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THE
CALCUTTA REVIEW.

VOLUME CXV.

October 1902.

No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world; and, were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

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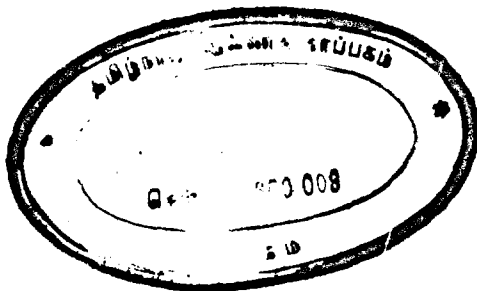
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THE
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"WHERE THE SUN (LIGHT) NEVER SETS."

VISIT OF THE INDIAN CORONATION CONTINGENT TO PORT SUNLIGHT.

To those members of the Indian Army who have been privileged to visit England, the memory of the reception which they received by all classes in the Mother Country will never fade. Wherever they went there was an enthusiastic welcome. But nowhere was the welcome more cordial than at Port Sunlight, the village which is known all over the world as the home of Sunlight Soap. Messrs. Lever Brothers took advantage of the visit paid by our brothers to Liverpool, and invited them to view their works and village. The invitation was accepted, and on Monday, July 28th, the entire contingent, under the command of Lieut.-Col. Dawson, travelled by special steamer from Liverpool to New Ferry, where they were met by the Port Sunlight Silver Prize Band, and escorted to Port Sunlight, about a mile and-a-half away, through gaily-decked streets lined with cheering crowds of people. Flags and banners were displayed at every point, and the day being gloriously fine, the scene was most enchanting. As the stalwart soldiers marched along, many complimentary remarks were heard, and the impression they created was highly flattering. Mr. W. H. Lever, the Chairman and founder of the company, received the contingent at the door of the Offices, and each detachment was guided through the works by an official. The reserve so noticeable in the Indian soldiery was somewhat broken down, as wonder after wonder was viewed; and many expressions of delight and astonishment passed from man to man as they visited the various departments. After leaving the works, the detachments were re-formed, and entered Hulme Hall—a large and handsome dining room for the work-girls—where the officers and men were entertained with light refreshments, fruit, cigars, cigarettes, &c. Before leaving the hall each man was presented with a book containing views of the Village and Works, describing in detail many points of interest to the visitor, and also a cardbox containing sample tablets of Sunlight Soap, each box bearing labels in the seven principal Indian languages. The men were charmed with their visit, and those who could speak a little English expressed their regret that they had only been able to stay such a short time. To the villagers the sight of a body of men of such splendid physique and attired in such varied uniforms was educational, and the distinctly polite, gentlemanly manner of all the soldiers impressed everyone. There was at no time the slightest semblance of rushing or crowding. Everything was done in the most orderly style, and where favours were conferred the soldiers were profuse in their thanks. On the other hand, our Indian brothers will take back to their countrymen and to their loved ones in India pleasant stories of their visit to Port Sunlight, and a tangible gift with ample and easily read descriptions of the uses of that Sunlight Soap of which they have often heard, which has made the pretty village on the Mersey possible and famous.

THE CALCUTTA REVIEW.

No. 230—OCTOBER 1902.

ART. I.—THE INDIAN LAND REVENUE.

THE late Sir William Hunter, who never allowed pedantic accuracy to impede the production of effect, was wont to write of the "Land-Tax" as an item of Indian Finance. The analogy was misleading, and has supplied the critics of the British administration with more than one weapon of attack. Adding the total derived from that source to the yield of taxation proper, they have sought to show that a crushing load has been imposed upon a people whose resources are hardly equal to the humblest needs of life. The subject is one both of importance and interest. If the critics were right the Government must be one of the worst—like that of one of the early Emperors who said that his object was to leave his Hindu subjects no more than what would keep them alive. But it is the very reverse of truth, for the portion of rent which the British administrators of India divide with the zemindars is enough to pay nearly half of the net outlay on State-purposes; and to that extent the tax-payer escapes. It is, as if Cornishmen were excused from paying Income-tax because the Prince of Wales derived an equivalent sum from lands and mines in the Duchy.

But there is an even more weighty fact, to which attention is not always paid. The share of the rent appointed to the relief of the tax-payer has been larger under all previous Governments, while the value of money has diminished, more laid out upon profitable and benevolent objects, and far less run to waste on middlemen and corrupt officials. The reforming Emperor Akbar took a third of the gross produce; it is the aim of the present Government to take a tenth. Under the more vigorous of his successors the estimated total rose to more than thirty millions of modern money, besides a leakage of the kind mentioned above, which a contemporary reckoned at as much more. At that time the unskilled labourer got about Rs. 2 a month, while the pay of a foot-soldier was little more than double. Prices of commodities were in proportion. The system of rackrenting lasted into

modern times. The Begum Somru attempted to take the entire net yield of the land from the agriculturists of her Fief at Sardhana; and the first thing that the Board of Revenue did, when it fell in by her death in 1836, was to reduce the demand by 20 per cent. At that time the maximum rating of British administration was 75 per cent. It has now reduced to 50. If the Dutt and Digbys could succeed in obtaining a further reduction they would have to point out some source whence the deficit could be made good; and the burdens of the unrepresented people would be perilously increased.

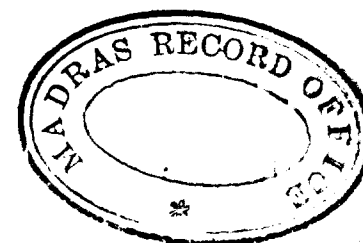
The question whether the present connection of India with the Empire is an advantage would be one of complexity and magnitude. The people of the Eastern country have received peace and commercial prosperity, population has increased, secondary wants and manufacturing interests have been introduced, with new standards of morals and civilisation. On the other hand, the revenue of the United Kingdom has been replenished and a field laid open for the employment of white labour in various fields, while many valiant soldiers have been made available for the defence of the Empire.

Against these things there is a certain amount of drawback. The increase of population in British India does not favour the survival of the fittest; a dense crowd of weaklings is poured upon the land; plague, pestilence and famine are becoming chronic and appear as Nature's protest against the introduction of new cloth into an old garment. On the British side is to be set the political and military peril, which impend on a position that has had no precedent since the decline of the Roman Emperor. Like the Romans of that time we have to defend a great and growing frontier with an army that is largely recruited by foreign mercenaries. It might be argued that the interests of both countries point to a gradual retirement from the administration of India, conditionally on the retention of a few treaty-ports, and the assurance that other powers would not take possession of the vacated Hinterland in a spirit of hostility and plunder. The case of China is suggestive. Should the Russians and the French ever effect a partition of that vast Empire it may well be doubted whether British Commerce would be long allowed to retain its rights and privileges at Shanghai, Hong-Kong, or even Wei-hai-wei.

If these things be so it follows, that, for the present, the connection ought to be maintained; and for its maintenance the good-will of the people is an essential factor. Now the bulk of the Indian people is agricultural; and is, with one exception, untaxed. That exception is not the so-called Land Tax. The land has been inherited or purchased by its present holders under a rental of which a part was earmarked for

the use of the State. Those who hold free of such payment—known in India as Mamdars or Mafidars—are no better off than their revenue paying neighbours, the value of whose estates has indeed been enhanced by the modern Government. The only tax that is paid by the agriculturist who abstains from luxuries is a poll-tax levied in the form of an excise on the salt that he eats, and the incidence has been worked out at about six to twenty—say sixpence a head per annum. When we remember that for this modest contribution the agriculturists get protection for their industry, transport for their produce, and collection for their children, we cannot fairly call the payment unreasonable. The rest of the taxation falls on those who use litigation, stamped paper, ardent spirits, etc., or have assessable incomes. This minority—about 20 per cent. of the whole population—also pays municipal rates if—as is usual—it lives in towns; but the rural community pays no more than the salt-tax already mentioned. A duty on tobacco has been sometimes mentioned; but it has never been adopted—probably from a conviction that it would alienate the allegiance of the agriculturists on whose good will rest the sure foundations of the Indian Empire.

H. G. KEENE.



ART. II.—THE PORTUGUESE IN MALABAR.

INTRODUCTION.

MALABAR is a district that lies on the west coast of Southern India, wedged in between the Arabian Sea and Western Ghats, and extending roughly from the 9th to the 12th degree of latitude. Though Malabar under the name of its present political division excludes the Native States of Cochin and Travancore, which lie south of it, Malabar of the period we have to deal with in this article included the whole of Cochin and part of Travancore, thus the ancient Kerala extended over a large area of territory of over 25,000 square miles.

Intersected by numerous rivers, lakes and canals, and interspersed by numerous hills over hills set in gay theatric pride, Malabar, the garden of India, presents much charming natural scenery, the like of which may not be found in many other parts of the earth. The Western Ghats, arresting the exit from the land, of clouds brought by the South-West Monsoons, Malabar shares an abundant supply of rain which considerably mitigates the heat of the climate and prevents the reservoirs of waters from becoming dry in the hot season as they do in other parts of India. A serpentine water-way now swelling into mighty rivers and extensive ponds which can float a man-of-war, now dwindling into tiny artificial canals, connect Trivendrum in the south with Cananoor in the north. It ramifies in several directions, permeates the country, especially in the south, like arteries in the body of man, and possesses frequent outlets into the sea which make it feel the variations of depth, synchronous with ebb and flow, and enable at high water ships and junks to carry commerce with important places in the interior. This highly advantageous water-system has contributed much to the furtherance of native commerce, and stood the Portuguese comers in good stead.

If ample means of communication, which develop commerce are not wanting, there are also not wanting in Malabar articles to start commerce. Malabar has been, from very ancient times, noted for its pepper, ginger and cardamom. Pepper has been aptly spoken of as the money of Malabar. The early Greeks and Romans had established colonies in Malabar and stationed fleets on the Malabar Coast to secure the pepper trade of the country. The nations of China, Arabia, Egypt and Turkey considerably enriched themselves by supplying the mediæval marts of Europe with the spicy products of Malabar.

Popular legend ascribes the origin of Kerala to the mythic hero of Parasurama, a supposed incarnation of Vishnu at whose bidding the sea is said to have receded, leaving behind it the land of Malayalam high and dry. The same hero is also said to have peopled the sea-reclaimed land with Aryan Brahmins brought from Hindustan and made a gift of the whole land of Kerala to sixty-four families of the new immigrants. He is also credited with supplying the Brahmins with a servant-class and organising the whole into several castes and one creed. Behind all popular legends and traditions, there is always a kernel of historic truth, as may be seen in the case of the legends above referred to. The legend of Parasurama's creating new land is but a fanciful rendering of the geological changes that must have occurred in the place now called Malabar. That the space now occupied by the *terra firma* of Malabar was once filled up by sea, and that the land was the result of the recession of the sea for natural causes is attested by fruits of modern researches, two of which may be mentioned here. There is a part of the Western Ghats which goes by the name of Kahadikode or Kadaladikode meaning 'surf-beaten place.' The other is that numerous fossil remains of marine animals have been discovered in some parts of the Western Ghats. The other legends embody the facts that there have flown two streams of immigration into Malabar, both probably and one certainly of the so-called Aryans. The first body of immigrants who were out-and-out Aryans must have come to the country from Hindustan before Hinduism in the latter country was revolutionised by the religion of Buddha; for many of their customs and manners and many points in their creed, are of the pre-Buddhistic Aryan type which could not have remained intact, had it not been for the fact that before the rise of Buddha they must have settled themselves in the country. These immigrants, who are all Brahmins, are now known in Malabar as Namboodirees; and their Aryan origin is well attested by their customs and manners as well as by their physiognomy. They are as a class well versed in the Vedas and in Sanskrit, and very conservative and superstitious, and possess a profound contempt for Western Education.

The second set of immigrants might be very probably Aryans also. Their descendants are the famous Nayars of Malabar. They were once thought to be Dravidians, but recent researches, though not very conclusive on the point, have made the theory of their Dravidian origin very doubtful. However, they must have been Hinduized only after their arrival in Malabar. This fact made them, though superior in numbers yet inferior in position, to the Namboodirees. The Nayars are, as a class, very brave and war-like.

But the Nayars and Nambodirees, though they claim at present a pre-eminence above the rest, were not the only immigrants into Malabar. The Greek and Roman relations with the land we have already noticed; but they have not made any permanent additions to the stock of its population. The Phœnicians, too, though they had extensive trade with the country, failed to leave, permanently a community of theirs therein. A large number of Jains have settled themselves in Malabar since pre-historic times. Cranganore was probably the earliest site of their colony, though at present Cochin is their stronghold. They settled in the land as traders and were able to secure for themselves many privileges which can be made out from the copper-plate grants made to them by the Perumals (a line of ancient rulers of Malabar), and still preserved in the Madras Museum. Christians who still form a considerable part of the population of Malabar must have come to the country in very ancient times. 'The Doubting Apostle' St. Thomas is said to have lived, preached and founded churches in Malabar. Quilon and Cranganore were the principal Christian centres, though they are now scattered in the coast-lying parts of South Malabar. Moors and Arabs had been carrying on commerce with Malabar from very early times. The principal trade of the country was for centuries in their hands. They entered into close relations with the rulers of the land and one of the Perumals of the land became a convert to their faith; they held important military posts under the Zamorin and formed an element in his fighting force. The descendants of the Moors and Arabs are now known in Malabar as the Moplahs. They are, as a class, illiterate and strongly imbued with religious fanaticism which occasionally provokes serious riots in the district. Calicut and Ponnani are the chief Moplah centres.

Malabar, in pre-historic times passed under the sway of the alien line of Chera kings, the last of whom, about the ninth century A. D., became a zealous Muhammadan and partitioning his kingdom among a number of Rajas and bequeathing much land to the sixty-four families of native Brahmins, piously set sail for Medina. Tradition says that Cheraman Perumal, after he had made his several gifts, found to his dismay and disappointment that he had left nothing for his favourites, Manichan and Vikraman. The small piece of land that lay around the modern Calicut, which was then covered with dense woods and jungles, and which was the sole area left ungiven, was forthwith conferred on the two valiant youths together with a sword bearing the motto 'Conquer or die with it.' Clearing their land of its woods and jungles, the two warriors peopled it with men brought from neighbouring realms,

and extended their kingdom by numerous conquests. Subsequent to the departure of the Perumal, many petty Rajas—whether they obtained their kingdoms by gift or conquest is not known—had arisen in Malabar, among whom the Rajas of Cannanore, Tanur, Cochin and Quilon claimed pre-eminence above the rest. Gradually these Rajas had, either to fall beneath the conquering arms of Manichan and Vikraman or acknowledge their suzerainty. The whole of Malabar was organised into a feudal system, and there are a multitude of evidences in local customs and tradition which point to that feudalism was once universally prevalent in Malabar and that this feudalism was more akin to the type that once existed on the Continent of Europe than to that which was introduced into England. The descendants of Manichan and Vikraman, the eldest and ruling one among whom bore as they still do, the title of Mana Vikrama (a compound of Manichan and Vikraman) stood at the top of this feudal scale. Their overlordship in Malabar was signified by their royal title Kunnalakonethere (meaning literally 'The Lord of the land between sea and mountain') which was later on translated into its Sanskrit equivalent 'Samoodiri,' a corruption of which is the present word 'Zamorin.' The Zamorin ruled his kingdom from the port town of Calicut which, in course of time, became the far-famed capital of 'Malé.' Calicut is described by some early travellers as one of the richest towns in India, where a multitude from all nations might be seen buying and selling goods of different climes. The commercial as well as political greatness of the Zamorin made his vassals look upon him with jealousy and hatred. They were only waiting for an opportunity to take up arms against the suzerainty of Calicut. The Portuguese in their quest for India were actuated by three motives, *viz.*, Conquest, Commerce, and Conversion, and, as Sir William Wilson Hunter says, they might have searched the whole India in vain for a better spot suited for their purposes than Malabar. The mutually jealous local rulers might easily have been taken advantage of, by any who thirsted for conquest and who desired to play them off, one against the other. Its proximity to the sea and its richness in the very commodities which all nations were seeking for, rendered Malabar specially suitable for the commercial designs of the Portuguese. The tolerance shown by the local rulers for the several religions of their subjects (to which we have already referred) gave the Portuguese in Malabar safe and ample scope for exercising their proselytising ardour.

THE PORTUGUESE IN MALABAR.

On the 20th of May 1498 a company of fishermen who had been out at sea in the interests of their profession, beheld with astonishment a fleet of four ships making way towards the Calicut harbour at an unusual part of the year. The monsoons had set in ; and it was not usual for ships to call at Calicut till the monsoons were over. They thought that the ships belonged to some Calicut Arabs, but on nearing the fleet their astonishment was increased when they saw that the habits, looks and language of the inmates of the ships were neither Hindu nor Musalman, but beings quite strange and queer to their eyes. The pilot of one of the ships was a Guzerati sailor who, when questioned by the fishermen, said that the ships were of a white people whom he joined at the African port of Melenthe, and whom he promised that he would pilot them to the far-famed Indian Coast. The fishermen were delighted to see the quaint colour and habits of the foreigners and gladly guided them to the harbour of Calicut. The Captain of the fleet was no less than the famous Vasco-de-Gama. He sent immediately two of his sailors ashore. While they were wandering up and down the streets of Calicut, unable to speak to anybody through ignorance of the native language, some Arabs and Moors recognised in the colour and dress of the two foreigners their Portuguese nationality. They gladly welcomed the strangers, their future rivals and enemies, and showed them all the streets and shops and all the goods and merchandise of the town. But fortunately there was a Castilian in one of the shops who could speak the Portuguese tongue ; and he asked them in their language ' Who the devil brought you here ? ' The sailors replied that their king had sent them to India for pepper and spices and Chinese goods ; and that after a perilous voyage of many nights and days they had at last arrived at the far-famed capital of Malé where pepper grows. They also unconsciously dropped a hint as to what they were, not merchants merely, but crusaders as well. They also said their king was delighted to hear of the existence of Christian communities in India and thought that it was necessary in the interests of Christianity to establish a connection with their brethren across the seas. The Castilian showed them great hospitality and promised to act as a translator and mediator between the Zamorin and themselves. He briefly described to them the state of the political and commercial affairs of the land. He told them plainly that the country was very rich and possessed extensive commerce with Arabia and China ; and that the trade was mainly in the hands of the Arabs and Moors. He told them that the Zamorin was a weak ruler,

that his Court was subject to priestly dominion, while his town and harbour were subject to Moslem influence.

On the advice of the Castilian friend, Gama at once despatched a message to the Zamorin who was in the town of Ponnani at that time. The Zamorin gladly received them and showed the strangers the hospitality which was characteristic of his race. He advised them to take their ships to the safe harbour of Pantalayini Kollam till the monsoons were over ; he also promised them that he would grant Gama an interview when he would come to Calicut. About the 20th of June the Zamorin came to Pantalayini followed by his bodyguard of 200 Nayars and his Kothuval. On hearing the news of the Zamorin's arrival Gama, apprehending some possible dangers to his life while alone and ashore, he called together his men and told them that if anything happened to him they must at once sail to their native land and inform their king and lord of their successful voyage to the East Indies. Having done this, Gama dressed himself in his best attire, landed and proceeded to the palace of the Zamorin accompanied by twelve of his countrymen. They were safely escorted by a company of Nayars to the palace of Pantalayini. But though the Zamorin allowed them to come and see him in his chamber, the Brahmins could not conscientiously allow the foreigners to enter the palace before they were purified by a spray of consecrated water. It is said that Gama was given some sandal paste which he used on his forehead in the orthodox Hindoo way. The Portuguese were then taken to a temple to crown the act of purification. From the temple the company entered the gates of the palace proper. This palace which is now in ruins, had four distinct rows of massive stone-built walls, and four times as many gates and towers, each guarded by a decade of soldiers. Multitudes of people thronged the palace gardens to witness the strange procession. The crowd was so dense that the soldiers had great difficulty in keeping order among them. Many are said to have died in the pressure of the throng. Bugles and trumpets were sounded, drums and tom-toms were beaten ; and muskets and cannons were fired in honour of the new-comers. Gama and his dozen followers were duly received by the several dignitaries of the Court and ushered at last into the presence chamber. This hall was a very spacious one. Its floor was thickly carpeted and its walls and ceilings were richly adorned with gems and jewels and silken draperies. The royal ministers had their seats arranged before the richly carved and cushioned sofa-like throne of the Zamorin. The Raja though advanced in age, had adorned his person in a rather fantastic manner. It is said, though with a slight exaggeration, that his right hand was adorned with fourteen bracelets glittering with

gems, that his ears dropped down to his shoulders with the golden weight of brilliant earrings; and that his head was covered with a golden crown, and his waist girdled with a gold belt set with blazing gems. Servants stood in attendance on him; some cooling him with gorgeous fans, some bearing golden trays filled with spices and nuts and betel leaves, and others holding wide-rimmed cups of gold to receive the royal spittle. When the Portuguese captain entered the royal chamber, he saw the ministers standing before His Highness, their mouths respectfully covered by their hands. Gama and his men thrice kneeling before the Zamorin were beckoned to proper seats. The story goes that the royal guests were treated to a dish of jack fruit which they ate in a curious way. They threw away the sweet rind and ate heartily the bitter nuts. They were then given water to drink, which, however, they were obliged to empty into their mouths in due aristocratic way, carefully preventing any unholy contact between the cup and the lips. But the Portuguese were not accustomed to this way of drinking and they began to cough tremendously to the hearty enjoyment of the Zamorin and his Court. When the interesting treat was over Gama told the Zamorin that he had come as an agent of the King of Portugal to open trade with the East; that his countrymen were obliged to buy Indian goods from the Moors at an enormous rate, and that though his king had sent many an explorer to discover a sea-route to India he was the only successful one of them. Gama then presented to the Zamorin a letter from King Emmanuel of Portugal written in Arabic. The Zamorin declined to receive it at the time and sent away Gama and his men promising them an interview shortly after. When they came out of the palace their Castilian friend told them that rich presents would be a more eloquent pleader with the Zamorin than anything else on their behalf; and Gama accordingly sent the Raja at once some of the richest things he had brought with him, excusing himself for their smallness on the ground that his arrival at his Highness's Court was quite unexpected.

The poverty of the presents had great consequences. The Moors seeing that the results of the interview were in favour of the Portuguese, and fearing that they might be eclipsed and ruined by the new foreigners, they went in a body to the Zamorin and told him that the Portuguese were not regular traders, but pirates pure and simple, with no king to obey and with no loss to respect. They supported their words by alleging as a proof, the poor and unkingly presents Gama had made, and by the rumour of some piratical encounters the new foreigners recently had with some of the Calicut ships. They urged their claim to be protected by the Zamorin on the ground that they were the old dependents of his Highness, who had ever proved

ready to die for his Highness's sake. They threatened the Zamorin with a wholesale emigration of the Moslem population of Calicut—an act which, if it were to be performed, would seriously tell upon his Highness's exchequer. The Moors crowned their arguments for the exclusion of the Portuguese from Calicut by reminding the Zamorin of the words of an astrologer who had in the previous year predicted that a foreign nation would soon conquer the palmy Kerala. Their words had their intended effect on the Zamorin. It was to his interest, as well as to that of his country, that there should be a trading community in his town. It mattered little to him whether they were the Moors or the Portuguese. So long as he was sure to get his dues he was prepared to admit any strangers into his town for commercial purposes. But in the present case the jealousy of the Moors set the Zamorin against the new-comers. Suffice it to say that two days after the interview spoken of above, Gama was summoned before his Highness, adjured to speak the truth about his race and mission and threatened with immediate death in case of uttering a lie. "Do you think that the people of this country are brutes or stones that you make me a present of such poor paltry things? Speak the truth, or be prepared to die." This was the tone which the Zamorin now assumed towards the same people whom a few days ago he had received with so great pomp and festivity. Gama saw that his cause was in danger, but he nerved himself up to this brief and unreserved reply: "You do not know anything about us now. You will learn all about us gradually. Our king is a follower of Christianity and is earnestly working to spread the religion of the Cross all over the world. We want to create union between the several nations on the earth. We are very glad to observe in your Triad or Trinity a resemblance between our religions. You worship Maria (a Hindu goddess). We also worship Maria (the Holy Virgin). If you will accept our faith, your country will progress by leaps and bounds. We love all nations, but not the Mussalmans. They are over-reaching us always. They are imposing upon you also. Do not believe what they say about us. If you kill us, our king will come and avenge our deaths. Gama then presented the king's letter to the Zamorin. The Raja of Calicut then dismissed Gama, advising him to remain on board his ship to prevent any collision between the Moors and the Portuguese, at the same time promising an immediate communication of his will. Long and peaceful mutual intercourse had bound the Muhammadan foreigners and the Native Hindoos of the Malabar Coast in close friendship, so much so that the Portuguese, who were the rivals of the one, became for that reason alone the rivals of the other also. While Gama was waiting for the Zamorin's

reply to his king's letter, some Muhammadans and Hindoos conjointly tried to harass the Portuguese captain in a variety of ways. But Gama saw through their fair words and was on his guard, waiting patiently on board his ship during the whole rainy season and occasionally sending some of his men ashore that they might acquaint themselves with every nook and corner of the town. Things continued thus till the month of September when it was rumoured that some big ships were likely to arrive from Arabia. Gama feared an encounter with the Arab fleet, and so he sent a message to the Zamorin requesting permission to sail home, leaving some of his men and goods at Calicut and taking some native commodities with him. The Zamorin seemed not to be well pleased with this petition. He demanded 600 pagodas as customs duties due from the Portuguese and kept Gama's messenger in prison. The Zamorin really wanted to detain the Portuguese ships till the arrival of the Arab fleet and then to crush them utterly. But Gama in the meanwhile was behaving in the most courteous and hospitable way to the native visitors of the Portuguese ships. One day when some magnates of the town had come on board the ship as visitors, Gama heaved anchor and set sail to Lisbon. No act could more irritate the Zamorin and his people than this. A few ships were at once despatched in pursuit of the Portuguese, but Gama threatened to fire upon them unless they delivered up the Portuguese prisoners and Portuguese goods that were left ashore. The Portuguese prisoners were safely delivered into their ships, but Gama retained his native guests on the ground that the Portuguese goods were not surrendered also. Castilian whose sympathies were clearly with the Portuguese was punished by the Zamorin with the confiscation of his property and he sought refuge in Gama's ship. Gama on his way touched at Gokarna, careened and repaired his ships at Anjedeeva, beat off some pirates near Goa, and captured and retained one of them who was a Jew and knew many languages. The return of Vasco de Gama to Portugal and the treatment accorded to him there need not be told here. Many of his country men were seized with a desire to see the new land; and many of them prepared themselves for a voyage to the East Indies partly to satisfy their curiosity and partly for commercial purposes. The king also entered heart and soul into all schemes of trade and commerce with the East, and despatched a fleet of twelve ships under the admiralty of Alvarez Cabral. On the 8th of March 1500 this fleet contained 1,800 soldiers, 8 Franciscan friars, 8 chaplains and a chaplain major—elements of both temporal and spiritual conquests. But Cabral had a special injunction to punish the Moors and

the Arabs. Contrary winds blew the fleet of Cabral to the coast of Brazil, a country which was destined to become an important factor in the Portuguese possessions. Having sent home one ship to announce to the King the fact of the new discovery, Cabral sailed to the East. He brought with him a peculiar kind of mango—to this day known in Malabar as the Paranki (Feringhee) mango, pine-apple and guavas and introduced them into Malabar. On his way to India, Cabral's fleet encountered a storm near the Cape, in which four of his ships were lost. With the rest he arrived off Calicut in September, having called at Anjedeeva, on his way. He had brought with him those Malayalies who had been formerly carried away by Gama. Dressed in Portuguese suits and wearing Portuguese arms they were sent ashore to tell the people the tale of their kind treatment by the Portuguese. The accounts of the treatment did much to soften the native feelings towards the strangers. Cabral sent the Jew, whom Gama had captured off Goa, to negotiate with the Zamorin in the name of Cabral and get from him six Brahman hostages to be kept in the Portuguese ships while Cabral and his men landed their goods and exposed them for sale in the local marts. After much doubt and hesitation the Zamorin agreed to do so, and six Brahmins were sent to the ships accordingly. But as they would not eat their food on board the ships, the hostages had to be changed every day. The Portuguese were, however, permitted to trade in peace.

But when the Zamorin began to show favour to the Portuguese, the Moors saw that their case was failing. There were two classes of Muhammadans in Calicut at this time—the old Arab settlers generally known as Mapillas, and newcomers from Arabia, Egypt and Turkey. The Mapillas were well-inclined towards the strangers, so much so that their chieftain and an important personage of Calicut at this time, one Koya Pakkee, sold his shops and warehouses to the Portuguese and executed a document to that effect on a silver leaf. A factory was soon erected on the site of those shops.

While matters were going on in this way the Zamorin is reported to have tested the strength of the Portuguese in this way. A fleet was seen sailing past the Calicut harbour bound for Guzerat as it seemed. The Zamorin in concert with Shamsadeen Kojá, a Moorish chief, asked the Portuguese to capture the fleet. He said that there was a war-elephant in one of the ships, which its owner refused to sell even at an exorbitant price and that he wanted to possess it at any risk. Cabral complied with the Zamorin's request. A ship

was despatched in pursuit of the sailing fleet with sixty soldiers on board, under the command of Duashe Pacheco. The Portuguese overtook the fleet at Cannanore where the two parties closed on each other in a naval fight. Arrows were showered on the Portuguese ship, while cannon balls were sent flying towards the enemy's fleet. The fight continued for two days when Pacheco seized his destined prey. One of the elephants had been killed in the fight, part of whose carcase was dressed and dished by the hungry Portuguese and the rest salted and preserved.

The Zamorin professed to be highly pleased with the Portuguese valour, but really he felt that the Portuguese were likely to become his most dangerous enemies. The Muhamadan subjects of the Zamorin were offended at their sovereign on account of the preference he was showing the foreigners over themselves, in ignoring his own loyal subjects and calling on foreign help to capture a hostile fleet. They told the Zamorin plainly that the Portuguese were soon likely to cease to be merchants and to become soldiers, and perhaps conquerors of the country. They said that they themselves would soon have to seek elsewhere a more peaceful home where they could be free from foreign interference. The Zamorin consoled them with a sharp reply, nevertheless he felt the weight of their words.

As the Moors bought all the native goods in the market, and as nobody would buy the Portuguese goods, Cabral was able to load but two of his ships. On petitioning the Zamorin he was given permission to compel any laden ship that might be in the harbour to sell her cargo to him at the market rate. The Moors saw that their cause was hopeless. Shamsadeen, their chief, devised a trick whereby he sought to change the mood of the Zamorin towards the Portuguese. The wily Moor went to the Portuguese factor and told him in private that there was a ship in the harbour which had been laden with pepper on the previous night and would sail away to Mecca on the morrow. The factor reported the matter to Cabral who was laid up with a slight fever. Soldiers were at once ordered to go and search the ship. When they reached the ship, her crew who was in concert with the Moors jumped into their boats, and made haste to the shore shouting out that the Portuguese were attacking them and unlawfully driving them away from their ships. At once the whole town was up in arms. All the Portuguese who were seen in the streets were killed. Their factory was besieged; its walls were demolished, and many of its inmates killed or wounded. Five missionaries and twenty men of Cabral managed to get on board their ships. Cabral himself remained inactive for one day. Then

having caused much destruction to the city by cannonades, and having captured ten Arab ships, he sailed for Cochin with all his fleet and men.

The Raja of Cochin was now not on good terms with the Zamorin. He had been compelled by superior force of arms to acknowledge the suzerainty of the Raja of Calicut, a more powerful prince than himself. Being an old man he had been pressed by his suzerain to resign his Raj and to lead the secluded life of a hermit in accordance with the national custom. The old Raja did not at all like the idea of exchanging the pleasures of the Court for a trying forest life. The Zamorin would not permit him to crown his brother as his successor. Again the Zamorin would call away to Calicut all the soldiers and other citizens of Cochin for his service. The very existence of the Raja of Cochin was a matter of the Zamorin's will and pleasure. Cochin was only waiting for an opportunity to throw off the yoke of Calicut.

On the 24th of December 1500 Cabral anchored off the port of Cochin. As he had on his way captured a ship belonging to the Raja of Cochin he was afraid to land. There was with him one Michael Jogue, a Syrian Christian who had joined the Portuguese missionaries in Calicut and wanted to be taken to Portugal, Cabral sent Michael to communicate with Unni Rama Koil Thirumulpad who was then the Raja of Cochin. Michael requested the Raja, in the name of Cabral to permit the Portuguese to load four ships with pepper. The Raja of Cochin had already heard of the daring and valour of the Portuguese, and he hailed their arrival as an opportune one that would enable him to get rid of his suzerain's yoke. Permission was readily given to the Portuguese to buy merchandise for their ships, also the king requested them to establish themselves permanently at Cochin in the interests of their trade. However, within twenty days Cabral was able, through the help of the Cochin Raja, to load his ships with rich and ample commodities, partly from Cochin and partly from Cranganore.

