all Christian peoples.² Dr. Paley in his Moral Philosophy declared "But necessity is pretended, the name under which every enormity is attempted to be justified; and after all, what is necessity? It has never been proved that the land could not be cultivated there, as it is here, by hired servants. It is said, that it could not be cultivated with quite the same conveniency and cheapness, as by the labour of slaves; by which means, a pound of sugar, which the planter now sells for six pence, could not be afforded under sixpence-halfpenny--and this is the necessity!"³

1. R. Coupland, British Anti-Slavery Movement, Oxford, 1933, p. 105.

2. F. J. Klingberg, op.cit., pp. 54-55.

3. Ibid., p. 55.

Two celebrated Frenchmen entered the field of discussion at the time of the American Revolution, Raynal and Condorcet. Raynal delivered a long and passionate attack, which aroused the keenest sympathy for the negroes and resentment against their oppressors. Over two hundred pages of his Histoire des deux Indes were devoted to the slave system. "It was that book", Morley says, "which brought the lower races finally within the pale of right and duty in the common opinion of France". The work was so popular that several translations into English were made between 1776 and 1783, and thus a vast storehouse of ammunition was placed at the disposal of the abolition leaders.¹ The other French creator of English public opinion in this early period was Condorcet, whose anonymous pamphlet appeared in 1781. He attacked the slave system more systematically than had Raynal.²

But whatever part Frenchmen played in the attack on slavery, the movement was really English in character. From the time of George Fox, the Quaker religious leader, on the one hand, and John Locke, the philosopher thinker, on the other, a body of literature had been steadily growing against human bondage.³

1. Klingberg, op.cit., p. 56.

2. Ibid., p. 56.

3. Ibid., pp. 56-57.

After the stimulus of the Somerset Case victory, the number of individual attacks on the slave system increased. Thomas Clarkson led the way. He was an indefatigable worker, who conducted his researches into the conditions and consequences of the slave trade, despite much personal discomfort and danger, and a severe strain on his scanty resources. He was a prolific pamphleteer, whose history of the abolition movement is still a classic.¹ Then there were the Jones Stephens, father and son, the one a lawyer in the West Indies, who knew conditions at first-hand, the latter an outstanding permanent Under-Secretary at the Colonial Office. It was the son who spurred Wilberforce to public as opposed to private efforts. The only thing to check colonial crimes, he argued, was to "blazon them to the English public, and arm ourselves with public indignation".² Finally there was Wilberforce, effeminate of face, with a streak of smugness, addicted to moderation, compromise and delay, fearful of popular agitation, but a great believer in private words in aristocratic ears.³ His persuasive eloquence--his melodious voice, earned him the sobriquet

1. Eric Williams, op.cit., p. 179.

2. W. Wilberforce, Life of Wilberforce, IV, pp. 240-41.

3. Sir G. Stephen, Anti-Slavery Recollections, p. 77.

of "the nightingale of the House"-- coupled with his reputation for saintliness and disinterestedness in the cause nevertheless made him the effective leader of the Parliamentary crusade.¹

The attacks of these men, sharpened though they were by the Somerset Case, led to no other early victory. The struggle against slavery, involving as it did an attack upon the rights of property, was a long and difficult one. But what they did do was fully to rouse the interest of the nation, so that humanitarianism entered British politics.²

The next legislative success of the abolitionists was not achieved until the Act of 1807.³ But in the long years leading up to the General Abolition Act a whole series of pressures and influences came to bear upon the problem. Klingberg has summed up the process: "A long campaign of humanitarianism under able men; a readjustment of the economic interests of the West Indians, a growth of industry and commerce so that the slave trade was of smaller relative importance in the total commerce of the country, although absolutely greater; the

1. Eric Williams, op.cit.

2. R. Coupland, op.cit., pp. 57-58.

3. Ibid.

prospect of carrying the commerce on under other flags or illicitly; the example of abolition by other countries; the prospect of gaining universal abolition at the next peace congress; the determination of Fox and Grenville; all these played their part. Without humanitarian leadership, however, there would have been failure".¹ That leadership gradually gathered behind itself three powerful forces; those of the powerful Evangelical group, led by such men as John Newton, William Wilberforce, those of the reformer party, not based on religious motives, including such men as Adam Smith, Charles James Fox; and finally those hard-headed practical men who could be appealed to on the grounds that slavery was rationally impolitic, and financially damaging. It was these forces which in were eventually to triumph.²

The fight of the Anti-Slavery Movement in England had its repercussion in India as well. Some British officials in India were evidently considerably influenced by the new ideas current in England. In their individual capacity, they tried to abolish slavery and they fought gallantly though at first unsuccessfully for abolition.

1. Klingberg, op.cit., pp. 129-130.

2. Ibid., p. 130.

On 23 March, 1808, John Richardson--who was then serving as the District Judge and Magistrate of Bundelkhand--wrote a very strong letter to the judges of the Sadar Diwani and Nizamat Adalat in Calcutta, elaborately putting forward the case of the Indian slaves. In his letter, Richardson pointed out at full length the various evils of slavery and urged its abolition, "which not long ago has taken place in England had added lustre to the enlightened wisdom of the British Senate and enlightened, to the latest posterity, the name of Wilberforce among the benefactors of mankind".¹ He drew the attention of the judges "On a subject of great importance to the cause of humanity, policy, morals and religion", and requested them to lay before the Governor-General of Bengal his memorandum "with such observations as this most important subject may in the judgement and wisdom of the judges of the Sudder Dewanny and Nizamat Adawlut appear to deserve".² "No progress in arts or science can be expected", he argued, "from unhappy beings whose daily reflections reiteratedly

1. The Judge and Magistrate of Bundelkhand, to the Judges of the Sadar Diwani and Nizamat Adalat, dated 23 March, 1808. B.C.J.C., No. 47, L.P., dated 15 March, 1816.

2. Ibid.

press their forlorn condition upon their thoughts". Slavery, he declared, "checked the improvement of human character and the development of human society, was productive of many concomitant evils, and impeded all other good influences at work from being effectual".¹

Richardson, though wholehearted in his appeal for abolition, was well aware that it must be a gradual process. He declared himself "convinced of the caution... with which innovation should be attempted, or the ancient laws, customs or prejudices of a people infringed, I presume not even to sketch out the mode, or fix the period of general emancipation, and perhaps the sudden manumission of these now actually in a state of bondage, though abstractedly just might be politically unwise; but there can exist no good reason, either political or humane, against the British Government prohibiting the purchase or sale of all slaves, whether legitimate or illegitimate after a specified time, and likewise ordaining and declaring that all children male and female born of parents in a state of slavery shall from like date be free".²

1. B.C.J.C., No. 47, L.P., dated 15 March, 1816.

2. Ibid.

Information about the life and career of John Richardson is meagre, so that it is not possible to ascertain whether he ever came into contact with the saints of the "Clapham Sect" or whether he was personally influenced by the writings of Bentham, Mill or Adam Smith. But that Richardson was a well-read man and deeply influenced by the contemporary political and economic thinkers and their writings is evident from the phraseology of his observations, and the pattern of his arguments. There is for instance much of Bentham or Adam Smith in the following passages of his letter:--

"It is the interest and constant object of the master to get the greatest quality of labour at the cheapest rate, consequently he stints the slave in food and raiment. It may be urged, by clothing and feeding him well, the slave would be strong and better able to endure fatigue, but it is the constant practice of avarice, by its short-sighted policy to counteract its own wishes, a trifling immediate advantage being generally preferred to much more essential objects, if more remote".¹ But in the case of voluntary servitude,

1. Richardson to the Judges of the Sadar Diwani and Nizammat Adalat, 23 March, 1808, B.C.J.C., No. 47, L.P., dated 15 March, 1816.

"the same object actuates the master here also, but the servants being free to stipulate, his interest counteracts that of the other and the contest reduces and establishes the price of labour at its just rate, that is, it allows the servant sufficient to provide for himself and family, and leaves the master a competent profit." On the other hand, "It is the uniform desire and endeavour of the slave to mitigate the hardship of his lot by evading toil, which brings him no advantage".¹ The observations of Richardson leave no doubt that he was a utilitarian in his approach toward slavery and that he was profoundly influenced by Bentham's writings. But he could also plead the cause of abolition of slavery in India in religious terms: "The great author of creation, matter, motion and existence made all men equally free. But by what act then can the freedom be forfeited or given up, surely liberty can be forfeited by no act that does not militate against the general security and well-being of society from which mankind acquire their happiness and protection. Nor has man more right to sell or give up the natural freedom of his person than he has to lay down his natural life at pleasure much less can he have any title to dispose of the liberty of another even of his child".²

1. Richardson, B.C.J.C., No. 47, L.P., dated 15 March, 1816.

2. Ibid.

In support of his arguments, Richardson quoted from Blackstone and observed: "That slavery is an infringement of the law of nature cannot be disputed. The most respectable authority proves that therefore it is in its own nature and essence invalid. Blackstone speaking of the law of nature says 'this law of nature coeval with mankind and dictated by God himself is of course superior in obligation to any other'. It is binding all over the globe in all countries and all times. No human laws are of any validity if contrary to this, and such of them as are valid derive all their force and all their authority mediately or immediately from this original".¹

The letter of Richardson, written as he declared from a concern for "the honour of my country and the happiness of my fellow-creatures", had its effect with the judges. Within a few weeks the Registrar of the Court had addressed a letter to the Hindu pundits and Muslim muftis, asking them to give their opinion upon the following questions:²--

"1. What descriptions of slaves were authorized by Hindu and Mahomedan Laws respectively?

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1. Richardson, B.C.J.C., No. 47, L.P., dated 15 March, 1816., para. 5.
 2. Resolutions of the Court of Sadar Diwani and Nizamat Adalat, 28 April, 1808.B.C.J.C., No.48, L.P., dtd. 15 March, 1816.

"2. What legal powers were the owners of slaves allowed to exercise upon the persons of their slaves; and particularly of their female slaves?

"3. What offences upon the persons of slaves and particularly of the female slaves, committed by their owners or by others, were legally punishable, and in what manner?

"4. Were slaves entitled to emancipation upon any, and what maltreatments? In particular may such judgement be passed upon proof that a female slave had during her minority been prostituted by her master or mistress? Or that any attempt of violence had been made upon her person by her owner?"¹

The muftis and pandits both sent replies within a short time. First of all, the muftis said, all men were by nature free and independent, and no man could be "a subject of property, except an infidel, inhabiting a country not under the power and control of the faithful. This right of possession which Muslims have over Hurbees, i.e., infidels fighting against the faith, is acquired by Isteela, which means the entire subduement of any subject or of property by force of arms". According to them

1. Resolutions of the Court of Sader Diwani and Nizamat Adelat, op.cit.

"the original right of property therefrom, which one man may possess over another, is to be acquired solely by Isteela (as defined above) and cannot be obtained in the first instance, by purchase, donation or heritage". The muftis further stated that, when an Imani overcame by force of arms any city inhabited by infidels, such of the inhabitants as were taken prisoners became his rightful property, and he had the power of putting them to death, or making them slaves and distributing them among the Ghazis, i.e., the victorious Muslim soldiers.¹ He could on the other hand grant them liberty and permission to live in a Muslim country. He had also the right to levy a capitation tax on them. Should he, however, choose to make them slaves, they became his legal property and were transferable either by sale, gift or inheritance, but if after captivity they embraced Islam, they could no longer be put to death; though they continued to be slaves. Since slavery was the necessary consequence of original infidelity, subsequent conversion to Islam did not cancel the state of bondage to which the individual had been legally reduced.²

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1. The answers of the Mahomedan muftis to the questions of the Sadar Diwani and Nizammat Adalat, B.C.J.C., No. 49, L.P., dated 15 March, 1816.
 2. Ibid.

Since slavery followed from lawful conquest of the infidel, the muftis held that both men and women could be enslaved, becoming the property of the Iman or Ghazis. If they passed from the conquerors into other hands, then they became slaves under three different classes according as they were disposed of either by purchase, donation or inheritance. The children born by a slave woman to her legal lord and master, and avowed and acknowledged to be his, were free, and their mother, as mother of her master's children, herself became free at his death. But all other children born to a slave woman, whether fathered by freemen or slave, were themselves slaves.¹ According to the Muslim law officers the practice by which free parents in times of famine and other distress sold their children was not recognised by Muslim law, since this form of slavery was in direct opposition to the principle of Isteela. In no case could a legally free person become another person's property, and the children could not be bought or sold as they were not their parent's property. All sales of free children were thus absolutely illegal.²

1. B.C.J.C., No. 49, L.P.

2. Ibid.

Furthermore, it was also illegal for any freeman to sell his own free person, either because he was suffering the pangs of famine, or because he was unable to discharge his debts. According to the muftis, a famine-stricken man might even feed upon a dead body, or might steal what was necessary for his support, but not enslave himself, and a distressed debtor was not liable to any fine or punishment.

The muftis gave the further information that they were not acquainted with the principle or the detailed circumstances, which led to the custom prevailing in most Muslim countries of purchasing or selling the inhabitants of Zanzibar, Ethiopia, Nubia and other Negro countries. The cause of their bondage might either be that the Negroes sold their children, or that they were taken prisoners by fraud or stolen or seized. In all such cases, they could not be legally considered as slaves, and their sale or purchase was, therefore, invalid.¹ The muftis further stated that there was a custom prevailing in India of parents hiring out their children for a considerable period of time, extending to 70 or 80 years, with the intention of making them and their progeny slaves. According to Muslim law, it was lawful for parents to

1. B.C.J.C., No. 49, L.P.

hire out their children on service, but the contract of service became null and void as soon as the child reached the years of discretion, when the right of parentage at once ceased. Similarly, a freeman who had reached the years of discretion could enter into a contract to serve another person, but not for any such great length of time as 70 years. For 70 years' service was a mere pretext, and was tantamount to slavery pure and simple. It was opposed to the privilege according to which every freeman had on certain occasions the option of dissolving any contract of hire.¹

Thus it was a custom that in all service contracts the person hired should receive as wages money, clothes and food, and as long as a man received these wages, he was bound to serve his master. But if the wages were not paid, he was at liberty to leave his master. He was also entitled to receive a fair wage, and if his services grew in importance, his wages had also to be increased. The workman was entitled to leave the service of a master who refused to comply with these rules.²

The muftis also denounced as a social evil the practice of Zanana Tewaif women who engaged dancing girls

1. B.C.J.C., No. 49, L.P.

2. Ibid.

to purchase young girls, or make contracts with them and then taught them dancing and singing and enjoyed them as prostitutes. This was specifically prohibited by law.¹

The muftis in reply to the judges' third question, defined the lawful limits within which a master might exercise control over his slaves. He had the right to their services, and he could demand of his slaves the performance of all sorts of laborious, tiresome and unremunerative jobs. He could punish them for idleness. He might also have sensual intercourse with his legal female slave, provided that she had reached the age of maturity, and that he had not previously given her in marriage to any other person. But if a master had connections with his female slave before she arrived at the age of maturity, and if she was thereby seriously injured or died, the Hākim could punish him by Tazir and Akubat, i.e., by the principle of public justice and the right of God. Moreover, the master had no right to tyrannise over his slaves or torture or punish them unjustly.² If a master was found guilty of any such oppression, the Hākim had the right to inflict exemplary punishment on him by Tazir and Akubat.³

1. B.C.J.C., No. 49, L.P.

2. Ibid.

3. Ibid.

"Adverting, however, to the principle, upon which the legality of slavery was originally established (i.e., that the subject of property must be an infidel and taken in the act of hostilities against the Muslim faith) and to the several branches of legal slavery arising from the principle, as by purchase, donation, inheritance and Khanazadi, whenever a case of possession of an unlawful male or female slave shall be referred to the Hakim for investigation", they observed, "it is the duty of Hakim to pass an order recording the original right of freedom of such individual, to deprive the unjust proprietor of possession and to grant immediate emancipation to the slave".¹

In the next phase the Hindu pandits furnished the court with the following version of the Hindu law of slavery. In answer to the first question they said that the Hindu law recognised fifteen different kinds of male and female slaves?²--

1. Grihajāta - or one who is born of a female slave.
2. Krita - or one bought for a price, either from the parents or from the former owner.
3. Labdha - or one received in donation.

1. B.C.J.C., No. 49, L.P.

2. The answers of Hindu Pandits to the questions of Sadar Diwani and Nizamat Adalat, Fort William, B.C.J.C., No. 50, L.P., dated 15 March, 1816.

4. Dāyadupajata - or one acquired by inheritance.
5. Anākāla Briṭṭa - or one who is maintained or protected in time of famine.
6. Aput - or a slave who is pledged by his master.
7. Rīnadāsa - or a distressed debtor who voluntarily engages himself to serve his creditor for a stipulated period.
8. Juddha Purapurk, i.e., one taken captive in war.
9. Panējita - or one won in a stake or a gambling wager.
10. Oepgut - or one who offered himself in servitude without any compensation or return.
11. Purb Burjid Busit - or a Brahmin who relinquished a state of religious mendacity, which he had voluntarily assumed, an apostate mendicant was, however, the slave of the King only.
12. Khrita Khāl- or one who offered himself in servitude for the sake of food.
13. Bhakta-Dāsa - or one who offered himself in servitude for the sake of
14. Badura-Hrita - or one who became a slave on condition of marriage with a slave girl.
15. Ātma Bikrita - or one who sold himself for a price.¹

In answer to the second question, the pandits, like the muftis, were of opinion, that the owner of a male or female slave had every right to exact the performance of

1. B.C.J.C., No. 50, L.P.

all sorts of pure and impure work from them. He had also the right to punish them with a thin stick or rope for misconduct or insubordination. Moreover, if he considered the slave deserving of a more severe punishment, he could shave the slave's hair and expose him upon an ass. But if a master should exceed this limit, he was liable to be fined a thousand pans and eight thousand cowries. Furthermore, if it was proved that any person had forcibly reduced another to a state of slavery, the ruling power must set him free.¹ If a master or any other person with the master's permission cohabited with a slave girl before she had reached the age of maturity, and this fact was proved, the ruling power could sentence such offender to pay a fine of 50 pans of cowries. But under no circumstance could the slave girl be emancipated. But when a slave girl bore a child by her master, she became free along with the child, and the sovereign had the right to set them free. This was the Hindu law as propounded by Vajnavalkya, Manu, Naranda and others, according to Mitakshanā and other authorities.²

The Registrar of the Sadar Diwani and Nizamat Adalat

1. B.C.J.C., No. 50, L.P.

2. Ibid.

submitted the answers to Richardson on 28 March, 1809, by the orders of the judges, with instructions, that if in the light of the information contained in those papers, any further provisions or modifications of the existing laws of slavery appeared to him necessary, he should submit to the consideration of the Court a draft of regulations in conformity with the rules contained in Regulation I of 1803.¹

Before attempting the draft of the regulation asked for by the court, Richardson wrote a commentary on the replies received from the Muslim and Hindu law officers.²

Of the Muslim position, Richardson was critical in two respects. First he viewed with horror the sexual license granted to a master in relation to his slaves -- a license "at the mention of which modesty recedes with blushes".³ Secondly, while recognising the humane and proper spirit of the laws limiting the services which a master might lawfully demand and the correction which he might lawfully administer, he refused to believe that this

1. W. B. Bayley, Registrar to J. Richardson, 28 March, 1809. B.C.J.C., No. 51, L.P., dated 15 March, 1816.

2. Richardson to the Judges, 24 June, 1809. B.C.J.C., No. 52, L.P., 15 March, 1816.

3. Ibid.

was the practice. To any one acquainted with the manners and customs of the natives, it was not at all necessary to prove that exactly the opposite was the case. Nor was this surprising, because no slave would ever venture to approach a judicial authority or court against his master.¹ "I am afraid", wrote Richardson, "those who deem such specious dead letters a sufficient security to preserve a fellow creature from oppression, are little acquainted with the operations of the human mind, and the effect of habitual depression and gross ignorance on one part, and of arrogance and power on the other".² Moreover, only too often the punishment which the Hakim could inflict for an infringement of the law bore no relation to the seriousness of the crime.

