

Territorial Ambiguities, Villages and Borders in Nineteenth-Century Bengal

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Abstract: *Bengal is often portrayed as the first and focal point of British colonial authority in South Asia. The article demonstrates how the territorial bases of Bengal were much less stable than portrayed. Indeed, territorial definitions were subject to jurisdictional confusion, fragmented sovereignty and porous borders. The relationship among borders, rural land and urban space is the focus of this article. The article shows how vague border demarcations and overlapping jurisdictions – between the East India Company, local rulers, and enclaves such as Chandannagar – produced spaces that were effectively beyond direct colonial control.*

Keywords: *Borders, territory, land, market, dacoity.*

Introduction

Throughout the nineteenth century, the process of consolidating British colonial power in Bengal experienced numerous challenges and disruptions that made the formation of boundaries and governance very unclear. Bengal was the first major region colonized by the British in India. The issue of territorial confusion in Bengal's governance was compounded by an uncertainty about the identification, demarcation and authority of boundaries (i.e. jurisdiction), and about who held sovereignty over the territory (i.e. the East India Company, the native rulers or local zamindars etc). This article will explore how territorial ambiguity occurs from upper levels (urban) to village level in the form of jurisdiction, sovereignty and political identity.

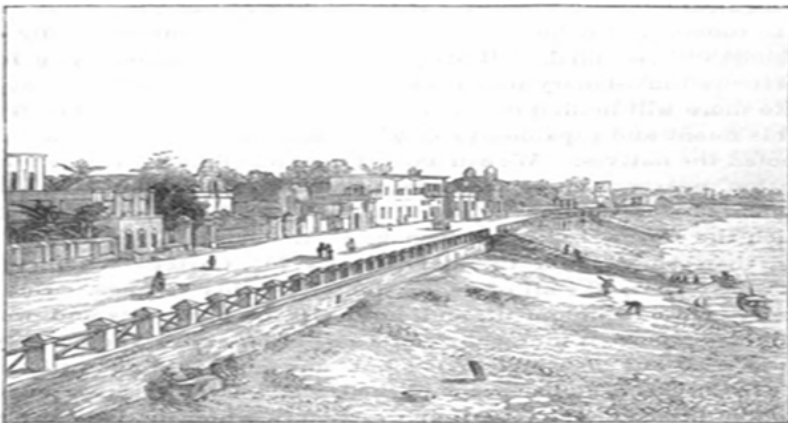
In the 18th century, there was a significant change in Bengal's political structure from a despotic king to state power under the British East India Company. They established law, courts, and judicial and administrative systems to support their rule. A state is a symbolic term for a geographic territory. According to Benedict Anderson, nations represent an imagined space/ community limited by borders with a collective/cultural identity and have

sovereignty over their people despite not being personally acquainted.¹ However, the state's political authority and political power can also be described by the concepts of security, rights, democracy, equality, and justice. The British colonial government had knowledge of many important concepts related to political Thoughts, including Thomas Hobbes²'s statement that a strong sovereign was needed to create a society without chaos, John Locke³'s emphasis on natural rights and consent of the governed, and Jean-Jacques Rousseau⁴'s support for both democracy and popular sovereignty. This means that the British colonial government had a great deal of influence on these major political ideas that emerged during the age of enlightenment (the application of reason) and utilitarianism (the application of reason and the rule of law), and they placed a heavy emphasis on the preservation of political stability and social order in India. The concept of state formation is an extremely complex subject. When the British established their rule in the Indian subcontinent, they considered their role in India to be a mission of civilizing people.⁵ Historians have debated about how much continuity or how much change occurred under the rule of the East India Company. Some historians, such as Eric Stokes⁶ and Ranajit Guha⁷, believed that the Permanent Settlement was a significant break from the past and introduced many European ideas, such as private property, a new agricultural market, and agrarian capitalism. In contrast, historians such as Ratnalekha Ray⁸ believed that the village structure, local elite, and landholding system remained the same. Neeladri Bhattacharya⁹ wrote that reforms were influenced by actual interactions with Indian social structures, while historians like C.A. Bayly and Sanjay Subrahmanyam noted that the elements of agrarian capitalism and commercial circuits existed prior to colonization¹⁰, while historians such as Bernard S. Cohn¹¹, Burton Stein¹², Anand A. Yang¹³, Douglas M. Peers¹⁴, and Dirk H. A. Kolff¹⁵ showed how colonial governance, law, and military systems created continuity with existing Indian institutions. Bernard S. Cohn claimed that colonial rule operated via a complicated procedure of generating knowledge and administrating classification intended to make Indian society apparent to the government. As a result, these classification systems did not always accurately portray local social relations.¹⁶ The term 'rule of colonial difference' was coined by Partha Chatterjee. The British colonial government functioned as a contemporary power structure claiming to represent universal ideals of freedom, equality, rational governance, and the application of law. Nevertheless, these ideals were not truly implemented for those under colonial domination.¹⁷