While Cabral was at Cranganore two Native Christians, by name Joseph and Mathias, came to him begging a passage to Jerusalem and to Europe. They explained to him that they were Christians of the Syrian sect. They told him that their ancestors had from time immemorial settled themselves in Cranganore among Jews, Arabs, Parsees and Moors as traders. Cabral took them with him to Europe a few days after when he sailed off to Lisbon from Cranganore. One of these Christians died at Lisbon; the other lived to see Palestine and Europe, and to write a book about his own mother-country. In that book he says that the Chinese had extensive commerce

with Malabar in silk, spices, zinc and musk; and that since the Zamorin did them some injury, at the instigation of the Muhammadans, they ceased to frequent the ports of the Kerala and that their ships would come only so far as the present Mylapore on the Coromandel Coast. When Cabral sailed home he took with him a few Nayar subjects of the Cochin Raja.

Two months after the return of Cabral, Joa da Nova anchored off Cannanore with a squadron of four ships. On hearing of the recent hostilities of the Zamorin towards the Portuguese from a Portuguese soldier who had been protected by the Moplah leader Koya Pakkee, he sailed off at once to Calicut and did much damage, to some of the native and Arab ships which he encountered in the local harbour. Powerless to do anything more, he sailed to Cochin and visited the Raja. After reproving Cabral's infidelity in carrying off some of the citizens of Cochin without the Raja's permission, his Highness rendered great services to the King of Portugal. He permitted the Portuguese subjects in Cochin to live in his own palace, when their houses and factories were set on fire by the unrelenting Arabs and Moors of the place. When Nova was despairing in his attempt to load his ships, the Raja of Cochin helped him with pepper and money. Nova soon sailed home touching on his way at St. Helena.

The King of Portugal on hearing of the intractability of the Zamorin, the jealousy of the Moors and the consequent Portuguese disasters, resolved on teaching the Raja of Calicut a lesson at any cost, on driving away the Moslems from the Indian seas altogether, and on spreading the religion of the Cross in the East. Vasco de Gama was once more sent to India at the head of twenty ships and with the proud title of the Admiral of the Indian Seas. On nearing the Malabar Coast Gama encountered a few Arab ships containing many Muhammadan pilgrims of both sexes and of every age. Gama promptly seized the opportunity of revenging himself on the rivals of the Portuguese and enemies of Christendom. The further story of this encounter is indeed terrible. The poor pilgrims knew that their cause was hopeless. To hold their own against the Portuguese fleet was out of the question. Rich presents and bribes were lavished on the Portuguese captain, but it was all in vain. Jaffar Pakkee who had been sent to the Zamorin by the Sultan of Misra or Egypt as an embassy proffered Gama twenty ships filled with the richest merchandise provided that Gama would spare the pilgrims' lives. But religious animosity would not allow Gama to receive bribes from the followers of the false prophet or to allow to pass such a golden opportunity of doing great service to God and

Christendom. The pathetic cries of the children and the heart-rending supplications of the mothers had not the slightest effect on the pious Portuguese Admiral. The brave Gama began his noble attack on the Mecca pilgrims whose unpardonable crime was their religion. The unarmed pilgrims fought for three days with the courage of despair. The Arab ships were captured one by one. Having selected twenty fair boys from among the pilgrims to serve in the convents of Lisbon, he shut the rest in their ships and set these on fire. As the flames rolled on some jumped over board and sought a nilder grave; others in the very helplessness of grief and rage hurled at their remorseless assailants whatever they could get hold of. Mothers with half singed faces and limbs held up their half burnt boys and girls and implored for mercy; but it was all in vain. As ship after ship sank to the bottom of the sea and the defenceless pilgrims perished in the flames or beneath the waves, Gama looked listlessly on with self-complacency at his own pious deed. This was only the first of a series of inhuman atrocities that the Portuguese were to perpetrate in the East. No sooner did the report of this horrible deed reach the people of India than they began to despise the Portuguese name and the Christian religion alike. When Gama anchored off Cannanore the Kolathiri or the local Raja expressed his unwillingness to see him, but the Portuguese Admiral would not set foot on Indian soil before he had his revenge on the Zamorin. The Kolathiri satisfied Gama's conscience by building a small pier out into the sea and receiving Gama at the end of it, with due pomp and ceremonial, but Gama began to assume a very haughty tone towards the Raja. He demanded from the Kolathiri that all affairs between the Portuguese and the Raja, in connection with commerce must immediately be settled in favour of the former. When the Kolathiri hesitated Gama threatened. The whole behaviour of Gama towards the Raja was so insolent and insulting that the latter had to threaten him that he would report his conduct to the Portuguese King.

After committing many atrocities on all the subjects of the Zamorin with whom he came in contact, Gama arrived in Calicut to do his work of retribution. He demanded that the Zamorin must drive all Muhammadans out of his country. The Zamorin treated the insolent demand with deserved contempt. The Muhammadans were not only ancient settlers of the soil, but also formed a very useful community of over five thousand families of the Zamorin's subjects, and to expel such a people from his country would be at once ruinous and disgraceful. When Gama learnt the hostile attitude of the Zamorin, he was greatly incensed, but pacified himself in a

very reasonable way. He seized fifty fishermen and tied them hand and feet together and either whipped them to death or enclosed in bags threw them overboard. But this was not enough. Gama demanded satisfaction from the Zamorin for the outrages committed by the Mussalmans on the Portuguese subjects left in the Calicut factory, and when satisfaction was not forthcoming, more fishermen were seized and hanged, burnt or drowned; and the cynic Admiral sent the limbs of the unfortunate victims as presents to the Zamorin. The town of Calicut was bombarded, and a continuous and destructive fire poured on the huts and houses that were on the coasts. Having caused much damage to life and property Gama posted six ships in the Calicut harbour to cut off the supply of rice to the town. Calicut was then, as it is now, partly dependent on foreign imports for its food-supply, and by keeping them off a famine might easily be created in the town. This device reduced Calicut to sore straits. But Gama sailed away to Cochin on the 8th of November.

When Gama arrived off Cochin, the Portuguese men that were left there strongly testified to the kindness and loyalty of the Raja of Cochin. Though Gama was pleased at the report of the good offices rendered by the Raja, he grew indignant when the Raja hesitated to fix the price of pepper at a low rate and to grant the Portuguese permission to erect a factory at Cochin. When the incensed Gama abruptly went out from the Raja's presence and betook himself to his ship, the alarmed Raja sent after him with hot speed. Magnifying in his imagination the possible results of a collision with Portugal the Raja readily consented to execute a document granting Gama all his demands.

While Gama was in Cochin he received a message from the Kolathiri of Cannanore stating his willingness to sell the goods the Portuguese required from his country at the Cochin rate in return for the favour and good will of Portugal's King. It is interesting to note that at the instance of the Cochin Raja Gama forbade his men to buy beef from the natives. When three Moplahs brought the carcase of a butchered cow to one of the Portuguese ships Gama handed them to the Raja of Cochin who had them hanged.

An interesting, as well as important fact, which occurred at this time, and which had great influence on the Portuguese history in the East, requires our notice. The Christians of Cranganore sent a representation of their grievances and wishes to Gama. They said that their ancestor, centuries ago colonised Cranganore and had kings of their own who were ruling over them on authority given to them by the ancient Perumals of the land, and three thousand of them,

coming in a body, expressed their wishes to be enrolled as subjects of the Portuguese King. They gave Gama some accounts of Ceylon and of the Church of St. Thomas. They strongly urged Gama to build a fort at Cranganore, advising him that if he would do so the whole country along the Malabar Coast would soon come into Portugal's possession. Gama promised them protection from all their enemies, especially the Muhammadans.

There are many stories about the Portuguese struggle with the ruling dignitaries of Malabar. It is said that one day an old Brahmin came to Gama with two children, one of whom was his son and the other his nephew. Having flattered the Portuguese Admiral the crafty Brahmin expressed his desire that the two children might be taken to Europe and educated there. A sum of 3,000 pagodas was proffered for their expenses, which he paid Gama at once in valuable goods. Gama consented to the proposal and gladly took the children into his ship. But the Brahmin secretly told Gama that he was really the Guru or preceptor of the Zamorin who had sent him to the Portuguese captain to carry on negotiations between his royal pupil and the illustrious foreigner. He assured Gama that matters might be settled amicably if only he would consent to have secret interview with the Zamorin. Gama at once sailed for Calicut in a small ship; and having detained the Brahmin as a hostage, he went on shore and held an interview with the Raja. The Zamorin promptly yielded to the requests of Gama, and it seemed for a moment that the animosity between the two parties were at an end. But it was all a delusion, for the Moors, probably at the Zamorin's instigation attacked the Portuguese at sea and caused considerable damage to their life and property. But Gama put the Brahmin to a frightful death and his corpse was flung into the sea.

Gama soon prepared himself for his return voyage and came to Cochin to bid farewell to the Cochin Raja. The scene of their interview is rather pathetic. The hoary-headed Raja of Cochin shed tears on hearing that Gama was about to leave India. He felt his position to be very unsafe and insecure without Gama's help. He knew that the Zamorin was only waiting for an opportunity to seize his throne. Brahmin after Brahmin had been sent by the Zamorin to the Cochin Raja to instigate him to burn the Portuguese factor and Portuguese ships under his protection. But the noble Raja was unswerving in his loyalty to those who were likely to be of much use to him. He had boldly preferred the Portuguese favour to the Zamorin's pleasure. He had done everything that would provoke the enmity of the Zamorin. Even his own Moslem

subjects seemed to grow more and more disaffected towards him for his servile dependence on an alien power. Without Gama's help the position of the Raja of Cochin was desperate. The Raja stated these facts in touching words to the Portuguese Admiral and implored him to remain in Cochin. But Gama soothed his royal friend by promising to render him every help in his power against the Zamorin. Vincent Sodre was detained in Cochin with six ships. Gama after an encounter with the Zamorin's fleet off Pantalayinni, in which he captured a huge gold idol set with precious stones, left India strongly advising the Rajas of Cochin and Cannanore to be friends with each other.

No sooner was Gama's back turned on Malabar than the Zamorin collected an immense army of over fifty thousand Nayars and compelled the Raja of Cochin to choose between war or surrender of his Portuguese protégés. But that noble prince felt it to be his duty to protect, at any cost the foreigners who had sought his protection. The general opinion of his subjects, however lay in quite a different direction. They argued that the Portuguese were but new-comers into their lands and might therefore be readily given up in favour of the Muhammadans whose connection with themselves dated from times of antiquity. The Portuguese in Cochin trembled for their lives; but Vincent Sodre, though earnestly requested to remain at Cochin to succour his countrymen in case of danger, could not resist the desire of winning glory by fighting and conquering the Moors and Arabs in the Indian Seas; and he, accordingly, set sail for the Red Sea. It is not within our province to recount the various feats of arms, brilliant though they were, which the Portuguese achieved outside Malabar! Suffice it to say that Sodre died in his ill-advised pursuit of glory and renown. Now the only man who might have succoured the Portuguese and the Raja of Cochin was no more. The Kammals or aristocrats of Cochin began to desert their Raja. The Moslems of Cochin were decidedly in favour of the Zamorin. The Raja of Calicut called all his men together and harangued them on the sacredness and antiquity of his tie with the Moslem families of Calicut, and on the urgent necessity of driving away the Portuguese from Malabar, and to this the army and people thoroughly agreed.

The heir-apparent to the throne, however a different view of the matter. Of course he disliked the Portuguese; but he disliked the Muhammadans more. He knew that they were as untrustworthy as their enthusiasm was short lived. The Raja of Cochin was not the only Raja who favoured the Portuguese. The Kolathiri of Cannanore and Adigal of Vennád were also warm supporters of their cause. To fight

with the Raja of Cochin alone, of the three enemies of Calicut, would mean that the Zamorin was unable to fight with the others. Moreover the Raja of Cochin was regularly paying the fixed tribute to his suzerain. So a war with him was at once unnecessary and impolitic. The young Raja laid these facts before the Zamorin's Council, but he had few supporters. The general outcry was for war, and war was declared.

The Cochin Kammals of Cheruvypin, Kambalam and Edappalli enlisted themselves under the banner of the Zamorin. Cochin Nayars and Muhammadans came by hundreds and thousands to the Zamorin's army. The star of Cochin seemed to be on the wane, and that of the Zamorin on the ascendant. The Portuguese remnants in Cochin prayed the Raja that they might be sent to Cannanore that he might not get into trouble on their account; but the Raja of Cochin took a prince-like view of the matter. He felt that he was in honour bound to protect them. His nephew was sent at the head of about five thousand five hundred Nayars to guard the ferry of Chetwai which the Zamorin must cross before he could set his foot on the Cochin soil. The Royal Zenana and the Portuguese merchants were lodged safely in the island of Vyppin. There was a close and protracted fight between the two armies at Chetwai, but led by the gallant Narayan the Cochin troops gave no quarter to the enemy. For three days and three nights the superior numbers of the Zamorin vainly tried to force a passage across the river. But at last treachery won, where might had failed. A Brahmin of the Zamorin's party managed to buy off the Secretary of the Cochin State for War by a heavy bribe. At his instigation the treacherous Secretary delayed to send provisions for his master's troops. Exhausted by long toil and fatigue the gallant soldiers of Cochin were forced to give way. Many of them were cut to pieces. Few managed to escape with their lives, and the gallant Narayan fell fighting bravely for his country's cause.

His nephew's death was a severe blow to the Raja of Cochin; but his faith in fatalism gave him some consolation. Soon, however, the arms of the Zamorin were seen beneath the walls of the Cochin palace. Inhabitants of the town deserted by thousands to the enemy's camp. The Raja of Cochin could do nothing but desert his palace, and he went to Vyppin where, however, he managed to defend himself gallantly against the Zamorin's forces. Leaving behind a part of his army in the town of Cochin, the Zamorin returned to his capital promising them to return after the monsoons were over. While the men of Zamorin were exulting over their triumphant victory news was brought to them that Frances de Albuquerque had anchored off Cannanore with a squadron of six ships.

Albuquerque learned from the Kolathiri of Cannanore the state of affairs at Cochin as well as Sodre's fate, and he immediately heaved anchor and hurried to Cochin. The Raja of Cochin met the new Portuguese Captain, and a pathetic interview took place between them, in which the Raja of Cochin, having described the state of affairs in his country, and being assured of success by Albuquerque, is said to have wept for joy. When Albuquerque heard of the great services recently rendered by the Raja of Cochin for the Portuguese against the Zamorin, the captain made the Raja a handsome present of ten thousand pagodas. With the arrival of Albuquerque the table was turned on the Zamorin. The Zamorin's men left in the palace of Cochin fled in hurry and confusion. The first thing that Albuquerque set himself to work was the castigation of the disaffected citizens of the Raj. The Portuguese captain and his soldiers rowed up and down the shallow rivers and canals of the Cochin territory, now firing on the neighbouring huts along their course, now besieging a Kammal's house and burning it to the ground, but the muskets and sharp-pointed arrows of the natives also did much destruction to their foreign foes.

Now the Zamorin was under the impression that the Portuguese would leave the country if they could not get pepper, and so every precaution was taken to prevent them from getting this article of export, the Zamorin himself bought up large quantities of the same. Even the subjects of the Cochin Raj were induced to sell their pepper cheaply to the Zamorin, when enormous prices were offered by the Portuguese for the same. The merchants and cultivators pleaded before the Cochin Raja his ceaseless wars as an excuse for their not being able to get or produce the commodity. In this predicament Duarte Pacheco, a gallant youth, was sent into the interior of the country to collect pepper as best he could, and after some fighting, and the loss of numerous lives, he was able to collect a shipload, but this was not enough, and so Albuquerque went farther afield, and betook himself to Quilon.

Now Quilon was a powerful Raj extending from the Pandyan border to the Arabian Sea and from Cape Comorin to the Port of Kayal. Its Raja had even dared to challenge the powerful monarch of Vijianagar to a battle. The title of the Raja was Vennád Adigal. It is said that he had a troop of three thousand female archers. The Nampiathiri or the Prime Minister of the Raja of Quilon received Albuquerque kindly and obtained permission from the Raja to collect pepper from his territory. The Raja of Quilon was an able and dignified ruler, who was neither dominated by priests nor hampered by the Moplahs. There were few Muhammadans in his country; but he ruled over six thousand families of Christians. He did not

turn against the Portuguese by listening to the machinations of the Zamorin. He gave them permission not only to collect pepper, but also to build a factory at Quilon. Accordingly a factory was built there under the superintendence of a Portuguese overseer. Meanwhile Native Christians came flocking to Albuquerque begging him to get for them from the Raja of Quilon some political concessions. One of these was that only their co-religionists should sit in judgment over them in judicial cases, but the Raja refused them such a great concession. However, Albuquerque was able to do them some substantial good. He was delighted to see a church which the Native Christians said was founded by St. Thomas the Apostle, and there he left a Dominican Monk, one Roderigo. Twenty men were also left in the factory which was placed under the authority of the engineer who built it.

The Raja of Cochin also, out of gratitude for the valuable services rendered to him against the Zamorin, gave the Portuguese a hilly site at the mouth of the Cochin river to build a fortress. The fortress was soon built of double rows of cocoanut trees joined to each other by iron bands, the intervals being filled with stones and sand.

The Rajas of Cochin, Quilon and Cannanore were faithful friends and warm supporters of the Portuguese while the Zamorin alone was their greatest antagonist in the Kerala land. To fight constantly with a foe who was not only powerful, but also well-supported, would be certainly useless and ruinous in the end, and so at last the Zamorin of Calicut sent a letter to Albuquerque requesting him to forget the unpleasant memory of their mutual relations of the past and granting him permission to carry on unmolested trade in his country. But Albuquerque replied that he would treat friendly with the Zamorin only on these conditions, *viz*, (1) The Zamorin should give him 9,000 candles of pepper as a compensation for his recent plunder of the Portuguese factory. (2) The Moslem trade with Calicut to be proscribed. (3) The Zamorin and the Raja of Cochin to be friends with each other. (4) The two Italian deserters to be surrendered. The Zamorin consented to all the terms except the last one which he said, was derogatory to his honour. On these terms Albuquerque renewed the trade with Calicut. But a blunder of the Portuguese once more disturbed the peaceful relations so hardly established. Without the slightest cause of provocation some Portuguese sailors attacked and destroyed a native craft. This treacherous deed turned the Zamorin once more against the Portuguese; and he indignantly cancelled the recent treaty of peace.

The rainy season was fast approaching. The Zamorin was making great preparations for utterly expelling the Portuguese

from Malabar. The Rajas of Cochin and Cannanore were very likely to go over to his side. The Portuguese were really in difficulties. But they were previously warned of the coming dangers by their faithful Muhammadan friend, Koya Pakkee. No Portuguese had the courage to remain in Calicut. All wanted Albuquerque to take them to Portugal. But the gallant Pachecho volunteered to remain behind and to defend the fortress of Cochin. At once some Portuguese numbering close on a hundred and fifty were transferred to the Cochin fortress; and Albuquerque left India for Portugal on the 31st of January 1506.

The Raja of Cochin began to doubt the loyalty of the Portuguese. Pachecho assured him of his unhesitating assistance against the Zamorin. One Ismail Maracar, a wealthy native of Cochin and a friend of the Zamorin, stopped the importation of rice into the town and spread the terrible news of the Zamorin's approach. Inhabitants of the town began either to run away to distant parts or to desert to the Zamorin's side, and at the instance of Pachecho the Raja of Cochin announced the penalty of death to all deserters from his side.

On the 16th of March 1504 what was feared most, happened. The report of the Zamorin's approach with an immense army spread far and wide over the land. Leaving some sixty Portuguese soldiers in the Cochin fortress Pachecho hurried to the palace of the Cochin Raja to consult with him on the details of defence. The Raja of Cochin had only about 6,000 men at his disposal. Of these 500 soldiers were selected and placed under the command of Pachecho. Other regiments were also formed under the commands of Kandan Koru, Perin Koru and Kaimal of Pallu Thurithi. The Cochin army led by the gallant Pachecho marched off to the Kumpalam ferry. An advance body of the Zamorin's army had by that time managed to cross the ferry and to station themselves at a favourable spot. When the ferry was within sight of Pachecho a Brahmin herald of the Zamorin came and announced the Zamorin's intention of giving battle the very next day. Presently the immense army of Calicut was within the sight of the Cochinites. Regiments after regiments of archers led by illustrious feudatories of the Zamorin came and filled the opposite bank of the river. The large body of 12,000 soldiers led by the Kallát Nambidi was followed by a larger body of 18,000 men under the command of the Raja of Kottayam, 4,000 men under the Raja of Tanur, and 3,000 men under the Raja of Kurivakkoyil brought up the rear. Besides this immense body of 37,000 men there were others numbering close on 20,000 under the commands of less important princes and chiefs. The Zamorin had also a fleet of 160 ships con-

taining about 12,000 armed men on board. The two Italian deserters, whom we have already noticed, had supplied them with a few pieces of artillery of their own make. Twenty ships, each with two guns, were joined together by iron chains. The sides of the ships were lined with thick cotton pads to render them proof against bullets. With this floating house an attack was made on the Portuguese ships. Continuous fire were kept up on both sides. The Cochinites retreated, many of them to distant places where their lives and limbs might be more safe and secure, but Pachecho with the rest held out bravely. When it was dusk the Zamorin's force retired, but the issue of the battle was very indecisive. Both parties lost numerous lives and both were reduced to sore straits. However, the Zamorin's unstrategic retreat gave Pachecho a breathing space and he hastened to repair his loss.

The Zamorin blamed some of the Brahmin astrologers who had predicted that he would certainly succeed in the fight, but they pleaded excuse on the ground that the goddess Kali had not been sufficiently propitiated; and they renewed their prayers and offerings with alacrity. On the next day the two armies met near the Kampalam ferry. The encounter was fierce and bloody and was protracted till the next day. At night, however, some of the Zamorin's ships sailed to Cochin and bombarded the Portuguese fortress, but Pachecho arrived there just in time to save the place from utter destruction. On the whole the issue of this day's fight was also indecisive, but the Portuguese loss was tremendous. On Tuesday the fight was renewed for the third time. This day also the Zamorin imprudently ordered a retreat when he had a great chance of success. It may be remarked that it was owing to the superior discipline of the troops and greater strategic skill of their commanders that the Portuguese were able to defend themselves against such tremendous odds so long.

However the Muhammadans of Cochin and Calicut did not at all relish their enemy's escape. What strength of arms could not do they tried to effect by stratagem. Reports were circulated in the towns of Quilon and Cannanore that the Portuguese were totally defeated and humbled. The disaffected citizens of these places were at once up in arms against the Portuguese that were there and killed or wounded many of them, but when the fact of the Portuguese escape, which was practically a success, was announced, they prudently desisted from further outrages.

The Zamorin, however, did not give way to despair. Once more he was engaged in fight with the Portuguese. He split his force into two parts, detained one part at Kampalam and sent the other to Valanjara. Pachecho found it very hard to defend

both places with his handful of men. More than once he was on the point of defeat and destruction. Suffice it to say that in spite of numerous desertions and teacheries in his ranks he once more managed to hold his own successfully against the Zamorin's forces.

Tired of these ceaseless wars the Zamorin at length thought that he might change the camp for the palace. The Zamorin's generals tried to destroy the Portuguese by poisoning the wells from which they took water and by putting snakes within their ships and houses. But all this was in vain. The valour of Pachecho was in every one's mouth, and his merits were amply rewarded by the Raja of Cochin. It is said that some Cherumas and Poleyas of the Cochin Raj struck down some of the Zamorin's men with their spades and axes when they were crossing a ferry. Pachecho on hearing of this incident summoned those Poleyas before the Cochin Raja and asked him to confer on them Nayar titles and privileges. The Raja objected to such a thing on the ground that it would be ludicrous. But Pachecho succeeded in freeing them from the burden of annual tributes which they were bound to pay to their feudal lords and masters, and in getting them permission to wear arms as well as to walk along the paths frequented by the Nayars. One Ismael Maracar of Cochin being suspected of treachery, Pachecho had the hairs of his beard plucked from his face one by one. This deed, though the least horrible of the Portuguese atrocities in India, silenced for a time the treacherous voices in Cochin. One Coja Ali hit on wiser plan of destroying his enemies. He showed the Zamorin how big floating houses may be built on rafters, and how from within which the Zamorin's archers might safely harass the tiny Portuguese ships. This advice was acted on, and the Portuguese were once more in sore straits, but the coming of the heavy rains saved them from complete destruction.

Disgusted with the constant frustration of his plans, now by the cowardice of his men, now by the interference of the elements, the Zamorin gave up all his military attempts in despair and shut himself up in his palace for grief.

Pachecho in the meanwhile punished the feudal chiefs who had behaved treacherously towards the Raja of Cochin and took a terrible vengeance on the Islam population of Quilon and Cannanore for their recent ill-treatment of the Portuguese. (to which we have already referred).

When the heavy monsoons were over, Loho Soares de Albergaria arrived with a squadron of twelve vessels at Cannanore. After an interview with the Kolathiri he was informed by a secret message from the Portuguese prisoners of Calicut that the Zamorin was willing to let them off if only Soares would

keep peace with him. Soares forthwith sailed to Calicut. Koya Pakkee, whom we have already noticed, came to Soares with two Portuguese prisoners to negotiate with him on the Zamorin's behalf.

Soares, however, haughtily declined to come to terms with him unless the Italian deserters were first surrendered. The Zamorin refused to do this and retained the Portuguese captives. Caring little for the comforts of his captive countrymen, Soares renewed hostilities with the Zamorin. On the 16th of September he sailed for Cochin and had an interview with the Raja. In conjunction with Pachecho, Soares determined to attack the holy town of Cranganore which was then ruled by a vassal prince under the Zamorin. An account of this ancient and historical town would be interesting.

At the period of our history, Cranganore was ruled by a prince who was a vassal of the Zamorin. In older times it belonged to the illustrious Perumals. The town had extensive trade with foreign countries and was very wealthy. There was a Jewish colony here which could date back its origin to the time of Solomon, or at least to that of the destruction of Jerusalem. It was inhabited also by wealthy communities of Christian, Mussalmans and Vanills or Chetties. It seems that they had a republican sort of government, each community having an assembly of its own consisting of its elected representatives. All matters concerning a community were settled in such an assembly of its own. We saw that the Native Christians of Cranganore requested a Portuguese captain to induce their Raja to grant them the privilege of settling their own civil disputes among themselves. The cause of that request was only the traditional memory of their ancient representative privileges granted to them by one of the Perumals. The commercial prosperity of Cranganore is best evidenced by the fact that the Greeks had a flourishing colony near the town (which they called Mozouris), and the Romans had a small fleet stationed at the port to secure her commerce with the place, and a local temple dedicated to Augustus. But in more modern times its fame had been eclipsed by the growing Calicut and its prosperity had declined owing to the vast accumulation of silt in the harbour.

Now when the Portuguese prepared themselves to attack Cranganore the Zamorin thought that it was his duty to protect his vassal. Accordingly a fleet of eighty ships were sent to Cranganore under the Zamorin's Admiral Meayimain Maracar, who waited in the river near Cranganore for the arrival of the Portuguese. Soares and Pachecho, by taking a circuitous route, managed to avoid Meayimain, and easily entered the town of Cranganore. The Portuguese captain gave battle to

the Zamorin's men before they had expected it. Meayimain and his two sons died fighting gallantly for their master's cause. Many of the Zamorin's ships were sunk or destroyed. Men jumped overboard, made for the shore and sought protection within houses whence they began to discharge arrows towards the enemies. The Portuguese soldiers began to fire on these houses. Many buildings were burnt and many lives destroyed in this way. The Zamorin's forces were at length defeated. At the instance of the Native Christians, the Jews and Mussalmans were expelled from the town of Cranganore. The Jews settled themselves on the other side of the river, and since the day of their expulsion no Jew would spend even a single night in their second Jerusalem across the river.

When the news of the Zamorin's defeat reached the Raja of Tanur he hailed the event as a good opportunity for shaking off his reluctant allegiance to the Zamorin who was his overlord. He invited the Portuguese to help him against the Zamorin. But in his exaltation over the defeat of his enemy, he forgot the very people who had defeated him; and when one Raphael was sent with a few men and ships for his assistance he sent them back telling them haughtily that he was able to hold his own against the Zamorin.

In December the Portuguese captains began to make preparations for their return. Their ships were laden with rich cargoes and their factories were left in charge of those well able to take care of them. The Raja of Cochin gave Pachecho a letter addressed to the King of Portugal, in which he testified to the valour and loyalty of the young Portuguese Captain. When Soarez and Pachecho were about to sail homeward they heard the news that many rich Moslem families of the northern Quilon, who were emigrating from Malabar owing to the destruction of their trade, were about to sail to Arabia. Pachecho directed his course thither, captured some of their ships and sailed home in company with Soarez.

When the Portuguese King heard of the brilliant victories and the glorious career of Pachecho, he inaugurated a new departure in his policy in the East. Hitherto he had only thought of establishing commerce with the East by building factories in favourably situated places. Moslem jealousy had launched the Portuguese in a costly and interminable war with a combination of foes. Nevertheless Islam had great commercial and political influence in the East, while the position of the Portuguese, in spite of their brilliant feat of arms, was most insecure. Utter exclusion of the Mussalman from Indian Seas was indispensable to the Portuguese supremacy. The weakness of the Rajas of Malabar and Pachecho's recent victories over them made the Portuguese King dream of vast

possibilities of conquest and empire. But the realisation of these dreams was reserved for a greater man than Almeida. Dom Francisco de Almeida who was selected as the Captain of the next Portuguese fleet was specially ordered by the King to drive away the Moslem from Eastern waters and to establish fortresses for this purpose at strategic points along the coast. Almeida's career marks a turning point in the history of the Portuguese in the East.

Ormuz and Aden were the first Moslem depôts of Eastern commodities destined for the Venetian markets. To seize these ports would be dealing a fatal blow to the Moslem commerce. The Sultans of Egypt and Arabia, who derived large revenues from the commerce that was being carried on through their countries, would also suffer much. Almeida was ordered to seize, not only their ports but Malacca also. On learning the new and dangerous schemes of the Portuguese King, the Mussalmans sent a representation of their grievances and perils to Hassan Khan, the Sultan of Misra, praying him to avert their impending ruin. The Sultan had a two-fold interest in protecting the interests of the Moslems; firstly, because he was a champion of their religion's cause, and secondly, because he would be ruined if the Portuguese were to carry out their schemes. He therefore promised protection to the Mussalmans at any cost, and at the same time threatened the Pope with the destruction of Palestine and forced conversions of Christians, if the Portuguese did not give up their daring and ambitious schemes. The Pope sent an embassy to the King of Portugal begging him not to provoke the wrath of the great Sultan, but the king would not listen. He sent Almeida to India with fourteen ships and six caravels carrying 1,500 soldiers. Almeida bore, for the first time, the high sounding and then meaningless title of the 'Viceroy of India.'

Having built a fortress at Quilwa and reduced Mombassa to a tributary state, Almeida anchored off Anjediva on the 13th of September 1505. A fortress and church were also built at Anjediva, and it is said that a cross was unearthed when the ground was being dug in order to lay the foundations. From this it cannot be positively inferred that there were Christians in the island at a very early period; for it is said that the cross was a pagan emblem as well as a Christian.

At the instigation of Timmoya who, though he was a minister of the powerful as well as respectable Raja of Vijianagar, is ignorantly described by some historians as 'a corsair' and 'a pirate chieftain,' Almeida captured the fort of Chintapore, which belonged to the ruler of Goa. But as the achievement, interesting as it is, falls outside the scope of our present task, we shall not dilate upon it.

Before Almeida left Anjediva, he had sent one Homem to Cochin and Quilon to announce the news of his arrival to the Portuguese subjects of these places. When Homem arrived in Quilon he saw that the Portuguese factor of the town had been unable to collect any large amount of pepper owing to the strong opposition of the Moors and Arabs, however he heard, that thirty-four Arab ships, secretly loaded with rich cargoes were anchoring in the roads. He captured the ships, took the sailors prisoners and removed the cargoes to the Portuguese factory. On his way back to Cannanore whereto Almeida had come by that time, he attacked and seized two Moorish ships, but this was really reverse; for the crew of the captured ships not only managed to rescue themselves from Homem's grasp, but also threw most of the Portuguese sailors overboard and sailed away to Arabia with a part of the Portuguese cargo.