Finally Richardson expressed his disappointment that Muslim law made no provision for the emancipation of an unjustly treated slave. Thus it was quite clear from the answers of the muftis that acts of oppression and even of bodily violence upon the person of a female slave before she had reached the age of puberty, whether committed by her master or by another were rightly held by them to be crimes against the divine law. It was the

1. Richardson to the Judges. B.C.J.C. No. 52, L.P., 15 March, 1816.

2. Ibid.

more a pity that they could not manumit such an unlawfully treated slave, but must return her to her master.¹

If Richardson had vigorously criticised Muslim law, not for its positive provisions as for the difficulty of securing its protection, he was quite brutal in his outright condemnation of Hindu law, as totally degrading to humanity. The whole law of slavery as propounded by the Smritikāras was such that no part of it could be defended. He waxed particularly angry over the Hindu law's failure to protect the slave from the cruelty of an inhuman master. Thus a master who outraged and injured a slave girl of tender age might be fined no more than fifty pans of cowries--this for a crime monstrous in itself, and one which endangered not only the end for which women were intended, but life itself.² Again as with Muslim law, there was no emancipation for the victim of even such crimes.³

For the retention of a law so filled with manifold wrongs and inconsistencies, Richardson could see no grounds, the more so as in most cases the Company had conquered their territories from a Muslim ruling power,

1. B.C.J.C. No. 52, L.P., 15 March, 1816.

2. Ibid.

3. Ibid.

under whom the Hindu law had long been in abeyance. There was thus no reason to revive Hindu law and the government should enforce the existing Muslim law in all cases of life, death and personal freedom.¹

In his original letter of 24 June, 1809, Richardson had said,- "I am still of opinion that great alterations are indispensable in the application of law and in practice with regard to the slaves throughout the dominions dependent on the Bengal Government; whether we consider the question either as a measure of justice and policy, or as spreading wider the blessings of personal freedom and increasing the stock of human happiness."² Now in response to the judges' invitation, he submitted with his comments on the muftis' and pandits' answers, his own draft of proposed new legislation. This consisted of a Regulation, a Proclamation and an Advertisement, which assumed in its preamble, "that no reason exists why the state of slavery throughout the British possessions should not be determined by the Mohamedan law; the British Government having acquired the right of legislation from a Mussulman power in previous possession of these territories for centuries, and having adopted the Mahomedan Law particularly in all

1. B.C.J.C. No. 52, L.P.

2. Ibid.

criminal cases, and indeed in all judicial cases except in those of heirship, marriage, caste and matters connected with religion".¹

The Regulations drawn up by Richardson and afterwards embodied in a minute of Harrington's were as follows:²--

1. All claims and disputes relating to slavery should be made cognisable by the magistrates.
2. The Muslim law as expounded by the Muslim law officers of the Sadar Diwani and Nizamat Adalat should be made the standard for regulating the magistrates' decisions in all claims and disputes respecting slavery, whether the claimant be a Muslim or a Hindu.
3. When the claimant and the person claimed as a slave were not Muslims, the claim should be dismissed, and the alleged slave should be declared free.
4. A similar judgement should be given when the claimant was a Muslim, unless the former's right of property over the latter be proved according to the spirit of the Muslim law.
5. The sale of children as slaves, whether by their parents or others, should be prohibited, and measures

1. B.C.J.C., No. 52, L.P.

2. B.C.J.C., No. 53, L.P., dated 15 March, 1816.

should be taken through the police officers for rendering the prohibition effectual. The illegal and fraudulent sale of children by persons not their parents, as well as the purchase of such children with the knowledge that they had been stolen, should be declared punishable by the court of circuit; and parents selling their children and buyers of such children were alike to be subjected to a fine equal to the price given for the child.

6. Proclamations should be issued by the magistrates, half-yearly for five years, and afterwards annually, notifying the rules enacted respecting slavery, and inviting all persons wrongfully detained in bondage contrary to the letter and spirit of the Muslim law to apply to the local magistrates for emancipation; and any forcible means taken to prevent slaves making such application, should be made punishable by fine or imprisonment.
7. The decisions of the magistrates under the proposed Regulation should be opened to revision, upon a written application, by the judges holding the district or city jail delivery or by the court of circuit at the Sadar station of the division.¹

1. B.C.J.C., No. 53, L.P., dated 15 March, 1816.

8. All reputed slaves who conceived themselves suffering under illegal bondage, might apply for and receive redress from the magistrates who were to publish an advertisement to that effect. Magistrates having jurisdiction in British India should grant a written document declaring those slaves to be free whose bondage is not according to the spirit of the Muslim law. Moreover, magistrates should be employed to fine or otherwise punish such persons as had actively endeavoured to prevent slaves from appealing to the judicial courts against their masters.¹

Richardson had first raised the question of the abolition or amelioration of slavery in March 1808 and he finally submitted his draft regulation to the judges of the Sadar Diwani and Nizawat Adalat in June 1809. In the third paragraph of the letter which accompanied that draft he expressed the hope that it would meet with the most liberal and serious consideration, and he requested that his letter and the draft regulation should be submitted to the Governor-General in Council, with the necessary observations of the court. His letter was submitted, but only after a lapse of seven years, in January 1816. This draft regulation was even then

1. B.C.J.C., No. 53. L.P.

withheld, on the pretext that the judges had not yet made up their minds as to the best policy to follow. They simply informed the government that the draft would be submitted later. In fact, they took no further action.

Richardson's efforts seemed to have ended in failure, but the process of reform, though slow was not in reality halted. The year 1808 which saw him raise the question of slavery's control in India, was also the year in which the general Abolition Act of 1807 came into force. The drive against slave traders opened by the navy soon drove the majority of British slavers from the seas.¹ But so great were the profits of the trade that a few hardy speculators were still to be found in Britain prepared to violate the law and to risk one or two captures and the serious financial penalties the Act imposed, if only they could smuggle one cargo safely through. Groups were formed to fit out slave ships at Continental ports and even at Liverpool and London. For a time the navy's operations were concentrated upon the slave trade in West Africa, but towards the close of the Napoleonic Wars,

1. R. Coupland, op.cit., p. 111.

attention began to be drawn towards the very considerable traffic on the other side of Africa, and in particular to that stretch of the coast which the Sultan of Muscat claimed to be part of his dominion.¹ In 1810, Lord Caledon, Governor of the Cape of Good Hope, also wrote home urging that the East India Company should be asked to use their influence with Seyyid Said to procure the prohibition of the slave trade in Zanzibar.²

Finally in 1811 an amending Act was passed making the slave trade punishable with transportation. The efforts of the navy and the new terror of Van Dieman's Land or Botany Bay finally proved effective, and slave running largely came to an end.³ The Felony Act of 1811 came into force from 14 May, 1811; it applied to India as to all other British possessions. But because the law officers of the Indian Government interpreted the Act as covering only the exportation and importation of slaves by sea, they felt it necessary to pass regulations forbidding the transportation of slaves

1. John Grey, History of Zanzibar From the Middle Ages to 1856, p. 227.

2. Ibid.

3. R. Coupland, op.cit., p. 111.

from one territory to another overland.¹ In 1811 Regulation X was passed, by the second and third sections of which "the importation of slaves whether by land or by sea into the places immediately dependant on the Presidency of Fort William" was prohibited and made penal, to the extent of six month's imprisonment, and a fine not exceeding 200 rupees, or in default, a further period of six months' imprisonment. The regulation also provided that slaves so imported would be set free or sent back to their own country. In order to make the regulation more effective, it was decreed that the captains of private ships before landing their cargo were to execute a penalty bond of 5,000 rupees to the effect that they would not sell slaves.²

Besides this, Regulation X of 1811 was extended to the removal of children in order to bring them up as dancing girls. The conjunction of Act 51 Geo. III.c.23. and of Regulation X would have seemed to stop all loopholes. But a case at Agra came up in 1812 to show otherwise. It concerned a Cherumar girl from Khari, brought by Nawab

1. G. Dowdeswell, Secy, Judl. Dept., Govt. of Bengal, to the Secy at Fort St. George, 26 Sept., 1812. B.C.J.C., No. 60, dated 6 August, 1811.

2. Ibid.

Hyder Ali Khan Bahadur, and taken to his residence in Dholpur. She was given by the Nawab to his nephew, who in turn transferred her to Begam To Waif, his servant. She brought the girl to Agra with a view to training her as a dancing girl.¹ The query was whether the girl's importation was illegal.

The question was put to the Nizamat Adalat by N. J. Halhead, the Agra magistrate, and W. Blunt, the superintendent of police in the upper provinces, who had reported the importation of slaves from one province to another. The court decided that Regulation X only applied to the importation of slaves for the purpose of being sold, given away or in any other way disposed of. The importation of a child with a view to making her a dancing girl was therefore not illegal.² It can readily be seen that this construction put upon Regulation X by the court considerably diminished the generality of the expressions used in the regulation. It certainly made the task of police and magistrates in enforcing the law infinitely more difficult. Although Sir Henry Colebrooke held that the regulation had been a success in suppressing the internal and overland

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1. N. J. Halhead, Act. Mag., Agra, to N. H. Turnbull, Registrar, Sadar Diwani Adalat, 12 April, 1812. B.C.J.C., No. 16, dated 23 April, 1812.
 2. Turnbull to Halhead, 23 April, 1812. B.c.J.C., No. 16, dated 16 May, 1812.

traffic in slaves, it seems obvious that without suppression of slavery itself, ingenuity would find a way past the legal barriers, even if bolder spirits were lacking to jump them.¹ It was a much more complete and radical regulation, however, which was next attempted, though within one limited area only. In 1812 Charles Metcalfe, the Resident at Delhi, issued a proclamation in the Delhi territories which prohibited absolutely the sale of slaves.²

No sooner had Metcalfe issued the proclamation than the Governor-General in Council were up in arms against the young Resident of Delhi for having issued it. The Government objected because it would create special laws within the Delhi territories and because it might be expected to arouse dissatisfaction and disaffection in the people.³ The Secretary, John Adam, wrote in November 1812 informing Metcalfe, "The Governor-General in Council observes, that your proclamation not only prohibits the importation of slaves for sale into the assigned territories, but the sale of slaves actually

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1. Opinion of Sir Henry Colebrooke, 1812. B.C.J.C., No. 13, dated 29 December, 1826.
 2. B.P.C., No. 13, dated 13 November, 1812.
 3. J. Adam, Secretary, Govt., to C. Metcalfe, Resident at Delhi, 13 Nov., 1812. B.P.C., No. 14, dated 13 Nov., 1812.

within those territories previously to its promulgation, a measure which his Lordship in Council was not prepared to sanction".¹

He was accordingly ordered to modify his proclamation at once, so as to bring it safely into line with Regulation X, a measure confined, as Adam pointed out, "to the prohibition of further importation of slaves for sale into the territories of the Honourable Company."²

But Metcalfe was a man of firm determination, and he was resolved to put an end to the odious traffic in slaves. There ensued a series of letters between Metcalfe and the government of Bengal over the question of complete abolition of slavery from the Delhi territories. He was as eager to do away with it as the government was anxious to retain it. He pointed out that the orders of the government and the Regulation X of 1811 could easily be violated, if the purchase and sale of slaves were not completely prohibited. Thus for example, he observed that according to Regulation X of 1811, slaves could not be imported for sale, into the British territories, but slaves not imported for sale since the date of Regulation X of 1811 might be sold once within then. It was, therefore,

1. B.P.C., No. 14, 13 Nov., 1812.

2. Ibid.

obvious that if slaves so imported were afterwards saleable, the orders of the government prohibiting the importation of slaves might be easily evaded, and ultimately rendered nugatory.¹ "The case put before the Nizamat Adalat in 1812 by Halhead at Agra was an illustration of just such an opportunity for evading the Regulation). He further pointed out that if the purchase and sale of slaves were allowed, and children born of slaves continued to be considered slaves, every female slave in the country would perhaps be made "to breed for the profit of her owner".² Moreover Metcalfe denied the force of the government's contention that his proclamation would create a dangerous dissatisfaction among the people. He argued that "absolutely to prohibit the importation of such slaves would be a more direct innovation on the habits of the people, than the total abolition of the sale of slaves".³ In any case, he said, "I do not find that the prohibition of the sale of slaves has occasioned any surprise at this place. It is considered to be merely extensive to this territory of the orders promulgated in

1. Metcalfe to John Adam, 3 January, 1813. B.P.C., No. 5, dated 26 February, 1813.

2. Ibid.

3. Metcalfe to Dowdeswell, Chief Sec'y to the Govt., 16 April, 1813. B.P.C., No. 70, dated 22 May, 1813.

other parts of British dominions; and from a general misunderstanding of the orders of the government issued elsewhere on this subject it is not known that greater restrictions are in force in this district at the present moment than in any other part of the country. It is desirable in my humble opinion that this delusion should not be done away with here or elsewhere by a formal sanction for the sale of slaves".¹ If the prohibition of the traffic in slaves did excite a certain degree of dissatisfaction amongst the people, it was only amongst the worst orders of the community, the professional dealers in human flesh, whose livelihood would be affected by the abolition of such a traffic, and among the detestable class of brothel-keepers, who would also suffer from these measures. The respectable people, though put to inconvenience, acknowledged that it was an abuse that human beings should be disposed of as though they were no better than brute animals.²

By the vigour and cogency of his arguments Metcalfe was able to convince the government of the genuineness of his case. He issued another proclamation of similar nature

1. Metcalfe to Adam, 3 January, 1813. B.P.C., No. 5, 26 February, 1813.

2. Metcalfe to Dowdeswell, 16 April, 1813. B.C.J.C. No. 70, 22 May, 1813.

of which the second article provided that the purchase and sale of slaves in the Delhi territory was strictly prohibited; and if any person bought or sold slaves or indulged in that traffic, he would be punished by the court of criminal judicature.¹

The final result of the bold steps that Metcalfe took was as unexpected as significant, for it succeeded in abolishing not only the sale of slaves but slavery itself in Delhi. It was a permanent change; and even 27 years later Cameron, in his separate minute, observed that slavery did not exist in Delhi, though the people of the district had lost all recollection of the decree by which its abolition had been brought about.²

Indeed, so great was the change effected in Delhi by the proclamation of Metcalfe, that the Commissioner of Delhi, in his answers to the Indian Law Commissioners, testified that since the promulgation of the law prohibiting slavery in that territory not a single male slave had applied for emancipation. At the same time he admitted that there were still many applicants from the unfortunate class of female slaves who were purchased for the avowed purpose of prostitution. The judge of Delhi also fully

1. B.C.J.C., No. 71, 22 May, 1813.

2. Separate Minute of C. H. Cameron, 1 February, 1839.
I.L.P., No. 15, 11 February, 1839.

endorsed these views and remarked that since the issue of the proclamation of 1812, he had good reason to believe that the courts had been guided in their decisions by Metcalfe's regulations. As far as his knowledge went, all distinctions between master and slave had been abolished, and no right other than that of service was recognised by the courts of justice.¹

The officiating session judge of Kampur was of the same opinion. He stated that from six years' experience, from 1833-1839, in the Delhi territory, "he had formed an opinion that for a long time if the name of slavery has existed, its reality has been long extinct". This had surprised him all the more because, as a registrar and civil judge in South Bihar for eight years prior to his appointment at Delhi, he had daily decided cases of purchase of whole families of praedial slaves. He also reported that the usual practice in Delhi had been that, whenever a person petitioned that another had claimed him or her as a slave, an āzādnāmāt was at once issued to the effect that he or she was free. This usage had been initiated by Seton who was the immediate predecessor of Metcalfe. Metcalfe had not only fully approved of the existing custom, but he had gone a step further.

1. I.L.P., No. 15, 11 Feb., 1839.

The granting of āzādnāmās or certificates seemed to him to amount in some degree to an acknowledgement of slavery in one form or another. Therefore, the method he adopted when similar applications were made, was to act as though slavery did not exist at all. So whenever a slave was molested, the offending party was liable to be punished.¹

Metcalf had thus succeeded in completely wiping out slavery in the Delhi territories from about the year 1812-13. This is a clear example of what the tenacity of purpose and zeal of a single individual could do to abolish an old and iniquitous institution. Moreover, the complete abolition of slavery from the Delhi territories had been achieved without paying any compensation to the slave owners at a time when slavery was recognised by law and extensively practiced in all other parts of British territory. It would have been in the fitness of things had the Government of India also taken similar measures to abolish slavery from the Bengal Presidency, after its successful abolition from the Delhi territories. Since in Bengal, Bihar and Orissa, slavery existed in a less rigid form than in Delhi, there is no reason to believe that it would have been any more difficult

1. I.L.P., No. 15, 11 Feb., 1839.

to eradicate. But no legislative enactment took place in Bengal effecting the complete abolition of slavery till the year 1843, and slavery continued to exist in the Presidency along with the other regions of British India.