Candannagar: the city beyond the British Raj

As for the name of Chandernagore, it may literally be called Chandan-nagar, the town of sandalwood.¹⁸ The French East India Company established a trading post Chandernagore (now Chandannagar) in 1673 after securing permission from the Mughal authorities. By 1688 it was recognized as a permanent French settlement. Thus, it became one of the earliest European colonial settlements in

Bengal and a significant component of the French trading empire in India.¹⁹ Hamilton came to Chandernagar either in 1706 or 1707. In his *New Account of the East Indies* Hamilton thus describes the place: "there are several other villages on the River's side, on the way to Hooghly, which lies 20 miles above Barnagul, but none remarkable till we come to the Danes' Factory, which stands about four miles below Hughly".²⁰ In 1731, Joseph Francis Dupleix was appointed governor of Chandernagar. He found Chandernagar almost ruined. He left it the most significant European settlement in Bengal with 2000 brick houses, developed trade and unmatched credit.²¹ He bought Ships, loaded cargoes and made easy communication with the interior. It induced native merchants to come to the town.²² Due to its success and advantageous position, Chandernagore continued to be the center of the conflict between the French and British in Bengal during the 18th century. In 1757, during the Seven Years' War, the British, under Robert Clive, captured the town, but it was handed back to the French by the Treaty of Paris in 1763. The British re-occupied Chandernagore during the Napoleonic Wars.²³ It was restored to the French by our Government in 1814.²⁴ Chandernagore was described by one writer in 1881 as a French settlement which lies about twenty miles north of Calcutta on the River Hoogly. "Chandernagore, being under the French Government, is a refuge for insolvent debtors, who go there to escape the grasp of English law. Living and house-rent are tolerably cheap, so that a few English families live there, but most of the inhabitants are French officials and some families of Indo-French origin. It is a place now of no importance, but chiefly curious on account of the French customs which prevail there".²⁵ From then until the mid-20th century, Chandernagore remained a part of French India, under the administrative control of the Governor General of Pondicherry.²⁶



VIEW OF CHANDERNAGORE. (From a Photograph.)

Source: Anonymous, 1881, September 1, *The Missionary Herald*, pp.376-78.

Another picture described by the writer showed the native part of Chandernagore and gave a clear idea of the ordinary countryside scenery in Bengal. A few huts were seen on the bank, along with the almost universal palm trees. The one on the left was a date palm, from which an intoxicating drink called toddy was extracted, while those on the right were tál palms or palmyra. This latter tree was generally somewhat shorter than the coconut palm. From it, a juice was obtained that was made into vinegar and also used as yeast. The leaves of this palm, commonly called fan-leaved, were used to make many different kinds of fans or punkas. These fans varied in size from ten inches to three feet in diameter.²⁷

Some settlements, such as Candanagar, existed in a gray zone of colonial authority. Local elites exercised semi-autonomous governance, balancing compliance with the British administration with customary practices and informal power structures. Such cases illustrate how authority in Bengal was uneven, negotiated, and contingent rather than absolute. On December 2nd, 1852, Mr. Wauchhope wrote a letter (No. 182) describing how Chandernagore had started serving as a haven for many dacoits (criminals) that were either expelled from or had fled from Calcutta. Not only did the criminals in Chandernagore consist of fugitives from Calcutta, but they had joined by many remnants of various Mofussil gangs that had formed within the settlement. As a result, the number of offenders in Chandernagore increased, creating a major concern for the British districts that surrounded it. From within the French territory, these dacoits would often leave to raid British areas and commit depredations, and then return to Chandernagore before they could be pursued. Because many of the dacoits used false names and concealed their identities, British authorities found it extremely difficult to identify them positively for extradition requests to the French authorities. So, these jurisdictional limitations presented another barrier to pursuing or investigating criminals in a foreign territory. Therefore, the exact location of dacoits in a settlement could not easily be found and hiding places could not be located. Dacoits thus were able to continue their operations with a significant degree of freedom due to the protection provided by the borders of a foreign possession.²⁸