When Almeida arrived off Cannanore, the Portuguese factor, one Barbosa, told the Viceroy that the Raja of Cannanore was quite unable to give him any help in collecting merchandise owing to the strong opposition of the Muhammadans, and recommended the erection of a fortress in Cannanore. Accordingly the local factory was fortified and christened by the name of Fort St. Angelo.

Leaving Lorenzo de Brito with 150 soldiers at Cannanore, Almeida sailed for Cochin on the 27th October. On arriving off Cochin he was informed by the Captain of a Portuguese ship of the tragedy of the Portuguese factory at Quilon. We have already referred to Homem's capture of thirty-four Arab ships of the Quilon harbour. The owners of these ships had complained to the Raja of Quilon (who went by the title of Vennád Adigal) of the high-handed act of the Portuguese Captain, and demanded the restitution of the plundered property which was in the Quilon factory. The Raja sent a man to the factor and demanded the delivery of the booty. Quiet and submissive though the factor was by nature, yet being assured of safety by the arrival of Almeida, he assumed an audacious tone and struck down the Raja's man. The factory was instantly surrounded by the infuriated mob. The factor and thirteen others of his countrymen were burned to death. It was this tragedy that the Captain of the Portuguese caravel reported to Almeida on the arrival of the latter in Cochin. Almeida immediately despatched Brito to take vengeance on the Raja of Quilon. Brito took Quilon by surprise; but he was unable to do anything more than destroy a few unmanned ships that were anchored in the harbour. He struck southward and reached Ceylon. This Brito seems to have been a brave young man. He succeeded

for some time at least in keeping the Moslems away from the Malabar Coast.

Now to return to Almeida. At the time of his arrival in Cochin there was a serious dispute about succession to the throne, in the local royal family. The Raja Unnikotha Varmah full of years retired from politics and was spending a secluded life in a temple. Three years before, his two nearest younger brothers had joined their rebellious arms with the Zamorin's, against his own. As a punishment for this traitorous action the retired Raja had crowned his third younger brother as his successor. There was now every probability of a fratricidal war, between the new Raja and his two senior brothers. When Almeida arrived in Cochin he was requested by the retired Raja to render every help to his nominee against his rivals. Without much difficulty Almeida rendered the position of the reigning Raja safe and secure by a complete victory over his brothers and rivals. The Portuguese Viceroy concluded a treaty with the Cochin Raja, by which the latter recognised the Portuguese supremacy over his kingdom, while Almeida consented to make an annual tribute to the Raja as his *jewwan* right over the land of the Portuguese factory and fortress. In consideration of the help given by the Portuguese Viceroy, the Raja of Cochin sent an elephant to the King as a present.

The Zamorin for a long time expected help from the Sultan of Egypt, but this help not arriving he ordered ships to be constructed in all his ports,—and this he did by the aid of the Portuguese artisans who had deserted. The two Italian deserters whom we have already noticed, also manufactured over 400 guns, they also gave the Zamorin's men many instructions in the art of firing. These preparations, however, were kept strictly secret. Now one Ludovic of Bologna, an Asiatic traveller, came to Calicut disguised like a Moslem fakir. During the day time he lived among Muhammadans and prayed in the mosque. At night, he messed and lodged with the two Italian deserters who recognising him as one of their countrymen, gladly took him with them. Ludovic asked his countrymen whether they were willing to go over again to the Portuguese side, and promised that he would get them a pardon from Almeida. One expressed his willingness to do so, but the other was reluctant. They had both married Muhammadan women and had children by them. Ludovic, however, having learned all the secrets of the Zamorin's preparations, managed to escape to Cannanore in an Arab craft. He also contrived to get a pardon from Almeida for his two treacherous countrymen, and sent them a secret message to that effect, bidding them come over to Cochin or Cannanore without the knowledge of their wives and children. But their prepara-

tions for departure betrayed their designs. Suspicion was soon aroused in the minds of all, and the Zamorin sent some men to investigate the matter. As it was found difficult to settle the matter in peace the Zamorin's men besieged the Italians' house and made short work of them in a rather brutal way. It is said that the wife of one sold her son of eight years to Ludovic for eight pagodas, who had him converted and baptised.

About the middle of March 1506 Lorenzo de Almeida believing that the Zamorin might come to fight with him, sooner or later, collected all his ships together in the harbour of Cannanore. The Zamorin also called his ships together from Calicut, Ponnani, North Quilon, Kappat and Dharampattam. His large fleet consisting of over 200 ships advanced to Cannanore to meet Lorenzo. A naval engagement took place off Cannanore. It was protracted for three days, and in it both sides showed great feats of arms. The Turks and Arabs on the Zamorin's side were brave and trained soldiers and to defeat them was no easy task. All that we can say is that the Zamorin's party had greater numbers and therefore suffered greater loss. The result of the engagement was on the whole in favour of Almeida, but the Zamorin's power was by no means broken. Most of his ships had safely returned to good harbours. They were likely to unite once more against the Portuguese. However Lorenzo Almeida counted the issue of the fight as a decided victory on his side and went to Cochin to announce the fact to his father Almeida who was at this time engaged in the erection of a Cochin fortress.

An interesting event took place at this time. A Nayar who had ostentatiously put himself forward as the opponent of the Zamorin was suspected of treachery. When Almeida promised to spare his life he confessed that he had been sent thither by the Zamorin to compass the death of Almeida and the destruction of his fleet. Almeida kept his promise, the man's life was spared but his eyes were put out.

In the year 506 a total solar eclipse took place, which the Brahmin astrologers of the Zamorin interpreted as a sign of the Portuguese downfall. The news of this interpretation was spread far and wide over the land and readily believed in by all the Zamorin's men. The probability of its realisation seemed all the more likely to be true when the Zamorin succeeded in getting one of his friends to inherit the throne of the Cannanore Raj. The Portuguese doubted the loyalty of the new Raja, and orders were given to the captains of all ships not to trust themselves too far with the new Raja of Cannanore.

The minister of the Raja of Cannanore had sent a letter to the Portuguese King's requesting him to grant him the pri-

vilage of sending a few ships every year to Guzerat and Ormuz for procuring horses for his army, and this request had been granted by the King. Still the Portuguese in India were trying every means of preventing any ship from sailing to Ormuz, Aden or Guzerat; and when they insisted on every native captain taking with him a permit from the factor of Cannanore they had some obvious reasons for doing so. The Zamorin's men were also carrying on trade with different parts under false colours. Ludovic of Bologna whom we have already referred to and Brito were authorised to issue permits.

Now one Gonzalo Vaz, the Captain of a Portuguese ship, attacked and seized two Moslem vessels, which he suspected to be without permits. But when the captains of their ships produced their authority, which were truly and duly signed by Brito, Vaz said that the permits were counterfeit ones, and threw the crew and passengers overboard. One of these that were killed in this way, was the son of one Mammali Marakar, an important and wealthy citizen of Cannanore. On hearing of his son's death Marakar strongly remonstrated with Brito and asked the permission of the Raja of Cannanore to take arms against the Portuguese. The permission was granted and the whole town of Cannanore was up in arms against the faithless foreigners. They were besieged in their factory and fortress for four months and were reduced to the utmost difficulties.

Brito sent a message to Almeida who was in Cochin about the state of affairs in Cannanore. The Viceroy immediately despatched ships, with soldiers promising to assist the besieged Brito. He also severely punished that Gonzalo Vaz, whose folly and imprudence had brought about their troubles. The nephew of the Raja of Cannanore was not on good terms with his reigning uncle. He sympathised with the Portuguese and let Brito into the secrets of his uncle's military preparations. Brito was thus enabled to successfully prepare beforehand a plan of counter operations. The Raja of Cannanore caused a big moat to be dug out around the Portuguese Fort to cut off the supply of provisions. He also collected a large army of about 40,000 men and had artillery of over 100 guns. One morning the Raja's troops advanced towards the Fort in twelve columns each consisting of 2,000 soldiers. Cannon were shaking the earth and rockets were thundering in the air. Drums and bugles were inspiring the besiegers. The native archers and soldiers showered arrows and javelin on their enemies, while the besieged retorted with a few cannon balls. Many Muhammadans tried to escalate the rampart walls, but before they reached the top they were hurled back by the defenders. The Portuguese had only a few hundreds of men and their only provisions were a few sacks of rice, a few

hundreds of cocoanuts. They had to take water from a well within an arrow's shot from the Fort, and the way to which was won by the loss of many lives. A Portuguese engineer made a subterranean passage from the Fort to the well. When the whole water in the well was brought along this passage to the Fort, the passage itself was destroyed. Their provisions were however soon exhausted. They could not send any ship to Cochin for they were besieged on the sea-side also. They began to live upon cats, rats and lizards, and were soon reduced to sore straits. The enemies set fire to their fortress. Nearly everyone of the few Portuguese survivors was sick or wounded. When they were on the point of surrendering, help came to them. D'Acunha, a Portuguese Captain, arrived off Cannanore with eleven ships. He set fire to the thatched roof of one of the contiguous shops of the bazaar. The fire did considerable damage to life and property, but D'Acunha was not able to do anything more. The Raja of Cannanore tired of the long and useless siege sent Mammali Marakar to Brito to negotiate for peace. Brito, who was also inclined for peace, sent Marakar to Cochin to lay the proposition of peace before the Viceroy himself. Almeida fell in with the proposition and the Raja gave up the siege. D'Acunha was therefore able to load his ships in peace.

But D'Acunha thought that before he left Malabar he should teach the Zamorin a lesson. Accordingly all the Portuguese soldiers were collected and he sailed for Ponnani at the head of 600 fighting men. Kutti Ali, the Zamorin's Admiral, also gathered together a large number of ships and men and waited for D'Acunha in the shallow harbour of Ponnani. The fight that ensued was indecisive in its results. D'Acunha captured some forty guns and set fire to the town of Ponnani, but the Portuguese also suffered considerable loss. Eighteen soldiers were killed and many more wounded. However, D'Acunha gave up the fight and sailed for Portugal touching on his way at Cannanore.

We have already remarked that the Sultan of Misra promised the Moors and Arabs of Calicut that he would protect their commercial interests from the Portuguese encroachments. The considerable loss of revenue which the Sultan himself suffered on account of Portugal's armed monopoly of Eastern Commerce, made him open his eyes to the situation of affairs. He began his preparations for the task of expelling the Portuguese from Eastern waters. Large timbers were brought to his capital at considerable cost from the heights of Lebanon; and first-rate men-of-war were built by Venetian shipwrights. A fleet of eleven ships was soon despatched to Malabar under the command of Meer Hussain. Meayimain Marakar, the

Zamorin's envoy to the Sultan and the bitterest opponent of the Portuguese, accompanied the Egyptian armada. Strengthened on his way by the addition of some Turkish pirates who joined him off the coast of Guzerat, Meer Hussain's fleet steered for Chaul.

In Chaul at this time there were some Portuguese ships under Lorenzo Almeida, the son of the Portuguese Viceroy. Though more than once warned of the impending danger from Egypt by Timmoga, the young captain felt himself so safe and secure that he was amusing himself on shore by mock-feats of arms when the alarm was given of the approach of the Saracen fleet. A sudden panic seized all the Portuguese soldiers before they could get on board their ships, Meer Hussain took a safe position up the Chaul river and began to pour a destructive fire on the Portuguese ships. The position of the Portuguese became worse when some fresh Turkish ships joined Meer Hussain's fleet. Almeida saw that all hope was gone, and all that he might do was to effect a safe retreat, but the ship on board which he was, was fixed fast in the shallows of the river; and the heroic youth was struck down by the enemy's fire.

On hearing of his son's death, the elder Almeida shut himself up in this house for grief for three days. When the mourning was over he began to make preparations for his revenge on the Muhammadans. He sailed to Cannanore to consult with Brito on the matter. But by this time Alphonso de Albuquerque had arrived off Cannanore from Ormuz. He had the royal orders to supersed Almeida in the viceregal office. His ships, when they arrived off Cannanore, being first mistaken for a Turkish fleet, Almeida ordered an attack on them, but the mistake was soon discovered and Albuquerque landed safely at Cannanore. He at once demanded that Almeida should resign the Viceroyalty, but on his pleading his desire to avenge his son's death, Albuquerque gave way.—and Almeida went to meet the Egyptian fleet off Anjediva. The Zamorin's ships had already joined the Muhammadan fleet. In the encounter that followed Almeida scored a complete victory, and treated the vanquished with great cruelty. When Almeida, on his return to Cochin, was requested by Albuquerque to resign his viceregal office, he flew into a passion and again refused to do so. The Raja of Cannanore refused to have any official dealings with Almeida on the ground that he was the ex-Viceroy. Almeida, in the madness of his indignation, arrested Albuquerque and sent him to Cannanore with orders for his immediate imprisonment. Almeida had a regular indictment of 104 counts framed against Albuquerque, but the timely arrival of Fernandes Continho

the Portuguese Marshal and a relative of Albuquerque, set the latter free and brought Almeida to reason. Immediately handing over the Viceregal charge to Albuquerque, Almeida left India on the 29th October 1509. His tragic end in an African island is too well known to need any detailed mention here.

The King of Portugal had especially ordered Albuquerque to destroy the town of Calicut. The Raja of Cochin had also been trying his best to bring about an utter collapse of the Zamorin's power. He saw that the wars between the Portuguese and the Zamorin would shift the centre of trade from Calicut to Cochin, and so instigated the Viceroy to take up arms against his suzerain. A Brahmin spy was despatched to Calicut to ascertain the state of affairs at the Zamorin's Court. He returned with the news that the Zamorin was absent from his capital on account of petty wars against some of his vassal princes. The opportunity was seized by the Portuguese as the fittest one for their purpose. Albuquerque and Continho set out for Calicut with 2,000 Portuguese soldiers and 600 native archers. Continho took the command of the army into his own hands. The Portuguese easily took the Zamorin's palace as it was practically unguarded at the time. A regular plunder began. All the ancient treasures, all the precious gems and jewels, all the gold and silver, were seized upon by the greedy plunderers. While the soldiers were thus engaged in plunder, the old Continho, tired by his long march under a tropical sun, slept soundly for two hours in the Zamorin's palace and on the Zamorin's bed. But he was rudely roused from his sound sleep by showers of sharp arrows, and he saw at once that the palace was surrounded by a large number of archers before whose pointed arrows, Continho's men were either dying or fleeing. Continho himself and many of his men were struck down by the arrows. Albuquerque who had been all the while fighting the Nayars in the bazars and in the port of Calicut, coming to the relief of the beleaguered, the surviving few were able to escape to their ships. Albuquerque also received a severe wound and had to be carried on a shield to his ship.

The next event in due chronological order, which we have to narrate in the history of Portuguese India, is the capture of Goa. But as the incident falls outside the province of our present subject, we will pass it over, simply remarking that in 1510 Albuquerque took Goa, with the help and at the instigation of Timmoya whom we have already referred to, but he had to leave it again after three months' occupation.

After the Goa incident Albuquerque arrived off Cannanore on the 15th of September 1510, but his presence was soon

needed in Cochin. Consequent on the death of the eldest Raja who, as we have already remarked, had retired from the active world to lead a hermit's life, there was a fratricidal war among the rival claimants to the Cochin throne. It was the traditional custom of the Cochin royal family that if a Raja leaving the cares of his State died in the forest as a hermit his successor to the throne must instantly resign his Raj in favour of his immediate junior and embrace asceticism like his predecessor. But Unni Rama Koil of Cochin preferred palace to forest, and was unwilling to resign the government in favour of his brother. His brother therefore insisting on the observance of the traditional custom applied to the Zamorin for help against the usurper. This brother, as we have already seen, had once before opposed the Portuguese, with the help of the Zamorin in connection with the succession question. The Zamorin sent him help; and with a large army the prince lingered in the islet of Vyppin, but the Portuguese did not want an enemy of their own on the Cochin throne. At the instance of the Brahmins of the court and women of the zenana, Unni Rama Koil was about to give way to the influence of tradition, but Nuno Vaz de Castello Branco, the Captain of the Portuguese Fort, interfered and urged the Raja to break down the trammels of custom and resist the claims of his rival, promising help in case of trouble. With a small army he proceeded to Vyppin to prevent the enemy from crossing the river, but his force was not strong enough to enable him to give immediate battle to the enemy. On the 22nd of September Albuquerque joined Branco at Vyppin, and the strength of their combined forces was enough to beat back the enemy. Unni Rama Koil was secured on his throne in spite of custom and tradition.

Albuquerque's next endeavour was to recapture Goa. In this he met with serious opposition from his soldiers and officers. The policies of Albuquerque and Almeida were diametrically opposite to each other. The ambition of Almeida was to secure his country's commercial supremacy in the East by erecting forts at strategic points along the coast of the Indian Ocean. But the star of commerce did not loom large in the horizon of Albuquerque's ambition. The ablest man and perhaps the greatest figure in Portuguese Asia, Albuquerque had gigantic schemes of territorial conquest and political dominion of enriching his country by an eastern empire and benefitting Christendom by carrying off the bones of 'The False Prophet' from Medina. All the soldiers and officers, whom Albuquerque had alienated by his overbearing disposition, supported Almeida's policy and won even the Portuguese King to their side, but Albuquerque did not desist from working at his schemes in

spite of royal orders to the contrary. Goa was recaptured and the Portuguese supremacy firmly established in that town which was destined to become soon the capital of Portuguese India.

Important results accrued from the conquest of Goa. The harbour of Goa was one of the finest in India. Its central position in the west coast was the fittest for a maritime people. A fleet in the harbour of Goa could command the whole trade along the west coast of India. But Albuquerque was not content with Goa alone. Having reduced to subjection the chiefs of Malacca and Moluccas he sailed north-west to capture Aden which was one of the two keys of eastern commerce, but he failed in the attempt. Before Albuquerque left for Aden he had been successfully negotiating a peace with the Zamorin of Calicut. Both parties were tired of their ceaseless as well as useless mutual wars. Both parties saw that they would be more profited by peace than by war between themselves. An envoy was sent to the Zamorin to settle the terms of peace. The Zamorin consented to give the Portuguese a part of his customs revenue and a site in Calicut for a fortress on condition that Albuquerque would allow him to trade freely with Arabia and Egypt. Peace was concluded on these terms. The place chosen for the Fort was the site of the old palace of the Zamorin, in which Continho was killed. When Albuquerque turned his back on Malabar and the Zamorin heard of the internal dissensions among the Portuguese themselves, the Raja of Calicut began to show evident signs of reluctance to carry out the terms of the treaty above mentioned. When Albuquerque learnt that the Zamorin was trying to evade the terms of the treaty, he forthwith returned to Calicut, but on the way he heard that the Zamorin was dead and that his brother had succeeded to the throne. The new Zamorin had no dislike for the Portuguese and did not hesitate to give the promised site for the Portuguese fortress.

The Portuguese alliance with the Zamorin was not at all relished by the Raja of Cochin, because to him the rise of Calicut seemed to be the fall of Cochin. The conquest of Goa was in itself a cause of commercial loss to Cochin. Now permitting the Zamorin to trade freely with foreign countries was likely to make the loss greater. Some Portuguese men in Cochin, and especially the Missionary Joan Fernandez also did not relish the idea of keeping peace with the Zamorin. They drew up a petition to the King of Portugal, protesting against the policy of Albuquerque, but the Viceroy was not in the least daunted. He himself went to Calicut and visited the Zamorin. A treaty was concluded on the following terms:—(1) The Portuguese were allowed to buy pepper in Calicut giving in exchange Portuguese goods. (2) The Zamorin was to give

the Portuguese factor of Calicut about twenty tons of pepper annually at the Cochin rate of price. (3) The Zamorin was to pay half his customs revenue to the Portuguese treasury. (4) The Zamorin was to make reparations for the damages done to the Portuguese factory in Calicut in the times of Cabial. (5) In return for this Albuquerque permitted the Zamorin free trade in the Indian seas. The Zamorin sent to the Portuguese King rich presents and also a letter praising the character and ability of Albuquerque. This letter had its intended effect, it nullified the protestations of Albuquerque's opponents.

It is a puzzle how the new Zamorin yielded to all the demands of Albuquerque while his predecessor had stoutly refused to do so. The fact may be probably this, *viz.*, that the new Zamorin realised that the jealousy of the Moslems towards the Portuguese involved him in costly and unprofitable wars which nearly ruined his country. He also knew that to be friends with a rising people would be more profitable to him than to support the tottering Moslem commerce. The Portuguese arms seemed to be carving out an empire in the East and the Portuguese nation bidding fair to be the rulers of India. Under these circumstances which were more fanciful than real the Zamorin thought that it would be more advantageous to him to make peace with the Portuguese.

In the month of February 1515 Albuquerque led a second expedition against Ormuz. The importance of this lies in the fact that 600 Nayar soldiers were employed by Albuquerque on this occasion. The credit of discovering the efficiency of Indian soldiers, when drilled and disciplined on the Western model, is given, by some historians to, Duplex, but as we have just now seen Albuquerque had long before benefited himself by this discovery. While earlier still Pacheco and Almeida had more than once employed native soldiers and archers in their fights, but those soldiers and archers were in the majority of cases neither drilled after the European method nor commanded by European captains. These improvements were most largely introduced first by Albuquerque. Almeida too had done something in that way, but it was not much.

The increasing fame of Albuquerque made his envious opponents hate him more and more. They tried to bring about his ruin by working on the jealousy of the King. They informed his Majesty that the Portuguese Viceroy would soon eclipse Portugal's King. On his way back from Ormuz, Albuquerque learnt that his master had sent Lopez Soarez to supersede him in the viceregal office. He was full of years and his health precarious. He, moreover, felt much anxiety on account of

his sons, for whom he had made no provisions, but he recommended his son to the care and kindness of his patron and lord the King of Portugal whom he had served so long and so faithfully and meritoriously. When he reached Goa he sent for a priest, made his confession, and gave up the ghost on the 19th of December 1515 at the age of sixty-three. He was Viceroy for ten years and his term of office forms a memorable decade in the history of Portuguese India.

Albuquerque was a God-fearing, truth-loving, and liberal-handed man. His honesty and love of justice were so publicly admitted that one day when a man requested from him a loan of three pagodas, he could in right earnest pluck three hairs from his beard and give it to the man telling him that he might pledge it with any one and get the money required, at the same time he was excessively cruel. The dark and horrible deeds of Albuquerque are too many to be briefly recounted. The license of his times may extenuate his crimes; nevertheless we cannot easily exonerate him from his brutal deeds. It was undoubtedly on account of Albuquerque's far-seeing work, during his term of viceregal office that the Portuguese power in the East did not collapse as soon as it might otherwise have done. In Albuquerque's time and by Albuquerque's exertion the Portuguese power in India attained its climax. From his death we have to trace a steady decline of Portugal's star in her Asiatic horizon of commerce and empire.

Soarez, the successor of Albuquerque, was neither a great nor a good man. His foolish deeds and insolent conduct alienated from him all classes of people.

He sent an envoy to the Court of Agi Pandara, the Regent Mother of the minor Raja of Quilon. He got by bribery and treachery the consent of the Regent Mother to an absurd agreement between the Portuguese and the Raja of Quilon on the following terms:—

(1) The Raja was to give the Portuguese a ton of pepper annually in compensation for the loss they had sustained ten years ago in the Quilon tragedy which we have already narrated. (2) The Raja must rebuild St. Thomas's Church which had been burnt at the same time. (3) The Raja must guarantee protection to the Portuguese subjects in his territory from the hands of the Muhammadans.

It is needless to remark that this treaty was contemptuously cancelled by the young Raja as soon as he attained his majority. In the vanity of his success at Quilon, Soarez assumed a very haughty bearing towards the Zamorin. He asked his Highness to come and see him in the Portuguese factory at Calicut. When this insolent demand was of course contemptuously refused by the Zamorin, Soarez prepared himself for

a war against the Zamorin. But his officers told him that they would not take arms against the Raja of Calicut for such a silly cause. This mutinous declaration brought Soarez to his senses. He went and saw the Zamorin in his own palace.

Soarez next contemplated the desertion of Goa; for he thought that peace being made with the Rajas of Malabar there was no necessity for a fortress at Goa. But the encouragement given by Albuquerque to intermarriages between Portuguese men and low caste native women had created in Goa a large number of married settlers with their hybrid descendants. They so strenuously opposed Soarez that the latter had quietly to give up all idea of leaving Goa.

There was a strong rumour at this time that the Sultan of Egypt, whose fleet had been destroyed by Almeida, was preparing for a fresh expedition against the Portuguese in India. On hearing this rumour the Portuguese King despatched an order to Albuquerque to proceed at once with a fleet to Aden and deal a heavy blow to the Moslem power on both sides of the Red Sea. The order arrived too late; the fittest man for its execution, Albuquerque had been gathered to his Pathers a year ago at Goa, and the task of the expedition was readily undertaken by the incompetent Soarez. A fleet was soon got ready, and with 3,000 Portuguese soldiers and 500 native archers the foolhardy Viceroy sailed off to the port of Mecca. But the powers of nature, acting conjointly with the arms of the Mussalmans, forced Soarez to hasten back to India, having lost much and gained nothing.

Before his departure to the Red Sea, Soarez had sent one Roderiz to force the Queen of Quilon to carry out the terms of the recent treaty between herself and the Portuguese. When Roderiz demanded the delivery of pepper, and the rebuilding of the local Church, the Regent Queen succeeded in putting him off till her return from a campaign against the Raja of the neighbouring State, Travancore.

When the Regent Queen of Quilon was engaged in this campaign, the news spread far and wide in her land that the Turkish Sultan had completely routed the fleet of Soarez in the Red Sea, and that Adil Khan had nearly retaken his capital of Goa. The anti-Portuguese population of Quilon gladly embraced this opportunity of revenging themselves on their foreign foes, and in a short time the few Portuguese left in the town were closely besieged in their houses. The timely arrival of the peace-loving Queen in her capital effected a compromise between her turbulent subjects and the weary Portuguese.

In 1518 Soarez's three years term of office expired and
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Dlago Lopes de Sequeira succeeded him in the Viceregal office. Soarez had intended on expanding the house or factory at Quilon into a fortress; but he had to leave India before he could accomplish his intention. Sequeira now undertook the task; and Roderiz was asked to get by fair means or foul the consent of the Rane. Accordingly the Rane was presented with a purse containing 4,000 fanams, but she told Roderiz that serious opposition from various quarters would have to be encountered before she could consent to Sequeira's dangerous scheme. The minor Raja and the ministers of the Court did not like the idea of allowing a foreign power to establish itself so strongly in their capital. The opposition was silenced by the diplomatic skill of the able but corrupt Rane, and the work of the fortress began. The Rane faithful to her words, or rather to the bribes she received, also rebuilt the Christian Church of Quilon which had been demolished some years ago.

During the time that Sequeira was in his winter quarters in Cochin he heard one day that there was a fight in the neighbourhood between a vassal of the Zamorin and a vassal of the Cochin Raja. As Sequeira was witnessing the fight a Portuguese soldier joined the Zamorin's rank, seeing which the Cochin party showered arrows upon Sequeira and his men. As they were quite unprotected, many of them were wounded or killed and the rest fled to their fortress.

Sequeira was altogether a bad and incompetent man. He was guilty of many atrocities which we would do well to pass over in silence. He was more of a pirate captain than a Viceroy. On one occasion he seized and plundered some Arab crafts without any cause for provocation. At another time he grossly violated the treaty of peace his predecessor had concluded with the Zamorin. The Raja of Cochin led an army of 50,000 men against the Zamorin who met his enemy in the field with 200,000 men. During the fight that ensued between the two forces, Sequeira joined the ranks of the Cochinites and helped their Raja in beating back the Zamorin's men. Sequeira was dismissed by his King on the Zamorin's reporting to the latter the Viceroy's unjust violation of the peace between Portugal and Calicut. Duarte Menezes was his successor.

After a glorious reign of twenty-three years King Emmanuel of Portugal breathed his last in the year 1521. His successor John cared more for religion than for commerce or Empire. He gave orders to the Viceroy and Governors of the Portuguese India to desist from wars and spread the religion of the Cross. If John liked war but little, Menezes, his Viceroy, liked it less. When Menezes came to India he was sorry to see that the whole Muhammadan population of the West Coast was up in arms against the Portuguese. The pirate forays of the Mop-

lahs and Moors were causing considerable damages to Portuguese life and property. The fact was, the unprincipled Sequeira and his still more unprincipled subordinates had been molesting the Muhammadans in every way, and what Menezes saw with regret was only the necessary reaction. Before Menezes arrived in India, the Zamorin, who had concluded peace with the Portuguese was dead. His successor was of such a nature that he would rather risk his own life in protecting his subjects than win an empire by cajoling his foreign foes. He was a man of action; he loved war and he hated the Portuguese. The inhabitants of Calicut were more uncompromising in their hatred of the Portuguese than the Zamorin himself. When a Portuguese captain appeared in the bazars of Calicut he was hooted and pelted by the mob. When some Portuguese ships arrived off Calicut they were seized and plundered by the native Muhammadans. Kutti Ali of Tanur loaded eight ships with pepper and spices and sent them to Arabia under the very nose of a Portuguese captain. With 160 ships he came to Calicut and attacked the local Portuguese fortress. When a Portuguese captain went to complain to the Zamorin of the high-handed acts of the Muhammadans he was turned ignominiously out of the palace. Hundreds of Christian women were forcibly carried away, converted by the Muhammadans; Menezes could not give them any help against their enemies. While the Muhammadans were preparing themselves for the extirpation of the Christians in Cranganore, Menezes took no action. This state of things, however, was not to continue for long. When the hostilities of the Muhammadans and the helplessness of the Portuguese against them were reported to King John, he was once more sent to India as the Viceroy of Portuguese India.

The work of Gama in Malabar was a series of cruelties. His ruthlessness alienated from him even his own countrymen. Many Portuguese soldiers, for fear of Gama, fled away to Zelinga or to the Coromandel Coast and became followers of Muhammad. It may be remarked in passing that this is not the first occasion on which we hear of the Portuguese men being converted to Muhammadanism. Hundred of Portuguese had, in the times of Soarez, Albuquerque and Almeida, embraced the Moslem faith as well as married Moslem women. Gama, however, succeeded in maintaining peaceful relations between the Portuguese and the Rajas of Malabar. He also punished some of the Moplah pirates who had committed various ravages on the Portuguese ships in the time of Menezes. He died on the 24th of December 1524.

Henry Menezes succeeded Gama in the viceregal office. He hanged a pirate chief of the name of Bala Hassan, destroyed

the Zamorin's fleet in the harbour of Ponnani, did some damage to the town of Calicut and burnt the port town of Pantalayini. After these achievements he went to Cannanore and gave the Raja a letter from King John. The purport of this letter was that the eight isles off the Malabar Coast, which were in the possession of the Portuguese, would be given over to the Raja if the Raja would undertake to supply the Portuguese with 100 kandies of coir every year, this offer the Raja declined.

So unflinching was Menezes in his hatred of the Zamorin, and the Muhammadans, that his next attempt was to create an artificial famine in Calicut by cutting off all rice supply to the town, from the north. A fleet of four ships was stationed in Mangalore to intercept all rice traffic to the port. The merchants who were carrying rice in their ships defeated the Portuguese fleet off Mangalore and managed to sail away many miles southward, but before the merchantmen reached Mahé, another Portuguese fleet attacked and detained them. In consequence of this act of Menezes, there took place in Calicut long and severe fighting between the Portuguese in the local fortress and the Zamorin's men, but the artificial famine in Calicut created by Menezes brought the Zamorin to his knees. He applied for peace; and peace was offered on very insulting terms. The Zamorin was to give up his whole fleet, to repair the delapidated church at Cranganore, and to surrender some of the Portuguese fugitives at his court. The Zamorin could not, and did not, accept peace offered on such terms. He forthwith sent a large army to besiege the Portuguese fortress in Calicut. This memorable siege was a very long and obstinate one. There were only some 300 Portuguese soldiers inside the fort, while the besieged numbered close on ten thousand. The Zamorin's army was commanded by a mechanic who was a foreigner and a convert into Muhammadanism. The besieged were under the command of John Lima. Just when the siege began the Portuguese subjects in Calicut removed all their wealth and provisions to a safe place within the fort and destroyed their houses. The story goes that when the siege had continued for some weeks the Zamorin appeared before the fort with one hundred thousand men and walking thrice round its walls asked his general 'Do you take so long to get at so small a thing?' The general replied to him that that small thing was enough to give him many years' trouble. Before long the Portuguese inside the fort exhausted all their provisions and were reduced to sore straits, not however before one of their number managed to escape to Cochin and inform the Portuguese Viceroy of the situation of affairs in Calicut. Menezes at once

despatched to Calicut two ships filled with provisions for his besieged countrymen. When the ships arrived off Calicut their captain found it very difficult to carry the provisions into the fort, but one day, in the dead of night, when the main body of the besiegers were fast asleep he managed to take to his country-men a part of the provisions he had brought for them. The captain also managed to get back into his ship, but his besieged countrymen had forgotten to give him some important despatches that had to be sent to the Viceroy. These were, however, folded and tied to an end of an arrow and thus shot into one of the Portuguese ships anchored in the harbour. Lima soon got further provisions, and Menezes himself came to Calicut on the 15th of October. There was at this time a rumour that a Turkish fleet destined for an attack on the Portuguese was on its way to India, and if this rumour was a true one it would no longer be safe for the Portuguese to have their forces scattered here and there. Menezes therefore thought that the Calicut fort might be deserted and the forces employed in its defence, used to ward off the danger from Turkey, he therefore ordered all the moveable wealth and belongings of the Portuguese to be removed from the fort to their ships. When all was ready on board the ships the fort was blown up by gunpowder. Thus, in 1525 Menezes deserted the town which Gama had first visited twenty-six years ago, and which had cost Portugal so many lives and so much money.