Government inertia, or the constricting effect of respect for established law and custom, thus gave slavery a further period of life in the Regulation provinces of the Presidency. There were individuals, however, who continued to make personal attempts to secure reform. Thus, for example, in 1815 William Leycester, a judge of the Committee of Circuit, made a report to the Supreme Court suggesting the entire abolition of slavery in India.¹ Like John Richardson, Leycester dealt elaborately with the manifold wrongs inherent in slavery. In particular he appealed for an end to slavery by birth: "Nothing perhaps is so revolting as the idea of hereditary slavery, of a man's inheriting, at his birth nothing but the misfortune of his parents, without hopes of emancipation, without the possibility of rising in life through exertion or talent and liable every moment

1. W. Leycester, Second Judge of the Barilly Court of Circuit, to the judges of Sadar Diwani and Nizamat Adalat, 9 September, 1815. B.C.J.C., No. 38, W.P., 14 February, 1817.

to be taken to the market and transferred to the possession of another. I can hardly conceive, indeed, that there could be any objection to modifying the present system of slavery by an Act declaring the children of slaves to be free; that if men will have slaves, they should also have to pay for them, and not to rear them, and inherit them like the produce of a farm yard".¹

Leycester admitted that in times of famine, many people must have starved to death, if the rich people, who had the means of feeding them had not been allowed to purchase them as slaves. But he vehemently criticised the practice of converting them into their hereditary slaves. "It might be considered an adequate inducement to deeds of charity", he observed, "to compensate them by the labours of the object of it during one generation, instead of aggravating the sorrows of accidental necessity by slavery through all generations".²

But the Sadar Diwani and Nizamat Court simply turned down his proposals on account of the legal

1. B.C.J.C., No. 38, W.P., 14 Feb., 1817.

2. Ibid.

existence of slavery in the West Indies. "Whilst it [hereditary slavery] is allowed to remain with respect to the progeny of existing slaves, born under the British government in the West Indies and South-Africa, the abolition of it on general principles of justice and humanity, the Court apprehend, cannot be consistently proposed for India".¹ The Court, however, admitted that they fully "participated in the sentiments of Mr. Leycester, and earnestly wished that slavery could be discontinued".² Without due precedents, however, there sympathies had obviously to remain without effect.

A decision of the Government in September 1817 made it clear, indeed, that they were quite unmoved either by Metcalfe's success, or the appeal of Leycester, and that they intended to continue to recognise slavery, and to construe such laws as Act 51 Geo. III.c.23. as narrowly as possible.

It so happened that a slave boy belonging to Sitaranji Rowji, the Dewan of Baroda, absconded from his custody, went to British territory and joined the artillery department of the pioneer corps, at Koirā, changing his name. In 1816, the Dewan asked J. R. Carnac,

1. Proceedings of the Nizamut Adalat, 12 June, 1816.
P.P., 1828, vol. 24, pp. 324-25, see also pp. 346-48.

2. Ibid.

the British Resident at Baroda, to restore his slave.¹ As he was not certain whether it was a case in which assistance could be granted without infringement of 51 Geo.c.23., Carnac asked the Government of Bombay to let him know their views on the matter. The Advocate-General of Bombay, H. C. Macklin gave it as his opinion that 51 Geo.c.23. did not leave room for the least doubt on the question and that no person in British India could legally assist in such a restoration. "I am of opinion", Macklin wrote to Warden, Secretary to the Government of Bombay, "that no subject of His Majesty, nor any other person, whether subject or not, residing in British territory, can either directly or indirectly assist in such restoration without incurring the penalty of transportation". But the Bombay Government did not consider his opinion acceptable, and referred the case to the Governor-General in Council for their consideration. In so doing, it may be inferred, they were probably inspired by motives of political expediency, being afraid of the repercussions of refusing to accede to their ally's request. On 9 September, 1817, the Vice-President in Council passed the following resolution, laying down that "A

1. P.P., 1828, vol. 24, p. 331.

slave by entering the Company's territories, did not become free, nor can he who was lawfully a slave, emancipate himself by running away from one country where slavery was lawful, to another country where it was equally lawful". "In their opinion, the property in the slave still continued to be vested in the master, and the master had the same right to have it restored to him, supposing that right to be established in the mode prescribed by the local Laws and Regulations".¹

This Resolution was forwarded to the Bombay Government by whom copies of these instructions were circulated to all the Provincial Magistrates and Residents in the Presidency for their information and guidance whenever cases of this nature should come within their jurisdiction.²

In spite of the unhelpful attitude of the government, another high-minded official who championed the cause of the abolition of slavery was Mr. Justice Harrington -- the Chief Judge of the Sadar Diwani and Nizamat Adalat. On 21 November, 1818, the Chief Justice submitted an original minute together with the draft of regulations

1. P.P., 1828, vol. 24, p.

2. Ibid.

307 345
302

prepared by Richardson to the government.¹

At the outset of his minute Harrington reviewed Richardson's proposals and commented on each in turn.

With Richardson's first proposal, that all claims respecting slavery should be made cognisable by the magistrates, subject to the established control of the courts of circuit, Harrington fully agreed. The proceedings of the civil court were too slow for investigating and determining cases of this nature-- and since such cases involved the right of personal freedom they might reasonably be considered as falling within the jurisdiction of the criminal courts.

The magistrate argued that the ordinary process of civil justice was unfair both to master and slave, "seeing that years may elapse before the case can be tried and decided". The master meanwhile is deprived of the slave's services, though he may still have to feed and clothe him, and "the refractoriness of the slave may have subjected him to the costs and expenses of a civil suit which the slave can never reimburse him". On the other hand "slaves are possessed of and can acquire no property to enable them to institute or defend a suit", and while suits are pending may be subject to restraint or even confinement. Then, asked the magistrate, "ought not all

1. Harrington to Governor-General in Council, 21 Nov., 1816.
B.C.J.C., No. 14, 29 Dec., 1816.

suits of this nature to be prepared and tried as summary ones?"-- to which Harrington gave his emphatic Yes.

Harrington next reviewed Richardson's third and fourth regulations which would have made Muslim law the only law to be applied in cases about slaves, and would have restricted ownership to Muslims alone. Richardson's proposals and arguments he here rejected, holding them contradictory. He also attacked the practice of the Court of Sadar Diwani and Nizamat which, ignoring the Regulation of 1772,¹ had decided in 1798 that the same procedure should be followed in all cases of slavery, the court basing its decisions not on any written law, but on the long established practice prevailing in the country; this practice being a fair expression of what may be called the spirit of law.² The decision of the Court was confirmed by the Governor-General in Council on 12 April, 1798.

Harrington suggested one exception to this rule. He

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1. That Regulation had promised that Muslims and Hindus would be ruled by their respective laws in all matters regarding their succession, inheritance, marriage, caste and religious usages and institutions.
 2. Harrington to Governor-General, 21 Nov., 1818, op.cit.

held that contracts of hire and service entered into by adults, who were competent to do so, should always be upheld, whether the contract was for a limited period or for life. Such contracts he did not think to be inconsistent with those principles of justice and policy which had dictated the laws of England, and such voluntary slavery he thought an advantage in times of famine or scarcity. What he would not allow was adult self-slavery which also involved children in slavery. If a parent could not maintain his children, he might be permitted, however, to hire out their services for a period sufficient to provide ample return for their present support.

Holding such views, Harrington also agreed with Richardson's fifth regulation to check the sale of children into slavery. He shared the view that no parent could have the right to enforce the yoke of slavery upon his children and their descendants in perpetuity. But he did recommend that parents and guardians having care of children under the age of fifteen (this was the age of maturity according to both the existing Hindu and Muslim law) should be expressly empowered to contract for the service of such children,

whenever it was indispensably necessary for their maintenance; provided that the contract did not extend in any instance beyond the 25th year of their age.¹

Arguing again from the same general grounds, Harrington suggested that it was obviously repugnant to every principle of natural justice that children born to slaves should themselves be slaves. Since the child had neither given his consent, nor committed any offence subject to so heavy a punishment, the Government ought to modify the existing laws, so as to secure the emancipation of all the children of slaves at the expiration of a certain period, when their services might be presumed to have fully compensated for all the expenses incurred in their support from infancy to the age of 25 years.² He did not, however, propose that this should be retrospective. Any sudden change of established proprietary rights, by immediately affecting the interests and convenience of a considerable number of persons, would produce widespread dissatisfaction, an evil which might be avoided by rendering the operation of the proposed amendment more remote and contingent.³

1. Harrington to Governor-General, 21 Nov., 1818, op.cit., para. 16.

2. Ibid.

3. Ibid., para. 19

Finally, as regards the kidnapping of children, Harrington was merciless to the offenders. He suggested that considering the heinousness of the crime the punishment attached to it ought to be more severe and exemplary than that prescribed by the law.¹ He, therefore, inserted in Section 18 of his Regulation a clause to the effect that magistrates should commit the offender for trial to the Court of Circuit, whenever there appeared sufficient ground for his conviction, and there were no extenuating circumstances; since the punishment which the magistrates were empowered to adjudge, was inadequate and not proportional to the guilt of the prisoner.²

After having reviewed Richardson's proposals, Harrington made some very important suggestions of his own. He strongly recommended that two distinct registers be kept by the district and city magistrates, according to forms prescribed by the Nizamat Adalat. One register was to contain the names of ascertained slaves and the other those of the hirelings.

Hindu and Muslim law failed to provide specific relief for slaves against maltreatment by their masters, and in particular failed to provide for the emancipation

1. Harrington to Governor-General in Council, 21 November, 1818, *op.cit.*, para. 22.

2. Harringtons proposed Regulation, Section XVIII.

of slaves in cases which seemed to require it. He therefore offered a set of rules for the guidance of magistrates and criminal courts. It had already been provided, by section four of Regulation VIII of 1803 that the wilful murder of slaves should be punishable with death. However the fatwa of the Muslim law officer of the Adalat had laid down that offenders were not liable to suffer death by gisas for the death of another person's slave or a slave appointed for the service of the public.

Harrington strongly recommended in the absence of extenuating circumstances that the Nizam Adalat should always sentence the murderer to death; He further demanded that in every case of serious criminal offence on the body of a private slave, or of a slave appropriated to the public service, the person duly convicted of such offences, whether owner of the slave or not, should be liable to the same punishment, under the laws and regulations in force, as would be incurred for the like offence, if committed on the body of a free person. Harrington, however, explicitly stated that this clause should in no way restrict the owners of slaves from the exercise of a just authority over the slaves, in requiring them to perform their duties and services, as sanctioned by

the Mahomedan and Hindu laws respectively.¹

Harrington further laid down in his proposed regulations that in case of repeated maltreatment of a slave, either by the owner or by somebody else with the owner's knowledge and permission, the guilty should not only be punished, but the slave should be emancipated. In pronouncing such a judgement, the courts should furnish the slave with an authenticated copy of it, which would be deemed a sufficient voucher of the emancipation so ordered. Where it was a magistrate who ordered a slave's emancipation, it should not, however, take effect until any appeal had been heard.²

Harrington also wanted to put a stop to the practice of selling slaves to merchants who did not live in India. It is true that a Proclamation had been promulgated by the Governor-General in Council in July, 1794 forbidding the exportation of free natives of India to be sold as slaves, but the existing Regulation did not contain any specific provision forbidding the merchants to export slaves from India, so he suggested that a provision should also be made to prohibit the exportation of Indian slaves

1. Harrington's proposed Regulation, Clause II.

2. Ibid., Clause III.

to foreign countries.¹

Finally, the Chief Justice took up the case of slaves imported into India from foreign countries. By Regulation X of 1811, the importation of slaves from foreign countries into the territories immediately dependent on the Presidency of Fort William had been prohibited and declared punishable.² By the Statute 51. Geo.c.23., it had also been declared a felony to import slaves by sea into any British territories in India. But in spite of this double legislative prohibition, merchants seem to have been evading the law by pretending that the persons imported and afterwards sold were not slaves when unloaded. He therefore suggested that Regulation X of 1811 should be extended to the importation of any person whatsoever to be sold or otherwise disposed of or dealt with as a slave. He hoped in particular that this would put an end to the practice of importing slaves from Nepal.³

Harrington embodied his comments on Richardson's draft and his personal suggestions in two official documents: a Minute written November 21, 1818,⁴

1. Harrington's proposed Regulation, Sect. XVI, Clause III.

2. Ibid.

3. Ibid.

4. Harrington's Minute of November 21, 1818. B.C.J.C., No. 16, 29 December, 1826.

and a Regulation for the guidance of the Courts of Justice regarding cases of slavery.¹ Harrington submitted his minute and proposed Regulation to the Governor-General in council with an earnest request "that the provisions contained in it, with such amendments as would arise from a deliberate consideration of the subject, might under Providence, prove effectual to the attainment of the important object proposed, an increase of security, ease and happiness to a considerable portion of the human species, present and future, who though exempted from many other evils to which slaves in other parts of the world had been exposed, were in a state of pitiable degradation which the well-known commentator on the laws of England had pronounced repugnant to reason and to the principle of natural laws; with an argument which showed that the assigned origins of the slavery in the Civil Law, which corresponded partly with the principles of Hindu and Mahomedan Laws, were all of them built upon false foundation".²

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1. "A Regulation for the guidance of the Courts of Judicature in Cases of Slavery", op.cit.
 2. Harrington's Minute, 21 November, 1818, op.cit.

The Court of Sadar Diwani and Nizamat Adalat did not even submit his minute and proposed regulation to the Governor-General until 6 June 1823,¹ and after this four and a half years' delay they still had no opinions of their own to offer. All they then did was to call upon various judicial officials to ascertain the prevalence and extent of slavery in their respective districts, and to give their opinions upon the probable effects of any interference, "before coming to a final decision on a question which involved considerations and consequences of serious importance, to some of the most valuable rights and interests of a large part of the community".²

Moreover when Harrington's proposals did reach the Government they were promptly rejected. John Adam senior, a member of the Council, was then acting Governor-General. He was rather inclined to see danger of disaffection everywhere, and was to make his name by measures designed to prevent any dangerous discussion of political affairs in the press. His reaction to Harrington's

1. From W. H. MacNaghten, Registrar to the Court of Sadar Diwani and Nizamat Adalat, to W. B. Bayley, Chief Secretary to Govt., 6 June, 1823. B.C.J.C., No. 17, 29 December, 1826.

2. Ibid.

proposals was to declare that his propositions involved a most difficult and embarrassing question, the raising of which was most inopportune.¹ In his opinion a summary abolition of slavery was quite out of the question--the practice of domestic slavery was so much interwoven with the customs and feelings of the natives that its sudden suppression would wreak extensive and well-founded discontent. Unhappily he expressed himself equally strongly against any such half measures and gradual innovations as Harrington had proposed. Such scanty relief was not likely to be of any great benefit to the slave, nor could it hasten the law of general emancipation--all it would do would be to raise discontent. Adam admitted that slaves employed in agricultural labour were in a worse condition than the ordinary population. Nonetheless he doubted the expediency of any legislative interference for its regulation." "I think", he judiciously observed, "we ought to call for information and opinion as suggested by the Sudder Dewanny and Nizamut Adawlut and suspend any further deliberation till the replies of the public officers are collected and embodied

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1. Observations of John Adam upon the proposed Regulation rejecting slaves. B.C.J.C., No. 15, 29 December, 1826.
 2. Ibid.

in a general report". (His concurrence even in a reference to the judicial officers for information and opinion seems only to have been given because "the question had been revived".¹)

His successor Lord Amherst was no more of a reformer than Adam--he was to shy uneasily away from the question of sati when the Director pressed it upon his attention--and on the slavery question he completely agreed with Adam. He found no statement of existing evils which rendered it incumbent on the Government to enter into a consideration of the state of slavery in India. Amherst considered it inexpedient to hazard the inconvenience, in the absence of a complaint and the want of any pressing necessity for an inquiry.²

The suggestions of the chief justice were thus completely rejected by the Government. Indeed, the British officials, who controlled the destinies of the Indian people, were hopelessly divided among themselves over the issue. The diversities of opinion as to its extent or influence appeared as various as the hues of the rainbow. William Jones, Lord Cornwallis, Richardson, Metcalfe, Leycester, Harrington and others saw in slavery,

1. Observations of John Adam, etc., op.cit.

2. Minute of Lord Amherst, 25 Jan., 1826. B.C.J.C., No. 18, 29 December, 1826.

as it existed in Bengal, all the evils present and prospective which had attached themselves to this curse of society in the West; while others looked upon it but as a mild kind of servitude by which the poor slave was placed in more comfortable position than he might have been as a free man.¹

An example of this ambivalence of attitude is very well displayed by events in Assam. In 1825 David Scott, the first British Commissioner in Assam, issued a Proclamation during a partial famine, permitting paiks or persons owing services to the state, to sell themselves as slaves or bondmen, agreeably to the former custom of the country in similar cases.² It is strange to reflect that while Metcalfe at Delhi had secured the virtual abolition of slavery, and after what was admittedly a tooth and nail struggle had secured Government sanction for his measures, David Scott in Assam was now able to secure their ready sanction for its extension. The Government clearly showed that they had no consistent and coherent policy whether for the amelioration of the

1. Notes on Slavery by H. Torrens, Acting Registrar, Sadar Diwani and Nizamat Adalat, Appendix II. Rep. Law Com., 1839. Record Dept (ii)., No. 146, pp. 79-80.

2. The British Friend of India, London, August, 1843, Vol. III, p. 410.

condition of the slaves or the abolition of slavery from the country. Again though Scott's proclamation was approved of by Amherst and his Council, it was found fault with by the Court of Directors, when the matter was placed before them for final approval. The Directors were not actually informed of Scott's proclamation until the year 1829. But when it was finally placed before them in that year, they roundly condemned it as a "proceeding of a very questionable character". In the despatch which contained their disapproval of the measure, the Directors commented "Slavery in every form is an evil of great magnitude, and peculiarly revolting to the moral feelings of Englishmen".¹ Scott was censured by the Court of Directors, for having issued such a proclamation. Scott tried to vindicate his action. He wrote, "I violated no custom that is in force in any other part of the British territories in India; but that I merely suspended the operation of a local fiscal regulation".² "That the lives of many of the destitute persons, who in

1. The British Friend of India, op.cit.

2. D. Scott to George Swinton, 10 October, 1830, para. 18-19, Appendix VI, P.P. [R.L.C.], 1841, vol. 28, p.405.

1825, sold themselves in Assam, might have been preserved, without their being reduced to slavery, by supplying them with food on the public account is very certain. But I doubt much whether an application to Government for leave to expend twenty to thirty thousand rupees, or even a much larger sum, in that way, would have been complied with at that time". "I am aware of no means that could be more certainly and extensively conducive than making it the interest of those who had grain, to divide it with those who had none".¹ Since no serious attempt at large-scale famine relief was to be made by the Government of Bengal for another half-century, Scott's doubt whether in practice Government would have furnished funds for relief in an adequate scale was perhaps a justified one. But the Directors pointed out that Scott's remedy for one year's hunger was not five or ten year's but a lifetime's slavery. "It would appear that temporary relief from the Government would have obviated that dreadful necessity of selling themselves as slaves for life to obtain present subsistence, which seems to have been brought upon the unfortunate people of Assam by distress of a temporary nature".²

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1. D. Scott to George Swinton, op.cit., para. 20, p. 405.
 2. British Friend, op.cit., p. 10.