Life on the Edge: Wilderness, Villages, and Negotiated Autonomy

In a report, "The villages in Bengal are isolated clusters of homesteads, whose inhabitants live very much among themselves, and cling tenaciously to their own homes. The old communal institutions by which the village was governed are fading away under the influence of British rule and the zamindari system. The ancient indigenous village system of India still exists in the hilly country attached to Bengal, but in the plains has almost disappeared".²⁹ Wild animals surrounded every village within a band of dense jungles, and many official reports referred to the postal mail bags being taken by wild animals.³⁰ In Birbhum, rewards were given to the peasants for the amount of tigers' heads

that they obtained to support their family for three months.³¹

For the rural inhabitants living in Bengal, the wilderness was more than just a setting; it was the way of everyday life they experienced. The jungle provided wood, firewood, honey, and animals for food (for example; through hunting), while rivers and canals provided fish, water for irrigation and were the means to travel from place to place. With so much abundance, there were also great dangers associated with it as well; for example, seasonal flooding regularly destroyed farmers' crops and villages; tigers as well as the other wild animals in the forests hunted from those areas; and theft of property was visible. Villages were often isolated and took days to walk the distance to the nearest market or any imperial post.³² In Bealputta village, they were terrified of wild animals. The resident district surveyor in 1810 described how people living in the area received warning news of elephants by listening sounds made during the elephants' approach.³³ In 1793, the average area served by each police subdivision was sometime 400 square miles.³⁴

The river systems of Bengal were the dominant geographical feature of the region, especially with regards to the Ganges and Brahmaputra rivers.³⁵ As a result of flooding and silt accumulation, these rivers would often change their direction, resulting in new riverbeds. While the Bhagirathi River was initially the primary source of water for central and western Bengal, the Ganges eventually moved eastward and created the Padma River before joining with the Brahmaputra River.³⁶ In his observations made as a judge in 1805, H. Strachey noted that Bareilly experienced significantly lower dacoity rates than Bengal; however, the many waterways in Bengal provided easy routes for escaping and hiding out for those committing crimes.³⁷ Weaknesses within Bengal's administrative and judicial systems further enabled criminal behavior. Responses from magistrates to the interrogatories in the year of 1801 outlined several reasons for why dacoity was committed with greater frequency than in other jurisdictions: removing responsibility for the police from zamindars; the limited scope of magisterial authority with respect to the adjudication of non-capital offences; the lengthy delays experienced by those who used the court system; the lack of appropriate correctional facilities; the ineffective regulation of markets for stolen property; the laxness associated with punishing offenders; and the unwillingness of witnesses and prosecutors to participate in the prosecution of offenders.³⁸ The combination of Bengal's changing environment, poor policing, judicial backlogs, corruption and socio-economic conditions resulted in creating parts of Bengal - remote areas, forested areas and riverine areas - that were virtually beyond the practical capacity of British colonial authorities to exercise effective control.

Rural Economy and the ambiguity of Boundaries

The Permanent Settlement was one major system of revenue for the East India Company in Bengal. As part of the Permanent Settlement, the company

recognized that it would share the land revenue with zamindars (or farmers) who were in charge of collecting the State’s share of crop production. Under the new settlement, about ten-elevenths of the collected assets would be set aside for revenue, while zamindars would only receive one tenth; in addition, any increase in the State’s share from future increase, whether from increased production of crops or other causes, would also belong to the zamindars. The zamindars were recognized as the owners of the lands in each estate within the Permanent Settlement. The fact that the Regulations did not define the tenants’ property rights. It defined the zamindar’s duty to pay the fixed revenue on the lands within the stipulated date regardless of any specific natural disaster or any circumstances. Their failure to pay revenue on time would lead the sale of their estate.³⁹ The zamindars had to pay the state’s revenue in cash or money and therefore became much more dependent on fluctuating market price.⁴⁰ In ancient and medieval times revenue was almost always based on productivity, but now it was based on market price fluctuations. This resulted in uncertainty for zamindars. Although lands in Bengal were exceptionally fertile and produced an abundance of crops and grains with moderate effort, the peasants were always in debt and had difficulty supporting their families and they often experienced periods of food shortages and starvation. A solution for the peasants’ situation was hard to find. Some people blamed the zamindars for the difficulties faced by the peasants, but these claims could not be substantiated. The zamindars had a responsibility or pressure to collect revenue regardless of their own basic needs and they had to remit the revenue to the state irrespective of the seasonal disasters that might have occurred. Furthermore, zamindars caused an unreasonable amount of suffering for the peasants through sub-infeudation.⁴¹ Land tenure in Bengal is organised to create different kinds of relationships between many different layers of tenants and landowners. Colebrook discussed these relationships, as well as the confusion that existed as a result of these various types of land ownership and rental agreements. Raiats were the growers and producers of the crops that the zamindars collected revenue from them. Raiats might have access to land that was either established, abandoned, surrendered, fallow, or new (reclaimed from wasteland). In order to protect themselves from arbitrary exaction of rent payments, raiats must have a patta (lease) that defined the conditions of their rental payments, whether in money or in kind. Rental payments in kind could be in multiple forms.