K. RAMUNNI NAIR.



ART. III.—THE LANGUAGE QUESTION IN GREECE.

THE art and habit of recording thought in writing distinguishes the civilized man from the barbarian. Well known, indeed, are many of the traits by which the man of culture, directly by virtue of his habit of reading and writing, is marked off as different from the unlettered boor. But yet this habit produces many other great results that usually are not estimated at their full value. One of the more noteworthy of these is the fact that in nations where the use of letters is intense and constant the inhabitants become bilingual, or, to use a term which may be more proper, diglossic.

Without here inquiring into the causes, it may be stated as a historic truth that in the past ages of culture few men, or none, have ever written lengthy treatises in a language constructed entirely and exclusively out of words and expressions adopted from the genuine conversational tongue of the unlettered classes. And, furthermore, no man when conversing about the small affairs of daily life employs the carefully selected words and constructions which by a kind of acquired instinct he is forced to use when he undertakes to perform a literary feat. This phenomenon cannot be adequately appreciated by scholars who live in countries where all the inhabitants if not themselves actually more or less educated by means of letters, are continually under the direct influence of lettered men. But inability to appreciate the magnitude of this phenomenon does not necessarily engender a desire to deny its existence. The man who never learned writing and composition often feels himself incapable of dictating an ordinary note even when in his own modes of expression he is fully able to communicate all the successive statements which he wishes to be incorporated therein. His helplessness in such cases consists not in ignorance of what he wishes to express, but in the consciousness of his not knowing the phase of language which is proper for the written document.

The phenomenon of diglossy does not suppose that the inhabitants of one and the same locality speak two languages so unlike as to be conceded by all to be entirely distinct, as, for example, where certain communities of Germans or French in North America speak not only a variety of English, but also a variety of their ancestral Teutonic or Latin tongue. These colonists cannot by reason of the retention of their mother tongue, in addition to their acquired faculty in English, be said to be merely diglossic. They are bilingual out and out. Diglossy simply supposes that in a given community the phase

or quality of language used by the educated classes is notably different from that of the lower strata of society; or, again, that the written language of the educated classes is different from their spoken language, because of their tendency in written language to imitate more ancient or classical composition, while in spoken intercourse they keep closer to the mode of speech in vogue among those who are not educated. However, the difference between these two phases of one and the same basic language may sometimes become so wide that this diglossy does actually merge into bilingualism.

Wherever diglossy exists it is correct to say that each phase of the language continually disturbs the other phase. The language of the educated class does not cease to adopt words and phrases and constructions and modes of pronunciation that had hitherto been exclusively the property of the language of the uneducated; and conversely, the uneducated classes similarly borrow and assimilate expressions that had been coined in the more aristocratic mint of the educated. Perhaps the ideal is realized in proportion as the efficiency of this reciprocal influence is effective in keeping the two phases of language near to each other and in preventing the rise of bilingualism.

Although the prevalence of diglossy is an indisputable and well-known fact, especially to students in linguistic research, its psychological causes have not yet been thoroughly investigated by scientific inquiry and have not yet been expressed in simple formulas which the layman might easily comprehend. Fortunately these causes are not the chief matter in question in this present essay. Sufficient here is the fact that diglossy is already a recognized element worthy of linguistic, psychological, and sociological research, and that it is beginning to claim broader attention from the votaries of these sciences, and especially from glossologists. Prof. Hermann Paul's investigations in this direction serve as one instance. In his admirable book on the *Principles of the History of Language*,* this noted professor refers at length to both forms of speech and discusses the relations which the standard common written language of any given people bears toward the ordinary spoken tongue or to the dialects which make up the spoken tongue.

There are two kinds of diglossy. These may be distinguished from each other by the terms "homochronous" and "historic."† When a nation or people, on account or having a past literature of which it is proud, and which has come to be regarded as classical, consciously and intentionally models

* *Principles of the History of Language*, by Hermann Paul. Translated from the second edition of the original by H. A. Strong, London, 1888.

† Chatzidakis, *Περὶ τοῦ γλωσσικοῦ ζητήματος ἐν Ἑλλάδι*. In the *Ἀθηνᾶ*, II, p. 173. Athens, 1890.

its official and social language in conformity with this past literature, then the diglossy is of the historic kind. But in so far as diglossy arises from the bare fact that independently of all conscious historic motives, the educated man speaks differently from the uneducated one by the simple reason of his indulging in different and more complex sets of thoughts, it is homochronous only. Homochronous diglossy flourishes in every community where there exists a class of men, who, on account of their dignity in state, or religion, or wealth, or knowledge, or other kindred preeminence, form a higher and exclusive society, who in their mode of expressing thought, as well as in other respects become more careful, more conservative, more deliberate than the struggling lower classes. Practically this kind of diglossy is always historic as well as homochronous, for those who, under the influence of homochronous reasons, are not unconcerned about the artistic and other virtues of the language which they employ, are, at the same time, under the influence of historic reasons, prone in speaking and writing to imitate fixed and acknowledged models of their literature.

In past ages of civilization it has occurred more than once that the breach between the literary idiom and the spoken language of great peoples gradually grew so impassably wide, that such individuals as knew only the one phase of the language could neither address nor understand those who employed the other. It has happened that the state and the priesthood and the school adhered rigidly to a certain ancient style of language as classic or sacred, while the people at large, unrestrained by the conservative force of education, continued to modify their manner of speech year after year according to phonetic and other glossic laws. Not to mention other more remote instances, we have the Latin and the Italian, which long existed side by side, the one as the medium of culture and government and religion, while the other was the language of the tradesman, the private individual, and the family.

Historic diglossy has for many centuries been rampant among the Greek-speaking races. On account of the linguistic and literary eminence of the Greek language this diglossy has been and still is a choice topic for dispute amongst philologists. For the Greeks themselves the question is one of prime importance since it is not separable from many other national and historic interests of theirs. To a foreigner its attractiveness is of a very different kind, save in so far as his philhellenic inclinations may lure him into being interested in every thing Greek; it is the peculiar psychological and philological aspects of the case that claim his attention.

The two phases of language that constitute the diglossy of

the modern Hellenic race are now usually distinguished as "demotic" and "katharevousa." Demotic is the common speech of the mass of the people; katharevousa is the official medium and the language of written composition. The relation between the two is very much misunderstood and misinterpreted, not only by some eminent foreign scholars, but even by many educated Greeks themselves. The demotic has a testy set of hot advocates and the katharevousa has a whole army of followers; and, as is always the case in the East, these rival advocates see nothing of good in the views of their opponents. The defenders of demotic use every possible weapon, honest and dishonest, to dethrone the katharevousa from its position of honor, and in turn many of the purists leave no means unemployed to heap obloquy upon the users of the "vulgar" tongue. Foreigners who take a hand in this fraternal war between demotic and katharevousa may be regarded as being meddlesome; all such have been warned off by native champions on either side of the dispute. Still, from a scholarly point of view, every question is open to every investigator. The present sketch is intended for other outsiders, who may like to know what is being done to settle, or rather to keep abroil, this important dispute.

All discussion that endeavors to discern the most efficient means for the solution of the difficulties occasioned by this diglossy, and of making the demotic and the katharevousa come closer together, belongs to a yet unwritten chapter of philology. The principles involved lie in a part of the domain of linguistics not yet honored by exhaustive research. Glossology has focussed most of its illuminating rays upon the study of spoken language and has chosen to leave written composition in comparative darkness, deeming it worthy of notice only in so far as the written forms serve to recall the spoken tongue or where the forms used in written discourse happen to be identical with those of spoken language. The reciprocal relations and obligations of demotic and literary languages are not yet indisputably determined.

Speaking loosely and figuratively we say that language is continually in a state of growth. But when we make this statement we express a conviction formed by observations made in regard to spoken language. Whether literary language as distinct from vocal speech also grows or not is a different inquiry, which indeed may likewise be answered in the affirmative; but its growth is not in all respects co-ordinate with the growth of spoken language. The language employed in the rude creations of primitive poetry and oratory cannot well be widely different in morphology and syntax

from the contemporary oral speech or some dialect thereof. But as soon as a literature worthy of universal reverence has been created and recorded, from that time on does historic diglossy begin to exist. For it is of the nature of the admirers of such a literature that they should be desirous of imitating it whenever they speak on topics akin to those recorded in the literature, and especially when they themselves undertake literary composition. Thus it comes to pass that succeeding generations of ambitious writers and careful speakers look to their approved and idealized predecessors as models in language rather than to their commonplace contemporaries. In this way a class of more learned and influential inhabitants is formed, who prefer to employ the model language of literature.

The illiterate classes cannot be imagined as entirely free from all the restraints that literature places on the language of the educated. The literary idiom, by its influence on the language of the uneducated, retards many of the perpetual changes which untrammelled vocal speech is heir to. Accordingly, language that possesses a literature does not develop just in the same way nor with the same rapidity as the savage dialects that are entirely unincumbered with such a precious burden. The briefest study of our own vernacular language will bring some proof of the fact that literature shackles the rapid changes that speech is otherwise liable to. We cannot assert that our English language of to-day is "growing" in the same glossological sense as we can say that the ever-changing languages of the wild natives of Africa are "growing." Nevertheless, our language is probably growing more vigorously than theirs, but with a very different and nobler kind of growth increasing in quantity and accuracy rather than simply undergoing phonetic changes. Let us make the strange supposition that all those who speak English were to lose their literature and all their other written documents, and henceforth were never to read again, they and their children, forever. Then, from that time on the English language, freed from the despotism of letters, would immediately begin to "grow" luxuriantly.

The investigator can defend or condemn modern Hellenic diglossy only after becoming acquainted with the entire history of the language that the Greeks have used in spoken word and written page since classic antiquity down to the present day. In Kuhn's *Zeitschrift* for 1888 Dr. Paul Kretschmer, in a treatise on the linguistic peculiarities of such inscriptions as are read on old Attic vases, has collected a number of interesting examples that indicate the striking differences between the literary and the popular idioms of Attika in ancient times.*

* Ueber den Dialekt der attischen Vaseninschriften. Von Paul Kretsch-

Kretschmer's inscriptions show that within the narrow limits of the single city of Athens, and at the time when the Attic language was in the zenith of its perfection, a clearly discernible diglossy existed. This ancient disagreement between the demotic and the literary language was not merely a number of variations in syntactical construction and a difference in vocabulary, but included, also, more noteworthy morphological divergencies in the forms and types of words.

From statements made here and there in the writings of the old authors it can easily be deduced that the Athenians themselves were not ignorant of the difference between their artistic language of literature and the careless language of the multitude. In a treatise on the constitution of Athens which, although it is usually incorporated with the works of Xenophon, seems to be of unknown authorship,* it is recorded that the Athenians, in consequence of their continual intercourse with other men, "hear every kind of speech, and from one man's discourse they adopt some special peculiarity and from another's some other mannerism; and while the other Greeks speak a language native to themselves, the speech of the Athenians is made up of contributions from all the Greeks and all the barbarians."† In his letter to Q. Ælius Tubero, "On the characteristics and peculiarities of the writings of Thoukydides," and in his second letter to Ammaeos, "On the peculiarities of the writings of Thoukydides," we have the judgment of Dionysios of Halikarnassos, an eminent critic who lived in the first century before Christ, in testimony of the artistic and artificial character of the language of this admirable historian. He finds fault with Thoukydides for using words and phrases that were not commonly understood and were in need of interpretation, others that were obsolete, others that were proper only for poetical composition, and others that were foreign to the Attic dialect. These criticisms refer directly to the historian's language.

Athens had become a world city, and it is to be supposed that in the variegated underclasses there flourished a mixed and corrupt dialect. Athens possessed a multitude of slaves much more numerous than its population of free citizens. In his book called "The Deipnosophists," Athenaeos quotes from the chronicler Ktesikles concerning a census made in Athens in the year 309 B. C., under the direction of Demetrios of Phaleron. According to this census, the population consisted of 400,000 slaves, 10,000 resident strangers, and only 21,000

mer. In the *Zeitschrift für vergleichende Sprachforschung auf dem Gebiete der Indogermanischen Sprachen*. xxix (1888), pp. 381-483.

* Bergk, *Geschichte der Griechischen Litteratur*, iv, pp. 238-239.

† (Xen.) *Respub. Athen*, ii, 8.

native Athenian citizens.* Very few of these slaves were of Attic blood. Most of them were not Greek at all.† Therefore, neither the Attic dialect nor any other kind of Greek was their native form of speech. They certainly contributed greatly to the corruption of the spoken language. All members of Athenian families were in close and daily communication with these slaves from childhood to old age. The pedagogues, under whose continual care young boys were placed, were always chosen from among the slaves, and therefore were often foreigners. Platon mentions two such pedagogues, and refers to their "barbarous" way of speaking Greek.‡ Accordingly, when, in a dialogue between Sokrates and Alkibiades, Platon teaches that the people of Athens are competent masters in the Greek language, he must be interpreted as referring not to the entire mass of the inhabitants, but to the limited class with which Alkibiades was accustomed to associate. § Ancient comedy sought at times to draw humor from faulty or foreign pronunciation. It also employed such methods of pronunciation in order to expose its victims to ridicule or disgrace. Two extant fragments from lost plays of the comic poet Platon are especially to the point. In four lines from his "Hyperbolos" we read that the noted demagogue of this name, whose father was a foreigner and a slave, did not pronounce like other Attic citizens. || And in his drama called "Keophon," the mother of this busy politician was introduced under the name of "Thrassa," and was made to speak, not like an Athenian matron, but after the manner of a woman from Thrake. ¶

Long before the great epoch of literary activity at Athens, which is represented by such masters of prose as Thoudydides and Platon and Demosthenes, and by such poets as Aeschylus and Pindar and Sophokles, the language of inspired composition had become different from the language of daily life. At the very dawn of Greek literature the immortal Homeric songs, which the unknowing may think to have been composed so artlessly, present a mixed dialect which is highly artificial and which never was spoken anywhere. Of this fact, otherwise patent enough, we have the glossological testimony of Professor Brugmann, who finds that a proper expression to name the

* Athenaeos, *Deipnosophists*, vi, 272 b.

† Büchsenschütz, *Besitz und Erwerb im griechischen Alterthume*, pp. 116—119.

‡ Lyses, 223 a.

§ 4 Plat., *Alkibiad.*, 111 a-b.

|| Kock, *Comicorum Atticorum Fragmenta*, I; Plat., frag., 168.

¶ Scholium to Aristophanes's *Frogs*, 681.

Homeric language by is the term "Kunstdialekt."* From its origin down to the present day the literary language of Greece has had a career of its own akin to that of the spoken tongue, but separate, nevertheless. As soon as it came into existence it started out to fulfil its own purposes, which were not just the same as those of oral speech. True it is that the literary language sprang from the spoken tongue, but, like many another child, it after a time came to possess rights equal with those of its parent. Fortunately, however, it never ceased to be influenced more or less by the spoken language, except, perhaps, in the middle ages, and in turn was not without influence upon its parent. Complete harmony between the demotic and literary phases of a language can never be realized. Such harmony would be necessary if languages were in a state of ideal perfection. But we are here concerned not so much with what is perfect as with what is historically a fact.

Certain languages of the past are commonly described as "dead." This expression, like many others that have been employed in this study, is not literal, and often is misinterpreted. It may indicate not so much the condition of the language in question as the condition of our knowledge in regard to it. Ancient Greek is not dead in the same manner as is the speech of the ancient Hittites. We know that there once existed a Hittite language, simply because it has been discovered that a Hittite people once existed, and we necessarily suppose that they possessed a language. But with the ancient Greek the case is entirely different. It has not been entirely lost. In its written form it has been preserved to us just as truly as has been preserved to us the English of the century that has just closed. The ancient spoken Greek has been preserved in so far as it is contained some way or other within the written dialect.

The preeminent political and literary importance of Athens in classic days, and the artistic beauty of the rich, expressive and precise language which the Athenian writers created and employed, gave occasion for Attic language as well as Attic style in composition to be gradually adopted as model by nearly all Greek writers, even by those who lived and wrote afar from Athens, in Italy, or Asia, or elsewhere in the Hellenic diaspora, and who in ordinary conversation spoke a tongue, or at least a dialect, very different from the Attic of Athens. There were worthy exceptions indeed, but not many. An apposite illustration of this growing belief in the eminence of the Attic dialect and its common acceptance among all Greeks as the universal medium of culture and refinement may

* *Griechische Grammatik* (1890), p. 21.

be found in the words which Thoukydides reports Nikias to have said to his soldiers in the harbour of Syracuse in the year 413 B.C. Wishing to encourage his men, who were about to fight a hopeless but necessary battle, he first addressed those that were Athenian citizens, and then turning to the allies, who were Greeks from other countries, he said that "they should remember that although not Athenians they could boast of being regarded as such, and that on account of their knowledge of the Athenian dialect and Athenian customs they were an object of admiration throughout the other parts of Greece."*

Then, in the latter half of the fourth century before Christ came the vast military expeditions and victories of Alexander the Great. The most important result of the conquests of Alexander and his successors was that the Hellenic type of civilization and the Hellenic language became common in many of the newly-conquered countries. The language was propagated through the medium of army and government and schools and theatres and gymnasia and other Hellenic institutions which the conquerors introduced. These non-Hellenic nations, who thus became Hellenized, learned the common Attic rather than the other local dialects of Greek, and learned the written type of Attic rather than the colloquial forms that were peculiar to Attika. Thus, in this new and vast Greek world the written Attic came to be the model, not only for literary composition, but also for the spoken tongue. And it would seem that, theoretically considered, the gap between the spoken and the written form became quite narrow for a time. But since the great mass of those who learned to speak the imported language were outside the pale of education and far from the influence of schools, the gap soon began to widen, and from that time down to the beginning of the present century there happened no event of sufficient moment to cause the gap to be again closed up.

The language which thus became universal from the beginning of the fourth century before Christ was, although Attic in origin, in many respects different from its prototype. From the fact that it was the only type of Greek which could be regarded as in no way merely a local dialect it came to be designated by the new name of "Koine," or "common tongue," and under this name is it known in the history of literature.

The differences between the Attic and the Koine are in part explained by ordinary linguistic and psychological laws, and in part by the fact that the Koine first took shape not within Greece itself but in countries beyond the

* Thouk., vii, 63, 3.

limits of pure Hellenism,* chiefly in Egypt and Asia Minor. From these countries it finally rolled back into Greece itself; where the first noted employer of this new type of language was Polybios, the historian. Words and phrases which were exclusively and extremely Attic began to disappear, giving way to more commonplace expressions, or to more simple ones. Rare and irregular grammatical forms were gradually dropped, and were replaced by new forms constructed according to an apparently more logical analogy. The useless dual number disappeared. A preference for diminutives unconsciously grew up. These innovations, and others of a similar nature, finally brought the written Koine to differ considerably from the Attic.

There is a divergence of opinion among critics regarding the merits of the Koine. Many pronounce it much inferior to the Attic. The truth is that a great amount of literature was produced in it, much of which deserves no high praise. But inferior literature does not necessarily presuppose inferior language. An unprejudiced critic may experience no difficulty in agreeing with M. Emile Burnouf, who, in his history of literature, teaches that in many respects the language of Polybios, who flourished in the Græco-Roman epoch, was superior to that of Thoukydides and Xenophon.†

The creation of much worthless literature in the Koine gave occasion for a new school of rhetoricians and writers to arise, who seeing nothing of good in the language and style of contemporary literature, advocated a linguistic renaissance, a return to the methods of those who centuries before had written in the dialect of Athens. These are the so-called Atticists. Among these regenerators of the past there were many scholars and writers of high value. Although they had a number of worthy opponents, yet they succeeded in making their opinions prevail. From the time of Augustus down to the reign of Alexander Severus, and even later, they gave the tone to Greek language and to Greek and Latin prose literature.‡ One of the most celebrated of these Atticists was Dionysios of

* Chatzidakis, in *Ætνῶν*, viii (1896), p. 169.

† "La langue grecque et le style de Polybe sont tels que les avaient faits les trois siècles d'élaboration que l'avaient précédé. La langue grecque avait * * * perdu ce que lui résistait encore de raideur, et avait acquis une flexibilité inconnue de Thucydide et même de Xénophon. Polie par une sorte de frottement continu dans les assemblées publiques, dans les écoles des philosophes, dans le commerce et dans l'usage quotidien des gens instruits, elle n'offrait plus aucune résistance à la pensée, et permettait de tout exprimer avec une facilité merveilleuse." *Histoire de la Littérature Grecque*. Paris, 1869, vol. ii, p. 311.

‡ Cf. Schmid, *Der Atticismus in seinen Hauptvertretern*. Stuttgart. 1887—1893, passim.

Halikarnassos, who wrote in Rome in the first century before Christ. Fortunately most of his writings are extant.

A near and natural consequence of this attempt to rehabilitate the style and language of the Attic writers of a past period was the necessity of accurately fixing the limits of that model period, of determining with certainty when it began and when it closed, and of knowing in an authoritative way the relative merits of the various writers that flourished during that period. Accordingly scholars set to work to discover who of the ancient writers were worthy of being regarded as model and who were not so. The works approved by these critics were then put forward as "canons" or models for other writers and students. Lists were formed containing the names of such authors and their works. These lists also were called canons, like the writers whose names they contained. Canons of the various classes of poetical literature began to be made as early as the third century before Christ. The canon of the ten orators seems to have originated with the grammarians of Pergamon and perhaps as early as about 125 years before Christ; but the first clear mention of it is in the writings of the grammarian Cæcilius who lived in the Augustan age.* The other canons that interest us here, as for instance that of the historians, may have originated in the Augustan age.

The effects of the decision of these critics have been lasting and great. As soon as their opinion began to prevail, readers ceased to demand copies of such authors as were not listed and approved in the official canons, and accordingly these unfavored authors have most of them been lost; no one asked for them in the bookshops, and there was no incentive for copyists to reproduce them. It is from these Atticists and their teachings that the whole world has learned to regard certain Greek authors as classic. We usually do not inquire whether our judgment would agree with theirs or not, if appeal from their decision were made to us, and if the lost authors were to be found again. Agreement, however, is quite probable. Yet it is proper to think that the selection of a classical epoch and the exclusion or admission of individual authors, whose works lie in disputable borderland, may present serious difficulties. The acceptance or rejection of such authors is always a matter of subjective and personal choice.

It is not hard to find a justifiable excuse for the reverence which these Atticists felt toward the period which they designated and named as classical. When all Greece was under the depressing weight of foreign rule, first that of the Macedonians and later that of Rome, the noble-souled among the Greeks

* Christ, *Geschichte der Griechischen Litteratur*. München. 1808, p. 368.

looked to their glorious past for the exemplar of everything exalted and good in their race. In language, therefore, as well as in other respects, they sought their ideal in ancient Athens. They had either to renounce the idea of having a model, or logically to turn to the noblest one within easy reach. Their action is worthy of respect, for the old Attic was not yet far off from language of their own day. The gulf over which they had to leap in order to unite themselves with the ancient writers of Attic should be measured not by the years of its existence but by the ease with which the leap could be made.

But Atticism occasioned the widening of the breach between the language of the educated and that of the humbler classes. For while the Atticists emulated the language of Demosthenes and Xenophon, there was no one to care for the education of the populace, and their language naturally went on "growing." Whether the growth was toward perfection or disintegration is a question. Nevertheless the literary language, both in its Atticistic and in its more common form, continued to exercise restraining influence on the spoken dialect, for it was through the literary language that the Government and the new Christian religion communicated with the people. The "growth" was therefore less free than in foregoing epochs of equal duration; but the discrepancy continued to increase, and finally there arose a long series of writers who cut loose entirely from the oral language and who took little notice of the language in which people talked.

With these complete separation there came a greater need for grammars and lexicons. The beginnings of grammar go back, indeed, to the fifth century before Christ. Much later, in the second century, under the influence of the principles that brought the Atticists into existence, grammar was crystallized into the form which it retained throughout all the ages down to the beginning of the present century. The first of these text-books of grammar seems to have been that of Dionysios Thrax. This small treatise is still extant. When men are compelled to study grammar in order to learn how to speak and write properly, then literary language is highly artificial, and diglossy is of a very pronounced type. The grammar of Dionysios and the other grammars that were composed at that time or shortly after, either as independent works or based on the grammar of Dionysios, prove how difficult it then was for the Greeks to learn to write after the Attic models. In the first centuries of our era grammar became a conglomeration of mechanical rules, which sometimes entered into details concerning the proper use of individual words and phrases which it would take a lifetime to master. How burdensome

and how intellectually useless such studies were is immediately evident to anyone who takes the trouble of reading a few pages of the "Kanonos" of Theodosios of Alexandria, which were written toward the close of the fourth century of our era.

Still more than by the grammars is the existence of diglossy in those ages proven by the number and quality of the lexicons then in use. The beginnings of lexicography, like those of grammar, date from the fifth century before Christ, but copious dictionaries come into use only in the Roman period. In the Deipnosophists, a lexicon of Attic words composed by Philemon, of Athens, is several times referred to. If Philemon lived before Aristarchos, as Robert Weber maintains,* then his collection of Attic words is the first lexicon concerning which any notice has been preserved. Of all the mass of lexicons that were then written, there remain extant the dictionaries of Harpokration and Polydeukes, the Attic words of Moeris, the lexicon written by an undetermined author who is known as Antatikistes, and excerpts from the lexicon of Phrynichos. All of these works belong to the first and second centuries of our era. From that time down lexicons were a matter of necessity, and not only were these copied and remodelled and used throughout all the middle ages, but many others were written. These lexicons and grammars finally served a useful purpose by being taken as the model and basis of the first dictionaries and grammars of Greek that were composed for western Europeans when, after the passing of the middle ages, Hellenic studies were revived in the West.

In regard to the demotic language the following recapitulation may now be made. In modern times the demotic and dialectic forms of language are in many countries accorded an honorable place in certain kinds of more popular literature. In classic Greek, however, and especially in Attic, the demotic hardly ever came up into book literature. Even in Attic inscriptions of a more careful kind the language is not demotic. Still these inscriptions often give most trustworthy information about variations in spelling and pronunciation. Tradition has not interfered and introduced corrections and modifications here as in the manuscripts. Accordingly, from the information gathered together and systematized by Meisterhans† and others, and from such researches as those of Kretschmer's mentioned above, and of Schwyzler's study on the language of the Attic imprecation tablets,‡ it is possible to collect some slight knowledge concerning the demotic language of ancient Attika.

* De Philemone Atheniensi glossographo, in Comm. Ribbeck. 441—450,

† Grammatik der Attischen Inschriften. Dritte Auflage. Berlin. 1900.

‡ In the Neue Jahrbücher, 1900, pp. 244—262.

With the rise and propagation of the Kœne the demotic language entered upon a new period of its history. The numerous ancient dialects gradually died out. Although the modern demotic and its many dialects have not been all sufficiently studied for us to know just what relations they bear to the ancient language, yet the most reliable authorities confidently say that none of the old dialects have survived down to the present time,* with the exception of sporadic remains here and there, and the exception of an old Spartan dialect which is still apparent in the Tsakonian language of the inhabitants of Kynouria, along the east slope of the Parnon mountains.† The modern dialects seem, therefore, to be descended not from the ancient dialects, but from the literary Kœne.

From the age of the Atticists, when the literary language divorced itself from the spoken tongue, down to the twelfth century, this new demotic, which sprang from the Kœne and which superseded the ancient local dialects, remains almost unrecorded, in its pure form. The oldest samples of it are given in certain inventories and other documents referring to matters of business, which have been found among Egyptian papyri; the earliest of these specimens were written in the second century before Christ.‡ From the first centuries of our era we possess a few specimens furnished by inscriptions. Then in Byzantine literature short excerpts from the vernacular language are occasionally to be found. But if all the brief and unsatisfactory samples of the pure demotic preserved in the extant documents of these thousand years were to be collected together, they would fill only a few pages. Professor Psycharis and others furnish us with an index of the most important of these specimens.§

Besides the scant information collected from these few specimens of demotic, additional knowledge regarding the colloquial language of the first two or three centuries of our era is furnished in an indirect way by the "aphorisms" or bans which the Atticistic lexicographers and grammarians pronounce against words and constructions that are not found in the classic writers. Whenever these guardians of the ancient forms of speech warn their readers against certain usages, it is logical to suppose that the warning was necessitated by the actual prevalence of the unapproved expressions in the language of ordinary men.

* Chatzidakis, Ἀθηνᾶ II (1890), pp. 154—159, and III, pp. 253—258; and in his Einleitung, p. 48.

† Deffner, Zakonische Grammatik, Erste Hälfte. Berlin. 1881.

‡ Krumbacher, Geschichte der Byz. Litteratur (1897), p. 190.

§ Psychari, Essais de grammaire historique neo-grecque, I, p. 23-24; specimina vetustissima.

Likewise whenever the "Antatticist" defends certain words against the bans of the Atticists, we may have reason to suspect that these words were then in vogue in the written language at least, if not also in the spoken.*

That the demotic did not in those days grow into a language entirely different from the literary Kœne is a wonder. During the Christian ages perhaps the greatest factor in holding the spoken demotic so close to the written Kœne was the influence of the church. The ecclesiastical language was one of the common bonds between the higher and lower classes of people. The eastern church, by being a conservative and aristocratic institution, closely allied to the civil government in spirit and interests, gave to the State the example of preserving as its official language that form of the Alexandrian Kœne which had been made sacred in the writings of the first promulgators of Christianity. At the same time, by being the organ through which Christianity acted, the church continually and sympathetically came into intimate conversation with each and every individual of all classes of people, and kept every Christian's ears filled with words and phrases of the ecclesiastical tongue. The case is not parallel with what took place with the Latin language in the west. For although in a similar manner the western church kept to the literary Latin and at the same time kept in similar contact with the people, yet the Latin church used the Latin language, not amongst Latin men, but amongst races who were not conscious of having a Latin soul, and whose native language was often not Latin at all. If we take the word "Roman" in its mediæval sense, we may say that the eastern church was both Roman and Hellenic, Roman by its being the eastern division of the great empire, and Hellenic by the language of its people and other circumstances. But we cannot say that the western church was correspondingly Roman and Latin; it was simply Roman. Moreover, the difference of ritual between the Latin and Greek liturgies did allow the Latin Christian to sate his ears and soul with hymns and doxologies and troparia and lives of saints in the ancient and unchangeable language as did the Greek rite. Other causes also contributed, but perhaps in a less degree. The government, the tribunals of justice, the army, and especially the schools which were a kind of succursal to both church and state, aided largely.

In contrast with the meager remains of the mediæval demotic of the Byzantine empire stands the great mass of writings which fully indicate to us the nature of the language which was used as the literary medium. This literary Kœne of

* Chatzidakis, *Einleitung*, p. 67, and pp. 285 ff.

Byzantine times was to a remarkable degree a language of tasteless imitation, from the sixth century down to the fall of Constantinopol. But it was still plastic and capable of serving high literary purposes whenever by marvellous exception some one attempted to use it for more genial themes than dogmatical polemics or spiritless chronicles. Aside from the virtues or defects of the medium, it is hard to use any language artistically when such are the topics. But after all, the literature of Byzantium is not entirely an arid waste.

The rivalry which for centuries existed between the East and the West created in the minds of the savants of Europe the habit of despising the products of the Byzantine intellect. This prejudice was long effective in keeping scholars away from Byzantine research. Only in these later days has due attention been called to this quite unexplored field. Byzantine literature cannot be respected in the same way as is the classic literature of antiquity. Nor should any man desire to see it serve purposes similar to those served by the ancient literature in universal education. Byzantine literature first began to be conveniently accessible when in the year 1648 a series of histories and chronicles began to be published in Paris under the direction of the learned Jesuit, Philippe Labbé. Unfortunately this excellent edition is now difficult to find, and students of Byzantine affairs are obliged to turn to the more complete but less careful Bonn edition, which was begun in 1828, under the warm recommendations of the historian Niebuhr. The study of European languages and literature and history could not become a complete whole so long as the Byzantine age and empire were unduly neglected. Accordingly, the unbiassed demands of philological science have prevailed; and now there are a number of eminent Byzantinologues whose names and works may be learned from the *Byzantine Magazine*,* edited by Professor Krumbacher, of Munich. And amongst these students of Byzantine affairs there are some who devote their attention chiefly to the language, both demotic and literary.