The wholesale condemnation by the Directors of Scott's action in Assam, and their thoroughgoing denunciation of slavery as an institution, might have been expected to lead the Bengal government to adopt a more sympathetic ear to suggestions for reform. In 1830 Captain J. B. Neufville, the Political Agent in Upper Assam, therefore proposed the general abolition of all future sales of slaves in Assam, except with the consent of the parties. In Assam, slave owners had the right to sell and actually sold their slaves, their slaves' wives and their children indiscriminately to the highest bidder, making light of breaking up countless families. Captain Neufville suggested that all transfer of slaves should take place before the chiefs of villages, whose duty it would be to ascertain that the consent of the person sold was obtained and that no forcible means were adopted to separate a man from his wife or parents from their children.¹

Neufville's high-minded individual effort at reform achieved no greater success than that of Richardson, Leycester and Harrington before him. Despite the

1. Neufville to David Scott, 26 July 1830, Appendix VI, Rep. Law. Com., P.P., 1841, Vol. 28, p315.

example of Metcalfe in Delhi, or that of Bentwick's success in abolishing sati, the forces in India which feared and deprecated social innovation were still too strong. (Even Bishop Heber had been prepared to tolerate sati rather than risk British power in India).

In England however the campaign against slavery was now approaching its climax. Until 1823 the campaign had in the main been directed against the slave trade. After that year emancipation became the avowed aim of the abolitionists. Klingberg had described the steady mobilisation of their forces for this last, most difficult campaign. Wilberforce published his address to the people of Great Britain, his friends prepared for the parliamentary contest by correspondence and conferences, James Stephen was induced to resume his treatise on slavery; ¹ Thomas Macaulay busied himself in collecting evidence, wrote a tract on Negro slavery and later edited The Anti-Slavery Reporter. Buxton agreed to lead the cause in Parliament, while Brougham pledged his assistance there and in the public press.¹ Throughout the six years from 1826 to 1832, the anti-slavery leaders pressed their cause in and out of Parliament, and a bitter

1. F. J. Klingberg, op.cit., p. 192.

controversy raged over such questions as the value of free labour, the condition of the slaves and the sugar duties. The battle between the two contending parties was also designed to win over public opinion, in order to coerce the government, though before 1832 neither the anti-slavery nor the pro-slavery men were able to shake the government from its policy of gradual emancipation.¹ Other questions of major importance, overshadowing West Indian issues, were before the country; Roman Catholic emancipation and the Reform of Parliament.²

The mounting tempo and growing success of the campaign for Negro emancipation could not but have its repercussions on India, even though indirect. It led the Indian government to make one further small advance in its anti-slavery legislation, in 1832, and led Parliament in 1833 to answer the call of the younger Charles Grant for outright abolition with a strong recommendation to that effect in the Government of India Act.

The enactment in India was Bengal Regulation III of 1832. The East India Company had acquired one territory

1. Klingberg, op.cit.

2. Eric Williams, op.cit., p. 183.

after another, and it had become questionable whether the provisions of Regulation X of 1811 applied to cases of slaves transported from parts of the British possessions acquired subsequently to the passing of that Regulation or not. This doubt was removed by enacting Regulation III of 1832 on March 13, 1832.¹ The first clause of the Regulation provided that all slaves removed for the purpose of traffic from any province, British or foreign, into any province subject to the Presidency of Fort William, or from one province so subject to another, subsequently to the enactment of Regulation X of 1811, should be considered free. The penal part of the new Regulation, however, remained the same as in the old Regulation.²

Regulation III of 1832 was the last of the piecemeal legislative measures designed to cure slavery without abolishing it. Like all previous measures of that kind it could not be entirely effective. It did not stop sales within a district, and as a case of 1833 showed, it could not entirely prevent more extended trafficking in slaves, for two batches of African slaves were reported

1. R.L.C., Vol. I, p. 313.

2. Ibid.

in that year to have been imported through Bombay and sold to the Oudh royal family. As the Resident at Lucknow wryly observed, "The rank of the purchasers illustrates the difficulty of checking this traffic".¹

Nor was it only royal purchasers who offended. The Calcutta Courier pointed out in October, 1832 that the intent of the regulations of 1774 providing that no children or other free persons might be sold without the execution of a regular deed of sale signed by the qazi, was regularly flouted.² The paper wrote of Calcutta, "The slaves are sold through the regular brokers in the usual bazars there. The purchaser, too, to secure himself from eventual trouble or loss, obliges the broker to go before the Kutwah [?] [Head of the police officials] to register the sale. For the sake of appearance and the satisfaction of the buyer, the broker either himself performs the character of the parent or other relation to the child, or else produces the owner himself in that light. His deed of sale is written accordingly, and the usual fee taken by the Kutwah from the purchase money. The nature of the transaction is of course well-known to the police, and the trade itself is

1. Fortnightly Review, New Series, March, 1883, p. 361.

2. Calcutta Courier, Calcutta, 20 October, 1832.

thus aided and protected by their authority".¹

The slave-traders thus flouted the law, for the ready sale of a young girl or woman for a sum equivalent to the hire of a labourer for a year was too great a temptation to the practice of stealing and abduction in all their forms to be resisted. This illegal sale of children in complete defiance of the existing laws of the country was no less a reflection on the ability or honesty of the police officials of the Presidency, whose duty it was to enforce the laws.

So, in 1834, after disastrous floods in Bengal, there was open defiance of the law in Calcutta itself, children being hawked about the streets for sale, and in 1837-38, during famine in north-west India children were likewise sold for a few rupees.²

But it was obvious that such evasion or flouting of the regulations against slave trading must follow, while slavery itself was permitted. These were nothing but the natural outcome of the legal sanction of that evil institution. Until the Indian Government could be persuaded to act against slavery itself, all attempts at palliation could achieve only a limited success.

1. Calcutta Courier, 20 October, 1832.

2. L.S.S. O'Malley (ed.), Modern India and the West, p. 74.

Here the real problem was that there was no general public opinion in Bengal against the slave trade or slavery in the country. The attempts made by individual British officials like Richardson, Metcalfe, Leycester, Harrington, and Neufville were inadequate without spontaneous moral support for the abolition of slavery from the Indian people and Indian social reformers. The Government's attitude of avoiding serious conflict with Indian public opinion made some such outside support for the abolitionists essential.

It might have been thought that after Bentwick had successfully swept away sati, despite the protests of orthodox Hindus, later governments would have been readier to tackle the abolition of slavery. This is perhaps to ignore the extent of official alarm at Bentwick's reforming zeal,¹ and the support which he received from Hindu reformers. It had needed a man of Raja Ram Mohan Ray's stature to launch a well-organised public movement, and a personality like Bentwick's to push through the abolition

1. Ravenshaw, Bentwick's confidant in the Directors, warned him in 1829 "I must admit you are marching too fast and undertaking more than can be well done all at once...rapid changes unhinge the minds and feelings and exertions of all public servants". See G. D. Bearce, British attitudes towards India, pp. 156-7.

of sati in face of the opposition of men like Raja Radhakanta Deva. But there was no such Indian agitation against slavery in Bengal--a subject which the social reformers seem to have entirely ignored--while the vested economic interests in slavery were infinitely greater than those behind sati.

One group in India did regularly voice their disapproval of and protest against slavery--they were the missionaries. Not only did they use their newspapers to register protest in India, but many of them provided the materials upon which abolitionists based their case at home. The links forged by such Evangelicals with Indian experience as Charles Grant or Claudius Buchanan and the circle led by Wilberforce are too well known to require elaboration. But there were other less familiar figures also at work. Such for example was the Rev. J. Peggs who spent a lifetime in India, mainly in Oassa, and who zealously championed the cause of the abolition both of sati and slavery. On his return home he published a work entitled India's Cries to British Humanity in 1826 vividly describing both the horrors and cruelties involved in sati and slavery and the callousness of British administration.¹

1. See Bearce, op.cit., pp. 81-82, for further examples of such attitudes.

William Adam, best known for his reports on education in Bengal, was another ardent supporter of the abolition of slavery. He regularly supplied Sir Thomas Farrell ^{Fowell} Buscton, who headed the abolitionist movement in Parliament, with information about the miserable condition of slaves in the various parts of the Presidency. But though such missionaries played a most important part in setting first hand information about Indian slavery before the British public and in providing information for the abolitionists' campaign in Parliament, their influence in India was still slight. Ever since the Vellar Mutiny in 1806 their activities had been viewed with suspicion, and though even the high church party had entered the mission field with the Society for the Propagation of the Gospel, Bentwick could still create quite a sensation by inviting the Rev. Alexander Duff to a Government House reception.¹

With no stronger pressure group than the missionaries at work to counter the Government's reluctance to interfere with Indian society and the rights of property, progress was necessarily slow. So while the utmost latitude of exposition had been given to every rule which sanctioned,

1. A. Mayhew, Christianity and the Government of India, p. 127.

or was supposed to sanction, the hateful system, by the British Government, from the time of Warren Hastings down to 1832-33, the most limited interpretation had been put upon every law, British or native, the tendency of which was to curb it or to destroy its adjuncts, the slave trade.¹ By 1830, however, the younger anti-slavery men had lost patience and they forced the Anti-Slavery Society to declare for immediate emancipation.² "Sin will lie at our door if we do not agitate, agitate, agitate.... The people must emancipate the slaves, for the Government never will".³ The organisation of the Agency Committee of the Anti-Slavery Society in June, 1831 by George Stephen followed and the intensive campaign was thus inaugurated which led to victory two years later.⁴

More determined action against slavery in India required some powerful outside intervention. This was provided by the great campaign of the humanitarians begun in 1831 which ended in the abolition of slavery

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1. Slavery and the Slave Trade in British India, London, 1841, pp. 47-48.
 2. F. J. Klingberg, op.cit., pp. 235-36.
 3. Eric Williams, op.cit., p. 183.
 4. Report of the Agency Committee of the Anti-Slavery Society, London, 1832. Cf. Sir George Stephen, Anti-Slavery Recollections, p. 126.

in the British colonies in 1833. 1833 was also the year in which the Company's charter would come up for renewal, and Charles Grant, President of the Board of Control took the opportunity to call for the outright abolition of slavery in India also.¹ A Select Committee of both Houses was accordingly set up to study the problem of Indian slavery, and during 1832 a number of senior Indian officials, B. A. , Campbell, Warren, Vaughan and others were questioned on the subject. They depicted so miserable and appalling a picture of slavery in India, and demanded its abolition in such unequivocal terms, that the Ministry of Earl Grey determined to grapple with the evil, and to fix a term to its existence at the time of the charter's renewal.

In conformity with this determination, a clause was introduced into the East India Charter Bill declaring "And whereas it is expedient that slavery should cease in the said territory, as soon as sufficient time has elapsed for making such provisions, as the change of the condition

1. Bearce, op.cit., p. 167

of the numerous class of persons now in a state of slavery may appear to require; be it therefore enacted, that all rights over any persons, by reason of such persons being in a state of slavery, shall cease throughout the said territories on the Twelfth day of April, one thousand eight hundred and thirty seven, provided always, that it shall be lawful for the Governor-General in Council, to make laws or regulations for the extinction of slavery, either entirely or in part, previously to the said twelfth April, 1837, throughout the said territories or any part of them".¹ Since the bill was brought into the House of Commons in June 1833, four years were allowed to prepare for the total abolition of slavery in India--or less if the Company wished to speed the process of emancipation.

In the summary of the main provisions of the India bill, transmitted to the chairman of the Court of Directors Charles Grant, the President of the Board of Control thus referred to the matter: "As to the natives, besides placing them on a level with the British in point of

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1. Slavery and the Slave Trade in British India, pp- 47-48.

lands, there are two enactments, First, no person native or natural born in India, is to be excluded from any office, merely by reason of his religion, birth-right, descent or colour. Second, slavery after a specific period is to be abolished". The answer of the Court of Directors to this official communication was as follows: "Any provision which may be calculated to improve the condition of the natives, by abolishing slavery, without doing violence to the feelings of Caste, or the rights of property, cannot fail to meet with the Court's cordial approbation".¹ This wary and plausible answer contained the germs of an hostility to the measure which became apparent at the meeting of the Court of Directors, on the 5th July, 1833, when St. George Tucker and Jenkins vehemently opposed it. The consequence was, that this clause was modified on the second reading of the bill so as to read, "And whereas it is expedient that slavery should cease throughout the said territories. Be it enacted, that the Governor-General in Council shall, and he is hereby required to

1. Slavery and the Slave Trade in British India .

frame laws and regulations for the extinction of slavery, having due regard to the laws of marriage, and the rights and authorities of fathers and of heads of families; and that the said Governor-General in Council shall on or before the 1st. day of January, 1835, and on every 1st. day of January from that time forward, report to the Court of Directors the progress he shall have made in framing such laws and regulations;...."¹

When the modified clause came up for discussion, it gave rise to an animated debate. On the one side were ranged the defenders of slavery--the Director, Cutlaw Fergusson,² Sir Robert Harry Inglis,³ the India returned Buller⁴ and others. "The system was patriarchal", they declared, "it was the result of the caste, it was a religious institute, it was altogether different from West Indian slavery, it must be approached with caution, the natives were most jealous of any interference with their domestic habits; their harems and Zenanas were declared to be places of "sanctity", an intrusion upon

1. Slavery and the Slave Trade, etc., pp. 48-49

2. C. H. Philips, The East India Company, 1784-1824, p. 336.

3. Ibid., p. 336.

4. Ibid., p. 341.

which would excite rebellion from Cape Comorin to the Himalaya Mountains and from the mouth of the Ganges to the Persian Gulf".¹ On the other side of the debate stood those who denied that abolition must entail any widespread dissatisfaction, or that British security or profits would be in any way endangered. They contended that slavery and caste were perfectly distinguishable from each other, that it formed no part of the religion of the natives of India, either Hindus or Muslims. As to its character, Charles Grant observed: "I have no hesitation in saying that I do not believe that slavery exists anywhere in a more loathsome form than in some of the countries of the East Indies".² He ~~was~~ also declared that the design of the clause was not to interfere with domestic, but only with praedial slavery; and with regard to the danger to be apprehended from its abolition, Macaulay, then Secretary of the India Board, said:

"The Board of Control has been in communication with some of the most able of the Civil Servants of the Company; and they all assure me that they do not anticipate any danger from our endeavouring to get rid of slavery; if proper caution be used to prevent the interference with the domestic habits of the people".² Then to quiet the

1. Slavery and the Slave Trade.

2. Ibid.

fears of Inglis he added, "no danger is to be apprehended from an interference with the Zenanas, as this is prohibited in the words, 'due regards shall be paid to the laws of marriage'; those who live in the Zenanas may be considered as coming under this class, the connection in this case is a quazi marriage".¹

Four days after the second reading of the Bill there was a meeting of the Court of Directors "when the hostility of certain honourable gentlemen to the limited measure of emancipation contemplated in the clause referred to, degenerated into violence and misrepresentation". Randle Jackson, a leading Proprietor, long a thorn in the sides of the Directors took the opportunity to ridicule the idea of sudden emancipation. "What--are all the fair inhabitants of the seraglios, all to be declared free on the same day and the same hour? Are domestic inmates to be shown abroad to the world?"²

But despite any such displays of opposition the clause in the third reading appeared scarcely modified, and that in the direction of strengthening its provisions since it now required the governor-general to frame laws

1. Slavery and the Slave Trade.

2. Ibid.

"forthwith". To that extent the explicit provision of a firm date for the end of slavery in India struck out from the original bill had been restored. But the clause was doomed to undergo further mutilations in the House of Lords.¹ There it encountered the opposition of the Duke of Wellington, Lord Harroby, Lord Salisbury, Lord Ellenborough and others. Lord Ellenborough pronounced the clause as "useless and unnecessary"; and said that if passed, "it would not only excite the indignation of the landed proprietors, but it would at the same time shake the confidence and allegiance of the native officers".² The Duke of Wellington was staunchly opposed to clause 88. He said: "Though I entertain no doubt whatever that slavery does exist in that country--domestic service in particular, to a very considerable extent ... I would recommend the striking of this clause from the Bill.... I know that in the hut of every Mussulman soldier in the Indian army, there is a female slave, who accompanies him in all his marches; and I would recommend your Lordships not to deal lightly with this matter if you wish to

1. Slavery and the Slave Trade.

2. Hansard, Third Series, XX, pp. 315.

retain your sovereignty in India".¹ The Earl of Harroby thought the bill ought not to be printed and circulated with the words "extinction of slavery" in it.² The Marquess of Salisbury considered slavery in India to be "nothing more than an affair of caste".³ Despite the efforts of Lord Auckland, who sought to make clear the distinction between caste and slavery: "I deprecate interference in anything which is a matter of caste; but there exists in India also, a most atrocious system of slavery, to which the same consideration ought not to be extended"⁴, the discussion resulted in the striking out of the preamble of the clause which declared it to be expedient that slavery should be abolished in British India.⁵ The Marquis of Lansdowne expressed his satisfaction over the striking out of the clause, and expressed the hope that "to remove all danger of too rash or rapid an extinction of slavery, it will be made imperative on the Governor-General to send home an account of all intended regulations and

1. Hansard, Third Series, XX, p. 323.

2. Ibid.

3. Ibid.

4. Ibid., pp. 323, 446.

5. Ibid., pp. 323, 446.

proceedings on the subject previously to carrying them into execution".¹

The disappointment felt by those who had struggled for abolition, and who in 1833 might have hoped for success, was voiced by Lord Suffield. Commenting upon the alterations made in the House of Lords he said, "I cannot forbear the expression of my regret that it has been thought fit to alter the original clause in any way, and particularly by the omission of the preamble. The statements which have been made respecting the alarm likely to be created throughout India by the retention of the preamble, are wholly and entirely groundless; and I believed, have been put forth as a mere bugbear by persons who are opposed to the bill, in order to frighten your Lordships into its rejection".²

He then turned upon the Duke of Wellington, "I cannot but express my surprise that whenever the sacred cause of slavery is attacked, there should always be found certain noble Lords its sure and ready advocates. Your Lordships are sure to be told that the subject must be approached with the greatest caution, and that there is

1. Hansard, op, cit.,

2. Slavery and the Slave Trade in British India, London, 1814, p.

danger in any interference at all. I trust that I shall be among the first to admit at all times the claims of the noble Duke on the gratitude of his countrymen, for his great military exploits; but I must be allowed to express my astonishment, that he, by whose exertions the despotism of one man was overthrown, should be, on all occasions, the advocate of the system of slavery by which the despotism of a thousand tyrants is maintained".¹ Finally he turned to the miserable condition of the slaves of British India; "I feel myself bound to say a few words with respect to the condition of those unfortunate individuals in a state of slavery in the East Indies; and I must observe, in the outset, that I can perceive no distinction between their situation and that of slaves in the West Indies. They are both subject to excessive toil, deficiency of food, and clothing, cruelty of punishment, degradation of character, to the separation of families by sale and to deprivation of property; and they are kept in a state of grossest immorality by the utter disregard of the sacred ties of marriage. But above all, there is observed in the East, as in the West, the striking fact of the decrease of the population among the class

1. Slavery and the Slave Trade in British India, p.

of agrestic slaves, while all the other classes around them increase in number. For this, I refer your Lordships to the evidence before your Committee. The cruelties to which the slaves in East Indies,... are subject, are as great, if not greater, than those inflicted on the slaves in the West Indies".¹ But the criticisms of Lord Suffield were of no avail. Clause 88 was modified,² and slavery was allowed to continue in India for an unlimited period. The clause upon the abolition of slavery only took the shape of a pious hope, a hope not fulfilled till the year 1843.