A fixed quantity of grain.
A division of the actual crop (commonly half to landlord and half to tenant, though other proportions existed).
An estimated valuation of the crop, converted into cash.

Deductions and arbitrary cesses could reduce the overall amount that a tenant received from his crop. Although many times tables of rates were decided based

on soil type, crop variety, or geographical location, these standards were not always followed. Land measurement (bighas) was often used for non-standard results, resulting in fraud. In some tenure annual adjustments to rents were made based on how much land was cultivated, whereas in other tenures the rent was established for a definite or indefinite term and did not change. The only leases that provided real security to the tenant were those that defined, in the lease agreement before planting crops, what amounted to a fixed rent for the length of time described in the lease contract. Most other leases or agreements were described only vaguely, with no specific conditions for reducing the rent obligation, and included the possibility or fact of additional taxes, allowing for widespread confusion, conflict, extortion, and fraud on the part of both landowners and tenants.⁴² The system required cultivators to sign counterpart agreements stating they would hold their lands at the rent set in the lease. While landholders might or might not have wanted to grant leases, the cultivators were understandably reluctant to sign the counterparts for many reasons. First they were satisfied with their traditional titles under the village record of rights. Second they were worried that by signing the leases and counterparts they would be able to worsen their current status, and/or to add to the number of obligations they had to the zamindars. Many cultivators believed that if they accepted pattas from the zamindars, this would reduce them to being tenants of the zamindars only. Third, the majority of cultivators held at least a good deal more land than was recorded in the village records; therefore they had tremendous fears about government-sanctioned measurements. The zamindars would have welcomed the measurement due to its possible use to raise rent or collect due payments through the threat of revaluation. While powerful landholders might have attempted to establish or pressure the use of government-sanctioned measurements prior to this time, this would not have generally been viewed as acceptable. The fourth and most substantial reason for this refusal was regarding the level of rental values. The rental values established by the proposed leases simply would have perpetuated the previously established pargana rental values. After the 1770 famine, the customary rental values had often exceeded the true or market rental value of the lands. There were two additional problems created by the Permanent Settlement. One was that zamindars were given powers of coercion. If a cultivator refused to lease land, the zamindar could publish rates of rent for that land and go to the courts and collect rents at those rates regardless of whether the attitude of the tenant was one of agreement or not. As a result, they saw this as a form of oppression. Second, leases were not secure. When estates were sold due to delinquent payment of revenue, the new owner would be free of any encumbrances, and the zamindars could have arranged for the sale in such a way that he would create a default in order to force sale of an estate already owned by the seller. Therefore, even if a cultivator wanted to renew a lease at the same rate at which it was initially issued, he would have to do so through multiple trips to the

zamindar's office, which might have also included offering the zamindar a bribe. Additionally, leases were limited to ten years. The process for renewal would result in the cultivator being subjected to even further harassment and at the very least some form of exaction. By virtue of having been created under conditions of coercion, insecurity, or temporariness, those leases were not an attractive alternative to the cultivator. The system for establishing a record of rights at the village level created by the Permanent Settlement had failed. As of 1811, pattas were very few in number according to district officers. The primary reason for this was because the rights of the raiyat had never been established clearly. Therefore, the zamindar regarded the raiyat as a tenant at will with no established rent. When the zamindar engaged with the raiyat to provide him with property under lease, the zamindar charged him excessive rates and the raiyat believed that he was entitled to established rent and refused the excessive rate. The zamindar then seized the raiyat's property. This situation was felt throughout the country of India. In 1815, Lord Moira was made aware of multiple complaints by persons holding land under the village tenure system. He acknowledged the legal system has not given them any remedy. It was not possible for zamindars to legally define the maximum rate of rent they could impose on the raiyat. The tenure system had given the hereditary cultivator the ability to resist increased rents. This ability was destroyed when the old district and village registers (the documentation of the hereditary cultivator's right to own property) were destroyed.⁴³