After it had become customary for literary men to employ the traditional language, there wrote from time to time men who although really continuing to write in the ancient Kœne, yet yielded in some points to the spoken tongue of the common people, and took up a number of peculiar constructions which had been developed in the spoken language. This contamination from the demotic began to appear more clearly in the sixth century, and from that time on. It might be properly called a popularized form of the high Kœne. It is in

* *Byzantinische Zeitschrift*, herausgegeben von Karl Krumbacher. Leipzig.

principle identical with the written language of Greece of to-day. Probably it was not very different from the spoken language of the educated at that time. By collecting and classifying the new phenomena that appear in these authors, it is possible to show that many of the peculiarities of the demotic language of the present day were already common in the spoken language of that remote age. An excellent study of this kind made by Chatzidakis proves that the Greek language had then already changed its phonetic qualities, its syntax, its vocabulary, the significance of many words, and even certain types of words into the forms in which these various phenomena appear in the spoken Greek of to-day.* This mixed language is to be found in the Chronicle written by Ioannes Malalas, of Antioch, possibly in the reigns of Justinian† and his successor Justin II.‡ Malalas was almost as uneducated as a man could be who would undertake to write. He composed his work not for the educated, but for the people and the monks. Both in style and in language he is uncouth and free from all ability to produce a work of art. He could not have written in a language greatly different from the spoken tongue, even if such had been his desire. Accordingly his work is a precious monument for the study of the colloquial language of the sixth century.

It was natural for Malalas to write in a language as near as possible to the demotic, since he wrote for the unlearned. His chronicle seems to have had wide circulation and to have been popular for centuries both in its original form and in epitome. It served as the model for a long series of chroniclers, who continued the kind of historiography of which Malalas was one of the pioneers. Accordingly, most of them wrote in a language very near to the common demotic for the two reasons that such was the language of their model and that such was the language best suited to the readers intended. Thus, in another extant chronicle written by the monk Theophanes,§ which is a record of events that happened from the year 284 of our era down to the year 813, is a similar language employed. The language of Theophanes is indeed not of such a humble and inartistic kind as that of Malalas, yet, like this language of Malalas, it possesses a vocabulary and syntactical structure and also a few morphological peculiarities that render it quite easily distinguishable from the higher Kœne.

In the following century there appeared a number of works which are connected in some way or other with the Emperor

Konstantin Porphyrogennetos.* Some of these works he seems to have simply caused to be written or compiled, and others he himself may have composed. Those which the emperor inspired simply are for the most part encyclopediac compilations from older works, and the language in these compilations is often that of the original writers. But in the works attributed to the aided or unaided authorship of the emperor himself† the language is the popular kind used by Malalas and Theophanes. He not only freely borrowed from the demotic, but departed so far from the usage of the purists as to even introduce‡ at times foreign words—Slavic ones, for instance—when they perhaps were in vogue locally as the names of certain objects.

The same tendency as that of these chroniclers to compose in a simple and popular language also appeared in other works intended for use among the people, as, for example, in the synaxaria or pious legends referring to the lives of the saints; but in most of the writings of the educated the old language was employed. The demotic language of the chronicles and synaxaria first received a place in literature during the almost inexorable period of ignorance that is defined as beginning about A. D. 650 and ending about A. D. 850. This is the most unknown period of Byzantine history. During all the subsequent ages the simple language continued to assert itself, but not as the language of the educated. With the return to culture which followed these two dark centuries there came a return to the older type of Greek, especially to the Alexandrian. The first great name to be mentioned in this connection is that of the Patriarch Photios, whose language is notably archaic. From the age of Photios began the renaissance which bore so much literary fruit in the reigns of the Komneni and the Palæologs. The language of this renaissance was the ancient type of Greek.

This traditional Kœne was familiar only to the writers who used it and to others of their own class and of like education. The common man did not readily understand it and the soul of the common people no longer found congenial expression in it. In consequence there burst out from among the people a new variety of literature, written not in this classical idiom of churchmen and scholars and statesmen, nor even in the middle tongue of the successors of Malalas, but in a language based entirely on the demotic. And from the eleventh century on there flourished among the Greek-speaking peoples the phenomenon of the cotemporary existence in literature of three forms of language.

* Reigned from 912 to 959.

† These are such as The History of Basileios I, De administrando imperio, De caerimoniis.

* Πρώτη Σύμβολη εἰς τὴν ἱστορίαν τῆς μεσαιωνικῆς ἡμῶν γλώσσης. In the Πεντηκονταετηρίς τοῦ Πανεπιστημίου. Athens. 1888.

† 527-565.

‡ 565-587.

§ Died about 817 A. D.

Although similar phenomena exist and may be observed to-day in the language of nearly all civilized countries, yet our attention is seldom convincingly drawn to this fact, and we are liable to be incredulous. In English literature America furnishes a ready illustration in proof of the existence of different strata of language; for in America there are writers of cautious and conservative style, who follow the older models and try to produce a classical type of English; then there are the writers in many of the daily journals, where a middle language is employed; and finally there are the writers of short stories and poems, who often employ the local demotic or dialectic forms.

It might not be difficult to collect abundant literary testimony concerning the wide difference between the higher variety of the written language and the dialects which the people spoke. For instance, the learned Michael Akominatos, who became archbishop of Athens about 1175 A.D., complains that the inhabitants of this once famous city could not understand him. But a chain of such testimony would be superfluous, for we have sufficient extant specimens of the demotic beginning with the eleventh century, and can, by actual observation, note the difference between the spoken dialects and the scholarly language. It is impossible here to name even the most noteworthy of these specimens. Only two or three of the most ancient will be mentioned.

As early as the end of the tenth century there grew up a number of legendary songs which celebrated the deeds of a hero called Digenes Akritas, a chivalrous Byzantine warrior and adventurer of the type of the French Roland or the Spanish Cid. These songs were collected and patched together by schoolmen in such a way as to constitute a continuous epic narrative. At least four such aggregations are known to exist. Although the original language of these songs has been modified by the scholars or rhapsodists who welded them together into these four kindred epic tales, yet they are a precious document for the history of the popular language.*

One of the primitive writers in modern demotic, whose works and whose name have been preserved, was Theodor Prodromos. On account of the poverty, with which he was afflicted for his entire life, he called himself "Needy Prodromos" or "Ptochoprodromos," and under this name is he most commonly referred to. Ptochoprodromos wrote in both the classical *Koëne* and in the vulgar demotic, if he be the author of all the works that have been attributed to him. The writings in classic *Koëne* that go under his name are composed in good style conformably to the spirit of the Komnenian renaissance, and in a language much resembling that of Loukian. His writings in demotic are chiefly four

* Krumbacher, *Byz. Litterature*, 827-832..

petitions in verse—in the first of which he beseeches from the Emperor Ioannes Komnenos* assistance and relief from his poverty; in the second poem he asks for this same favor from a sebastokrator who probably was the second son of the Emperor Ioannes, and in the third and fourth poems he directs his prayers to the Emperor Manouel Komnenos. In these beggar poems the language of the prologue and of the closing verses of each poem is a miserable variety of the old *Koëne*, but in the body of the petitions the demotic is used.†

At about this same time there was written in the demotic language a poem known to us under the title of "Spaneas." It has been preserved in several widely divergent versions. Perhaps the oldest version and the one nearest to the original poem is that published by Legrand.‡ It is an in attractive dedactic poem. The original poem was written about the middle of the twelfth century.§

Another linguistic monument from this same period is the poem which Michael Glykas wrote while in prison, intending it as a petition to the Emperor Manuel Komnenos, explaining the injustice of his imprisonment and asking for release. It must have been written about the year 1158 or 1159.||

These, then, are the sources whence it is possible to learn the nature of the demotic language in the twelfth century, when it first appeared in its modern form in literature. It is quite evident that this demotic actually existed long before it appeared in literature. Ptochoprodromos, Glykas, and the authors of the other works mentioned wrote in a language quite to the actually spoken dialect of the uneducated of their day in Constantinopol. They approached much closer to the actual language of the people than Malalas and Theophanes and Porphyrogenetos had done.

The successive misfortunes of the Byzantine Empire and the final occupancy of the throne of Constantinopol by the Moslem conqueror in 1453 severed many of the traditional ties that artificially held the Greeks together as one people. Then it was that genuine and pure demotic in dialectic form might be expected to acquire full license to enter the precinct of literature—no longer as an inferior tongue, but as the compeer of the ancient and aristocratic language of the capital. This real and demotic dialectic of the modern Greeks appeared when writers no longer thought of making their works presentable to the Byzantine Empire in its entirety and to its scholars, but

* Reigned 1118-1143.

† Krumbacher, *Geschichte der Byz. Litt.* 804 ff.

‡ In his *Bibliothèque grecque vulgaire*, I, 1-10 and 11-16.

§ Krumbacher, *Geschichte*, etc., 802 ff.

|| Krumbacher, *Geschichte*, 806 f.

merely to their fellow-townsmen, whose acquaintance with language was limited more or less to the dialect of their own village. This dialectic or provincial demotic first rose into literary prominence in countries which for ages had been but loosely connected with the Byzantine Empire, and which had come under the influence of Western rather than Byzantine culture in the Ionian Island namely, and in Krete and Kypros and Rhodos. Writers in these provinces could view the language question with less rigid preconceptions in favour of tradition, and at the same time were less influenced by a broader patriotism which might impel them to neglect local dialect for the sake of the more general good.

Not all of the dialects can be commented on here. It was in the Kretan dialect that the richest and best known literature appeared. Perhaps the most famous composition in this Kretan dialect is the long epic poem called *Erotokritos*. It was written by Vincenzo Cornaro about the middle of the sixteenth century. Of all the works in modern Greek literature, the *Erotokritos* has been the most popular, especially in the islands that were under Venetian dominion. Koraes calls it "The Homer of modern demotic literature." The plot of the poem shows the influence of Western manners and customs. *Erotokritos* secretly loves the princess *Aretousa*. But her father, the King of Athens, wishes to give her to some royal personage who would be worthy of succeeding him on the throne. *Erotokritos* is a comely youth, a sweet serenader, and a victorious combatant in the tournament which the King institutes. But when his love becomes known he is exiled from Athens. After this, the King of the Vlachs invades the Kingdom of Athens, but is driven off by the bravery of *Erotokritos*. By this good fortune he becomes the King's favorite, and is accepted by *Aretousa*, who had loved him all along.

The first who attempted to reduce the demotic language to grammatical system was Nikolaos Sophianos of Kerkyra.* He was one of those educated Greeks who united in themselves the learning of western Europe with the thorough knowledge of the language of their country and an intense love for their fellow-countrymen. He was one of the alumni that had studied under Janos Laskaris in the noted Greek school which Leo the tenth founded in Rome.† Sophianos held the demotic language in high esteem, and was in favor of taking as much as possible from the demotic into the literary language. In the preface to his grammar he announced his intention of publishing, in this dialect, other elementary books such as treatises

* Sathas, *Νεοελληνικὴς Φιλολογίας Παράρτημα*, pp. 11-15.

† Boscoe's *Life of Leo X*, II, p. 342, Bohn's ed.

on rhetoric, logic, geometry, astronomy, and philosophy, and a neo-Hellenic lexicon, and translations from the classical authors, to be employed in the elevating of the status of education among the young Greeks. But the only work which he actually published in this language was a translation of Ploutarch's *Treatise on Education*. This was printed in the year 1544. Even his grammar remained unpublished. In 1870 M. Legrand published the first part of it from a manuscript which had been preserved in the library of Paris.

From the beginning of the sixteenth century down to the beginning of the nineteenth there were three phases of language struggling silently for the future mastery in literature, the old *Kœne*, the demotic in the form of local dialects chiefly, and a mixed variety which accepted very much from the demotic and discarded very much that was peculiar to the old language, as, for instance, the use of infinitives and optatives and datives, but which, nevertheless, retained in general the ancient grammatical types. This middle phase, this language of compromise, which seemed capable of partaking of the best qualities of both the others, was destined to be regarded as winner in the new kingdom of Greece.

This middle language was not an entirely artificial mixture. It grew up in Constantinopol chiefly amongst those whose official life kept them using the language of the church. The higher classes in Constantinopol had retained much more of the old language than did the Greeks in general. The celebrated Italian humanist, Francesco Filelfo, who had lived in Constantinopol from 1420 to 1427, and who was a thorough Greek scholar, while stating that the language of the multitude was very different from the ancient, praises the purity and accuracy of the language of the higher classes, especially that of the ladies of Constantinopol.* From Constantinopol this mixed language was propagated through other parts of the Greek world. It became the language of the pulpit and the monasteries and the schools. Much of the literature appeared in it, but of the more inferior kind, however, for the best scholars, like Gennadios and Bessarion and Gemistos, adhered to the ancient.

There is no reason for viewing this mixed language as being much different from a dialect. In its ordinary acceptation a dialect is a special form of language spoken by a set of inhabitants who live together and form a community as regards site; this mixed tongue was the language of a body of men who, though not living together as one community, yet were in continual communication and were a separate set of inhabitants

* Hædus, *De Græcis Illustribus*, pp. 188-189. Cf. also Gibbon (*Smith's ed.*, 1881), viii, pp. 105-106.

who by unconscious mutual influence and example taught each other to use this mixed language. And as the class of men who used it were kept in union and intercommunication mostly by the medium of the church, it might appropriately be distinguished from the dialects of local origin as well as from the higher variety of church language by being described as the "vulgar ecclesiastical dialect." It is therefore quite probable that this mixed language was not wilfully and scholastically created out of the inventive imagination of the first writers who used it, but that it was quite similar to the language then employed in social intercourse among all Greeks of any learning except the extreme ones who sought their ideal either in the classic Kcene or in the local dialects.

Of all those who made use of this mixed language, the monk Elias Meniates deserves special mention here, because he was one of the most famous and popular Greek preachers of modern times.* The sermons which he preached to the Greek community of Venice, and to the inhabitants of his native island of Kephallenia, and to the Peloponnesians in the diocese of Kernike and Kalabryta, where he was made bishop in the year 1711, used to attract multitudes of hearers. Not the slightest reason exists for us to suspect that his language was not intelligible to the crowds that used to go to hear him.

It was peculiar to those who used the mixed language that they could draw on the traditional Kcene whenever the speech of the people did not supply such words as they wished, and that they used ancient rather than popular types of words, when this did not render their language too different from such as the people understood. It is immediately evident that there existed almost as many grades of this mixed language as there existed speakers and writers who employed it.

From the middle of the eighteenth century a strong feeling of patriotic fraternity was propagated among the Greeks. They were made to feel that they were a single and united people, whose independence was approaching. This idea of racial, religious, and political unity could not but make itself felt in the matter of language. Scholars became convinced that some one of the three phases of language should be definitely and finally selected as the sole official language of the entire Greek world. Each of the three rivals had earnest and intelligent advocates.

Toward the beginning of the present century the claims of the ancient Greek, or at least of such Greek as is found in the New Testament and the Church Fathers, were supported by men of high and wide repute at that time, such as Lampros

* Masarachi, Vita degli uomini illustri dell' isola di Cefalonia. Venezia, 1843-1845; pp. 27-50, Elia Miniati.

Photiades, who taught in Bucharest; Stephanos Kommetas, of Thessaly, and Neophytos Doukas, of Epeiros. Kommetas entered the field of argument in favor of the classical tongue by publishing in Vienna in the year 1800 a "Practical grammar" (*Παιδαγωγὸς ἢ Πρακτικὴ Γραμματικὴ*) of the ancient language. In the preface to this grammar he first explains his grounds for thinking that the old Greek is the only proper language for the Hellenes, and then he adds that the classical language may easily become familiar to all Greeks who determine to learn how to use it. A more powerful defender of the ancient Greek was the noble-souled Doukas. He first proclaimed his views in a grammar called "Terpsithea," which he published in Vienna in 1804. He did not advocate a complete return to classic and Attic Greek, but a return to a pure Greek language merely, which would be much like the best language of the Patriarchate of Constantinopol. To this sect adhered the celebrated Phanariote community of Constantinopol. The Phanariotes were that community of influential Greeks of loose conscience who lived round the palace of the Patriarch and molded and directed the policy of the church. Most of the educated churchmen throughout all parts of the Greek world were in favor of the traditional literary language, which had been glorified by being the medium of philosophy and Christianity, and by being the language of the Patriarchate and the former empire. In this spirit the two great lights of the Hellenic world in the eighteenth century, Evgenios Boulgaris and Nikephoros Theotokis, had adhered in most of their writings to the strictly orthodox language. True it is that Boulgaris translated into a mixed language, which he thought to be more intelligible to the people, the noted work of Voltaire on the dissensions of the church in Poland, and published it in 1768. But most of his gigantic literary feats he performed in the old Greek. He expressed his views about the commoner tongue in his "Logic," which he published in 1769, where he attacks and ridicules this language as being an unworthy medium of higher thought. Likewise Theotokis composed usually in the ancient language, but like Boulgaris he made exceptions; for instance, in the year 1796 he published in the mixed tongue, which he wrote with much grace, a book for popular use called "Kyriakodromia," which explains the gospels and lessons read in the churches on Sundays and feasts.

But these churchmen who favored the ancient language had enemies as determined as themselves. Doukas was a teacher in the Greek school which Lampros Photiades had founded in Bucharest. Some of his opponents, finding that logic as they employed it had no effect on this enthusiastic and untiring writer and defender of the ancient language, determined to

resort to more effective means. He was waylaid one morning early on his way to church to celebrate the holy mass, was attacked and left for dead. This maltreatment rendered him an invalid for three years. But he finally recovered, and resumed his task of defending his principles.

The demotic, which in its dialectic forms had long since become popular as a literary medium for special kinds of composition, now acquired a school of admirers who promulgated the doctrine that their demotic possessed virtues of such a character as to justify its adoption as the sole national language. Among the most remembered of these pleaders for the exaltation of the demotic were Katartzes, Billaras, and Christopoulos. These three not only defended the use of the demotic, but took the logical stand of endeavoring to use it in their writings. Demetrios Katartzes, who lived in Roumania, wrote in prose, and his works are now valueless; but the other two, Billaris and Christopoulos, wrote in verse, and have been ranked among the poets of note. Billaras was very successful in satire, and Christopoulos, on account of his easy-flowing erotic and bacchanalian songs, has been called the modern Anacreon. In the year 1814 Billaras published a book* in which he defended his position regarding the question of language. It seems that in later life he abandoned the more extreme opinions which he defended in this book—such as the introduction of phonetic spelling into modern Greek—but nevertheless he always remained a determined supporter of the demotic as he understood and wrote it. Christopoulos also wrote in behalf of his practice. His views can be found most attractively expressed in a dialogue in which, adopting his plan from Xenophon† and Loukian,‡ he introduces two supernatural women, one of whom represents the demotic and the other the traditional literary language, who, by debating in the presence of Christopoulos on the attractiveness and usefulness of their respective languages, endeavor to gain the friendship of Christopoulos accordingly. Christopoulos decides to follow her who advocates the claims of the demotic.

Entirely new life and interest was given to the dispute by the deep scholarship and patriotic labors of Adamantios Koraes.§ This savant, who was a native of Chios, studied medicine in Montpellier, and afterwards lived most of his long and busy literary life in Paris. Like the other enlightened Greeks of his day, he felt that a period of national independent existence was approaching for the Greeks, and did all he

could to precipitate it and to gain friends for the cause. Especially did he devote himself to the task of improving the condition of education and culture among his fellow-countrymen. With this end in view he wrote and published continually. His writings soon attracted the attention not only of the Greeks but of scholars everywhere. He recognized the importance of the language question. His first public and official utterance in regard to it was in the prolegomena to an edition of the *Aethiopika* of Heliodoros, which he edited in Paris in the year 1804. His views in detail he published in prefaces to editions of certain other Greek authors. These prefaces are entitled *Spontaneous Reflections on Greek Education and Language*.* He saw neither in the pure dialects nor in the traditional *Kœne* of the church and the aristocracy of letters the kind of language that could be adopted for the new nation he was dreaming of. He thought that the language of the people was worthy of being thoroughly studied and sifted, and that whatever of its essence was neither purely modern nor foreign should be adopted as the nucleus for a new variety of a literary and polite language. It is clear that only as a nucleus could this demotic language serve. For the language employed by the uneducated Greeks was inexact and meager, being sufficiently rich only in the more concrete and ordinary terms which least often occur in higher literature. Koraes wished to keep as close as possible to the demotic. In the selection of words and in the construction of sentences and modes of expression he took pains not to wander off from this demotic, or at least not to depart so far as to make his language unintelligible to the common man. In the process of elevating the language he considered that the first and most important measure was to purify it from all foreign elements, and especially from foreign words, most of which were Italian or Turkish or Albanian. Then he desired that all words and types which differed but very slightly from their ancient forms should be written after the ancient manner. And then he wished that all who wrote in new Greek should write consistently with their own principles; that they should adopt certain forms and adhere to the use of them so that their language might have a symmetrical structure. He looked forward to the time when good poets would arise and follow this method, and by their example set the style of language that all would then adopt.

Koraes' desire was to form a self-consistent language. Those who before him had written in this mixed middle style often took phrases and idioms and words from each language at

* η Ρομανική Γλώσσα.

† Mem. 2, 1, 21 ff.

‡ Somnium.

§ Mondry Beaudoin, Quid Korais de neohellenica lingua senserit. Paris, 1883; and Θερεσιανός, Ἀδαμάντιος Κοραΐς. Triest. 1889-1900.

* Ἀποσπασμοὶ στοχασμοὶ περὶ τῆς Ἑλλ. παιδείας καὶ γλώσσης.

random, and mixed them into a most bizarre and inartistic composition, without rule and without taste. The result was that the language in which they tried to write was not of an even and uniform kind, but the writer kept continually leaping zigzag from one style of language into the opposite. This unscholarly and inartistic style Koraes contemptuously calls "maccaronic," taking the term from the Italian—for among Italian literary critics "maccaronismo" is used as the name for compositions written in an absurd and ridiculous mixture of Latin and Italian. As distinct from the "mixobarbaric" language of his predecessors, the style of language in which Koraes wrote is known as "the purified tongues," or "katharevousa." This name is now recognized by all as the proper designation for the official language of the modern kingdom of Greece.

Koraes knew and taught that the modern language should not wilfully cut itself off from that period of the past in which a great literature had appeared in Greek. Accordingly, the enriching and beautifying and elevating and uniting of the impoverished dialects of the Greek rajas was to take place by drawing on the ancient for every term and mode of expression which the spoken dialects were not ready to supply. In this way the language which Koraes advocated, and in which he usually wrote, bore strong resemblance to the ancient, but the likeness was produced in conformity with principles sound and logical. From among the many dialectic forms of declension and inflection he preferred those which were nearest to the ancient ones. Occasionally, when the dialectic forms were quite different from the ancient, he preferred to retain the ancient type. And when new terms had to be introduced from the ancient, such words were chosen as were most conformable to the nature of the modern language and most easy of being apprehended and understood.

Koraes' fame in connection with language question depends not so much on any novel principle that he introduced as on his learning and ability, which enabled him to show by the example of his prolific and scholarly pen the feasibility and advisability of the course which he recommended. Naturally, however, he laid himself open to attack. The demoticists did not agree with him because he did not limit himself to their narrowness. But the most merciless attacks came from the ranks of the supporters of the written Kœne. Especially did the church and the aristocracy of Constantinople feel unfriendly toward the man who thus joined hands with the populace, and recognized so much virtue in this lowly language. These opponents suspected that his doctrine concerning the language question was a result of his sympathy for the spirit of the

French revolution. One of the Phanariote community, Jakobos Rizos, who taught Greek literature in Gevena and was well-known in Europe, satirized the teachings of Koraes in a severe and personal comedy.*

Another scholar who took a prominent part in the discussion was Panagiotes Kodrikas. He was a native of Athens. After having studied in Constantinople he went to Bucharest, and there became a pupil of Lampros Fotiades. Later in life he went to Paris, and there held the position of an interpreter under the government. He wrote in the "maccaronic" or "mixobarbaric" style. In the year 1802 he published a pamphlet attacking the opinion of those who wished to purify the demotic. He seems to have held theoretically that the deficiencies in the demotic should be filled by drawing most freely on the classical and traditional language, but that no attempt should be made to render the two ingredients similar to each other and monochrome. His pamphlet† was severely attacked by Koraes and others, and years afterwards he felt obliged to write another and more exhaustive treatise in self-defence and retributory onslaught on his opponents.‡ Doukas also attacked Koraes, and was rudely attacked in return. But the dispute between these various leaders were often more personal than scholarly, and need not be further commented on here.

In spite of all opposition, Koraes' teachings, on account of their reasonableness and practicability, began to prevail among the Greeks everywhere. Lampros Fotiades, who hitherto had been a warm defender of the archaistic Kœne, after reading Koraes' "Spontaneous Reflections," became strongly inclined in his favor, and, as is recorded in the "Logios Hermes" of Vienna for 1819, stated that of all the Hellenic scholars of the day Koraes was the only one who had clearly shown in what language the Greeks ought to write and speak. The ease with which this mixed language could be written, and the fact that it had been in one form or other the literary medium of many writers for more than a century back, together with the impulse given to its use by the teachings of Koraes, caused it to become the official language of the regenerated nation. The army leaders in the struggle for independence from 1821 to 1828 made considerable use of it. Likewise the national assemblies and the central government

* Καρακιστικά ή διόρθωσις τῆς Ρωμαϊκῆς γλώσσης. Constantinople, 1813.

† Observations sur l'opinion de quelques hellénistes touchant le grec moderne. Paris, 1802.

‡ Μέλετα τῆς κείνης Ἑλληνικῆς διαλέκτου. Vol. I, Paris, 1818. Vol. II was never published.

accepted it. The press also,* before the declaration of independence, had employed this language in the various Greek journals that had been published in Vienna and Paris, and notably in the *Logios Hermes*, which was edited in Vienna by supporters of the principles of Koræes; and after the beginning of the war, the *Chronicle of Mesolongion*, which began in 1824, and most of the subsequent journals, were edited in the *katharevousa*."

With the establishment of a system of popular education in 1828, under Kapodistrias, the president of the Greek commonwealth, the *katharevousa* was taken as the medium through which all instruction was to be given in the elementary and middle schools. And since 1837, when the national University was founded in Athens, this likewise has been the language used by all the professors, both in their lectures and in their writings.

But the wholesome doctrine inaugurated by Koræes, that the demotic should always be the soul of the written language gradually was lost sight of. On account of the poverty of the demotic, each writer and speaker had unlimited liberty to introduce from the ancient whatever words he needed. By virtue of this circumstance, every man who purified his language in accordance with the principles of Koræes might by reflection observe that more than nine-tenths of his words and grammatical forms were ancient, either by traditional oral preservation or by adoption and incorporation. In consequence of this proximity of the approved modern language to the ancient classical, many writers were tempted to make their language out-and-out archaic. These may be classed as disciples of Doukas, and followed his method of writing rather than of Koræes.† A noted defender of this nearer approach to the ancient language was the poet Panagiotis Soutsos. He explained the reasons for his attachment to the ancient style in his prolegomena to his drama "*Evthymios Blachabas*," and in an essay entitled "*A New School of Written Speech*."‡

In this process of enriching the *katharevousa* from the classic Greek, the greatest difficulty came from the fact that the Greeks had but recently escaped from servitude, and therefore did not possess many efficient scholars who could afford to devote themselves to this labor. Modern civilized life had immediate need for a multitude of words, which during the

* Le Marquis de Queux de Saint-Hilaire, *La presse dans la Grèce depuis l'indépendance jusqu'en 1871*. In the *Annuaire des études grecques*, 1871, pp. 47 ff.

† Chatzidakis *Μελέτη ἐπὶ τῆς νέας Ἑλληνικῆς ἡ βάσις τοῦ ἐλέγχου τοῦ καθαρευσιμῶς*, Athens, 1884, p. 63.

‡ *Νέα σχολή τοῦ γραφομένου λόγου*. Athens, 1853.

past two thousand years had been entirely unnecessary, and had therefore long ago become extinct in the spoken language. These forgotten words had to be brought back with all haste and rehabilitated into the daily language of the people. To go to the ancient Attic and other varieties of ancient Greek for a necessary word is merely to go to the nearest and most closely related source.

It is a well-known fact that during the many and long ages of its existence the Greek language underwent numerous changes in pronunciation. Some of these changes are of such a nature as to render certain few words of the ancient no longer serviceable in the present language, because when pronounced by the present method they are liable to be confounded with other words of other meanings. For example, the ancient word for "we" is by modern pronunciation, which makes no distinction between eta and ypsilon, identical in sound with the ancient word for "you." One can easily imagine the inconvenience that might arise from the use of words of such ambiguous meaning. But the danger of confusion is by no means so great as it would be in a non-inflected language, for in Greek the verbs indicate the person referred to.

This demand, for such an increase of vocabulary, necessitated mostly by the sudden transition from a peasant and pastoral life to one full of all kinds of activity, could in great part be satisfied by renewing the forgotten part of the classical language. But the exigencies of modern life, in many respects different from the ancient, together with the demands of the new sciences, and new inventions, and new modes of dress, and the need of technical terms for modern music and fashion and so on, could be satisfied only by the introduction of a number of words which never existed in the ancient. These new words had either to be borrowed from other modern languages or else had to be created out of the abundant and plastic material afforded by the old Greek. The second course has usually been followed, and thus the homochrome quality of the language has been preserved. There has lately been published a lexicon of more than 60,000 words that have been added to the language since the fall of Constantinople.* The author gives the date and place of the first appearance of each of these new words in the written language. It must be repeated that these are new-coined words, and are distinct from the equally large number of old words revived for new service with their old meaning. Most of these new-coined words are quite correctly formed from pure Greek originals by composition, and most of them are euphonious and expressive. By these two processes of enrichment

* Stephanos Kounanoudes, *Συναγωγή νέων λέξεων ὑπὸ τῶν λογίων πλασθεισῶν ἀπὸ τῆς ἀλόσεως μέχρι τῶν καθ' ἡμᾶς χρόνων*. Athens, 1900. Two vols.

It has been found easy to keep abreast of modern progress in language.

On account of the intercourse with other nations, especially in commerce, many names of concrete objects, of wares from abroad, have been imported along with the articles indicated by them. But even these words have in many cases been replaced by others of Greek origin, and foreign names that were in use a generation ago are no longer intelligible save to the older people.

This rapid enrichment of the language could not have taken place faultlessly. There is wide room for criticism and correction in many places. This work of criticism has been taken up by a few philologists, notably by the famous Kontos. Unfortunately Kontos did not keep his scientific work free from raillery against all those who did not recognize and correct the blunders which they and others were from time to time committing. Perhaps no other philologist has such extensive and reliable knowledge of the correct use of Attic words as has Kontos. But his influence has not been as fruitful as it deserves to have been. He himself is not a copious writer in original composition, but has confined himself to oral teaching and to the thankless task of pointing out the faults in the work done by others.

Writers and users of the katharevousa may be designated by the common name of "purists." They are divided into three grades. The austere purists endeavor to employ their words and forms with classic precision. In practice they undertake to observe what such philologists as Kontos teach in theory. The men of this school are mostly writers of prose. In fact, they can now boast of only one good poet, Kleon Rangabes, who in this high style of language has composed a number of short lyric poems, which he has published in a volume called "Sorrows." But even for Rangabes this extremely high and correct language is acceptable only in his meditative and dreamy lyric. In dramatic composition, such as his "Theodora and Herakleitos," he adopts rather the language of the middle class of purists.

In the middle or temperate katharevousa is housed the great mass of the better contemporary literature of Greece. The temperate katharevousa is used by all public speakers, by the members of Parliament, and by all scientific men. Some readable poetry and a great quantity of excellent prose have taken form in this middle katharevousa. Among the poets it has been used by Alexandros Soutsos, Panagiotes Soutsos, Paparregopoulos, Achilles Paraschos, not to mention others. It is the language usually preferred by those who translate

* *Αλφν. Leipzig. 1892.*

light literature from European languages into Greek. It has also been used by Roides in his notorious novel the Popess Joanna.

Finally, there is the style of language which, for instance, Bikelas used in his translation of Shakespeare's plays into Greek. Case endings of nouns and personal endings of verbs are often taken from the demotic. Likewise many words which by being of foreign or of supposedly ignoble origin are excluded from more rigorously pure composition are allowed in this grade of katharevousa. It is difficult to decide whether such writers as Damberges and Drosines should be classed here or with the demoticists. They are writers of short stories and poems. Their language is indeed based on the katharevousa, but is nevertheless much influenced by contributions from the demotic. The fact that they describe the life and thoughts of the country people and shepherds explains in a great measure their tendency toward the demotic.