1. Slavery and the Slave Trade in British India, p.

2. Hansard, op.cit.

Chapter VIII

The abolition of slavery in the Bengal Presidency (1833-1843).

The Government of India Act of 1833 had directed that the Governor-General in Council should take into consideration the steps necessary for mitigating slavery and for its ultimate abolition, "as soon as such extinction shall be practicable and safe",¹ and that the drafting of laws and regulations for the purpose should be undertaken forthwith. It will be the purpose of this chapter to study the halting progress to final abolition which was made within the next few years.

The Court of Directors conveyed these orders to the Government of India in terms which rejected the discussions of opinion on the subject displayed by both Houses of Parliament, the Court of Directors and the Proprietors. They hedged their demand for action with warnings and advice. "This subject in India",

1. Fortnightly Review, New Series, 1883, p.

they wrote, "is one of great delicacy and requiring to be treated with the utmost discretion"; they believed that domestic slavery was very mild in character so that "to dissolve such a connection by forcible means, would, in general be to inflict an injury on the emancipated individual"--so much so that before the emancipation of any individual "the desire for it on the part of the slave should always be previously ascertained"--and they directed that "remedial measures should generally begin with the cases of greatest hardship. Their most vigorous directive--one which recalls the proposals of Harrington--was that "the law should be made as severe against injuries done to a slave as if they were done to any other person, and his access to the judge for the purpose of preferring a complaint facilitated".¹

To this cautious directive the Government of India responded by simply referring the matter to the Law Commission. The establishment of this body of Law Commissioners had been provided for by sections 53-5

1. Cambridge History of India, Vol. VI, p. 6.

of the Charter Act as part of that general attempt to give system and order to existing judicial institutions and laws and to provide for a more uniform system of legislation for the future, embodied in the Act.

The governor-general and council had been empowered to make laws, amend or alter "any laws or regulations whatever now in force ... and to make laws and regulations for all persons, whether British or native, foreigners or other, and for all courts of justice, whether established by His Majesty's Charter or otherwise, and the jurisdiction thereof".¹ They had also been provided with the services of a legal expert to assist them in this task, a law member, the fourth member of council, in the first instance T. B. Macaulay. Finally the Law Commission was created, whose double functions have been defined as being "to unravel the tangle of existing laws and to advise on new projects of legislation".² The Commission came into existence on 15 June 1835, with Macaulay as its President, and some of the ablest judicial officers in the service of the three presidencies as its members.

1. Cambridge History of India, Vol. VI, p. 6

2. *Ibid.*, p. 8.

The remitting to the Commission of the task of preparing draft regulations upon slavery might seem a proper and logical step. But it would only have been so if the Government of India had conveyed to the Commission a sense of that urgency originally provided by fixing 1837 as the date for the abolition of slavery in India and ultimately conveyed in the word "forthwith". For the tasks which Macaulay proposed for the Law Commission, a review of the whole judicial hierarchy of courts and their procedures, and the creation of a great pyramid of codified law, thought out from just principles and not mere digests of existing rules and regulations, was a work for many years. Even Macaulay at his most optimistic did not expect its completion before 1840.¹ Unless legislation upon slavery were given some priority it must inevitably be long delayed. But any such sense of urgency was just what the Government of India did not provide. They simply forwarded a copy of the Court's despatch to the Law Commissioners, and "neither upon slavery nor upon any other of the topics treated in the despatch were they specially instructed to report". Consequently the Commissioners did not pay

1. For Macaulay's proposals see E. Stokes, op.cit., pp. 204-233.

any special attention to the question except in so far as it was necessary for the compilation of the Penal Code.

But although the British authorities in India acted in a dilatory and half-hearted manner, the members of the British Anti-Slavery Movement were not prepared to let matters rest. They created a very systematic and well-organised movement in England for the abolition of slavery in India, frequently raising questions in both Houses of Parliament on the policy of the Indian Government relating to slavery in India. Sir Powell Buxton led the demand for abolition in the House of Commons, while Lord Brougham spoke in the House of Lords. Thus, impatient of the delay which had taken place, Sir Powell Buxton, on 29 July, 1836, called the attention of the Commons to the subject. Buxton asked Hobhouse, the President of the Board of Control what measures had been adopted in India towards the abolition of slavery. Hobhouse replied that the Government was fully impressed with the importance of the subject and that the matter was left entirely to the local authorities, who, being on the spot, could tackle the subject more effectively than those at a distance. He said that the local

authorities had already taken steps to prevent the importation and exportation of slaves and had entered into several treaties for that purpose. "I shall certainly draw the attention of the Court of Directors to the fact", he further assured the House, "that no law or regulation for the amelioration of the state of the slaves there, has been transmitted as yet to the Home Government. I repeat that there shall be nothing wanting, on my part, to carry into effect what, no doubt, was the intention of the Legislature".¹ He followed this up by writing to the Chairman and Deputy Chairman of the East India Company, asking them to direct the Government of India "to take immediate steps for carrying into effect the intentions of the Legislature in that respect".²

In July 1837, Sir Powell Buxton renewed his inquiries, but Hobhouse said that he could only repeat what he had stated previously.³ The Directors, assured by the Communication from the Government of India, that the matter was with the Law Commission, thought it unnecessary,

1. Hansard, Third Series, XXV, pp. 668-69.

2. Hobhouse to Chairman and Deputy Chairman, 9 September, 1836. Letters from Board of Control, B.C., Vol. II, pp. 211.

3. Hansard, Third Series, XXXVIII, 1835, 1854.

in fact, to send further instructions.¹ They were in no hurry to impress upon the Government of India the urgency of the question, and even the Proprietors remained strangely apathetic. It was in fact a particular problem, that of how to deal with a few slaves who had escaped from Kumaon to British protection which drove the Directors to demand more detailed information as to the nature of Indian slavery and the legal implications connected with it, and at the beginning of 1838 to instruct the Government of India to issue "circular queries with a view, in particular to ascertain, in what parts of the British territories agricultural slavery exists, what is its character and the nature of the difficulties which may oppose its abolition".²

On receipt of this specific request the Government of India turned to the Law Commission and asked for a report with the necessary detailed information. The hardworked Commissioners replied to this by suggesting that if they were to "enter upon the general question of the abolition of slavery through India ... some of

1. Carnac to Hobhouse, 15 September, 1836. Letter from the East India Company, Vol. 14, pp. 278.

2. Despatch to India (No. 12), 13 February, 1838.

their members should be detached for the purpose of local enquiry, because otherwise "it would be impossible for them to pronounce with confidence upon the time at which or means by which the abolition of slavery could be effected with a due regard to those interests which, however iniquitous as regards the slave appear nevertheless to have the sanction of legal rights".¹

This polite protest of the Commissioners was not without justification. As Stokes has pointed out the Law Commission was not only engaged in its large-scale review of the judicial system but was inundated with day to day questions from the Government. By the end of 1836 Macaulay was the only member still fit and at work, as Anderson from Bombay, Macleod, the representative of Madras, and Cameron were all incapacitated, while Millett, the Secretary was burdened with much other business.² The protest was therefore heeded: the Government of India answered the Commission in a letter of 26 November, 1838, that "it was not the intention of the President in Council to direct them to institute such an inquiry into the state of slavery in India in the manner in which

1. Sutherland to Maddock, 16 November, 1838. I.L.P., No. 3, 26 November, 1838.

2. Stokes, op.cit. p.223.

they had suggested".¹ The President and council, being unwilling to enter upon the general question of slavery directed that the evidence on the subject which the Commission already possessed should be digested, any defects in it being supplied, a report should be drawn up for transmission to the Court of Directors.²

To some extent the problems of slavery had in fact been attended to in the draft Penal Code, which Macaulay saw through the press at the end of 1837, after working upon it almost single-handed for some two years. In a typically brief and pointed way it had suggested that "no act falling under the definition of an offence should be exempted because it is committed by a master against a slave". Unhappily though John Stuart Mill urged the immediate enactment of the Penal Code,³ Auckland was too timid a reformer and was soon too immersed in the Afghan question to do more than shelve this, by refining the draft Code to the judges of the three presidencies for their comments.

1. Maddock to Sutherland, 26 November, 1838. I.L.P., No. 6, 26 November, 1838.

2. Ibid.

3. Westminster Review, Vol. XXIX (Aug., 1838). See Stokes, op.cit., p. 223.

But while the Indian Government turned its attention to other matters the abolitionist pressure in England continued. A notice "To bring under the consideration of the House the state of slavery in India" was placed upon the order book of the Commons in 1838 and in August the Directors, considering it most important to have "the means of placing before the Legislature a clear and complete view of the subject, in all its relations to the well being of the numerous parties affected by it", required the Supreme Government to recall the attention of the Law Commission immediately to this subject so that they might receive "with as little delay, a report on the means of carrying out remedial measures to the fullest possible extent".¹

A month later, in mid-September, the draft clause in the Penal Code, which has escaped the attention of the Directors, was seized upon by Hobhouse. He entirely agreed with the Law Commission that an immediate enactment to this effect was urgently required as a preliminary to further measures against slavery. He, therefore, suggested that the Directors should instruct the Supreme Government "to lose no time in passing an enactment

1. L.D.I., 29 August (No. 14). 1838.

accordingly".¹ Consequently in a despatch of 26 September the Directors asked the Government of India to pass an enactment to this effect without any further delay.²

The Directors' despatch was transmitted to the Governor-General Lord Auckland, who was at this time away in the Upper Provinces. Auckland had already applied himself to the question of slavery, for shortly after his arrival, he had asked one of his trusted advisors, Macnaughten, to draw up a memorandum on it. Macnaughten had, consequently, drawn up a short account of the nature of slavery in India, in general, and had expressed the view that "there are comparatively few slaves in India legally speaking", and that "the condition of slaves both predial and domestic is not such as to call for any prompt interference". He had, therefore, advised that "no law should be passed against slavery, as such law would be impolitic, cruel, alarming and in-operative for good".³ Basing himself upon

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1. Hobhouse to Chairman and Depy Chairman, 17 September, 1838. Letters from Board, Vol. 12, p. 196.
 2. Legislative Despatch to India, 26 September (No. 15), 1838.
 3. Add. Mss. 36473 ff. 105-10. (Stokes points out that though Macnaughten was in the Political and Secret Department, he was also a considerable authority on law. Stokes, op.cit., p. 211).

Macnaughten's memorandum and upon more information supplied by Sir Frederic Currie, Auckland replied to Hobhouse, "My firm belief is that laws and proclamations and violent interference will do mischief if they should be directly levelled at any of the domestic habits to which this people is attached. This would irritate one party and would not be understood by the other ... it must be a work of time and perseverance to change the manners of a people; it cannot be done by zeal and vehemence".¹ He further told Hobhouse that he understood that slavery was very limited in extent and mild in character. He agreed that some tidying up of the law might be required: "Laws, however, giving a clearer and more certain protection of persons in certain cases than at present is found, may do good and there are enactments proposed in the penal code which might have this effect".² He therefore proposed to refer the proposed enactment to the President in Council to see whether it was needed in Bengal, and to call for further information from the other Presidencies since he was not certain what general protection to slaves their regulations provided.³

1. Auckland to Hobhouse (Private), 15 November, 1838.
Add. Mss. 36473 ff. 340-44.

2. Ibid.

3. Torrens to Maddock, 18 December, 1838. P.P., 1841, Vol. 28, pp. 238-40.

When Auckland's queries reached the Council in Calcutta they referred the matter to the Law Commission, asking whether the clauses in the draft Penal Code need be enacted. If they did think such a law necessary, they were to frame a draft for the consideration of the Supreme Council.¹ The Law Commissioners replied that they were in favour of a new enactment because of the lack of uniformity as regards the protection extended to slaves by legislative enactments in various parts of India. They had come to the conclusion that "the law in some parts of British India, is already in conformity with the intentions of the Home Government; in other parts it is not; and, in other parts it is in such a state that no one can say with certainty whether it is or is not in conformity with those intentions". They particularly observed that neither in Bombay nor Madras was the law uniformly in conformity with the home authority's intentions. Moreover the Commissioners pointed out that law depending upon the opinions of judicial officers was liable to be changed with a change of functionaries. This diversity, they pointed out, was aggravated by the varied nature of the laws:

1. Grant to Sutherland, 7 January, 1839. Ibid, pp. 40-41.

Muslim law recognised the right of moderate correction or chastisement by masters; Hindu law permitted punishment according to the degree of offence, while the silence of the Regulations kept the question open. Under these circumstances, they thought, "an express enactment or declaration by the Legislature highly desirable". They, therefore, submitted a draft act for that purpose.¹ It read "It is hereby declared and enacted that whoever assaults, imprisons or inflicts any bodily injury upon any person being a slave under circumstances which would not have justified such assaulting, imprisoning or inflicting bodily hurt upon such person if such person had not been a slave, is liable to be punished by all Courts of Criminal Jurisdiction within the territories subject to the Government of East India Company, as he would be liable to be punished by such courts if such person had not been a slave".²

To the Law Commissioner's draft one of its members, Charles Hay Cameron added a dissenting minute. The draft made the infliction of bodily injury upon a slave a criminal offence; Cameron wished to make the infliction of any punishment by a master illegal. Even the moderate

1. I.L.P. No. 14, 11 Feb., 1839.

2. Ibid. It is interesting to compare this wordy draft with the much more elegant clause of Macaulay.

correction such as a parent might inflict upon his child should be unlawful, not merely the gross punishments such as a West Indian master might have inflicted. His argument was that any right of inflicting punishment could only be justified on the plea of extorting productive labour from an unwilling slave. But the experience of West Indian slavery and English pauperism provided ample proof that productive labour could not be extorted, unless the master had recourse to a form of punishment which amounted to cruel usage such as English manners would not tolerate and which was already proscribed by the draft act itself.¹ The right of moderate correction, therefore, served no useful purpose and was of no substantial value to the master. "I feel little doubt", he observed, "that slavery in Bengal has subsisted for ages without any such power being vested in the master as would enable him to extort productive labour; and I believe that the power of parental correction, which he possesses, when it has not already been taken away from him by judicial direction, may be taken away from him without any real injury to his interests".² He further added, "I do not mean to say

1. Cameron's Minute, I.L.P., No. 15, 11 February, 1839.

2. Ibid.

3. Ibid.

that it may not be convenient to the master in the government of his household, but I think that a great liability of such a power to run into excess when it is exercised by adults more than counterbalances any good to the master, which can result from it when confined within its legal limits".¹

The Law Commission's draft, together with Cameron's minute duly came before the Council early in 1839. They received a hostile reception. A. Amos declared himself against any enactment: "it would leave the master of the slave without means ... of compelling the service of his slave", but would have little practical effect in ameliorating the slave's lot since both law and practice were already against immoderate correction. Cases of moderate correction for genuine reasons, he thought, would be seldom brought before Courts except through malicious motives, and would be extremely difficult to prove. Amos pointed out that if the master was deprived of the only means of compelling his slave to work, he must be compensated. The greatest argument against legislation, however, was the imperfect knowledge possessed by the authorities of slavery in India. But the Directors'

1. Cameron's Minute, op.cit.

orders were positive, he saw no way of postponing legislation unless the Governor-General in Council and the two Presidency Governments unanimously so decided.¹

With Amos' views, Robertson also agreed, believing likewise that it was difficult to postpone legislation in face of such positive directions.² Bird, however, carried Amos' arguments against the draft much further, claiming that it was "manifestly objectionable, in as much as it raises the condition of the slave above that of others who are not slaves, in the same domicile renders him entirely independent of his master, by whom he is fed and clothed and assures him of impunity, however gross his negligence, wilful his disobedience or inexcusable his misconduct".³ He therefore wanted the question to be referred for further consideration to the Home authorities. In view of the doubts raised, the President in Council referred the matter to the Governor-General for his opinion.⁴

1. Minute by A. Amos, 1 April, 1839, (R.L.C.), 1841, Vol. 28, pp. 50-51.

2. Minute by T. C. Robertson, 3 April, 1839, Ibid., p. 52.

3. Minute by Bird, 5 April, 1839, Ibid., p. 52.

4. Grant to Maddock, 8 April, 1839. Ibid., pp. 48-49.

Auckland was against any legislation. "If the matter... were wholly left to my discretion" he declared, "I should very much prefer not to legislate at all.... All such regulations imply a recognition of a state of slavery towards the absolute extinction of which, I am satisfied that by the mere force of time, of civilization and of the lenient and well-understood principles and practice of British Administration, great advances are in progress". If slavery was thus recognised, he pointed out, the Government would necessarily be led into further measures for the regulation of the rights and obligations incident to it, if only because it would be necessary to provide masters "with some easy legal means" of securing the due services of their slaves.¹ Auckland pointed out that the European officers of the Company abhorred slavery and before long "that abhorrence will only increase and be diffused, and that any inconsistencies now existing in legal practice must be before long removed by uniform interpretation in favour of the slave". Auckland was not prepared, however, to forbid legislation outright

1. Minute by Auckland, 6 May, 1839, I.L.P., No. 3, 27 May, 1839.

"if in the opinion of others it were likely to be productive of good, and if the law were drawn and could be passed without injustice to the master... and so as not to bear the construction of at all sanctioning a state of slavery". But he did insist upon a further reference to the Law Commission and to the two other presidency governments.¹

The President and Council thereupon asked the Law Commission and the Governments of Bombay and Madras whether firstly, it was expedient now to pass the proposed law; secondly whether such a law could be passed without compensation to the masters, and what compensation would be equivalent to the practical change in the status of a slave effected by such a law; thirdly whether it would be indispensable, if the power of moderate correction was taken away, to enact some provisions for enforcing obedience to masters; and fourthly, whether it would be expedient to pass the law in a more general form or not, as provided for in the alternate drafts submitted by the Law Commissioners.²

1. Minute by Auckland, op.cit. This was the generation of the Lawrences, Outram, Edwardes, Balke Frere, McLeod and many others whose Christian reforming zeal was well known.

2. I.L.P., No. 4, 27 May, 1839.

The Madras Government referred the question to the Sadar Adalat. The Sadar Adalat declared that ill-treatment of slaves was rare, that they were fed, clothed and housed by their masters, while the proposed legislation, if passed, would deprive masters of the power of enforcing obedience. They thought that no practical good commensurate with the danger of evil could be expected from legislation. If, however, legislation was decided upon, they would prefer it to be in a less general form. The question of compensation could not be determined, they said, without further local inquiry.¹ With these views the Government of Madras fully agreed.²

The Government of Bombay referred the question to the Sadar Farijdari Adalat, which also thought any special enactment unnecessary as the existing laws as well as "the general practice" of the magistrates were sufficient for the purpose.³ The Government of Bombay simply transmitted this opinion to the Supreme Government without any comment.⁴

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1. Davidson to Chief Sec'y. Gov't. of Madras, 17 July, 1839. I.L.P., No. 11, 2 September, 1839.
 2. Chamier to Grant, 30 July, 1839. I.L.P., No. 11, 2 September, 1839.
 3. Registrar, Sadar Diwani and Nizamat Adalat to Willoughby, 20 July, 1839. I.L.P., No. 14, 2 September, 1839.
 4. L. R. Reid to Offg. Sec'y. Gov't. of India (Leg. Dept.), 5 August, 1839. I.L.P., No. 13, 2 Sept., 1839.