Traditionally it was accustomed that the village headman would shout from one end of cultivated fields until he could barely hear himself – a practice as old as Buddhist Jātakas. John Shore said on the verge of his settlement that there were no defined borders separating various villages; moreover, it was unclear how much land every village contains despite being measured in bighas. In that part of the village, within reach of villagers' ears, there was land known as pasture for cattle and usually belonged to the resident farmers. According to Muhammadan law, it could be considered a state wasteland. The Permanent Settlement had no effect on distinguishing between simple grazing lands and wastelands despite transferring the ownership rights to the government over wastelands. The fifteen years after the Permanent Settlement lacked any survey or record of rights which resulted in confusion among people and led many landowners to bankruptcy. Land disputes were often resolved by hired men armed with clubs who belonged in one way or another to a zamindar's household. Proprietary rights were in most cases decided through forged documents, perjury, or when one party used legal loopholes and delays in order to deplete the other party's financial resources.⁴⁴ The kânûngos were responsible for official record keeping as well as acting as the defenders of farmers in every pargannah in the Mughal system as described by *Ain-i-Akbari*. By 1783, under Warren Hastings' reorganization, the supervisory chain ranged from Sadr Kânûngo and Chief Accountant of Bengal to local kânûngos who were registrars

and fiscal divisions. The abolition of *kānūngos* weakened the check on zamindars, disrupting the government's source of unbiased information on landholders' demands and cultivators' rights. Depriving village registrars (*patwaris*) of salaries paid by the state worsened things. They had originally served the village community, partly funded by grants from government land and allowances from resident cultivators. But this changed during the Permanent Settlement whereby they became tools of landlords. The village registrar, known as the *patwari* was responsible for maintaining land records. Gradually he became a servant of the zamindars. Instead of working impartially, he acted in the interests of the zamindars. Many old documents were destroyed or deliberately neglected, and as a result, reliable information regarding land boundaries, ownership, and revenue assessment became rare. Due to the absence of proper records, confusion and disputes over land increased. These disputes were often settled by the zamindars' hired men. At the same time, the falsification and manipulation of land records became common.⁴⁵ The extent of zamindars' estates, the areas of their 'maintenance' land or private lands, and rent-free grants made for 'service lands' within their estates, whether legal or illegal were all hidden. That is, there was no disclosure about revenue-paying lands which were mistaken as unclaimed territories by the British colonialists. John Shore said just before inaugurating the Settlement that villages had no limits because they lacked marked boundaries while amounts in *bighas* remained unknown. The quantity or boundaries of these lands have not been authoritatively documented anywhere. No reliable documentation existed regarding the size or limits of these landed properties.⁴⁶ In 1844, Lautour, the acting Joint Judge of the territory, reported that the zamindars and Talukdars, with very few exceptions, not only kept thieves and dacoits but recruited them on a permanent basis. This pay was given out monthly through *thangidars* (receivers of stolen property) who earned from one to two hundred rupees per month depending on the gang's size.⁴⁷

Conclusion

In the nineteenth century, Bengal which epitomizes contested spaces within the history of colonial state formation. The imposition of administrative order was pursued by the colonial state through law, defining jurisdictional boundaries, and establishing bureaucratic structures. However, these regulatory systems were frequently remote and inaccessible to a huge number of people. The common people were suspicious of the colonial state and lacked access to the use of the English official language. As a result, many rural peoples viewed colonial governance as foreign and obscure. The colonial administration and legal system operated in a state of constant ambiguity with respect to territorial boundaries, legal jurisdictions, and sovereignty. While the authority of the colonial state and law could never be complete or absolute, they were continually subject to mediation by local customs, social networks, and practices; these

provided the bases for the ways villagers, landlords, and regional elites who competed, negotiated and exploited the gaps in colonial governance.

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