The katharevousa has received some severe criticism from European scholars. But, on the other hand, it has been highly lauded. Whoever wishes to form a notion of its merits and defects has to study it directly and judge for himself. The outsider is prone to suspect that its similarity to the classical language is too artificial. He may even go so far as to feel innocent when he condemns it without knowing it. Among the Greeks themselves many of the best writers and most intelligent critics do not like to see it incline excessively toward the principles taught by the school of Kontos. Possibly the best judge in the matter is Chatzidakis. He deprecates the unrestrained tendency to classicism. But, nevertheless, he judges that historic reasons imperatively make it impossible for Greece of to-day to thrive intellectually and politically on any other language than the katharevousa. Chatzidakis is a glossologist; and in this connection it is interesting to note that those outsiders who have attacked the katharevousa have held that they based their dislike for it on glossological reasons. The glossologist, as such, has hitherto had no respect for literature, and has taken no account of the demands that literature and history may make on a language. These demands lie beyond the present limits of glossological study. The katharevousa, like every literary language, interferes with the free action of phonetic laws and other influences that operate more rapidly and effectually on speech when literature does not exist. To the glossologist modern Greek might offer a more interesting study if it might only go on untrammelled and unhampered by literature. But what might be best for glossological science might be fatal for the Greek nation and its literature and its hopes.

There has in these later days been a rebound from the use of the katharevousa. Perhaps the excessive purists are in some degree responsible for this reaction. All fine-souled people seem to love dialects, and do not care to see them abused. But in Greece the lovers of the lower forms of language go much further. For here there is a small school of men who advocate the use of the dialectic and demotic tongue as the exclusive literary medium. But a good number of these demoticists are men who imagine that they could be celebrated authors, especially poets, if they did not have to spend long years in study in order to master the language in which they would write. Poetic and literary talent they believe that they possess innate. Indeed, the notion that men of other nationalities acquire accurate and ready knowledge of their native language by simply growing up is very common in Greece. And even the eminent Chatzidakis believes that in the time of the ancient classic splendor no writer would have to think a moment about how he ought to clothe his ideas in words, once he became master of the ideas.*

Besides the quasi poets and the story-tellers who sigh for the reign of demotic, and who not knowing demotic create one to their fancy by remodeling the katharevousa according to their *à priori* notions about dialect and demotic, there are serious men who think that a language formed by gathering up everything that can be found in the dialects should become the official language of literature. The most widely known of these is Professor Psycharis, of Paris, who has written some most interesting books in what he declares to be the common spoken language of Greece. He gathers his words and phrases from the dialects. He has a warm supporter in Prof. Emile Legrand, who has done much for the promotion of interest in the study of Byzantine and modern Greek literature. M. Legrand, like Psycharis, abuses all who do not adopt his views about the "deadness" of the katharevousa and the excellence of the dialectic speech. Around Psycharis and Legrand may be grouped most of the others who write in demotic. Legrand has gathered together the names of the most prominent of them, adding short biographies and specimens of their writings, in a chrestomathy of New Greek, which he published for the use of his pupils in Paris (*Chrestomathie Grecque, publiée par Emile Legrand, professeur de*

* "Schon Polybios klagt über die Schwierigkeiten, denen er begegnete, so oft er einen hübschen Gedanken in einer eben so hübschen Sprachform darstellen wollte, und meint, es sei viel besser auf den Inhalt als auf die Form der Darstellung zu achten. Zu einer solchen Ausserung konnten z. B. Thukydides oder Demosthenes unmöglich kommen."—Einleitung, p. 3-4.

grec moderne à l'école nationale des langues orientales vivantes, et Herbert Pernot, répétiteur de grec moderne à l'école nationale des langues orientales vivantes, Paris, 1899). Many of these dialect writers produce most charming short sketches. From the folklore of the people, which is rich in picturesque expressions and in the more gaudy trinkets of story and simpler poetry, the demoticists gather together many choice phrases. In this same folklore they find also interesting material for their stories and poems. The attractiveness of this material aids their plea for the dialectic language, as if the nature of this folklore were due to the language in which it has been preserved. But the demoticists cannot be easily criticised on the question of their language, for outside of the circle of their admirers there are but few who are able to speak well or write in demotic. Among those who prefer the demotic are the poets Palamas and Markoras. Among the novelists Andreas Karkabitsas ranks high. Of course the demoticists cannot well agree on any standard variety of their favorite language. Polyklas translated the *Odyssey* into demotic, and Palles has translated the *Iliad*. Whoever compares the language of these two translations may observe how greatly Polyklas and Palles fail to coincide in their choice of idiom. The great pride and boast of the demoticists is the lyric poet Solomos, of Zakynthos, who, at the outbreak of the revolution, wrote his celebrated "Ode to Liberty." But, like most other demoticists, his language is not the pure dialect of his native island; he borrows freely from the katharevousa. Moreover, his poetry owes its fame chiefly to the stirring themes which he selected rather than to the language.

Dialects still flourish in the remote parts of Greece among the uneducated. The influence of the schools does not reach the children of all the inhabitants as it should. Most of all the other efficient means for the propagating of language are now operating very imperfectly. There are no reading circles, and no literary societies, except in the large cities. The people have no books. There are no family libraries in the private houses, and in the provinces there are very few public libraries. There are no halls and no places where the people hear lectures or speeches, or enjoy any kind of literary entertainment. There is almost no preaching in church. Imagine what the condition of the language of the English or American peasant would be under similar conditions. Fortunately, these evils are merely remains of past modes of life and will pass away.

As for the written katharevousa, which is probably destined to continue to be the only serious literary and universal language of Greece, we cannot form a just notion. It is hard to judge of the excellence of a language. One is liable to be

Influenced by the merits of the corresponding literature. Yet it seems that an excellent language may have a very indifferent literature, and a poor language may possess an excellent literature. It may be noted that to-day the written and not the spoken word prevails among civilized peoples. Therefore the relations between the demotic and the literary languages are not the same as they were when all men spoke indeed, while but few used to read and write. Many of us now think it proper to try to talk in a language conformable to written models rather than to write in a language modeled after our daily speech. It is possible that to-day the spoken language must make more concessions to the written than the written to the spoken. If so, the principles of the purists are most logical.

There is a feeling among many in Greece that the late tendency toward the so-called demotic, toward the artificial mixture made up for the occasion by each long-haired poet who begins to write verses, is a sign of the decay of the historic national consciousness and a bad omen for the future. The suspicion that these tendencies are antinational has assisted in occasioning the formation, just lately, of a new organization called the Society for the Defense of Ancestral Institutions.* The nearest purpose of this society is to reawaken a spirit of love and reverence for the old orthodox religion, which has gradually fallen into a most sad plight, and for the ancestral written language, which the society proposes to propagate with patriotic zeal. Their cause is holy. The Philhellene will always be glad to learn that they take a high and noble care of their historic tongue, and that they do not intend to let it wither itself out into a few interesting glossematic dialects.

[The above most valuable paper has been exhumed from an official American publication of 2,000 pp. where it is completely lost. The author is Dr. Daniel Quinn.—EDITOR (*late*) C.R.]

ART. IV.—NATIVE JOURNALISM.

JOURNALISM is yet in its infancy in India. The brightest period of India's intellectual activity was essentially characterized by the complete absence of anything like public opinions expressed through the medium of the Press. The country was swayed by rulers on more or less despotic lines; favoritism and individual caprice forming the main spring of the machinery of Government. There were no printing presses and men had no means of publicly airing their views and thus placing an effective check upon the despotism of the ruling power. This was an essential drawback in the old system of Indian administration; and it was then regarded sedition and even sacrilege for people to urge their views upon the sovereign and still more so to question his acts and deeds.

Now the state of things is far different. Centuries later commercial instincts drove the Western nations in quest of Eastern treasure which resulted in a fair and open competition for the mastery amongst them. This long-sustained struggle ended in the survival of the British nation as the fittest to govern India; and, as every one admits, at the present day her destinies have passed into hands competent and well-intentioned enough to guide and control them to the fortune and prosperity of the ruled, and the credit and renown of the rulers. The advent of the British Government made possible India's rapid development on Western lines. One after another Western institutions have been introduced into the country. Liberty of speech, thought and action has been the watchword of that body; and a close and impartial scrutiny of the principles underlying it will tell us that this conclusion is neither wrong nor exaggerated.

The introduction of public opinion expressed through the Press and the platform has been another of these Western institutions. In England the Press has become a powerful factor in the direction and control of public affairs, and it has been not inaptly said that a leader in the columns of the *London Times* is more powerful and effective than much discussion in the House of Commons.

In India it is just shaping itself into a potent public agency and is destined to become, in the years to come, at least something like what it is now in the West. But like all other infant institutions it has its own inherent defects and failings. It is not therefore on this ground alone to be cried down, as it unfortunately is, by some of those who are to guide us through the labyrinth of public life. There exists, no doubt, at the

present day in India a wide gulf between the rulers and the ruled. The first duty of all interested in the healthy progress and prosperity of the Indian community, European or native, is to bridge that gulf instead of widening it. Here, as a natural result, in matters of public opinion apparently on the analogy of English politicians, Indians and Englishmen have practically divided themselves into two rival parties. It will be found that on almost any question of vital political consequence public opinion stands divided between the Indian and the English. The Press then steps in on either side, the English papers advocating the English side, and the native journals thundering forth, the great majority of them in bad English, bad taste, bad politics. This only helps to make the former, who are practically the exponents of Government views, grow more stiff in opinion and spoil the native cause. No doubt, there is a deal of sound criticism of Government's public measures advanced by the native Press. But one is grieved to find that there is, in their demonstrations, more of strong vituperation and violent attacks upon men and measures than of sound and fair criticism. And the result is, that even the little good that it is capable of doing is spoiled by the radical advocacy of the native Press. It has, also, unfortunately become the rule for the latter to oppose the English side of every question and thus to create a political rivalry, apparently based on party lines between the Government and the natives of this country. Opposition is often raised, more for the sake of opposition than for any healthy beneficial results. There is not much difference in this respect between native English and native vernacular journalism. Anyone who possesses a fair writing capacity, may start as an editor and pose himself as a public exponent of public questions. He may not possess any knowledge of history or political economy, or the recognized canons of journalism. He may not be gifted with the power of grasping a knotty public question, and the tact to put it forth to the rulers in a constitutional and temperate manner, yet he will, and can, at any time set up as a journalist affecting to advocate the native side so as to produce an effect upon the powers that be, and identifying intemperate invective with sound and sober criticism. The result is that instead of good coming out of this criticism, even the good cause which soberly espoused would be deserving of consideration, is spoiled, and much harm is done to what otherwise ought to result in a fair success to the native side.

The case of vernacular journalism is still worse. The veriest tyro in penmanship, possessing but a smattering of English and not even as much of politics or history, who would do

no credit to one of the lower forms of our schools or colleges, takes to journalism as a last resource when all other means of living have failed him. I have known some of these journalists affecting to comment upon intricate questions of trade and legislation without adequate knowledge to comprehend the subjects they are treating of; and I have known others, too, adversely criticising well-written and well-thought-out editorials published in first-rate English journals and magazines without sufficient capacity even to follow them and comprehend them. It simply amuses one to find such ill-trained, half-educated men posing themselves as the exponents of public views and dealing with public questions of vast political importance. Nothing like probationary training is insisted on, and nothing like adequate command of language is believed in, as a necessary preliminary qualification for a journalist. Indian native journalism, in the hands of such editors, goes on like a huge ship cast adrift on the wide waters without a competent pilot to steer its course and a compass to guide it. It does not possess the materials of steerage and control and, may at any time strike violently against any huge rock or quicksand, but it is yet a powerful machinery, powerful alike for good or evil.

Besides the preliminary training alluded to, which will render Indian native journalism efficient and preserve its prestige and morals, a good command of language and a sound knowledge of history and Political Economy, are other indispensable qualifications for a journalist. The absence of these will only tend to lower its tone and prestige. But there is yet another point of still greater importance. A fair knowledge of the law, civil and criminal, will save many an editor from its clutches. The importance to him of the sedition sections of the Penal Code and of the law of libel and slander cannot be over-rated. Want of a proper knowledge of the law forms the main basis of personal trouble to many a native journalist. Surely enough, at the present day, these labour under disadvantages on this score; and the recent press prosecutions have been visible manifestations of them; so much so that the Indian legislature has been compelled to revise the sedition sections of the Code on the line of clearness and efficiency. No doubt, English journalists, too, have fallen victims to the law, but where they have done so it has been more from oversight and carelessness incidental to daily journalism than from wilful neglect of sobriety and sense of journalistic duty.

This is not intended to be a wholesale attack upon native journalism. It must be admitted that there are a few papers which have a conscience and are fairly reliable exponents of native public opinion. But the existence of hosts of radical

and revolutionary "contemporaries" obscures their claim to fairness and decency, and takes away their power for good.

Despite all the violent invectives that the majority of native journals hurl, even at the sound measures of Government,—that Government does give them fair hearing and respect their views whenever they commend themselves to it. This in itself is sufficient proof of its good intentions, which are sadly too often misconstrued and misrepresented.

In engrafting this altogether Western institution upon the East and thus extending to us the privileges of a Free Press, England has taken a wise and liberal step. It is therefore our duty not to abuse it and make it a weapon of offence, but to convert it into a source of help and guidance to her. We do not, doubtless, enjoy the full measure of freedom in this respect which our English brethren enjoy, but the beginnings have been made and made with beneficial results on the whole. Our first duty is therefore clear. We must put it to its best use, keeping ourselves within the strict bounds of fairness and moderation, never allowing our petty differences of creed and colour, and our position as a subject race to sway our feelings of respect and loyalty towards our rulers. Those that have been good enough and kind enough to grant to us willingly and unasked what little of the freedom of the Press we now enjoy, must be given credit for willingness to grant us more until we reach the same level; and our means of attaining this end lie not in vehement diatribes upon their acts and motives, but in proving ourselves capable and competent enough for its enjoyment by endeavouring to make it, what it doubtless is in England, an integral part of the Government, the Fourth Estate.

The majority of native journals are characterized by the absence of sufficient discretion in the selection of the subjects for treatment in their columns. The most trivial topics are treated of and published alongside of the most important and far-reaching ones; more energy and thought are oftentimes lavished upon topics which might be justly passed off with a side-note; stirring topics of the day are put off until all the popular interest in them has abated and vanished. The leading columns are devoted to the treatment of topics of a trivial nature; and the most important ones are relegated to the least attractive columns. Extracts are taken at hap-hazard, without due regard to their importance or interest; and "letters to the editor" are passed off and published oftentimes unread, the writer's name being the only guarantee. Subjects only of local interest are oftener discussed in the journals of the metropolis than in those of the mofussil. Telegrams are delayed till they become trite and uninteresting; while the

grammar, idiom and diction and general taste are more often faulty than otherwise.

The almost absolute want of paid specialists to write on special topics is a common feature of almost all native journals; and it is one which sadly detracts from the merit of the articles themselves and the authoritativeness of the discussions. Fancy a vernacular journalist possessing but a slipshod knowledge of English affecting to comprehend a work on science and learnedly indulging in an academic discussion of its contents; or a native English journalist with only meagre attainments in English and with no special training in the subject, criticising a complicated question of legislation or a difficult war in a far-off land. These and the like are elements which tend only to lower the prestige and tone of native journalism as a whole.

No doubt, the recent rapid growth of native journals, both English and vernacular, is indeed creditable and deserves encouragement as an infant institution. Faults of indiscretion within limits in special cases, and in general where they could be traced to ignorance, deserve to be treated with pity and indulgence. And our duty is to work up the institution, with a due sense of proportion and decency, ever sustained by a sense of our comparative infancy as a nation, just beginning to assimilate an altogether alien institution.

T. K. GOPAL PANIKKAR.

ART. V.—PSALM-SINGING.

ALTHOUGH the singing of Psalms has been a feature of the Christian Church in every age, it was not until the Reformation dawned that the Psalms in metre, and in "a tongue understood of the people" became part and parcel of Christian worship. At the Reformation the people were restored to their "rights," as Archbishop Secker says, *i.e.*, instead of the choir alone performing the service—the people were allowed to join them in Psalms and Hymns, and the worship of GOD ceasing to be a performance, at which all were to look and listen, became a reality in the hearts of people, as well as of choir and priest.

Mr. D'Israeli, however, had little sympathy with such an arrangement, he calls it "a mixed assembly roaring out confused tunes, nasal, guttural and sibilant," and comes to the conclusion that "where every man was to have a voice, it must necessarily end in 'clatter and chaos.'"

We, who live in these days know that the increased vitality—at least in the English Church is owing in no slight degree to the revival of congregational singing, and of the exercise, on the part of the people of that which is their undoubted privilege and right.

A "Psalm-singer" was a term of reproach, for those who found joy in following the holy Apostle's injunction, "Is any merry? let him sing Psalms"—just as 'Methodist' was, and is a nickname for any one who is in earnest about religion, and 'Ritualist, very often, is for those who desire decent and hearty services.

Mr. Isaac D'Israeli must have entered into very little, and understood much less of the enthusiasm of the early Methodists, and the true piety of the Moravians when he could write such words as these: "It would be polluting these pages with ribaldry, obscenity and blasphemy were I to give specimens of some hymns of the Moravians and the Methodists, and some of the still lower sects."

For the origin and rise of Psalm-singing we must go to France—and to the court of Francis I. In 1540 Clement Marot, the favourite French Poet, that "prince of poets and that poet of princes," translated 52 Psalms into French verse, which became so popular that, for a time, they altogether superseded the lascivious songs of the French court. Theodore Beza, afterwards co-pastor with John Calvin at Geneva, finished this version.

In France Psalm-singing was never a religious function, but was popular because "it was fashionable. Singing Psalms in verse was then one of the chief ingredients in the happiness of social life."

'Catholics' and 'Protestants' alike adopted these songs and sung them to the accompaniment of guitar and lute—the former little suspecting how fatal they would afterwards become to the Roman faith. It was not long, however, before Psalm-singing and heresy were found to be synonymous terms, and the singing of Psalms in the vulgar tongue was termed "the Witch of Heresy"—"By reason of this power," says George Wither (the power of poesy upon which he had been speaking), "our adversaries fear the operation of the divine word expressed in Numbers; and that hath made them so bitter against our versified Psalms; yea, (as I have heard say) they term the singing of them in our vulgar tongues, the Witch of Heresy. But this I undoubtedly believe that it hath unbewitched a great many, who were before time deluded with the counterfeit sanctitie, and the pleasingnesse of such fantastick Musique as in an unknown tongue is used in their assemblies."*

The Cardinal of Lorraine was the first to discover what was supposed to be the dangerous tendency of Psalm-singing. The mistress of Henry II of France, Diane de Poitiers, was not only a Psalm singer, but a Bible reader—proceedings one would say a little inconsistent with her private life, but done doubtless because it was the fashion, and from no real religious feeling. It is said that the Cardinal one day finding a Bible on her table, "having thrown the Bible down, and condemned it, remonstrated with the fair penitent that it was a kind of reading not adapted to her sex, containing dangerous matters, if she was uneasy in her mind she should hear two masses instead of one, and rest contented with her Pater-nosters and her primer, which were not only devotional, but ornamented with a variety of elegant forms from the most exquisite pencils of France."†

No wonder the principles of the Reformation made rapid advances at the French court if such advice was all that could be given to stay its progress.

Psalm-singing in France was not, however, condemned as heretical until Calvin at Geneva adopted it as a part of his religious worship—"it first conveyed to the sullen fancy of the austere Calvin the project of introducing the singing of Psalms into his Genevan discipline."

* Curiosities of Literature, vol. ii, p. 472.

* A Preparation to the Psalter, Chap. ii, p. 9.

† Curiosities of Literature, p. 478.

Sometime before the publication of Marot's version, the idea had suggested itself to John Calvin of introducing into the new worship, which he was establishing, singing in the mother tongue to tunes in which all might join. The Psalms of Marot were just what Calvin wanted, and being set to simple and easy melodies they soon became the badge of the Genevan worship and faith.

England was not long in following the example of France and Geneva, and Psalm-singing became for a time an institution.

Sternhold and Hopkins (of whom more will be said in a later paper) attempted to do for England what Clement Marot did for France, but they utterly failed because they lacked his genius and poetic fire;—for more than two centuries, however, the Psalms in metre were an important part of public worship in the Church of England.

The first instance we have of Psalm-singing as a part of public worship was in 1559, on the occasion of the preaching of a sermon at St. Paul's Cross, before the Mayor and Aldermen of London, by a Mr. Vernon, "learned Protestant and Parson of St. Martin's, Ludgate."

After the sermon was over we are told that "they all sung in common a Psalm in metre, as it seems now was frequently done, the custom having been brought in from abroad by the exiles."

Strype tells us:—"1559 September. The new Morning Prayer at St. Antholins, London: the bell beginning to ring at five, when a Psalm was sung after the Geneva fashion; all the congregation, men, women and boys, singing together.

"1559-60. March 3rd. Grindal, the new Bishop of London, preached at St. Paul's Cross, and after sermon a Psalm was sung (which was the common practice of the reformed churches abroad) wherein the people also joined their voices;" and again—

"As soon as they commenced singing in London, immediately not only the churches in the neighbourhood, but even the towns far distant began to vie with each other in the practice. You may now sometimes see at St. Paul's Cross, after the service, six thousand persons, young and old, of all sexes, singing together: this sadly annoys the mass-priests, for they perceive that by this means the sacred discourse sinks more deeply into the minds of men."

Later on, we find Shakespeare telling us how he discovered the Puritans "singing Psalms to hornpipes." A writer of the day imagined that this alludes to a common practice, at that time among the Puritans of burlesquing the plain chant of the

Roman Catholics by adapting vulgar and ludicrous music to Psalms and pious compositions,—but Mr. D'Israeli says "My idea differs. May we not conjecture that the intention was the same which induced Sternhold to versify the Psalms, to be sung instead of lascivious ballads; and the most popular tunes came afterwards to be adopted, that the singer might practise his favourite one, as we find it occurred in France."

In Cromwell's time Psalm-singing was a common practice, although it is much to be feared the Psalms were not sung with the simple faith and spirit which characterized the use of David's Psalms in the fourth century, so beautifully and graphically described by St. Jerome in his letter to Marcella.

Mr. Spurgeon has quoted the passage from the *Curiosities of Literature* which illustrates this point. Here are his words: "D'Israeli says, with a sneer that in the time of the Commonwealth, Psalms were now sung at Lord Mayor's dinners and city feasts; soldiers sang them on their march and parade, and few houses which had windows fronting the streets, but had their evening Psalms"—the great Baptist preacher here adds by way of comment "we can only add, would to God it were so now." If he had gone on with the quotation he would have found that the spirit which prompted this Psalm-singing was not always of the truest. Mr. D'Israeli proceeds "for a story has come down to us to record that the hypocritical brotherhood did not always care to sing unless they were heard." This testimony is borne out by a contemporary writer (1684) who alludes to this custom of the pious citizens.

"—singing with woful noise
Like a cracked Saint's-bell jarring in the steeple
Tom Sternhold's wretched sing-song to the people.

Now they're at home and have their suppers eat,
When 'Thomas' cryes the master 'Come, repeat.'
And if the windows gaze upon the street
"To sing a Psalm they hold it very meet." •

We learn from the Life of Sir Henry Slingsby that in 1664 the soldiers of Cromwell "in Marston Cornfield fell to singing Psalms"—and the battle of Dunbar the "Republican soldiers with their General Lambert, halted near Haddington and sung the 117th Psalm," and the Poet Laureate Shadwell, in his "Comedy of the Volunteers," describes the soldiers of the Puritan party as being used "to sing a Psalm" and then "fall on."

Mr. Warton, who was much prejudiced against this new custom, and who as events proved was not far wrong in his

• *Satyr against Hypocrites*, by Ed. Philips.

estimate of it as a party badge says—"This infectious frenzy of sacred song soon reached England at the critical point of time when it had just embraced the Reformation, and the new Psalmody was obtruded into the new English Liturgy by some official zealots, who favoured the discipline of Geneva, and who wished to abolish not only the choral mode of worship in general, but more particularly to suppress the *Te Deum*, *Benedictus*, *Magnificat*, *Jubilate*, *Nunc Dimittis*, and the rest of the liturgic hymns which were supposed to be contaminated by their long and ancient connexion with the Roman Missal, or at least in their prosaic form to be unsuitable to the new system of worship."

On the other hand the following quotation is evidently from the pen of a Puritan writer: "I understand that some sectaries and favourers of the Church of Rome have, of late years, disapproved the translation of these Psalms into the vulgar tongues and scoffed at the singing of them in the Reformed Church, in so much that they have in scorn termed them *Geneva Jiggs* and *Beza's Ballets*."

This is further borne out by what Heylin, the Biographer of Archbishop Laud, says,—“By the preachers of the Puritan party they (the singing of Psalms) came to be esteemed the most Divine part of GOD’S service; the reading Psalms, together with the first and second Lesson, being heard in many places with a covered head; but all men sitting bareheaded, when the Psalm is sung.”

It is said of Dr. Cosin, at that time Prebendary of Durham, and afterwards its renowned Bishop, that when sent into custody in 1641, because of the so-called superstitious innovations, the Puritans imagined he had introduced into the Cathedral—when examined before the House of Lords, among other things declared, “that he did not forbid the singing of the Psalms in metre,—but used to sing himself with the people at Morning Prayer.”

There is not the least doubt that in after years Psalm-singing became the badge of a party, and therefore it is not to be wondered at that both the Church of England and the Church of France looked with suspicion upon this “infectious” influence, which seemed to tend, unless kept in bounds, to disorder and strife not only in religious services, but also in public life.

It was while singing a metrical Psalm at Antwerp in 1565, when the persecuting Inquisition was being thrust upon the Dutch by Philip of Spain, that the mob burst into the Cathedral, cut to pieces the image of the Virgin, shattered the glorious windows, tore down monuments and banners, trampled on the sacred pictures, and despoiled no less than seventy

chapels. “Now when they (the mob) had possessed themselves of the Church, hearing the clock strike the last hour of the day, and darkness adding confidence, one of them (lest their wickedness should want formality) began to sing a Geneva Psalm, and then, as if the trumpet had sounded a charge, they fell upon the Effigies of the Mother of GOD, and upon the pictures of CHRIST and His Saints.” *

In London in 1586, when the proclamation against the Queen of Scots was read, the people showed their joy “by the ringing of bells, making of bonfires, and *singing of Psalms* in every one of the streets and lanes of the city.”

When Babington (author of the plot to assassinate Elizabeth and free Mary Queen of Scots) and his companions were arrested at St. John’s Wood, then really a forest, and the haunt of thieves and outlaws, they were carried to the Tower, the people following, and shouting and *singing Psalms*, while the bells were rung for joy at what the world supposed was the providential detection of a plot that would have reduced London to the state of Haarlem or Antwerp.†

In the sister kingdom of Scotland Psalm-singing found a natural home in the sturdy form of Protestantism which John Knox was seeking to establish. Psalm-singing became a prominent feature of Scotch worship, indeed it was the only congregational part of the Sunday Service.

John and Robert Wedderburn, natives of Dundee, were the Clement Marots of Scotland, and they managed to put the Psalms into vigorous and rugged metre with more of poetry than Sternhold and Hopkins had been able to retain, and these were most spirit-stirring calls to men who sang them with their whole heart and soul, and supplied all their denunciations to the Church of Rome and Queen Mary.”

The fanaticism of the early Scotch Reformers was sometimes carried to great lengths, and their hatred of Queen Mary seems only to have been excelled by their hatred of what they considered Popish. They seem to have seized every occasion to inflict unnecessary insult upon their unfortunate queen. When Mary entered Edinburgh, on her accession, we are told that “at a temporary gate of timber” “a bonny bairn,” dressed as an angel, delivered to her the keys of the city, a Bible and a *Psalm Book*. The queen handed the Bible to the captain of the guard, which did not please the Reformers. A curious mystery, showing the animosity of some of her subjects, was gone through, but it was soon put a stop

* *Strada De Bello Belgies*. Stapylton; Trans. Bk. V, p. 124.

† Cameos from English History. Cameos CLXXVI.

to by the Earl of Huntley on account of its ridicule of sacred things.

The play represented the destruction of Korah, Dathan and Abiram, and Korah was actually dressed in the vestments of a priest with a chalice in his hand.

Good Richard Baxter was a Psalm-singer, and his words let in a flood of light upon his home life. "It was not the least comfort I had," he says, "in the converse of my late dear wife, that our first in the morning, and last at night was a Psalm of praise, till the hearing of others interrupted it."

Dame Bridget Bendish, the grand-daughter of Oliver Cromwell, was given to most curious habits. Her usual time of paying calls upon her friends was at nine or ten o'clock at night, and very often at a still later hour!—"about one in the morning she used to put herself on the top of her mare and set off singing a Psalm, or one of Dr. Watt's hymns, in a very loud, but not a very harmonious key." Dame Bridget was, no doubt, a pious woman, but her piety took a peculiar turn.

Thomas Mace, one of the clerks of Trinity College, Cambridge, in 1676 gives a curious description of Psalm-singing, and first in his chapter "Concerning Parochial Musick, *viz.*, singing of Psalms in Churches"—he says—"I shall not need to blazon it abroad in print, how miserably the prophet David's Psalms are (as I may say) tortured or tormented, and the service of God dishonoured, made coarse or ridiculous thereby; seeing the general outcries of most Parochial Churches in the Nation are more than sufficient to declare and make manifest the same, so often as they make any attempt to sing at these Psalms. Therefore I will say no more to that purpose nor rub that sore place, only thus much I will presume to say, *viz.*, that (sure) it were far better never to sing at all in churches or in God's service than to sing out of tune; that is not in Harmonical Conchord or Agreement."

He then goes on to describe the singing of Psalms under difficulties during the siege of York.

The following description occurs in the chapter "Concerning the great Excellency and Eminency of a Psalm well sung":—"I will now, in the conclusion of this discourse, add only one chapter more, in making mention both of the time and place, when and where was heard (I believe) the most remarkable and most excellent singing of Psalms that has been known or remembered anywhere in these our latter ages. . . . The time when, was in the year 1644, the place where, in the stately Cathedral Church of the Loyal City York . . . The occasion

of it was the great and close siege which was then laid to that city and strictly maintained for eleven weeks' space."

He goes on to tell us how that the Cathedral at Service time was "cramming or squeezing full," on account of the "abundance of People of the best Rank and Quality, *viz.*, Lords, Knights and Gentlemen of the Countries round about," who had come into the city for protection. "It would be considered that if at any Time or Place such a congregated Number could perform such an outward Service to the Almighty, with True—ardent,—inward—Devotion, Fervency and Affectionate-zeal, in expectation to have it accepted by Him."

We are told that "constantly in Prayer-time, the enemy would not fail to make their Hellish disturbance, by shooting against and battering the Church. . . . sometimes a Cannon Bullet has come in at the windows, and bounced about from pillar to pillar (ever like some Furious Fiend or Evil Spirit), backwards and forwards, and all manner of sideways, as it happened to meet with square and round opposition amongst the Pillars. . . . "Now here," he goes on to say, "you must take notice that they had then a custom in that Church (which I heard not in any other Cathedral, which was) that always before the sermon the whole congregation sang a Psalm, together with the choir and the organ, and you must also know that there was then a most excellent—large—plump—lusty—fullspeaking—organ which cost (as I am creditly informed) a thousand pounds. This organ, I say (when the Psalm was set before the sermon) being let out into all its fulness of stops, together with the choir began the Psalm. But when that vast concording unity of the whole congregational chorus came (as I may say) thundering in, even so it made the very ground shake under us (O, the unutterable ravishing soul's delight!). In which I was so transported and wrapt up into high contemplation, that there was no room left in my whole man, *viz.*, body, soul and spirit, for anything below divine and heavenly raptures; nor could there possibly be anything on earth to which that very singing might truly be compared, except the right apprehension or conceiving of that glorious and miraculous choir recorded in the Scriptures at the dedication of the Temple, of which you may read in 2 Chron., chap. 5, to the end. But yet beyond this I can truly say it was useful to me in a much higher manner, *viz.*, even as a most lively similitude or representation of the beautiful, celestial, or angelical choirs above, which continually rejoice before GOD, adoring and singing praises to Him, and of Him in all eternity."*

* *Musick's Monument* or a Remembrance of the best Practical Music, both Divine and Civil, that has ever been known, to have been in the world. Chap. ii, p. 3

Washington Irving in his *Sketch Book* graphically describes the vocal efforts of the village choir:—"The orchestra was in a small gallery and presented a most whimsical grouping of faces, piled one above the other, among which I particularly noticed that of the village tailor, a pale fellow with a retreating forehead and chin, who played on the clarionet, and seemed to have blown his face to a point; and there was another, a short pursey man, labouring at a base viol, so as to show nothing but the top of a round bald head, like the egg of an ostrich.