Their reply was so brief and uninformative that the Council thought it necessary to ask for more detail, particularly as to whether moderate correction might lawfully be given, whether in fact complaints of moderate correction were ever brought, and upon how many such cases had "the general practice of magistrates" been founded.¹ They were also to enquire of the Advocate-General, in general terms, whether in any proceedings for false imprisonment, by a slave, the Bombay Regulations might be used as legal justification of slavery.²

The Law Commission, for their part, upon this reference back to them, reported that the matter was already "under their consideration with a view to their general report upon slavery in India", which would be ready shortly.³ Upon receiving this assurance the Governor-General decided to defer the passing of any final judgement on the matter.

Meanwhile the queries to Bombay had yielded two replies. The Advocate-General rather curtly reported that there was "no regulation or other law prevailing

1. Minute by A. Amos, 27 August, 1839. I.L.P., No. 15, 2 September, 1839.

2. Grant to Reid, I.L.P., No. 16, 2 September, 1839.

3. Sutherland to Grant, 13 June, 1839. P.P. (R.L.C.), 1841, Vol. 28, pp. 61, 238.

in Bombay authorising slavery in any form" and that "to an action or criminal prosecution for false imprisonment, it would be no defence to aver that the plaintiff or prosecutor was the slave of the defendant".¹

The Sadar Farijdari Adalat for their part had to admit that only one case had arisen of ill-treatment of a slave, and that the master had been fined five rupees. But they went on to make the remarkably optimistic statement that "so much ... do the interests of master and servant reciprocate, that, in point of fact, the law, as in other paralleled cases, is seldom appealed to, and when it is, its penal exercise must be entirely governed by the character of each individual case".² There the matter rested until the Law Commission should finish its general review.

While deliberating on the expediency of legislating against a master's right of correction over his slave, the President and Council had also turned their attention to another aspect of slavery, namely, the sale of children, which they thought could be prevented by legislation without any reference to the general question

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1. Acting Advocate-General to Acting Chief Secretary, Bombay, 5 October, 1839, I.L.P., 18, 8 June, 1840.
 2. G. Grant to Morris, 5 May, 1840. I.L.P., No. 18, 8 June, 1840.

of slavery. Consequently, they asked the Law Commission to prepare a note on the subject.¹ Once again however they were met by the plea that this matter was under their consideration "with a view to their general report upon slavery".²

This reply could not halt local action however, for on 16 August 1839 a case of alleged trafficking in children was referred to the Faujdari Adalat by the magistrate of Trichur. Similar references had been made on earlier occasions, and the magistrate asked "that some specific penalty should be promulgated for the purpose of checking an offence so revolting to humanity". The Court thereupon asked the opinion of the Muslim law officers who expressed the view that except in time of scarcity, people could not sell their children; if they did, they would be liable to discretionary punishment.³ Thereupon, for information and guidance, the Faujdari Adalat issued a circular order embodying this opinion.⁴

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1. Grant to Sec'y, Law Commission. I.L.P., 27 May, 1839.
 2. Sutherland to Princep, 13 June, 1839. I.L.P., No. 54, 24 June, 1839.
 3. Registrar, Sad. Fauj. Adal. to Chief Sec'y, Madras Govt., 19 November, 1839. I.L.P., No. 21, 16 December, 1839.
 4. I.L.P., No. 4, 21 October, 1839.

Another question raised in connection with slavery was the position of run-away slaves. This arose out of an application made by the Gaikwad of Baroda to Bombay Government for the surrender of two slaves who had left the service of his daughter and had taken refuge at Nasik on the plea of ill-treatment.¹

The Governor of Bombay, Sir Robert Grant, argued that the Gaikwad's request was not illegal, while the high position of the owner of the slaves precluded any enquiry into the complaint of ill-treatment, but being unwilling to hand over the slaves, he suggested that they might be redeemed.² Of his council, one agreed with him,³ another, Anderson, thought that if there was any obligation on the part of the Government to give up the slaves they should hand them over.⁴ As the Council could not agree, the matter was referred to the Governor-General,⁵ who in turn referred it to the Sadar Nizamat Adalat. The Sadar Court replied that cases

1. Reid to Sec'y, Gov. & Gen. P.P., 1841, Vol. 28, p. 238.

2. Minute by Sir Robert Grant, 8 April, 1838. P.P., 1841, Vol. 28, p. 242.

3. Minute by Farish, 10 April, 1838, Ibid.

4. Minute by Anderson, 17 April, 1838, Ibid.

relating to property in slaves could be decided only by civil courts. The Government thereupon forwarded all the papers of the Law Commission to be considered with the general report on slavery. Once again all was made to depend upon the Law Commission's report.¹

The delay may not have been unwelcome to Auckland who had watched the army of the Indies move forward in December 1838 and capture Kabul in August 1839, but who since then had found Afghanistan a growing headache. To the abolitionists in England the slavers seemed intolerable. In 1837 ^UBrixton had raised the fear that with the free admission of Englishmen to India sugar planting would there produce a system of slaving as disgraceful as it had in the West Indies. In 1838 Lord Brougham delivered a fiery denunciation of the external slave trade and presented a petition to the Lords on behalf of the citizens of Leeds. The petition contained the signature of 1700 people, in which they demanded the abolition of the traffic in slaves. Addressing the Lords, Brougham said: "We

1. Indian Legislative Letter, 22 April (No. 11), 1839.

shall pause and falter and blanch and quail no more! Let it be the earliest and it will be the most enduring glory of the new reign to extirpate at length this execrable traffic! I would not surround our young Queen's throne with fortresses and troops, or establish it upon the triumphs of arms and the trophies of war--no, not I! I would build her renown neither upon military nor yet upon naval greatness; but upon rights secured--upon liberties extended--humanity diffused--justice universally promulgated. I would have her name descend to after ages".¹

The British Anti-Slavery Society was reconstituted as "The British and Foreign Anti-Slavery Society" with branches in Dublin, Edinburgh and London.² During this period the humanitarians played a unique role in arousing public opinion against slavery in India. Pamphlets and tracts were published, lectures delivered and public meetings held, all strongly criticising the strange attitude of the East India Company.³

These assaults were backed up by attacks from the

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1. Lord Brougham's Speech in the House of Lords, Monday, January 29, 1838, Tract No. 148, p. 5.
 2. J. H. Harris, A Century of Emancipation, pp. 88-89.
 3. The Second Annual Report of the British and Foreign Anti-Slavery Society, London, 1841, pp. 21-22.

British merchant community, voiced through the British-India Society formed in London in 1839 "for bettering the condition of their fellow-subjects, the natives of British India". The Society's purpose was to remove all barriers to trade expansion in India, and George Thompson, its secretary and John Crawford, the Calcutta merchants' parliamentary agent and a leading sponsor of the Society, delivered some notable attacks on the Company's land revenue policy which they believed to be impoverishing the people.¹ But Thompson's eloquence and the Society's publication British India were also put at the service of the anti-slavery cause. Thompson toured the large towns in England, delivering powerful lectures on the miseries of the Indian slaves: "The subject of slavery in India claims the earnest attention of the abolitionists of this kingdom" he declared at a meeting on 1 June, 1839, "our principles, our pledges and our petitions would rise up in judgement against us, were we to neglect this matter. I find it stated upon high authority, that in many parts of India human beings are sold like cattle, and are even regarded as of inferior value. Let it not be said that after shedding the light

1. Stokes, op.cit., p. 130.

of freedom over the islands, we left the East to perish in the darkness and degradation of slavery".¹ His lectures were also printed in British India and distributed among the people. In 1842 he visited India at the invitation of Prince Divakka Nath Tagore, and in 1843 he formed a branch of the Society in Calcutta, to which he delivered a series of fiery lectures against slavery. The evidence of English newspaper editorials and journals of the 1840's show how effective these attacks had become in rousing British public opinion against slavery. Faced with such mounting pressure the Court of Directors again urged the Government of India, in July 1840, to hasten the completion and despatch of the Law Commission's report on slavery. It was not until January, 1841, however, that the long awaited report was finally produced.

When it came the report proved to be voluminous and comprehensive, dealing with every aspect of slavery in India and providing a long list of recommendations. The general tenor of these observations was that "slavery here, so long as it is confined within its legal limits,

1. British India, London, 1839, pp. 37-38.

or within the limits which custom, sanctioned by public opinion, has consigned it, produces nothing which is felt as oppressive by the abject spirit of the servile classes". All the evils arising from the existence of slavery consist in "illegal and abusive acts perpetrated under colour of doing those things which the status of slavery permits". These abuses, the Law Commissioners proposed to remove "leaving untouched the lawful and nearly innocuous state of slavery", which they thought would "decay and perish of itself".¹ On the particular topic of a master's right of moderate correction of his slave, the Commission took up Cameron's point of view that "the master should be prohibited from striking his slave". This measure passed, they held, "there will still remain all that is good in slavery, or more properly all which a wise government would not choose violently to destroy so long as both the classes concerned desired its continuance". However, after striking this optimistic note the Commission sounded a note of warning: "that now the Country is open to the enterprize of European Capitalists, if they are permitted to purchase and hold slaves, a system may

1. R.L.C., Vol. I, pp. 364-65.

gradually grow up not very dissimilar from that, the abolition of which has cost the country so much in money and trouble in the other hemisphere".¹

After their general summing up of the character of Indian slavery the Commission then listed the heads of its proposed legislation, thirty three in all. Of these ten dealt with free persons, seventeen with slaves, four with bondsmen and the last two with technical points relating to Act. 5.Geo.4c.113.

The ten recommendations relating to free persons were that:--

- 1) It should be unlawful for any free person to become a slave.
- 2) Free persons might be permitted to enter into contracts of service for life or a fixed period.
- 3) Parents or guardians might apprentice minors for any period until they attained majority.
- 4) All contracts should be void upon ill-treatment by masters or if meant for prostitution.
- 5) All contracts to be valid must be registered within a specified period by an authorized officer, who should have the authority to refuse permission if he thought fit.

1. R.L.C., op.cit.

- 6 & 7) Any person apprenticing a minor by posing as parent or guardian and any person knowingly accepting such apprentice should be punishable by fine or imprisonment or both.
- 8) Persons other than parents or guardians having minors in their possession for sale and hire should be punished in the same way.
- 9) Failure to apply for registration of contracts was to be similarly punished.
- 10) No rights arising out of such unregistered contracts should be enforced by any magistrate and that no wrongs, in violation of such rights, except those specified in the penal code should be punished by any magistrate.

The recommendations dealing with slaves were that:

- 11) The acquiring or hiring of slaves should be unlawful, except for persons of Hindu and Mahomedan origin.
- 12) Assault on a slave was to be punished in the same way as assault on a free man.¹
- 13) No gift or sale of a slave or transfer of his services, except with the land on which he was employed, should be valid, unless it was done in writing and authenticated by some authorized officer, with the consent of the

1. R.L.C., Vol. I, pp. 365-66.

- slave, or of his guardian if he was a minor.
- 14) No slave should be sold in execution of a decree of court or for arrears of rent and revenue.
- 15) The sale, gift or transfer of female slaves for prostitution should be invalid.
- 16,17,18 & 19) A slave should be emancipated on the neglect, refusal or inability of his master to provide him with customary maintenance; or if treated with cruelty; or if made a prostitute "through the influence of her master"; or upon a reasonable price being offered for his redemption.
- 20) When a slave was emancipated, the wife or husband and minor children of such a slave should also be free, provided they were also slaves of the same master.
- 21 & 22) A slave claiming emancipation "should be entitled to enforce his claim either in a civil or criminal court and should be entitled to the privileges of a pauper in a civil court".
- 23) Every decree by which slavery of any person was affirmed should be appealable to the Sadar Diwani Adalet.¹

1. R.L.C., vol. 1, pp. 366-67.

- 24) The exporting or attempt at exporting of a slave against his will should be punishable by imprisonment or fine or both.
- 25) Persons stealing or selling minor slaves without the consent of their parents or guardians or having such minors in their possession for sale were to be similarly punished.
- 26) Persons removing from British territory slaves, who sought refuge there, or slaves, who, having been brought into British territory, were unwilling to return, were to be punished by fine.
- 27) Magistrates were not to enforce any rights arising out of slavery, or to punish any wrongs, "which were violations of such rights", except those specified in the Penal Code or punishable by emancipation for neglect, refusal or inability to maintain the slave.
The recommendations concerning bondsmen were that:
- 28) The services of a bondsman could not be transferred without his consent.
- 29) No person was to be entitled to the services of the children or wife of his bondsman.
- 30) On ill-treatment or prostitution all contracts were to be void.¹

1. R.L.C., Vol. I, pp. 368-69.

31) Magistrates were not to enforce any right arising out of bondage or punish any wrongs "which were violations of such right" except those specified in the Penal Code.¹

The last two recommendations were technical rectifications of omissions in Act 5.Geo.III.4c.113.

The principle, underlying these recommendations, was "that the law should be, as far as possible, in such a state as to oppose no obstacle to the dissolution of slavery whenever it shall cease to be in accordance with the feelings of the people". They had, therefore, proposed to give the slave the same legal protection against violence as freemen; but had refused to suggest any law for enforcing a slave's right to subsistence as such laws would tend to give stability to slavery and keep alive the servile spirit. In short, their object was "to let slavery perish quietly".²

The Commission's report was signed by all its members. But three of these, A. Amos, D. Elliot, and H. Borradaile--who in fact constituted a majority--added a

1. R.L.C., Vol. I, pp. 368-69.

2. Ibid., pp. 369-70.

further group of recommendations of their own. Some were merely technical, such as the proposal that instead of attaching a penalty to the specific act of importing slaves, there should be an enactment that "no person shall be recognised as a slave in British territories on the ground of his having been a slave in a foreign territory". Others were designed to give greater protection to property in slaves. In particular they opposed recommendation 12. Unless masters were given the power of moderate correction, their slaves, especially those employed in field work would not work as hard as hired labourers, since they would know that if dissatisfied with their work, their master could not discharge them, without loss to himself. "Under the circumstances", the majority declared, "they will indulge that propensity to idleness so characteristic of lower orders in India, as far as they can, and they will do nothing that they can avoid doing".¹ They argued that rough treatment of slaves by their masters was unlikely as fear of desertion would act as a deterrent. The promulgation of recommendation 12 as it stood must lead to the abolition of slavery, which would involve the

1. P.P., (R.L.C.), 1841, Vol. 28, pp. 217-22.

payment of compensation to slave owners, or would require the transfer of the power of coercion to the magistrate. Both these alternatives to leaving masters possessed of rights of moderate correction seemed inadvisable.

In some respects, however, the majority of members went further than their colleagues. They were anxious to establish the legal right of a slave to acquire property and to purchase his freedom with it if he liked. They also wanted "to prevent masters from relieving themselves by pretended emancipation from the obligation of supporting ... slaves who, from age or infirmity ... have become unable to render them efficient service".¹

The report together with these dissentient opinions, was transmitted to the Court of Directors in February, 1841, without any comments from the Governor-General or members of his Council as as not to cause further delay.²

After sending the report, the authorities in India took it up for their own consideration.

Auckland, after seeing to the despatch of the report, turned to take up its considerations with his Council. In May, 1841, he completed his own minute on the evidence

1. P.P., (R.L.C.), 1841, op.cit.

2. Indian Legislative Letter, 8 February (No. 3), 1841.

and recommendations of the Law Commission. In it he expressed his agreement with the aims of the Commission, but his opposition to the means they proposed. He believed that "the adoption of all the minute and detailed provisions recommended by the Law Commission would much rather impede than advance the object ... in view", namely, "the earliest possible extinction, first practically, and in the end even avowdly, of slavery". As a particular example he took clause 13 with its provision for the registration of sales of slaves: though it was designed to protect, its effect would be to bind the Government in future to treat such sales as valid and to entitle the purchasers to compensation. The essence of slavery, he thought, had already been abolished; no compulsion over a slave was permitted by law, while the misuse of force was punished. "Under such an administration of the law", Auckland asked, "what but the tie of general good treatment and a supposed self-interest, will prevent a slave from leaving his master, and leaving in freedom?".¹ He therefore rejected the plea of Amos, Elliot and Borradaile that the right of moderate correction be conceded, for with a "very unperfect police and remotely scattered magistrates such a right could

1. Minute by Auckland, 6 May, 1841. B.C., Vol. 1913, Collection 81863, pp. 3-22.

not be prevented from leading to excesses. He preferred instead a law making an offence against a slave-- "anyone in any condition of dependence on a master", as he put it--punishable in the same manner as when committed against a free person. Nor would he hear of any compensation for the loss of this right--the exact estimation of compensation was impossible, and in any case the right had actually ceased to exist in most places. He did wish to legislate separately against the sale of children "excepting possibly in seasons of distress", he would ask the Government of Madras whether any addition to their magisterial or police forces was necessary to protect the agrestic slaves and bondsmen of that province, he suggested that periodical reports should be obtained on "the state of slaves and bondsmen and of legal transactions regarding them". But otherwise he was against detailed interference with a dying institution, and the disturbance of "relations to which in many cases, all who share in them are attached, regarding them, as a source of mutual advantage or even of honour and distinction". His policy was to watch over the condition of the slaves "with a vigilant eye

and to do what may be in the power of the Government for its amelioration".¹

The second minute to be circulated was that of Bird. He was the most extreme of the members of the Council. He rejected the prohibition of moderate correction on the grounds of inconsistency: "It grants a license for dereliction of duty towards the master", he pointed out, "without liberating the slave. It injures the one by encouraging idleness and immorality in the other, and is consequently harmful to both". The majority's plan for its retention he likewise rejected as "calculated to impede rather than advance the object in view by numberless minute and detailed provisions, which would strengthen the obligations arising out of slavery and prolong the existence of that which ... if left to itself would probably die in course of time".² Nor did he advocate leaving matters as they then stood, for the evils arising from slavery, such as kidnapping, child stealing, traffic in children, murder of parents to get their children, prostitution, and many other revolting practices, could not be ignored or neglected, because they were "so prejudicial to the

1. Minute by Auckland, op.cit.

2. Minute by Bird, 18 June, 1841, B.C., Vol. 1947, Collection 84542, pp. 49-57.

community at large". Rather, he declared, "If anything be done at all, nothing will answer the purpose short of a declaration that the law no longer recognises any distinction between a free person and a slave and that the Court's civil and criminal are no longer competent to enforce any claim on the grounds of slavery".¹ With Auckland he believed that no compensation should be paid, and he did not anticipate any trouble from the ending of all legal recognition of slavery.