"There were two or three pretty faces among the female singers, to which the keen air of a frosty morning had given a bright rosy tint; but the gentlemen choristers had evidently been chosen, like old Cremona fiddles, more for tone than looks, and as several had to sing from the same book, there were clusterings of odd physiognomies, not unlike those groups of cherubs we sometimes see on country tombstones. The usual services of the choir were managed tolerably well: the vocal parts generally lagging a little behind the instrumental, and some loitering fiddler now and then making up for lost tune by travelling over a passage with prodigious celerity, and clearing more bars than the keenest fox-hunter to be in at the death.

"But the great trial was an Anthem that had been prepared and arranged by Master Simon, and upon which he had founded great expectation. Unluckily there was a blunder at the outset; the musicians became flurried: Master Simon was in a fever: everything went on lamely and irregularly until they came to a chorus beginning 'Now let us sing with one accord,' which seemed to be a signal for parting company: all became discord and confusion: each shifted for himself, and got to the end as well, or rather as soon as he could, excepting one old chorister, in a pair of horn spectacles, bestriding and pinching a long and sonorous nose, who happened to be standing a little apart and being wrapped up in his own melody, kept on a quavering course, wriggling his head, ugliug his book, and winding all up by a nasal solo, of at least three bars in duration."

George Eliot, in her *Scenes in Clerical Life* paints the same scene:—"And the singing was no mechanical affair of official routine, it had a drama. As the moment of psalmody approached, by some process, to me as mysterious and untraceable as the opening of the flowers or the breaking out of the stars, a slate appeared in the front of the gallery, advertising, in bold characters, the Psalm about to be sung lest the sonorous announcement of the clerk should still leave the bucolic mind in doubt on that head. Then followed the migration of the

clerk to the gallery where, in company with a bassoon, two key-bugles, a carpenter understood to have an amazing power of singing 'counter,' and two lesser musical stars, he formed the complement of a choir regarded in Shepperton as one of distinguished attraction, occasionally known to draw hearers from the next parish. The innovation of hymn books was as yet undreamt of even the new version was regarded with a sort of melancholy tolerance, as part of the common degeneracy in a time when prices had dwindled, and a cotton gown was no longer stout enough to last a lifetime: for the lyrical taste of the best heads in Shepperton had been formed on Sternhold and Hopkins.

But the greatest triumphs of the Shepperton choir were reserved for the Sunday, when the slate announced an ANTHEM with dignified absence from the parish, both words and music lying far beyond the reach of the most ambitious amateur in the congregation:—an Anthem in which the key-bugles always ran away at a great pace, while the bassoon every now and then boomed a flying shot at them."

In the present day Psalm-singing as described in this paper has quite died out,—the advance of education and other kindred matters have had their effect upon the metrical versions of the Psalm. They suited a certain age and certain mind, and though they were, for a time, on many lips the genuine expression of a heart belief, yet their influence began to decline at the moment they became the party songs of the narrow and intolerant.

In the early days of Christianity the people were content with the Psalms of David as they stand in all their beauty on the sacred page; those days are rapidly coming back again, and the days of metrical absurdity, and often profanity, unconscious perhaps, are for ever gone.

We have but to lament that the Psalms are not upon the lips of all Christian people, of whatever rank or position, as they were in the days of old. The spirit of a life Christianity needs reviving, and with it will come the revival of the Psalms.

Quaint George Wither longed for this in his time, and speaks of birds as prompting us to praise God with Psalms.

His words may fitly close a chapter on Psalm-singing. "And as St. Ambrose saith: How can men but blush to remember that they have begun or ended a day without a Psalm? When they see that Birds, the wilde Quiristers of the wood, are constant to their devotions, both morning and evening, beginning and ending the day with varietie of song. But alas! these are excellencies that the world is not

sensible of. If your devotions be so early, as to awake you to the singing of these divine Psalms, there are not many Birds of your feather. But, if you will prevent the day to sing a round to Bacchus, to the tune of the pot, or the Musicke of a Tobacco-pipe, every Taverne and Ale-house hath many full Quires of these Musicians."*

M. A. CAMBRIDGE.

ART. VI.—HOW GERMANY CAME INTO EAST AFRICA.

THE bitterness which at the present day exists between England and Germany has, to a very large extent, its origin in the methods of diplomacy adopted by Prince Bismark. The policy of deliberately attempting to outwit a friendly power, to mislead her ministers and wrest from her, unawares, lands in which her influence has been more or less supreme, would seem bound, in the long run, to provoke some violent expression of British feeling. The ignorance of the average Englishman on most subjects connected with the preservation of the Empire can alone account for the seeming apathy with which our statesmen, Liberal, Radical and Conservative alike, have allowed valuable countries to be torn from their hands by diplomatic intrigue and bluster. The story of the growth of Germany's share in the partition of Africa is one of the strangest chapters in the history of the nineteenth century.

That Germany, so soon as she had secured her imperial unity, should turn to projects of colonial expansion was only what might have been expected, but, surely, it should have been foreseen that this movement, unless carefully watched, would be carried out at the expense of the British interests. The movement was not watched. English Cabinets not only were opposed to measures which would have increased the "already too heavy burden of Imperial responsibility," but they were blind to Germany's intention to become a great "world-power." British Secretaries for Foreign Affairs could not bring themselves to realise that the "irresponsible adventurers" or "filibusters" could have been in possession of the confidence of the German Emperor's responsible advisers. The fact that the German Government, while continuing diplomatic relations, had actually annexed whole provinces, did not in the least disturb the tame policy of Lord Derby. It is perfectly true that by her altogether outrageous annexation of Damaraland and Namaqualand, Germany gained not more than 250,000 square miles, consisting mainly of desert; yet the value of the acquisition is quite an accidental consideration; the principle that the British Government might be manoeuvred into any amount of concession-making had been granted. It is not surprising, then, to find that, having succeeded on the West Coast, thanks to the filibuster, Herr Luderitz, an attempt was made through Herr Einwold to secure a port on the coast of Zululand. This step, however,

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* *A Preparation to the Psalter*, Chap. xiv, p. 132.

did not succeed. But in 1885 Lord Granville was completely duped by Bismarck's unscrupulous action in sending Nachtigal to the West Coast on a visit ostensibly "to complete information now in the possession of the Foreign Office at Berlin on the state of German Commerce on that coast," but in reality to annex Togoland and the Cameroons. With such methods and such conceptions of honour in diplomacy,* the Chancellor set his attention to the formation of German East Africa.

The aspirations of the East African traveller, Von der Decken, had met with a response in the Fatherland. There can be no doubt but that the record of his discoveries and colonial ideals made a very considerable stir in Germany. Nor were his views without a basis in fact. In the fifties the great Hamburg pioneer merchants, O'Swald and Co., had founded a flourishing house in Zanzibar—an example soon followed up by others from Bremen and Hamburg. In 1859 the three Hanse towns concluded a commercial treaty with the Seyyid Majid. Dr. Livingstone had, indeed, raised a strong feeling in England in regard to the slave traffic, but in England at this date there was nothing like the same amount of keen interest in the subject of African colonisation as existed in Germany. The earliest missionaries employed by the London and the Church Missionary Society were German by nationality. The Sultans of Zanzibar, since the Seyyid Said, can hardly be said to have been very deeply interested in the manner in which their revenue was obtained, so long as its receipt was assured. Thus the Seyyid Burghash, more especially, seems to have been anxious to farm out his kingdom to some power competent to protect him against all emergencies, and at the same time secure the payment of a very considerable annual revenue. It would seem that his first instinct was to apply to Germany for such support. "It is probably known to few," writes Mr. Scott Kettie, "that as long ago as 1874 the Sultans of Zanzibar† made overtures for having his territory placed under German protection; but Bismarck knew that at that time there was no chance of obtaining a hearing for such a proposal in the German Parliament, and, therefore, declined it."

The schemes urged on his country by Von der Decken were by no means allowed to be forgotten. In the year following Bismarck's refusal to take Zanzibar under German protection, the Vice-Admiral Lurniss reported in favour of the revival of

* Study also the curious intrigue related by Busch in *Bismarck some Secret Page of his History*. Vol. iii, p. 144.

† In an early number of this *Review*, I hope to tell the story of the Zanzibar Sultans or Seyyids.

a similar proposal. In 1879, Von Weber again drew attention to the advantages of the district at the north of the Juba River.

At the commencement of 1885, the apprehensions of the English Government were at last aroused. On January 16, Sir Edward Malet communicated to Count Hatzfeld in somewhat mincing language the request that the Imperial Chancellor should take cognisance of "a considerable uneasiness manifested in the English Press lest the Imperial Government should have intentions with regard to that country (Zanzibar) which would be detrimental to the independence of the Sultan of Zanzibar, and to the interests of the United Kingdom and of India." Alarm had been caused by a telegram which had been published to the effect that a "German man-of-war, with the Consul of His Imperial Majesty on board, had been ordered to Zanzibar." The Consul in question was Dr. Gerhard Rohlf, who, during the last few years, had with no small amount of vigour identified himself with the cause of annexation.* "Earl Granville has instructed me," the note continues, "to inform your Excellency that these apprehensions are not shared by Her Majesty's Government, who construe the assurance given to me by His Serene Highness Prince Bismarck on November 28 last, to the effect that Germany was not endeavouring to obtain a Protectorate over Zanzibar, as meaning that the Government of His Majesty the Emperor considered the country as beyond the sphere of German political influence; but, at the same time, the Government of the Queen think it right to place before the Chancellor the position occupied by Great Britain with regard to these territories." Having alluded to the Canning Award, Sir Edward continues: "Her Majesty's ships have since that time kept the peace in Zanzibar waters, and have maintained an active and successful hostility against the slave trade in the cause of humanity and civilisation: trade has increased, and the safety of the merchants of all countries has been secured. A British line of steamers, subsidised by Her Majesty's Government, and a British telegraph company, maintained communications with the capital and coast ports, and British-Indian traders have settled in large numbers on the island and extended their operations, in harmony with the Sultan's subjects or under the Zanzibar flag, far into the interior, where the Sultan exercises an influence which has now for many years been used for the advantage of the traders of all nations, under the provisions of a liberal commercial treaty."

* A very unfavourable account—perhaps a spiteful one—is given of Rohlf in Busch's book already mentioned. Vol. iii, page 145.

In replying to this note, Count Munster professed himself, and, indeed, proved himself, so "unacquainted" with the recent history of the English influence in the Sultan's domains that he actually tried to deny the historic character of the Canning Award—a fact which serves to illustrate the real importance of that event. He also claimed for his Government the equal right, which Lord Granville in his subsequent correspondence did not dispute, of making treaties with the Sultan of Zanzibar. A month later (February 26), Count Munster further explained that the German Consul-General, Dr. Rohlfs, had been commissioned to "exert his influence" on behalf of the execution of section three of the Article of the Berlin Conference affecting the freedom of commerce in the Congo Basin. "By that declaration the extension of the conventional basin of the Congo to the Indian Ocean is conditional on the acceptance of its provision by the independent States on that coast." With this aim of securing "the most favourable conditions for the transit trade of all nations," Great Britain could hardly quarrel, but in the following March it became notorious that, according to the German interpretation of what was meant by "the most favourable conditions" for trade, territorial acquisition was at least not out of place. It will be now necessary to see what action had been taken in advance of all this paper palaver.

On November 12, Dr. Karl Peters (the same official who was lately dismissed from the public service on the charge of his gross misconduct when in East Africa) accompanied by Count Joachim Pfeil and Dr. Jühlke, disguised as mechanics, and professing to be bound for Liverpool, arrived in Zanzibar. After a conference with Consul-General Rohlfs, they started for the mainland on a treat-making tour. This explains Count Munster's reference to the section of the declaration of the Berlin Conference which required "the acceptance of its provisions by the independent States on that coast" as a condition for the extension of free transit from the Congo Basin to the Indian Ocean. The treaties actually made were, of course, made on behalf of the "Society for German Colonisation," but Dr. Peters, on his return to Germany in February, 1885, at once secured an Imperial Charter for his newly-acquired territories. In the Charter, given at Berlin on February 17, the Emperor "accepted the suzerainty," and placed under our Imperial protection the territories in question," and in turn "granted unto the said society, on condition that it remains German, and that the members of the Board of Directors or other persons entrusted with its management are subjects of the German Empire, as well as to the legitimate successors of this society under the same conditions, the authority

to exercise all rights arising from the treaties submitted to us, including that of jurisdiction over both the natives and the subjects of Germany and of other nations established in these territories, or sojourning there for commercial or other purposes."

The nature of these "treaties" calls for some comment. The country covered by these documents which is in the main the nucleus of the modern German East Africa, includes a district of some 60,000 square miles—the hinterland of Bagamoyo. In drafting these treaties, Karl Peters was careful to embody clauses which bear ample witness to a bad diplomatic conscience. While Germany was professing to respect the independence of the Sultan of Zanzibar, her agent was engaged in furtively securing treaties from chiefs whom the Sultan claimed as subjects. Peters, therefore, acted upon the plan of introducing into his treaties clauses repudiating the suzerainty of Zanzibar. Mangungu, Sultan of Msevero, in Usagara, thus was made to declare that he "was not in any way dependent upon the Sultan of Zanzibar, and that he did not know of the existence of the latter." Salim-bin-Hamed described as "four years first Plenipotentiary of His Highness the Sultan of Zanzibar in Nguru," was induced to declare "that the Sultan of Zanzibar does not possess suzerainty or Protectorate on the continent of East Africa, especially not in Nguru and Usagara"—a native but deliberate falsehood amply rewarded by the final assurance of the declaration: "He solicits Dr. Peters' friendship and receives it." Worthy couple! The treaty with the "Sultana Merimi, Lady of the Province of Makondokwa in Usagara," had on the face of it the character of a bribe. "She is not and never has been dependent in any way on the Sultan of Zanzibar."

It is almost needless to say that these "treaties" were accepted with a charming simplicity by Lord Granville. Count Munster, who seems to have possessed an inspired appreciation of the incapacity of British Governments in African matters, had in February written: "Dr. Rohlfs reports that, if all the foreign representatives work together, the prospects of obtaining this freedom of transit are good." These words are prophetic, only the 'transit' in question must be interpreted to mean the appropriation by Germany of dominions of a power whose independence had been guaranteed by England and France, as well as recognised in previous diplomacy by Germany herself. But Dr. Rohlfs had characteristically Teutonic ideas as to the practical meaning of co-operation. By "working together" he meant that he should be allowed to dictate to the Sultan a new commercial policy of which the English Government was to know nothing until it had been

authoritatively adopted, and that our representative in Zanzibar should not be suffered to have a voice in the matter. It was not till April 11th that the German Consul-General condescended to explain that the proposed treaty meant nothing more than the extension of the privileges hitherto possessed by the three Hanseatic towns to the whole empire.

The Seyyid Burghash could hardly be expected to regard the dismemberment of his dominions, or even the limitation of his legitimate sphere of influence, with the apathy which Lord Granville was wont to display when on similar occasions Great Britain was the victim. On April 27, in a telegram to Berlin, he protested against the annexation of the territories in the Usagara, Nguru, and Ukami. "We protest against this, for these territories are ours, and we hold military stations there, and those chiefs who profess to cede sovereign rights to the agents of the Society have no authority to do so! These places have been ours from the time of our fathers." The protest was much resented, and Dr. Rohlf, who had been so anxious to work on amicable terms with his colleagues, at once laid the charge to the door of our English representative, Sir John Kirk. Lord Granville once more fell prone to the occasion. "Sir John Kirk has reported that the Sultan has sent a protest to Berlin, but that there is nothing in the report to show that he had himself anything to do with the protest. Had he instigated it his conduct would have been inconsistent with his instructions, which direct him to maintain a friendly attitude towards his German colleague." It is amusing to note Sir John's telegram of May 1:—"The protest was spontaneous. Sultan wished to follow in person. I dissuaded him."

The German Government must evidently have felt the necessity of some explanation of such dealings with an independent sovereign, with whom they were actually seeking to conclude a treaty of peace and commerce. Count Munster, therefore, presented an *aide memoire* to Lord Granville, in which he drew attention to the uncertain character of the extent and actual occupation of the lands claimed by the Sultan. In alluding to the contents of this document, Lord Granville recognised "the difficulty in ascertaining what extent of territory he (the Sultan) is justified in claiming," and requested Sir Edward Malet "to state that the supposition that Her Majesty's Government have no intention of opposing the German schemes of colonisation in the neighbourhood of Zanzibar is absolutely correct." The English Minister very accurately surmised that "the Sultan may now be more disposed than he has hitherto been to exercise effectual control over the territories which he can prove to be dependent on

his rule, and of which the Powers may agree to recognise the independence."

Having secured an Imperial Charter for their new territories in the Usagara, the filibusters proceeded to lengthen their cords. About the year 1869, Seyyid Majid had driven out of Patta its Ghafri chief, Ahmed-bin-Sultan, or, as he was known to the Waswahili, Simba (lion). The deposed chief retired to a place named Kau, situated on the mouth of the River Osi, and gathered round him a following, composed of disaffected Arabs, and semi-savage Gallas and Somali. Driven from this important situation, Simba retreated to a wild but fertile spot, about twenty-five miles from the coast, which he named Witu. Round him speedily gathered a large body of outlaws runaway slaves (*Watoro*), bankrupts, felons, etc., Mr. Haggard, who visited Simba in August 1884, reported that the people here "lived chiefly by plundering the neighbouring Swahili villages, and by selling the captured inhabitants as slaves to the Somalis in exchange for cattle, or not unfrequently back to the Swahilis themselves, from whom they again invariably take the earliest opportunity of re-stealing them." Simba alone, according to Mr. Haggard, possessed no less than 600 slaves. The English Vice-Consul on his first arrival was graciously received, but the same evening he was threatened that unless he would there and then consent to run guns and powder from Lamu to Witu, the consequences, for himself at least, would be painful. "I may here remark," writes Mr. Haggard, "that punishment from His Highness the Sultan of Zanzibar, sooner or later, seems to be very generally anticipated at Witu, and I consider it would be wise not to disappoint them, but to destroy the whole colony as soon as possible, and capture their leaders, or, with their rapidly increasing strength, they may very possibly attack him somewhere. Anyhow, if unmolested much longer, the Watoro will succeed in completing the ruin and destruction of this fine country."

The agents of the Society for German Colonisation had now determined to take this delightful Sultan of Witu under their protection. Bismarck's communication on this subject to Count Munster must be regarded as one of the lasting jokes of history. But it is necessary to look back a little to the events which preceded the German intrigues to gain possession of Witu.

The receipt of the Seyyid's protest against the action of Germany in the Usagara had been followed by the news that troops had been despatched under the command of General (now Sir) Lloyd Mathews to thwart the movements of the German filibusters. Sultan Burghash, on May 28, had explained

to Sir John Kirk that no additional soldiers had been despatched into the territories claimed by Germany, but that at Mamboya and at two other stations in the Usagara he had for some years kept up military establishments. As for General Mathews, he was believed to be at Chagga in the Kilimanjaro district. When, however, the Seyyid became aware that German agents were actually intriguing with the outlaw Simba, he at once despatched troops to make good his claims. Dr. Rohlfs reported to his Government that a steamer had left Zanzibar with some six hundred men for Lamu. This report gave occasion to the serio-comic document we have alluded to.

"England, till now," writes the Chancellor, "had a common interest with us in preventing friendly negro tribes in the interior from falling under the influence of Arab fanaticism akin to the Mahdi movement, and their territories from becoming the scene of a bloody Mahomedan propaganda instead of the abode of a gradually developing culture." Thus the tame soldiery of Burghash, the most tolerant of Orientals, is compared to the fanatical hordes of the Mahdi, and the semi-savage Arab outlaws and their gang of brigand Gallas and Somali are credited with a "gradually developing culture!" But the reference to Egypt and a co-operation of England and Germany may mean more than Bismarck thought it wise to state. A still more ludicrous memorandum accompanied the delivery of this exposition of the Chancellor's feelings. In this latter document Simba is said to have been "most earnest in his efforts to promote the prosperity of his new subjects," and to "have abolished slavery of his own accord throughout the whole of his territory." The memorandum is, in fact, made up of a series of absolute falsehoods, although the concluding statement may possibly be true:—"In the year 1867 Sultan Simba requested the Prussian Government through the African traveller Rich. Brenner, so conclude a treaty of friendship, and to take him under his protection."

However unsatisfactory the claims of the Seyyid to the hinterland might have been, Burghash was prepared to support them as best he could against the filibuster, although he was aware that he would have to give in as soon as the German Government resorted to actual compulsion. With a view to keeping on the wind-side of Count Pfeil and Dr. Jühlke, who were still busy procuring fresh "treaties," General Mathews* was despatched by the Sultan on a formal expedition to Chagga and Taveta, in the Kilimanjaro district. In the

* The General died at Zanzibar early this year. His services to the Empire were more seriously recognised by the Imperial Governments. Sir Lloyd was in many ways a very great man. R. I. P.

previous year, the chiefs in this district had signed treaties with Mr H. H. Johnson, and these concessions had been made over to the President of the Manchester Chamber of Commerce to form a basis for an arrangement which, as will be seen, the English Government were about to conclude with the Sultan of Zanzibar. While, then, the Chancellor's Government professed to be desirous of English support in the matter of securing the Usagara district, their agents were actively engaged in securing "treaties" with a view to embarrassing the project, already notified to Prince Bismarck, of a concession of territory to an English merchant company.

By the commencement of June, General Mathews was able to announce the results of his proceedings in the Kilimanjaro district. A declaration had been signed by all the important native chiefs, in the following terms:—

"We, the Sultans of Chagga and Kilimanjaro, do, in the presence of General Mathews and his soldiers and followers, swear that we are the subjects of His Highness the Sultan of Zanzibar, and that we hoist his flag in the towns of our country to prove our loyalty, and that we recognise him as our Sultan."

The German Consul-General was not slow in protesting against this action on the part of Burghash. In view of the action of Karl Peters and his colleagues, the protest of Dr. Rohlfs is somewhat humorous reading. "Your Highness will yourself know that when so-called annexed countries are taken possession of, this usually happens by international agreement with reservation of the rights of third parties." Could the transactions of the German filibusters be more concisely criticised? Prince Bismarck, however, was at this moment in the act of sending a fleet to Zanzibar waters not, of course, to intimidate, but to assist the royal "third party" to withdraw any "reservations" he might wish to make in regard to the partition of his realms.

In complete disregard of the claims of third parties, Count Pfeil and Dr. Jühlke during the summer of 1885 had been contracting "treaties" with native chiefs. It is hardly necessary to notice these documents in detail: they differ mainly from those secured by Peters in that they attempt to apologise for the fact that the signatory-chiefs were actually at the time of Jühlke's visit flying the Zanzibar flag.* On August 10, the Seyyid received an ultimatum from the hands of Commodore Paschen. What might have happened had the Seyyid refused to accept his terms can only be imagined. Count Hatzfeld had assured

* Seyyid Burghash very justly complained: "These same Germans only got these by means of sovereign letters of recommendation which I gave them, to my officials there."

the French Charge d'Affaires that Commodore Paschen "had no authority whatever to enforce demands of any description by use of intimidation." Yet on June 2 the Chancellor had written to Count Munster in these terms: "We shall be glad if the co-operation of England relieves us of the necessity of using force against Zanzibar and its Sultan; but the necessity is imposed upon us of speedily relieving ourselves from a situation which, for some time, has been an impossible one for the German Empire to accept." Sir J. Pauncefote, in a telegram to Sir John Kirk, stated: "I am directed by the Marquis of Salisbury to inform you that the German Government deny that the German Commodore has received any authority to threaten force against the Sultan. They say that as they are in negotiation with the Government of Great Britain and France with regard to the limits of the territory of the Sultan, they have no intention of attempting by threats to obtain any territorial cessions from them."

On August 7, the German frigate "Stosch," bearing the broad pennant of Commodore Paschen, the "Gneisenau," "Prince Adalbert," "Elizabeth," and the steamship "Ehrenfels," entered the harbour of Zanzibar and saluted the Seyyid's flag with twenty-one guns. The arrival of the German Admiral, with two more ships, was expected in ten days. The Commodore lost no time in sending in his master's "demands." Despite the repeated protests of the Imperial Secretary of State, Count Hatzfeld, it soon became quite clear that while there were some points which the Commodore did not intend to carry by intimidation, there was at least one point "on which Germany insisted, and had determined to obtain satisfaction at all hazards," *viz.*, the withdrawal of the Sultan's protest against the German Protectorate in the interior. The highwayman who demands a "free transit of goods," with the intention to secure his demand at all hazards, cannot, according to German principles of diplomacy, be said to employ intimidation as a means to his end! It would seem from Sir John Pauncefote's telegram to Sir John Kirk that the passive attitude of Great Britain in the matter was, to some extent, due to the promise given by Count Hatzfeld that no intimidation should be resorted to. The attitude of France must also have been largely determined by the consideration of such an undertaking. In view of the fact that an International Commission for the delimitation of the Sultan's domains had been agreed upon, the action of Germany in presenting an ultimatum at this stage cannot escape rigorous criticism.

The Seyyid, after a vain attempt to secure breathing space, had no other alternative but to give in. That he conceived himself to be under a menace is clear from the wording

of his formal submission: "In consequence of the demand which comes to us from His Majesty the Emperor of Germany as an ultimatum, and indispensable to the commencement of friendly negotiations, we acknowledge the Protectorate of Germany over the lands of Usagara, Nguru, Usugha, Ukami, and over the district of Witu, the boundaries whereof shall be hereafter defined; we acknowledge over these said places the Protectorate of His Majesty, and undertake to remove our soldiers, and make this known to our officers, who occupy the whole of the places of the coast."

Thus terminated chapter one of the history of German efforts at colonisation in East Africa. We must now retrace our steps a little.

In 1872, the British India Steam Navigation Company, aided by a State subsidy, established a more or less regular line of mail steamers between Bombay and Zanzibar. It was, perhaps, in consideration of the interests of the Company that the Seyyid Burghash in 1877 offered its Chairman, Sir William Mackinnon, a lease of the customs and administrations of the whole territories of Zanzibar, certain reservations of sovereign rights being alone proposed in respect to Zanzibar and Pemba. Failing to obtain the support of the Foreign Office, Sir William found himself bound to decline so tempting but so responsible an offer. In September 1884, Mr. (now Sir) Harry Johnson, as we have seen, had obtained treaties from the native chiefs in the district of Taveta, and on his return to England had handed over these documents to the Manchester Chamber of Commerce. Consequently, on May 25 of the following year, Lord Granville, in acknowledging an *aide memoire* from Count Munster, wrote to Sir E. Malet as follows: "I should wish your Excellency, while speaking in this sense to the Chancellor, to inform him that a scheme has been started in this country under which, if it is realised, the efforts of German enterprise may be supported indirectly by British enterprise. You will explain that some prominent capitalists have originated a plan for a British settlement in that country between the coasts and the lakes which are the sources of the White Nile, and for its connection with the coast by a railway. In order to obtain fair security for their outlay, they propose to endeavour to procure concessions from the Sultan of a comprehensive character. Her Majesty's Government have the scheme under their consideration, but they would not support it unless they were fully satisfied that every precaution were taken to insure that it would in no way conflict with the interests of the territory that has been taken under the German Protectorate, nor affect that part of the Sultan's dominions lying between that territory and the sea."

The expression relative to "concessions from the Sultan of a comprehensive character" was under the circumstances not a happy one, and Lord Salisbury, on succeeding Lord Granville at the Foreign Office, at once made it clear that the commercial company based their claims not on concessions from the Sultan, but on the treaties secured by Mr. H. H. Johnson. The Commission for the delimitation of the Sultan's dominion was, however, about to commence its sittings, and the English Government, at the request of Germany, consented to await the result of the deliberation. The Seyyid himself, in a hopeless but dignified fashion, gave his assent to the session of the commissioners, but refused to pledge himself to accept their handiwork. On June 9, 1886, Lord Roseberry, who had taken over the portfolio of foreign affairs, received from the English representative, Lieutenant-Colonel Kitchener, a "Special Proces-verbal containing the unanimous opinions of the Delegates of Germany, France, and Great Britain, with reference to the Maritime, Littoral, and Continental Possessions of His Highness the Sultan of Zanzibar." Apart from this document, it would seem that, while the French and English commissioners were agreed in recognising the title of the Seyyid to the whole coast line which he had claimed, the German commissioner was only willing to recognise his rights to a certain number of points in it and not the coast intervening. After a very considerable amount of amicable correspondence, Great Britain and Germany, with the assent of France, placed before the Seyyid their conclusions as to the delimitation of his kingdom; the general result of these long deliberations may best be stated in the terms of Burghash's deed of acceptance:—

"We have received your letter dated December 3, and at the same time we received a letter from the Consul-General of the German Government, and we have understood them both as follows:—

"1. Great Britain and Germany have agreed to recognise our Sultanate over the Islands of Zanzibar, Pemba, Lamu, Mafia, and all the islands on the coast. They recognise our Sultanate over a continuous line of coast from the River Minengani, at the head of Tungi Bay on the south, up to Kipini on the north; and the said line commences from the mouth of the Minengani River, and follows the said river for five nautical miles, thence following the line of latitude till the said line strikes the right side of the Rovuma River, and crossing the said river, runs down its left bank. From thence the line follows the coast, with a breadth inland of ten nautical miles from high-water mark. And the limit to the north includes Kau. To the north of Kipini the Governments recog-

nise as belonging to us the places Kismayu, Brava, Meurka, and Magadisho, with a radius of ten miles each, and Washeik, with a radius of five miles

"2. We agree to accept the demand of Germany to lease to the German-African Company the customs of Dar-es-Salaam and Pangani, the Company having to pay annually a rent calculated on a percentage of the revenue collected, on a sliding scale, as will be afterwards agreed.

"3. The Governments have agreed to delimitate the following countries, *viz.*, the whole territory bounded on the south by the Rovuma River, and on the north by a line commencing from the Tana River, following the said river or its affluents up to the point where the Equator meets the 38th degree of east longitude, whence it goes diagonally to the point where the 1st degree north latitude cuts the 37th degree east longitude, where it ends. This territory is divided between the Powers of Great Britain and Germany by a line drawn from the mouth of the River Wanga or Umba direct to Lake Jipe, passing along its eastern and round its northern shore it crosses the River Lumi, and passes midway between Taveta and Chagga, and round the north side of Kilimanjaro Mountains, and thence runs diagonally to the east shore of Lake Victoria Nyanza, to the place where the 1st degree south latitude strikes the lake. And seeing what they have agreed as to these places which are to be under the influence of Great Britain and Germany, we will not put our hand towards acquiring any fresh place in them without the consent of the two Governments.

"4. We agree to remove our protection from the district of Kilimanjaro, and will make an official declaration on the subject to the Chiefs.

"5. Great Britain, Germany and we recognise that the coast line of Witu stretches from the north of Kipini to the north of Manda Bay, and we will remove all our officials from this piece of coast. With regard to our accepting that this part of our kingdom should be taken from us and given to Germany, we hope that the two Governments will do what is just according to this Agreement, namely, to protect our kingdom from being divided among them by other nations, and then, in consequence of the friendly way in which the two Governments of Great Britain and Germany have asked us to adhere to their Agreement, we are ready to give our adhesion, and for that purpose we have given Mahommed-bin-Salim Mauli full powers to represent us before you and sign the official Convention settling the whole question without delay.

This is from your friend,

(Signed) BURGHASH-BIN-SAID."

At the same time, the Seyyid signed his adherence to Article XXXVII of the General Act of the Berlin Conference of February 26, 1885, but with "the reservation that his adhesion to the said Act shall not entail or shall not be supposed to signify his acceptance of the principle of free trade, which, according to Article I of the said Act, shall not be applicable to his territories in the eastern zone which therein defined, except so far as he shall assent thereunto." From this time forward the subject of the partition of the hinterland lying to the east of the coast district thus recognised as lawfully belonging to the Seyyid no longer concerns the history of the Sultanate of the Zendj.*

On May 25, 1887, Burghash was at last able to make the concession to Sir William Mackinnon that he had so long desired to effect. "To the Corporation or Association under the presidency of Mr. William Mackinnon, hereinafter to be called the East African Association, or the Association who, on their part, agree to accept the accompanying obligations," the Seyyid Burghash leased for a period of fifty years all his powers of justice, taxation, customs, general administration on the mainland strip from the Umba River to Kipini. In return the Company was to pay "His Highness the Sultan the whole amount of his Customs dues, which he now receives both from import and export trade of that part of His Highness's dominions included in this concession." It will be noticed that the Company's concession was thus out-flanked on the north by the turbulent little Sultanate of Witu, which then rejoiced in German protection.