If Bird was a radical, Prinsep was a conservative. In 1834 and 1835 he had clashed with Macaulay, the Law Member, because he held him to be a doctrinaire, and had declared "I look upon it as contrary to the spirit and letter of the law that the whole of what is now in existence, shall just be laid prostrate in the idea that a new system theoretically perfect can readily and with ease be established".² The same attitude he now in 1841 expressed again. He doubted whether a specific law on contracts of service and apprenticeship of children (recommendations 1 to 10) was expedient. If no criminal courts helped masters to assert their rights over their slaves and if action in a civil court,

1. Minute by Bird, op.cit.

2. Quoted in Stokes, op.cit., p. 210.

the result of which would be often doubtful, was the only remedy left to masters, then no person of free birth would continue as a slave unless he so chose. Again Prinsep thought that if masters were deprived of their power of correction and even rendered liable to punishment for correcting their slaves, this would be regarded "as an act of perpetual and immediate emancipation" and make the Government liable to claims for compensation by slave owners. If slaves needed a remedy against assault by their masters, Prinsep thought this should be "declared locally by the Superior Courts as an incident of the existing state of society and of the laws actually in force and so should be extended gradually from province to province as cases occur to give the occasion".¹

Pursuing the same line of argument he argued that if the Report (though not the dissentient minutes) had not thought it necessary to provide by legislation that slaves might acquire and inherit property, just because such rights were "tacitly recognised", and because it was difficult to prove the status of a slave, why had

1. Minute by Prinsep, 31 July, 1841. B.C., Vol. 1947, Collection 84542, pp. 59-85.

the Commission not similarly left the rest of their recommendations to be provided for by "the natural bias of the courts towards freedom?" In short, Prinsep was against legislation, except for preventing the import and sale of slaves, which he suggested, should be put down by stringent laws; and for prohibiting the sale of slaves by public officers in execution of any decree of a court. "I declare myself satisfied," he observed, "with the pace at which slavery is making its disappearance under the influence of an adverse feeling in the community and in the Courts of Justice and I think that the appliances recommended by the Law Commission instead of expediting would retard the end".¹

In August 1841 Amos produced his contribution, which in the main was a defence of the majority members of the Law Commission, of whom he was one. He first took up the criticism that the Commission's Report would by its detailed provisions harden the institution of slavery, and pointed out that it was not possible to ameliorate slavery without recognising its status, and that that status had already been recognised. He doubted the expediency of recommendation 27, prohibiting "the interference of the Magistrates, in favour of the

1. Minute by Prinsep, op.cit.

alleged master", on the grounds that "Slavery is not to be presumed in any person summarily; especially, if the prohibiting such interference be considered equivalent to decrying all legal remedy of a practical nature". As for the majority's arguments on the master's rights of moderate correction, he denied that these amounted to approval--what the majority had done was point out that if that right were taken from masters it would be tantamount to the abolition of slavery, and that such a sudden and uncompensated abolition would be attended "with much greater abuse than what it aimed at removing, and would "very likely prove a futile measure".¹ Amos then took up Auckland's proposal for a law stating briefly that offences against a slave would be punishable as though they had been committed against a free man. He agreed that if this were passed the civil law of slavery would not be "a pressing and general evil, and that all which is legally coercive in the maintenance of the status of slavery would be destroyed". But if the government was prepared to go to such an extent, would it not be better to adopt

1. Minute by A. Amos; 5 August, 1841. B.C. 1947, Collection 84542, pp. 107-46.

the plan of Bird? For himself, he was not prepared to go the whole way with either Auckland or Bird. "I think," he observed, "that these authorities, both go too far, and that for the sake of attaining our common object immediately, their proposals would be attended with the risk of great dangers, and of frustrating the very thing we have all in view".¹

Finally Amos turned to Prinsep's minute. He entirely agreed with Prinsep "that the work of abolition is in progress, and that too much interference would probably defeat or retard the end". But he rejected his belief that the "progressive impairing of slavery" could be "expediently left to the Courts of justice". He did so because this was to rely upon the "courts and magistrates twisting the law, and for them so to misuse the law for "undermining any practices however odious," would destroy all confidence in the administration of British justice", "and encourage lax and varying principles of decision". Besides, difference in the administration of justice in different districts by successive officers in the same district was an evil in itself.² Amos also deprecated any interference, by executive authority in the sale of slaves in execution

1. Minute by Amos, op.cit.

2. Ibid.

of decrees as illegal. Prinsep, the defender of orthodoxy against Macaulay thus found himself reproved by Amos for falling away from the Cornwallis ideal of a law fixed beyond the reach of individual executive action. Having thus rejected the suggestions of his colleagues, Amos reverted to the recommendations of the Commission; He admitted that they might be "too numerous and falling occasionally too much into minute details", but this he thought was "a fault on the right side, as thereby the discretion of Government would be chiefly exercised in selecting, instead of devising expedients" which function, he thought, was "more appropriate to it". Amos also advised, that if the proposed act was, after all, passed, its "mode of operation" should be stated clearly and fully in the preamble, in order to make it comprehensible to the people.¹ "I would, therefore", he said, "protect and accelerate, by the methods proposed in the report, the operation of the circumstances which are tending so favourably of themselves to work out the extinction of slavery in India. I would not abruptly anticipate the gradual but inevitable course of events, by substituting the wisdom

1. Minute by Amos, op. cit.

of man for that of Nature".¹

Summing up in August, Auckland reiterated his belief that in view of "very imperfect police and widely scattered magistrates it would not be safe to commit a power of punishment to masters", pointing out that the power of moderate correction which Amos had in view was of very little value to masters, and that servants and labourers were easily controlled without any such authority. He also repeated that he thought it best "to allow sound principles of administration gradually to extend themselves, as they have in fact been already very widely extended, without the direct interference of government". But if the Home authorities insisted upon legislation "it should be confined to the declaration of such rules, as I conceive the evidence to have established to be nearly universally prevalent, namely, that magistrates shall not interfere for the return of persons claimed as slaves to masters, and that they shall admit no distinction, in cases brought before them, founded on the relation between master and slave".² Thereafter

But the Directors had not waited for the Governor-General and his Council to mull over the Law Commission's

1. Minute by Amos, op.cit.

2. Minute by Auckland, 27 August, 1841, B.C., 1947 Collection 84542, pp. 147-50.

report. The Report had been printed, and laid before Parliament, and the Directors anticipating "an increased degree of interest in the public mind" were anxious for action from the Government of India. They therefore wrote expressing their anxiety that "the course of proceeding with regard to it which has been prescribed by the British Legislature for your guidance and for ours should be adopted without further delay". They reminded the Supreme Government that legislation should originate in India and warned them that if they "delayed in complying with the intention of Parliament and the wishes of the people of this Country," "it would lead to some hurried and imperfect legislation" in England which would be "injurious to public peace and tending to defeat the benevolent designs of its promoters".¹

On receipt of this despatch Amos was asked to prepare legislation and by December he had ready a Draft Act dealing with sales of slaves under decrees, the right of slaves to acquire property and sale of children. These measures, he thought quite safe and "not affording any reasonable ground for compensation".² To these measures Auckland

1. Indian Legislative Letter, 6 Sept. (No. 19), 1841.

2. Minute by Amos, 27 December, 1841, B.C. 1947 Collection 84545, p. 3.

proposed that two more should be added, the first, that any act which would be a penal offence, if done to a freeman, would be so if done to any person in a condition of dependence on a master, the second that no right gained as arising out of an alleged state of slavery shall be enforced by any magistrate within the territories of the East India Company.¹

Amos incorporated the second recommendation into his Draft Act but rejected the first as it would lead to claims for compensation. Right or moderate correction, he further declared was legal throughout India and any deviation from it in practice had been "only the partial aberrations of a few magistrates". The modified draft thus provided for the prevention of public sales of slaves in execution of decrees and for realizing revenues; the withholding of the direct aid of the magistracy in enforcing rights; the securing to slaves of property acquired by them, and the sale of children in times of famine. Any such sale was to be punishable with rigorous imprisonment for two years or fines up to 1000 rupees unless it was done with the sanction of the magistrate of the district,

1. Minute by Auckland, 9 January, 1842, B.C. 1947 Collection 84545, pp. 9-10.

or under a lawful contract of apprenticeship.¹

Bird approved of the modified draft, but once more voiced his preference for a short declaration that slavery was no longer recognised. He also suggested that in the modified draft provision should be made to prevent civil as well as criminal courts from enforcing a master's right over his slave.²

Prinsep approved the draft in general, though he suggested clarifications in the wording. But he opposed the section dealing with the sale of children, urging "this section should ... go no further than to declare a transaction of this kind to be no valid sale into slavery but an apprenticeship for the child's good until he reaches the age at which to assert his right as a free-born man".³ This point Auckland took up, repeating Prinsep's suggestion because "the sales of these children, covered by the excuse of charity in times of scarcity lead to frightful evils even then, and they lead also to some colour of authority and usage being given to sales of the same kind at other periods". On the more

1. Minute by Amos, 10 January, 1842, B.C. 1947 Collection 84545, pp. 11-14.

2. Minute by Bird, 11 January, 1842, Ibid., pp. 17-18. .

3. Minute by Prinsep, 11 January, 1842, Ibid, pp. 19-23.

disputed question of the master's powers of correction Auckland rejected Bird's suggestion for denying them the right of action in civil courts: "It is wise to lay the ground by a guarded ... comprehensive enactment". But he equally denied that Amos was right to assert that the practice of treating slaves as free men in respect of offences against them was merely "the partial aberration of a few magistrates", and pointed to the evidence accumulated on this by the Commission. Since such was the practice, and the Directors had ordered this to be made law, as far back as 1838, their Act should now enact "that principle of like protection to all persons, which is shown to be already established in the majority of our districts".¹

Auckland with these comments sparked off another round of controversy by minutes. Bird attacked again on the grounds of inconsistency. If civil courts continued to have jurisdiction they would be declaring and upholding the master's right over his slave while the criminal authorities refused to enforce them or even punished their exercise. On the same grounds he offered the clause making an offence against a slave

1. Minute by Auckland, 16 January, 1842, B.C. 1947 Collection 84545, pp. 25-31.

punishable in the same way as an offence against a free man, "because it involves a contradiction, and provides a penalty against the enforcement of rights, the existence of which it virtually recognises".¹

On this point Prinsep sought a compromise by adding a qualifying clause that masters would have no authority over their slaves "saving only such legitimate authority as a master possesses for the coercion or punishment of his bound apprentice and as a parent has over his child".² (In effect the position already reached in Muslim law). Amos supported Prinsep's compromise, though refusing to "press the adoption of the clause so modified, being unwilling to give any additional sanction to compulsory practices however confirmed by law or usage".³ This was precisely the stand taken by Prinsep on the question of the sale of children. He argued that no amount of legislation would ever succeed in preventing the procuring of children for immoral purposes. Moreover, the Government was not legislating against prostitution, general

1. Minute of Bird, 17 January, 1842, B.C. 1947 Collection, 84542, pp. 33-35.

2. Minute by Prinsep, 18 January, 1842, Ibid., pp. 37-41.

3. Minute by Amos, 19 January, 1842, Ibid., pp. 43-48.

criminality or offences against morality but against slavery.¹ So if they could protect children from slavery, that in itself would be enough for the present. He objected to the suggested provision on the ground that "it allowed sale of children into slavery if sanctioned by the magistrate and so recognised past transactions of the kind before the law required such sanction as legitimate modes of converting free-born persons into slaves". He, therefore, did not "feel reconciled to the adoption of this sanction" and was compelled to adhere to his own amendment.²

Auckland, in a final minute tried to answer the criticism and conclude the discussion. He defended his refusal to withdraw recognition of a slave owner's rights in civil as well as criminal courts by a further appeal for "guarded caution", and to the Sadar Diwani Adalat declaration of 1798 that the promise to observe Hindu and Muslim law regarding property also applied to slaves. Since that still stood change would be not only "harsh and precipitate" but "even perhaps oppressive and unjust".³

1. Minute by Prinsep, 18 January, 1842, op.cit.

2. Ibid.

3. Minute by Auckland, 19 January, 1842, B.C. 1947 Collection, 84542, pp. 49-54.

Bird, although unwilling to prolong the controversy, could not help replying. He refused to attach much importance to the declaration of 1798 which he considered to have become "almost inoperative and obsolete".¹ More important, the proposed law would impair rights, with which the Government had no intention of interfering; and would "leave to those to whom it is designed to apply, the means of establishing their claims", but "take away the power of enforcing them". "If we mean to abolish slavery," he observed, "we should do it in a mode that admits of no deception; and I am satisfied that such a course will prove not only the most unequivocal but the most satisfactory".²

With this Auckland had to rest content. (He was by now overwhelmed by the disaster in Afghanistan). The Draft Act, and the minutes recording the varied views of the Governor-General and his Council were accordingly transmitted to the Directors for their opinion.³ Before their reply could be received Auckland had left for England and the name of Lord Ellenborough as his successor had been announced.

1. Minute by Bird, 20 January, 1842, Ibid., pp. 55-57.

2. Ibid.

3. Ind. Leg. Letter, 22 January, 1842 (No. 3).

In their reply dated 27 July, 1842, the Court of Directors not only approved of the proposed enactment, but also of the clause suggested by Auckland. In explaining their attitude, they wrote:- "Having taken into consideration the provisions of the Draft Act, we approve of the enactments which it contemplates: a) for discontinuing the sale of slaves by officers of Government in execution of judicial decree; b) for prohibiting the direct interference of the magistracy in enforcing rights asserted to spring out of an alleged state of slavery; c) for protecting property acquired by slaves to their own use; and lastly d) for regulating transfers of a right to the persons and labours of children. In order to overcome the difficulty relating to the last mentioned subject, namely that the clause as it stood in the Draft Act would be constructed to give a legal validity, not otherwise attached to the sales of children made prior to the time when the enactment would come into force, the Home Authorities direct the Government of India to remove the perplexity by the omission of the words 'and void in law'".¹ The Court of Directors had thus brought

1. Leg. Desp. to India., 27 July, 1842 (No. 11).

themselves, nine years after the passing of the Charter Act, to agree to a group of measures which still recognised slavery's existence but deprived it of most of its legal protection. Even then, however, they did not propose to apply the measures at once throughout India. Rather they allowed to the Government of India a large amount of discretionary power. "As the subject of slavery", they wrote, "is one intimately connected with the customs and habits of the people of India, and requiring in certain localities a greater degree of caution and delicacy in dealing with it for its suppression than may be necessary in others, we desire to leave to your discretion the gradual or simultaneous introduction of these provisions and enactments in such districts, and at such times as you may consider most favourable to ensure their ultimate success in the immediate mitigation and final extinction of slavery in India".¹

1. Leg. Desp. to India, No. 11, 27 July, 1842.

If action was so long delayed some of the blame must go to the growth of recruitment of Indian coolies for planting in Mauritius and the West Indies. The recruitment was so full of abuses and cruelties that humanitarian attention in England was deflected from slavery to this new problem, and in India the Law Commission had to prepare such measures as the Bengal Emigration Act, Act V of 1837 and the Emigration Act, Act XXXII of 1837.

The orders of the Court of Directors did not reach India until the beginning of 1843, but when they did they were acted upon with swiftness and vigour. On 24 January a draft Act was published in the Government Gazette, and on 11 February, 1843, the draft was forwarded to the governments of Bengal, Bombay, Madras, Allahabad and the North Western Provinces,¹ and on 7 April, 1843 the act received the assent of the Governor-General, Ellenborough. Ellenborough had come out well aware of the aroused state of public opinion about slavery in India. On the eve of his departure, on 4 November, 1841 he had received an impassioned appeal from the Hibernian Anti-Slavery Society of Dublin to use the influence of his high office to abolish slavery: "for the honour of our common humanity, we anxiously press this matter on thy attention and earnestly solicit an expression of thy co-operation with the philanthropists of the United Kingdom".² He was also doubtless aware of the preparations of the British and Foreign Anti-Slavery Society for another attack in Parliament upon the Government of India's vacillations. To this knowledge, and to his own personal feelings may well be attributed the vigour displayed in pushing through the measure.

1. Ind. Leg. Proceedings (Consult)., 7 April, 1843.

2. The British Friend of India, London, 1842, p. 92.

It was not passed without some opposition. This came not from the provincial governments, but from the hitherto silent Indian people. The draft act had been printed and published on 11 February. On the 23rd, a petition was signed by some 580 Hindu landholders of Sylhet including mirasdars, talukdars, pottandars and dajahardars, protesting against the act. If the proposed act should become law, they protested, "it would tend to the ruin of all India, specially that of the respectable part of the population of Sylhet".¹ They stated that from time immemorial slaves of both sexes had been engaged in the services of respectable people and did all the manual labour. "According to the existing customs and usages of the land, the slaves were alienable by sale, purchase and gift".² The proposed act thus ran counter to their established legal rights. In support of their claim the petitioners alluded to the non-interference policy of former governments,³

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1. It will be remembered that Sylhet had a very high proportion of slaves to freemen, and that the district was one of comparatively small, but numerous landholders. See Chapter
 2. Abstract trans. of a Bengali petition from the Zanidars, etc., of the District of Sylhet with about 580 signatures pleading against slavery Act. 23 February, 1843. I.L.P., No. 13, 7 April, 1843.
 3. Ibid.

and they also referred specifically to the Regulations passed in the year 1793, which provided that the officers of justice should act in accordance with the prevailing customs and usages. They also pleaded that if slavery were allowed to go on, it would not prove to be harmful or detrimental to the interest of the Government; on the contrary it would help to replenish the coffers of the Company: when matters relating to slavery were in litigation, large profits arising out of stamp duties would accrue to the government as in ordinary cases arising out of real or personal property. Besides this, they stated that, unlike the landholders in other districts, they were "men of poverty", and had no means of employing paid servants to perform the duties which were ordinarily performed by the slaves.¹ If the proposed Act were passed into law, they were afraid that the slaves would consider themselves as men of respectability and would then refuse to perform the duties which were habitually assigned to them. No man would henceforward willingly continue to serve another as a slave, and no slave could be coerced, because the master would be liable to punishment like any other offender.

1. Sylhet petition, op. cit.

Another petition of a similar nature was forwarded by the Muslim landholders of Sylhet district bearing about 700 signatures. The only additional argument used in this petition was that the slaves, being descendants of slaves of same class of bondage and servitude, did not consider themselves as placed in a degraded situation.¹

A few days later, on 10 March, 1843, the landholders of Buckergunge also submitted a petition to the Governments. They objected in their application to the incorporation of clauses 2 and 4 in the Draft Act, clauses by which the official enforcement of rights over slaves was refused and acts against a slave were to be treated as acts against a free man. They contended that those two clauses would not only tend to the ruin of the character of men of rank and honour, but would also deprive them of their livelihood. Under these circumstances the petitioners humbly requested the exclusion of the two sections from the proposed Draft Act.

But being emboldened by the attitude of the Court of Directors and of the British public, the Government of India completely ignored these applications from the

1. I.L.P., No. 14, 7 April, 1843.

2. I.L.P., No. 15, 7 April, 1843.

landholders of Bengal. On 7 April 1843, the following Act was passed by the President in Council and assented to by Lord Ellenborough, the Governor-General.

"An Act for declaring and amending the law regarding the condition of slavery within the territories of the East India Company.

"First: - It is hereby declared and enacted that no public officer shall in execution of any decree or order of courts or for the enforcement of any demand of rent or revenue sell or cause to be sold any person on the ground that such person is in a state of slavery.

"Second: - And it is hereby declared and enacted that no right arising out of an alleged property in the person and services of another as a slave shall be enforced by any civil or criminal court or magistrate within the territories of the East India Company.

"Third: - And it is hereby enacted and declared that any person, who may have acquired property by his own industry or by the exercise of any art, calling or profession or by inheritance, assignments, gift or bequest shall not be dispossessed of such property or prevented from taking possession thereof on the ground that such person or

that the person from whom the property may have been derived was a slave.

"Fourth: - And it is hereby enacted that any act which could be a penal offence if done to a free man shall be equally an offence if done to any free person on the pretext of his being in a condition of slavery".¹

Thus in thirty short lines slavery was abolished from India by the process of denying it all legal standing. Though the apparently more radical and more positive solution of Bird had been rejected, all other attempts to preserve a qualified slavery had been swept aside. Moreover, the success had been achieved without the Government having been encumbered with a great burden of compensation. In the West Indies some twenty million pounds had been paid in compensation to the slave owners; not a penny was paid to the Indian owners of an estimated eight and a half million slaves. They accepted this loss of their property rights with scarcely a protest. Thus peacefully were slaves permitted to step out of their bonds and the forging of new ones prevented.

1. I.L.P., No. 15, 7 April, 1843.

Conclusion

Two things remain to do: one is briefly to consider the results of Act V of 1843, the other to review the nature of the forces whose cumulative pressures led to the passing of that measure.

Act V of 1843 was an indirect method of abolishing slavery. It abolished the legal distinction between free men and slaves and deprived the institution of its status by providing that the courts should not take cognisance of claims to slaves. It did not directly order emancipation, but made it clear that if any slave wanted his freedom, he was at liberty to take it merely by forsaking the service of his master. The importation and exportation of slaves, and their purchase and sale, like cattle in a market, came to an end.

D. R. Banaji, in his Slavery in British India boldly stated "In this manner slavery was put an end to by Act V of 1843", and "thus was the curtain finally rung down on the last scene of the tragedy of slavery, which was staged in British India from 1772 to 1843"¹. Such a

1. D.R. Banaji, — Slavery In British India, p. 404.

statement is too sweeping and too simple. According to a table prepared by Richard Allen, the Secretary of the Hibernian Anti-Slavery Society in 1841, there were some four million slaves in the Bengal Presidency alone.¹ To suppose that all these millions, ignorant and illiterate became aware of their rights, that born and brought up in slavery they were ready in a moment to throw off their bonds, that in the absence of any special provision by the government any alternatives existed to the continued service of their masters, or that these masters whose livelihood and social status depended at least in part upon the possession of slaves, willingly let them go is evidently absurd.

In her unpublished thesis on the East India Company's social policies Dr. Hjejle has commented, "The provisions of Act V of 1843, only aimed at the amelioration of agricultural slavery and whether it was ever applied in cases of domestic slavery is uncertain. If it was hard for the agricultural slaves to secure their emancipation, it was still more difficult for the domestic slaves in their greater isolation to do so. The final eradication of both agrestic and domestic slavery was a slow process which even today may not be complete".²

1. The British Friend of India, 1841, pp 91-2.

2. B. Jeyle, The Social Policy of East India Company with regard to Sati, Slavery, Thagi and Infanticide, D. Phil (Oxford) Thesis, 1958., p. 271.

It is true that the Penal Code of 1860 reinforced Act V by prohibiting all trade in and possession of slaves, and that the Indian states also successively passed laws against slavery, beginning with Travancore in 1855.¹ But to remove the reality of slavery from all Indian households was quite another matter. H. Stark, writing in 1916, could still state of domestic slavery: "It died hard, ~~and~~ indeed if it be dead now; for I believe that in many Indian households, there still are slaves, although they are not so labelled".²

The disappearance of agrestic slavery, though also slow, was made more rapid by the economic development of India in the latter half of the nineteenth century--plantations in Assam and South India, railway construction, coal mining and the building of cities and the new manufacturing industries they supported, all provided outlets for serf or slave labour seeking freedom.³

Probably the one real immediate effect of Act V was to doom the slave trade to extinction. It is true that in 1854 upon rumours of importations of slaves on Arab vessels the Calcutta magistrates felt it necessary

1. O'Malley, pp. 74-75.

2. H. Stark, op. cit., p. 16.

2. Encyclopaedia of Social Science.

to conduct an enquiry but the report of the police and superintendent of marine was entirely negative.¹ After 1843 instances of slave trading must have been very rare.

The summing up given by Vera Austey in Chapter seven of Modern India and the West probably provides as balanced a view as any of the effects of Act V. She writes, "The practice of slavery, mainly domestic and agrestic in type, and of slave-trading had been widespread and involved grave abuses. The ordinance of 1843 permitted slaves to claim their freedom and prohibited further enslavement, but did not oblige immediate emancipation, and the slaves gradually asserted their rights, especially when alternative occupations, such as railway construction, became available, and the system gradually died out. The economic results of emancipation were, in the short run, small. The ex-slaves either continued to work on the land as tenants or wage-earners, or else obtained employment on the railways, or on plantations, or in urban industries. But, in the long run, emancipation set a standard condemnatory of the gross exploitation of labour".²

Today, that slavery in Bengal should have been marked with the seal of official approbation by the early

1. Board's Collection., M.S.S., Vol. 2648., No 171868

2. O'Malley, op.cit., pp 257-68.

British administrators of that province may seem disgraceful, even incomprehensible. But that it did exist in every district of that constantly expanding presidency, and in places to a quite striking degree is certain, and that its existence was sanctioned by the Company, and enforced by its courts and administrators is equally certain. Nor in 1772 was this surprising. At that date the first effective blows against the slave trade and slavery in the West were still thirty five and fifty years in the future: slavery was tolerated, property sacrosanct. In India the Company had inherited territories wherein slavery was no less tolerated, and by both Hindu and Muslim law. Moreover to those acquainted with the slavery of the West Indies and the Americas, Indian slavery, domestic or agrestic seemed very mild. The Sadar Diwani and Nizamat Adalat, David Scott, Sir Henry Colebrook and a whole series of officials down to Andrew Amos, all testified that it was slavery little more than in name. To disturb the rural economy, the social customs and the religious usages of the Indian people in order to allay so mild an evil would have been to run unnecessary and unjustifiable risks. But in any case there were more urgent problems with which to contend, such as the creation of a land revenue system, a legal system, a system of

alliances and of armies to back them.

Under such circumstances to seek to meddle with such intimate and possibly explosive problems as domestic slavery would have been folly, even if it had been possible, which with the civil service then available it certainly was not. Safety lay in accepting Indian social and religious laws and usages--and Warren Hastings was ready to argue that "the people of this country do not require our aid to furnish them with a rule for their conduct, or a standard for their property".¹ Cornwallis might reject Hastings' appreciative tolerance of Indian society and seek to anglicise the administration, but even then his declared aim was "The introduction of a new order of things, which should have for its foundation, the security of individual property".² And by a specific declaration of 1793 it was made plain that slaves were part of the property to be protected. In 1806 the Vellar Mutiny issued a startling warning against interference with Indian custom and against missionary meddling. In the 1820's a whole "paternalist" school again spoke out against innovation. Munro declared, "The ruling vice of our government is innovation ... it is true that we

1. G. R. Gleig, Life of Warren Hastings, I, p. 401, quoted in Stokes, op.cit., p. 3.

2. The Fifth Report, p. 12, quoted in Stokes, op.cit., p. 4.

should learn that neither the pace of the country, its property, nor its society, are things that can be suddenly improved by any contrivance of ours, though they may be greatly injured by what we mean for their good".¹ Malcolm repeated his caution, "The most important of the lessons we can derive from past experience is to be slow and cautious in every procedure which has a tendency to collision with the habits and prejudices of our native subjects".² To the very end of the period, as was seen in the previous chapter, the most experienced officials still urged the need for caution when dealing with a social custom like slavery which had the sanction of Muslim and Hindu law, and still pressed the need to uphold the rights of property, even in slaves.³ To such officials silence seemed the safest reply to those who proposed a deviation from the existing state of affairs, even for the sake of humanity. Colebrooke, John Adam, Lord Amherst, well known for their extreme caution, even if they recognised that the gradual abolition of slavery was desirable, doubted whether any legislative interference would improve the slaves' condition or lead to an early extinction of

1. G. R. Gleig, Life of Sir Thomas Munro, III, p. 381, quoted in Stokes, p. 19.

2. S.W.J. Malcolm, The Political History of India, Vol. II., p. 183.

3. As the British Friend of India, London, 1842, pp. 57-8 pointed out there was a tendency amongst certain officials

the practice. Slavery was seen as a necessary evil, as the discussion of the Charter Act of 1833 in the Lords made clear.

Nevertheless, individuals did increasingly reject the toleration of the slave trade and then of slavery. Some like Sir William Jones or Cornwallis attacked particular aspects--the external slave trade or the traffic in children, particularly when the evil could be attributed to such European rivals as the Portuguese and French. Others like Richardson or Leycester, Harrington or Neufville condemned it in rounded terms as offensive to the universal moral law or the teachings of Christianity. Some sought to curb and reduce without abolishing the evil--men like Baber, Campbell, Vaughan and Warden, others to destroy it outright--Metcalf at Delhi in 1812, Bird in Calcutta in 1841. The motives of individuals were often mixed. There were representatives of the Calcutta merchants who saw in slavery, as in Indian poverty, a barrier to the expansion of British markets in India. There were those, Richardson being a good example, who denounced slavery in the terms of the political economists.

(cont.)

to surmount the abuses of slavery by disguising it under a softer name, that is by connecting slavery with the distinctions of caste.

Yet others, of whom Macaulay and the missionary William Adam are the most obvious, whose links were with the Evangelicals and the abolitionists led by Wilberforce. All of them, Metcalfe excepted, failed in their individual attempts to break down governmental laissez-faire and caution, but all were increasingly sustained by the growing support for abolition in England.

Perhaps the most striking feature of the process by which slavery was curbed, undermined and finally abolished was the degree to which effective action was imposed from outside India. Changes in Europe, not changes in India led to the overthrow of Indian slavery.

In part the changes were impersonal--flowing from the tremendous expansion of industry in Britain and of the doctrines of free trade which followed. Eric Williams has described the process in the West Indies: "Capitalism had first encouraged West Indian slavery and then helped to destroy it. When British capitalism depended on the West Indies, they ignored slavery or defended it. When British capitalism found the West Indian monopoly a nuisance, they destroyed West Indian slavery as the first step in the destruction of West Indian monopoly".¹ Eric Stokes has described the process in the East Indies: "... the tide of British policy moved in the direction set by

1. E. Williams, op.cit., p. 169.

the development of the British economy. The Industrial Revolution and the reversal it brought about in the economic relation of India with Britain were the primary phenomena. A transformation in the purpose of political dominion was the main result. Instead of providing a flow of tribute ... the British power in India came to be regarded after 1800 as no more than an accessory, an instrument for ensuring the necessary conditions of law and order by which the potentially vast Indian market could be conquered for British industry. This transformation of economic purpose carried with it a new, expansive and aggressive attitude ... that of la mission civilisatrice".¹

In the face of the expansionist energies of the Industrial Revolution in Britain the nice regard for Indian institutions was swept on one side, and just as the Company's monopoly was pushed aside in 1833, so were those features of India's economic and social life which prevented the expansion of British markets in India.

The demand for free trade in India went hand in hand with the attack on the planters' monopoly position in the West Indies. The West Indies planters had a vested interest in the sale of their slave-grown sugar and a pressure group in Westminster to protect their interests. To protect

1. E. Stokes, op.cit., p. XIII.

those interests heavier taxation was imposed on Indian than West Indian production. In 1830 a campaign was started against this discrimination, led by Raja Ram Mohun Ray and Ram Gopal Ghose, along with N. Alexander and some few hundred other native and European merchants of Calcutta. In a petition they submitted protesting against differential duties they argued, "India is thus prevented from taking off the large quantity of British manufactures she would otherwise do; whereby the Home manufacturer is restricted from benefitting by the large field which would be open to him if India were enabled to buy what she cannot do, unless she can sell in return".¹

The argument against the West Indian planters was here conducted in purely economic terms. But in Britain the attack on the West Indian monopoly was also an attack upon West Indian slavery. The two motives were inextricably mixed--even sometimes in particular individuals. Some of the Clapham Sect had East Indian interests, and perhaps their detestation of West Indian slavery was sharpened by a sense of the unfair discrimination in favour of West Indian as against the growing sugar plantations of India.² The Thorntons owned East India stock and participated in the debate at India House in

1. P.P., 1831-32, vol IX, Appendix No 6., p. 608.

2. K. Bell and W. P. Morrell., - Select Document on British Colonial Policy., Oxford., p. xxx.

1793 on the sugar trade. Zachary Macaulay was another East India stock holder, and one of the nine signatories who summoned the meeting of the Court of Proprietors in 1823 to discuss the sugar question. In his powerful pamphlet published in 1823 he drew the threads together, declaring that the West Indians "have no more right to claim the continuance of a protecting duty on sugar, to the manifest wrong of India and of Great Britain, than they had before a right to claim the continuance of the slave trade to the manifest wrong of Africa".¹ James Cropper, a prominent abolitionist was the greatest importer of East India sugar into Liverpool, and the founder and head of the independent East India House, Cropper, Benson and Company, with a trade of thousands of pounds a day. Again Thomas Whitmore, a leader of the East India interest in Parliament, was a vice-president of the Anti-Slavery Society.² In Wilberforce's diary for 22 May, 1823, the date of a motion by Whitmore on the sugar duties, we read, "None interested for the question but the East Indians and a few of us Anti-slaves".³

However, though a few abolitionists had a vested interest in Indian sugar, the great outburst of humanitarian indignation over slavery was obviously not sustained by economic considerations alone. Many of the

1. L. J. Ragatz., — The Fall of Planter Class.

2. Eric Williams., — op. cit., pp 135-36.

3. W. Wilberforce — The Life of Wilberforce, p. 180.

humanitarian leaders who fought for the abolition of slavery in America and in India did so in the cause of humanity, inspired by a Christian spirit and missionary zeal, and their campaign was an outstanding development of a general humanitarian movement.

Beginning in 1772, this movement expressed itself in many different ways. In 1807, in the midst of their desperate struggle with Napoleon, the slave trade was made illegal by an Act of Parliament for any British subject or in any British ship; in 1811, it was made a felony punishable with transportation, and so rigorously was the law enforced by the British navy, that by the end of the war, "British Slavers" had practically ceased to exist. Opinions might differ as to the methods of campaign or even, at one period of pessimism, as to the chances of ultimate success, but the mass of the British people from the time of Wilberforce to the time of Livingstone, never ceased to hate the trade.

The dynamic spirit of the late eighteenth and early nineteenth century did not of course limit itself only to the anti-slavery movement. It showed its vigour in many other activities. Churches and schools were built, hospitals were established, missionaries were sent to the

ends of the earth, the criminal code was revised, prisons and prison discipline were humanised, better poor laws were enacted, labour legislation was begun, the Roman Catholics were emancipated, Parliament was reformed, and a swelling chorus of voices was raised in behalf of the brown man of Asia and the black men of Africa and America. The emancipation of British slaves in 1833 was the result of a half-century of unparalleled effort.

The modification of clause 88 in the Charter Bill of 1833 shocked the British philanthropists and humanitarians deeply. They started a campaign against the slave trade and slavery in India which was the first instance of an appeal to public opinion by means of all the modern agencies of publicity; lecture, pamphlet, newspaper, and bill board. It was also the first example of open participation of women in a contest.

What was the attitude of the Indian reformers while these campaigns were being mounted? The greatest of these social reformers, Raja Ram Mohun Ray had died at Bristol in 1833 with his great aim, the abolition of sati achieved. His successor was Prince ~~Dwarkan~~ Nath Tagore. "Handsome, versatile, clever and enterprising, he was a romantic figure in Bengal because of his magnificent ways of living and public charities".¹ As the Friend of India wrote in 1842,

1. Krishna Kripalani, op.cit., p. 18.

on the eve of his departure for Europe, "To describe Davaraka Nath's public charities would be to enumerate every charitable institution in Calcutta, for from which¹ of them has he withheld his most liberal donations"? In England, too, his fame as reformer and a dispenser of charity had preceded him, and he was received in audience by Queen Victoria, and entertained by Gladstone and Disraeli. He had arrived at the height of the final campaign for slavery's abolition in India, he was entertained at a gala reception by the President and Committee of the Edinburgh Emancipation and the Aborigines Protection Society. But the Prince, like Ram Mohan Ray before him, ignored the question of slavery. Indeed, in reply to the address of the President and Committee, he roundly declared, "The fertile region of Bengal, with which I am more particularly connected, is in no way contaminated by the system you are so laudably endeavouring to destroy".² His own reluctance to recognise or denounce the evils of slavery in India may well be traced to his position as a great landowner, and as founder of the Landholders' Society of Bengal.³ There was in fact no support to be had from the landholding aristocracy and the middle-class gentlemen who at this period provided India's leaders in social reform.

1. Ibid.

2. The British Friend of India, 1842, vol. II, pp. 240-44.

The abolition of slavery in the Bengal Presidency as well as in India, was, therefore, the outcome of the humanitarian ideas and strong anti-slavery feelings current in England. The Indian social reformers like Raja Ram Mohun Ray, Prince Dwarka Nath Tagore and Maharaja Sir Radhakanta Deva never uttered a single word against slavery in their country. They rather offered their passive support to it. The missionaries and their newspapers and journals in India registered protests against slavery from time to time, and demanded its abolition. But they were completely ignored by the Government, who considered them as mischief mongers and looked upon them with an eye of suspicion. It was the long, arduous and protracted fight of the British humanitarians, notably the Quakers, that brought about the abolition of slavery in India. The abolition of slavery in the Bengal Presidency must be seen, therefore, as the natural outcome of an external pressure upon the Government of India, the blind pressure of economic forces, the deliberate pressure of the Utilitarians, the warm-hearted and zealous pressure of humanitarians and Evangelicals.

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