The rest of this chapter must be devoted to the consideration of the stages by which the narrow strip of coast line from the Rovuma to the Umba passed from the Seyyid's rule. According to Article II of the adhesion to the Anglo-German Agreement signed by Burghash, the German Colonisation Association were on certain terms to be allowed to hold on lease the harbours of Dar-es-Salaam and Pangani. This Concession, very considerably expanded, was granted in April, 1888, on terms rather more advantageous to the German Company than had been those of the concession to Sir William Mackinnon in the previous year. During an experimental administration of twelve months the Association was to employ existing local staff, and ascertain approximately the actual revenue. This sum was to be remitted to Zanzibar in monthly payments, the expenses of administra-

* In subsequent negotiations "the whole of the magnificent Kilimanjaro region with its fertile slopes and foot-hills, was made over to Germany, a stretch of generosity on the part of the chivalrous Lord Iddesleigh which was scarcely called for." (Scott Keltie, "Partition of Africa," 1st Edition, page 239.)

tion, for which item a limit of 1,70,000 rupees was set, being first deducted. The Company were allowed a commission of five per cent. on the net revenue of the whole mainland coast during the test year. The approximate total of the revenue being thus ascertained, its payment to the Sultan would be guaranteed for a period of years, after which a definite adjustment would be determined. While this bargain was in process of being struck, the Seyyid Burghash died, and was succeeded by his brother Khalifa. The new Sultan, however, accepted the responsibility of his brother's engagements and the arrangement was concluded.

It was soon to be discovered that for a European power to repudiate the Seyyid's claims on the ground of non-effective occupation was one thing, to establish European administration was another. So far, Germany had established her rights in the hinterland of the Usambara and Usagara, and had secured the lease of the administration of the coast. The native chiefs, who had been ready to accept German friendship in lieu of the possibility of the Seyyid making his suzerainty a real thing, rose in insurrection when they discovered in that reality King Stork had succeeded to King Log. On July 2, 1888, the Rev. S. B. Farler, Archdeacon of Magila, reported to Consul-General Euan Smith that the powerful Bondei chief, Semboja, was preparing for hostilities. At Bagamoyo, the German officials, despite the protest of the Seyyid's representatives, had signalled their coming into possession by removing, in violation of the terms of the Concession, the Sultan's flag-staff from its former position. This gave the surrounding tribes their cue to rise in rebellion. The Imperial authorities subsequently found it necessary to apologise to the Seyyid for this insult on the part of the officials of the Company, but the ill-feeling towards the Germans was too strong for the Seyyid to remedy. At Pangani, General Mathews, despite his former popularity, was driven out of the town. The Indian merchants, whose close connection with the natives render their fears and apprehensions a sort of weather glass to measure the approach of coming storms, deserted Bagamoyo *en masse*. News came from Kilwa* that two Germans with eleven of their servants had been massacred. At Tanga the German gun-boat "Mowe" had to land its men under a severe fire, the new flag had suffered the fate of the old one at Bagamoyo.

The position of the Sultan was a difficult one. On the one hand he was bound by his engagements, and the original

* Kilwa Kivinji on the mainland, not Kilwa Kisiwani the ancient Quilon of Portuguese renown. The present writer witnessed some severe fighting at the former place in 1894, when the German Garrison was attacked by an insurgent tribe and almost caught napping.

contract had, during Colonel Euan Smith's brief absence from Zanzibar been considerably extended. By the Concession of April 28, 1888, the Seyyid Khalifa made over to the German East African Association "all the power which he possesses on the mainland of the Mrima, and all his territories and dependencies south of the Uмба River. The administration was "to be carried out under his name and under his flag, and subject to His Highness's sovereign rights." Hence the difficulty created by the arbitrary action of the commander of the "Mowe" at Bagamoyo. The Seyyid was bound to stand by the engagements, but he naturally was irritated by the manner in which the German agents had taken over their concessions. On the other hand the leading chiefs on the mainland coast soon found an early opportunity of informing His Highness that they would altogether throw over his authority if he insisted in placing them under German rulers. Stung to the quick by the cruel indignity in the matter of the treatment of his flag, and further irritated by the action of the representative of the German Company, Herr Vohsen, who mingled appeals for assistance with "long minatory verbal messages," the Seyyid at first positively declined to assist the German Company in their difficulties at Tanga and Pangani, saying that the officials had driven the people into rebellion by the insults, and that he could not send his soldiers to fire upon the people. Herr Vohsen, in despair, at once determined to go on board the "Brava" and look for the German Admiral and his fleet.

It is hardly necessary to attempt to follow the ensuing events in detail. By prompt and skilful action, Colonel (now Sir) Euan Smith was enabled to prevent the bombardment of Tanga and Pangani upon which Herr Vohsen had set his heart. A compromise, suggested by the Seyyid, according to which he should resume the administration, while the Germans for the time being contented themselves with superintending the Customs through native agents, was provisionally accepted by the German Consul-General, Dr. Michahelles. For the moment the high-handed action of the German fleet in 1885 seemed avenged. "The compromise," writes Sir Euan Smith, "thus accepted inevitably involves, on the part of the Company, a temporary abandonment in two important places, of all the rights obtained by them under the recently-signed concession, as well as the virtual acknowledgment that they are responsible for the procedure which has rendered such abandonment inevitable."

In the meanwhile, Vice-Consul Berkeley* had visited Pangani on board H. M. S. "Algerine" with a view to enquire

* Afterwards representative of Uganda.

into the situation of the British Indian traders. A boat with an interpreter was sent ashore, but was fired on by the natives. The position had become most serious. Never had the people of the Zendj set so firm a front against the European. The provocation originally given to the people of Pangani must have been of a peculiarly grave character, although the statements made by the insurgents are of an obviously exaggerated nature. They complained that "the German flag had been hoisted under the Sultan's, and done so only before the strangers of the town. The Dewans and influential and powerful people were not present, but heard of it next day, and that the Germans had landed a force of soldiers in the town, driven the Wali away by force, and had entered their mosque, followed by dogs; they had broken into the Wali's house and shamefully treated his women, and had broken into the gaol, releasing all the malefactors and prisoners, debtors of Indians, runaways, and others; that they had cut down the flag-staff and flag of His Highness, which he had inherited from his father, Seyyid Said, and under which they had always lived peaceably. They, the Germans, had disgraced their Sultan, and they had also stated a number of times that the country was theirs, and that Seyyid Khalifa was no one; they did not know him; they, the Germans, were the Sultan, not him; and that all who did not obey and recognise them as the Sultans of the coast should be imprisoned and sent to Germany; and also that, if not recognised and obeyed, their ships of war should bombard the place and land soldiers, and do as they pleased with the inhabitants of the town. The twelve soldiers left behind after the German force had embarked, morning and evening walked about outside the town, behaving badly and seizing our women, so much so that nearly all have left the town. In fact, the Germans behaved in such a manner that we could stand it no longer, and the tribes in the interior, hearing and having sent people to see what was going on, also rebelled against the Germans."

The advice given by Colonel Euan Smith, the representative of the greatest race of Colonists known to history, to the German Consul-General, although in oblique form, has some philosophical interest in connection with the troubles involved in Germany's early efforts in the direction or colonisation: "I informed him that it was my intention to discourage to the utmost, on the part of the British East African Company, any attempt to interfere for some time to come, save in such small details as were absolutely necessary, with the daily life and customs of the people. I would, if possible, limit the Company's operations for the present solely to all that concern-

ed the commercial aspect of their concession. I would advise them to displace none of the old and well-known authorities, and to introduce no new and unintelligible regulations. Lastly, I would discountenance any attempt (even if such were contemplated) to interfere with the Sultan's flag."

In accordance with the compromise suggested by the Seyyid Khalifa, General Mathews had been despatched to Pangani in order to establish an influential Arab in the administration. For years past the General had exercised an influence amongst the natives of the coast superior, perhaps, to even that of the Seyyids themselves. Received at first fairly cordially, he was soon told that the insurgents had determined to levy war with all Europeans alike, and that only out of their respect for him personally would they allow him to escape with his life. The town was strongly fortified, and occupied by a vast number of well-armed native warriors. The German officials had all been removed in safety, and the insurgents had made a solemn undertaking to secure the lives and property of the British Indian traders. Finding himself powerless to effect any good, the General returned to Zanzibar on September 25th.

In the same despatch in which Col. Euan Smith informed the authorities at home of the failure of General Mathews' mission, he expressed the gravest apprehensions as to the safety of the planters and missionaries who had settled down at no great distance from the scene of troubles on the coast. The English Consul at once took steps to secure a safe retreat for the staff of the Universities' Mission at Magila, a spot not twenty miles from the port of Pangani. The Arab Hamisi-bin-Said was deputed to visit Pangani for this purpose, but his boat was fired upon, and when at last he succeeded in landing, he was informed by the chief Bushire that the insurgents "had no quarrel with the English, and as for the missionaries especially, they had never received anything but good from them." "I have given it to be clearly understood," were the instructions of the Bishop of Zanzibar, "that missionaries of the Catholic Church, when they have once settled in a country, and have gained the love of its people, will never abandon it." Having interviewed the Imperial Chancellor at Berlin, Bishop Smythies, who had been in England on an absolutely necessary furlough, at once returned to his diocese.* On November 11, Dr. Smythies

* The Bishop made the journey to Nyasa five times in ten years, each journey thus involving a walk of 450 miles. Besides this he made frequent pastoral visitations to the Usambara country. On the occasion of his last appearance at the annual meeting of the Universities' Mission, his worn-out appearance created a profound sensation. "There," said the

sailed from Zanzibar to Pangani, accompanied by an influential Arab, whom the Sultan had deputed to assist the Bishop in every way still possible. Sir Euan Smith had in vain attempted to induce the Bishop to order the station to be closed and the workers to withdraw to Zanzibar, but nothing more could be secure than the promise that the lady-workers should be withdrawn. On reaching the Pangani, the ship was fired on. The Bishop, however, after being delayed for nearly a week, disembarked, and proceeded to the depôt of the mission. The house was very shortly surrounded by an excited mob, and how the matter would have ended if Bushire himself had not come to the rescue can only be conjectured. Standing in the doorway of the little house rented by the mission, the old insurgent chief announced that while he was alive no one should enter to molest the Bishop. A few months later, when the Germans had captured the town, they selected the garden attached to the house, then uninhabited, as the spot for Bushire's execution. After reaching Magila the Bishop wrote home, very warmly, acknowledging the services he had received, and pointing out the very substantial justice in the cause of the insurgent chief. The ladies were sent in safety back to Zanzibar, and save for their absence, the work went on at the great mission station just as if there were no war going on within half a day's march. By remaining with their people, it cannot be doubted the missionaries saved them from attack, and possibly slavery if not massacre.

The unfortunate Seyyid Khalifa, a man of a naturally morose disposition, on November 8, found himself compelled to assent to a blockade of his continental dominions by his own ships and those of Germany and Great Britain. The policy thus thrust on the Seyyid by the "friendly Governments" must have been a bitter one. His flag had been insulted by the irresponsible action of the officials of the German Company, and the so-called insurgents were beyond all doubt fighting for the cause of Mohammedan independence. "I found His Highness," writes Col. Euan Smith, "in a state of extreme depression. He declared that his acceptance of the blockade would render him most unpopular with his people, and complained that the Germans had given him no chance of restoring his own power on the coast, which, as he asseverated, he would have been able to do had they retired, even temporarily, from the coast-line."

Bishop of St. Alban's, "you see a soldier who has come home from a great campaign bearing the marks of the battle on his face." About this time, the Bishops appeared on the platform in company with Cardinal Lavigerie to plead for the suppression of the slave-trade.

The Seyyid consented to issue a Proclamation notifying the blockade, but he wrote in bitterness of spirit to Sir Euan Smith:

"As to the agreement regarding the blockade come to by the two Governments, we agree to follow it; but we have neither men-of-war nor people able to stand like your people. What we fear is the disorder in our people, which might result in suspicion towards them that they committed a crime, just as the Company took from us our Askaris (*soldiers*), and after a few days discharged them saying that they, the Askaris, did not do their work properly. From the time of our ancestors until now the people of this type have been serving us, and we use courtesy in governing our people and not force, if, by the help of God, they listen to us. . . . We wrote to you before that by the help of God we could pacify these disturbances without. . . . men-of-war, but you did not agree with us."

The policy of the blockade can hardly be commended. Things went from bad to worse along the coast. Bushire had formed his camp near Bagamoyo, and constant fighting was going on here and at Dar-es-Salaam. "The smuggling of arms and ammunition," wrote Col. Euan Smith, on February 2, "is still extensively carried on, and though the cruisers of the combined fleets have, up to the present, made no captures of this contraband of war, it is an undoubted fact that the tribes on the coast are well supported with both powder and rifles from Zanzibar itself." Another instance of the failure of the fleets to effect the object for which the blockade was instituted is furnished by the fact that all this time Bushire had been importing vast numbers of slaves into Zanzibar itself. Then came the attack on the Roman Catholic missionary station at Pugu which filled the officials at Zanzibar with the gravest fears as to the safety of the C. M. S. missionaries in the Usagara. The station at Pugu had been occupied by a community of seven brothers and two sisters. As the family were proceeding from the mission house to the little church situated close by, they were fired upon by a crowd of Arabs and coast folk. Two of the missionaries and one young girl were shot dead; two persons succeeded in escaping to the bush, and ultimately found their way to the coast and were rescued by the "Leipzig;" the others, together with the greater number of their converts were carried away captive and placed in the hands of Bushire's lieutenant, Suliman-bin-Seif.* A little before this Mr. Brooks, a C. M. S. missionary from Tanganyika, had been murdered in the neighbourhood of

* Released in March in exchange for captive Arab slave-runners and a ransom of 6,000 rupees.

Saadani. These murders would seem to have been mainly due to Arab slave-dealers who had come Oman in order to profit by the anarchy on the African coast. But disaster followed disaster. The news reached Zanzibar of Arab risings in Uganda and Nyasa, and queer preparations were going on at Mozambique; thus it may be said that the whole of Eastern Africa was in a state of war.

The authorities in the Fatherland were not slow to express their censure on the conduct of the German Colonisation Society, but they by no means intended to allow the East African scheme to die a violent death. The Association, even with the support of the combined fleets, had so far succeeded only in throwing the country into a state of the wildest anarchy. On January 30, therefore, the Reichstag voted the sum of two million marks "for the suppression of the slave trade and the protection of German interests in East Africa." The officials of the Company were now placed under the command of by far the greatest man Germany has sent to Africa, the distinguished traveller who had twice crossed the continent, Captain Hermann von Wiesmann. With nearly 1,000 well armed and trained native troops, some two hundred sailors, and about sixty officers, the Commissioners drove Bushire from point to point until at last he was captured, tried by martial law, and hanged. By the middle of 1890, the interior had been, to all intents and purposes, pacified, and the whole coast from Delgado to the Umba taken well in hand. In the November of that year the Seyyid, after his bitter experiences during the struggle that has been going on for the past two years, was not sorry, now that his old supporters on the coast had been thoroughly humiliated, to sell his remaining rights to the East African German Society for the sum of four million marks. Thus by the end of 1890, of the dominions of the Zendj, the coast from Delgado to the Umba, with its Hinterland, was in German possession, while the British Imperial East African Company had secured the lease of sovereign rights northward to the Kipini river, and the petty Sultanate of Witu held its own, Kismayu was to become the subject of further discussion, and the northern ports were soon to be conceded to Italy. Even the Portuguese, not to be outdone, had a serio-comic bombardment in Turghi Baj.

Another article would be required to describe at all adequately the events which led up to the abandonment of the Witu Protectorate by Germany, and the exchange by great Britain of Helgoland for German recognition of what should never have been allowed to be disputed—Great Britain's right to protect Zanzibar. The importance of the Witu incident lies in its

connection with the German doctrines of the Hinterland. If Germany had been able to maintain her footing in Witu, she would have been able to give us considerable trouble when the development of the land of the Nile springs became a political necessity. But the Witu business had its nemesis. The peaceful slave-emancipating Sultan Simba grew weary of his German patrons and apologists. The end was that the German colonists were ruthlessly murdered, and Germany, unable herself to avenge the outrage, appealed to Great Britain to send a punitive expedition to stamp out civilised Witu. And this we did.

WALTER R. FIRMINER, F.R.G.S.

ART. VII.—SUGGESTIONS ON THE POINTS RAISED BY THE UNIVERSITIES' COMMISSION.

HISTORICAL RETROSPECT.

SOME idea of the ancient indigenous system of Sanskrit teaching may be gathered from the following brief description of facts observable at the present date at one place which is a typical seat of Sanskrit learning.

In Benares there are about four thousand Vidyārthis to-day mostly Brāhmins, who are supposed to be studying Sanskrit.

BOARD AND LODGING.

The bulk of them, about four-fifths, find food, and partially also such simple clothing as they require, in Sattras—alms-houses, established by Indian chiefs and merchants. Some of these Sattras daily give one large meal, in the middle of the day, to 250 or more students. The students content themselves with that one meal. Clothing and books where not supplied by these institutions are provided by the charity of householders amongst whom the Vidyārthis beg freely for them and other miscellaneous help. They live about in all sorts of places; the gardens of the well-to-do citizens, groves, Dharma-shālās, in some cases the Sattras, and even pass nights on shop-ledges reading by the light of the earthen lamp provided by the shop-keeper to help the Vidyārthi, for charity and also for the advantage of the indirect watch and ward. The remaining one-fifth or less have either some small private means and residence of their own or live with their teachers, as will be described presently.

PLACES OF INSTRUCTION.

For instruction there are seven or eight organised Pāthashālās such as the Government Sanskrit College, the Ranavira, Sanskrit Pāthashālā, the Darbhanga Pāthashālā, the Nagavā Pāthashālā, etc., which, teach roughly, about half the total number of students. Of the rest, a large proportion do not really study any thing at all, but waste their time in idleness or worse, living on charity by pretence. A small portion live with private teachers, who teach in their own houses helping their Vidyārthis in many ways to get their food and clothing from families where the Pandits act as priests, on ceremonial and other occasions, and sometimes helping them out of their own pockets. In return they get from these Vidyārthis, offices of Shushrūshā and service, still keeping up the ancient traditional relation of teacher and student. Some

of these Pandits on the other hand are only nominal Pandits and not scholars at all and their following of equally nominal Vidyārthis only a means of gaining a false respectability and its benefits.

HOURS OF STUDY, HOLIDAYS AND RECREATION.

The hours of regular teaching are everywhere almost invariably the hours of the forenoon and afternoon, summer, rain and winter. Hard brainwork immediately after the midday meal, which is particularly disastrous to digestion in India where that meal is the principal meal of the day for rich and poor alike, is thus entirely avoided. Early rising is also necessitated. No work except memorising is done after nightfall, and as a result the health of the Vidyārthi is generally better than that of his compeer of the English-teaching School and College.

There are no long holidays, except in some of the Pāthashālās where modern influences prevail, with their consequences of break of touch between teacher and pupil, great waste of time by the pupil during the holidays, and forced rapidity of work for both teacher and pupil during the fewer working days.

Ordinarily, the holidays given are short and frequent; and of these too the majority mean only a change of work rather than complete rest. Even now, though of course to a much smaller extent than before, printed books became available, many of these holidays are spent in writing up the text to be studied in the coming Paksha (fortnight). On others only Veda study is avoided while secular studies are continued and so on.

In the evenings, the teacher, goes out generally into the suburban gardens or open fields or jungle places with his favorite pupils and all enjoy the fresh air, and some take a little regular physical exercise in the indigenous ways, "dips," "sitting up and down," &c.

All this is however diminishing day after day under the pressure of changed conditions. Pandits are beginning to send their cleverest sons to the English Departments of Schools and Colleges, and the necessary mixture of the old and the new under circumstances not yet thoroughly understood and deliberately grasped and guided, is causing much confusion, for the time being, in the educational as well as other departments of Indian life.

COURSES OF STUDY.

With the exception of the Ranavira Sanskrit Pāthashālā, where some new methods have been very recently introduced experimentally, the usual system of instruction is for a

Vidyārthi to read all the books, whatever the subject, that he wishes to study, with one teacher only. The Vidyārthi generally chooses his subject and also his teacher by the reputation of that teacher as a specialist in that subject, and teacher and student try to stick to each other under a system of mutual yielding without any genuine and thoughtful consideration—there are honorable exceptions—of what is best to study for the Vidyārthi. Thus a student makes up his mind to become an astrologer, or a Dharma-Shāstri, and he at once goes and begins with a Jyautishi or a Dharma-Shāstri. No systematic endeavour is made to master the Sanskrit language or get such a foundation of general knowledge for later specialisation, as is implied in a matriculate in the English Schools.

EXAMINATIONS AND DIPLOMAS.

There are, generally speaking, no formal and set examinations. But 'Shāstrārthas,' public 'Controversies,' "oral attack and defence of theses" at gatherings of students or of Pandits at Sabhās—(assemblages of Pandits called by well-to-do private persons, on ceremonial or other occasions, where money and other presents are given to them) are constantly taking place, as they used to do between the learned of the middle ages of Europe, and are still practised at some of the continental Universities. At these Shāstrārthas, the promising student comes to the front, and his reputation is built up gradually till he thinks of moving on into the household life. Then he secures a Pratishtā-patra or "certificate of learning," in the books and subjects he has studied, over the signatures of a number of the leading Pandits, and generally goes away to his native town or village and sets up as a Pandit himself. The organised Pāthashālās have now other methods also, of holding written examinations and conferring degrees, and these are coming to be respected more and more with the changing times.

Such is a mixture of the pathetically noble and of the regrettable and undesirable which constitutes at the present day a true, living, indigenous, residential, teaching Indian University in Benares. The case is more or less similar at other centres of Sanskrit learning, Nadia, Bhātpāra and Bikrampur in Bengal proper; Darbhanga and neighbouring villages in the Maithila country; Srinagar in Kashmir; Conjeeverom, Kumbhakonum and Srirangam in the Madras Presidency; Poona and Pattan in the Bombay Presidency and so on.

RESULTS.

The result of this system is that a whole generation of Vidyārthis, counting many thousands, produces only about half-a-

dozen real scholars and Pandits, a score or two of average ones, and a balance of many thousands of mere smatterers who do not know either the Sanskrit language or their own vernacular thoroughly, and are unable to put together a sentence correctly, while posing all along as specialists. The Pancha-Drāvīda students that come to Benares have a better grasp of the Samskrit language for special reasons; they are forced to speak Sanskrit for want of another medium of communication, and the method of teaching the language to boys is better amongst the Mahārāshtra and other Southern Pandits. They begin with Kāvya side by side with very elementary grammar; instead of inverting the natural order and beginning with the Sutras of Panini and postponing Kavyas indefinitely.

Some points of this system are worthy of imitation, *e.g.* the provision of free board for students, which, in India, has hitherto been left to the charity of the Dharmārtha Departments of Indian States and of great and small merchants. In modern Europe and America it is being revived on a higher scale by the large millionaires of those fortunate countries, but it is declining here for economical and other reasons. The methods of examination by oral debate, &c., the hours of study; the system of holidays; the evening outings of teachers and taught, wholly or partially, are also worthy of careful consideration and imitation.

Other points are equally worthy of thorough amendment, *e.g.*, lack of systematic supervision of the physical and moral life of the students, lack of well-considered courses of study and lack of some instruction in Western knowledge. If these amendments are made happily, the result should be a much larger number of averages, as is the case in the English-teaching Schools and Colleges, a wholesale diminution in the number of smatterers, a small increase in that of the exceptional scholars and a bringing closer together, and a mutual leavening and lightening of the old Eastern learning and of the new, from the West.

TEACHING UNIVERSITIES.

The objects of a University are (1) advancement of knowledge in its widest sense and (2) popularization of knowledge. In order to realize both these objects a University ought to be a teaching as well as an examining body. The Indian Universities are in one sense both teaching and examining bodies inasmuch as they require every student who goes up for their examinations to study in an affiliated institution, differing in this respect from the London University which was a purely examining body for over sixty years.

its life and had no rules for the affiliation of Colleges. The principal difference, then, in one sense, between the Indian Universities and those of Oxford and Cambridge is that here the Colleges are scattered all over the land, while there they are gathered within the limits of particular cities. But there are insurmountable difficulties in the way of making the Indian Universities teaching ones as well, in the complete sense. The only way to do that fully is, either to raise all the existing Colleges to the standard of separate Universities with their own Senates, Syndicates, and Fellows, or to shift the Colleges, at present scattered throughout the length and breadth of India, to the University centres. Neither of these proposals seems feasible. A teaching University means the same body combining in itself the functions of a teacher, an examiner, and a bestower of degrees, having, at the same time, all its students, resident as is the case with the existing Medical and Engineering Colleges in India. Now to convert all existing Colleges into such Universities in India is financially impossible and the other alternative, of concentration, would be disastrous to the spread of education in view of the vast areas to be dealt with.

But despite all these difficulties, no University deserves that name unless it becomes a teaching body in the complete sense. We are, therefore, of opinion that the Universities should be as they are, so far as Bachelors' degrees are concerned, *i.e.*, merely examining bodies; and that their own teaching functions should begin after these examinations, *i.e.*, for the M.A., D. Sc., D. Lit., and L.L. D. degrees. It may be advisable to have recognised professors for such post-graduate courses. Any other restriction of authority to teach, for the lower courses, would not suit the conditions of this country, but tend largely to check education.

Universities should also institute certain scholarships for post-graduate studies in Science and Literature, as is now being done by the Bengal Government for the Calcutta University. These scholarship-holders may also be required to give a series of popular lectures in some one Vernacular, on Scientific and Literary subjects on the lines of the University extension system in England.

Besides this, the Sabha would suggest that eminent professors from Europe should be invited for six months every year to the University centres at, say, £1,000 for the term to give a series of lectures on post-graduate studies. India cannot offer sufficient attractions to induce scholars, like Professor Ramsay, Lord Kelvin and others, to remain here for some years, but to induce them to remain here for a few months may not be difficult. Let every University in-

vite one professor each, and let the arrangements be so made that each of them may give a series of lectures for one month at each of the University centres. Some such arrangement will probably not be difficult to make, and will, it is hoped, stimulate the students to look to a higher ideal, and the permanent staff to a greater efficiency. It would also be well if either French or German be prescribed for post-graduate studies, as many of the most important works of Science and Philosophy are to be found only in these languages.

In order to realize to some extent the advantages of University life, all students, who have no accredited guardians in the College-towns, should be compelled to live in the Boarding Houses attached to the particular college in which they study, so far as the available accommodation will allow. It would be very useful if Professors and Teachers were encouraged to live near their Colleges and Schools. If houses were provided for them, as is done in some Colleges for the Principal and the Head-master, and as is done for public servants in some other departments of the service, they would readily do so and could take charge of resident students. An effective and economical extension of the Boarding-house system would thus be secured to Educational Institutions. It will involve only an initial expenditure on buildings; while the advantage gained will be an approximation of each College to a Teaching University in some important respects.

With regard to the Bachelor's examination in Arts, we would submit that the distinction between pass and honours courses should be uniformly introduced as it now exists in the Calcutta University. It is not at all necessary to raise the standard of these examinations any higher than is implied in such a distinction. They are already sufficiently stiff and high for all practical purposes of life. The Government does not want specialists for the ordinary public offices. The examinations should be easy enough for the majority of students, and every facility should be given to undergo and pass them. For those, and they would naturally be few, who have the opportunities and the inclination to acquire wider and deeper knowledge in any subject or subjects, higher examinations should be instituted, *viz.*, the D. Sc., and the D. Litt., etc. The Sabha would advocate the institution of these higher degrees, with a course of lectures in such of the Universities as have not already got them. The institution of a high degree for literature is especially needed. The Punjab University has already the M. O. L. and D. O. L. degrees, and in Bengal the Arts branch of the Premchand Roychand Scholarship examinations serves the same purpose in some respects. These should be systematised into a uniform "D. Litt." degree.

For the ordinary F. A. and B. A. examinations it should not be compulsory for all candidates to attend a course of lectures in any affiliated college and to produce a term-certificate before they can be admitted to the examination. The Madras University Rule (pp. 48 and 54, Pt. 1 of the Calendar for 1901-02) may be adopted as regards such. In the Madras University, every candidate is required to take up three subjects for his B. A. examination and he has further the option to appear in any one subject or in any two subjects or in all the three subjects in any one year. If he passes in any of these subjects, he is not required to present himself again in that subject in the following years. The examination fee is also charged separately for each subject, *e.g.*, English Rs. 12, second language Rs. 6, Science Rs. 18, etc. These are very salutary rules and the Sabha strongly recommends their adoption in all universities, as tending to produce far better graduates than are at present being turned out, inasmuch as the candidates will have an opportunity to study thoroughly all the subjects of their examination. This system does not produce graduates in any way inferior to those turned out under other systems, as the extra period given to the study of different subjects is in itself a compensation for any possible defect of quickness. Education should be given for the sake of education only, for its enlightening and broadening effects, and its progress should under no circumstances be handicapped. It is therefore not desirable that the B. A. standard should be made more difficult than it is at present; rather, indeed, every facility should be held out to candidates to obtain the degree of Bachelor of Arts. For similar reasons, we would suggest that students failing in one or two subjects in the F. A. examination should be allowed to go up again in that subject or those subjects only, next time. The system was taken up by the Allahabad University, but was given up without a fair trial. A higher minimum of passmarks might well be fixed for such subsequent examinations.

The only serious objection which can possibly be taken to this view is that, thereby, a large number of half-educated men are thrown upon the world's market of employees, with the same hall-mark without distinction between better and worse. The reply to this is that the *distinction* is amply provided for in the classification of passes into divisions and again into passes and passes with honors. Secondly, the institution of post-graduate studies and degrees will also necessarily create a new standard of ability for the public to judge by, and will give the Bachelor's degree its proper place and value, *without*—and this is a very important consideration—subjecting youth to the devastating wear and tear of forced rapidity of study

and compression of heavy work within short periods. Such a method, while, no doubt, bringing into relief the brilliant, does so, with an elimination of the weak, that may well be characterised as cruel in its consequences of shattered nerves and permanently injured health. The brilliant, also thus brought into relief are less fit for afterwork and bear lasting marks of the strain. Recent statistics produced before the Senate of the Madras University show that very few B. L.'s are to be found who have survived the gaining of their degree for twenty years or more.

LAW.

When attempts have not been made to centralize the Arts and Science Colleges it is not at all advisable to have a Central College for Law only. First grade colleges, provided they can make efficient arrangements for the study of law, should be freely affiliated for the B. L., or L. L. B. degree, as is now done in the Calcutta University. The fact that the bulk of the Law administered in this country is codified, neutralises all the special advantages of centralising legal studies; while a positive disadvantage may be seen illustrated by the Madras University where the Professor cannot make himself properly heard by the huge class of 250 or 300 students. Three or even two Readers in Law, with a good law library and arrangements for occasionally showing to students the actual conduct of cases in the local Courts, provide all that is needed for an efficient study of law.

We would further suggest that term-certificates should not be required from practising pleaders, provided they fulfil other conditions regarding qualification, etc., as they get a far better training than any college could give.

The fact that the High Courts hold their own examinations for Vakils and Pleaders, and that the outturn compete successfully at the bar and on the bench with holders of law degrees, is a strong fact against centralisation and term certificates. Here we would observe that the lately-growing practice of asking questions on case-law is to be deprecated. A precise or extensive knowledge of case-law should not be expected from the L. L. B. examinee; at this stage more attention ought to be given to the principles underlying enactments.

We would further like to see the higher study of law properly encouraged. L. L. D's, should be granted some more privileges in practising in courts and in getting higher judicial appointments than L. L. B's. Persons holding the L. L. D. degree of any university should be allowed to practise in all the High Courts of the various provinces and the same privilege should be extended to the holders of the L. L. B. degree, subject to their passing a local law examination specially

provided for the purpose in each province. This is actually being done for the Allahabad High Court Vakils and L. L. B's who wish to practise in Oudh. They should also be required to study Hindu or Mahomedan law in the original Sanskrit or Arabic works. It often happens that cases dealing with complicated points of Hindu or Mahomedan law come up before the courts and it is not perhaps too much to ask the L. L. D. students to study at least one of those laws in the original.

So also the variations in the names and natures of the law degrees and examinations (some universities having a first L. L. B., others an Honour's Course after the L. L. B., others giving M. L. and D. L. degrees, while others stop short at the L. L. B.) might be all reduced to two examinations,—the L. L. B. and the L. L. D.

ENGINEERING.

It is invidious to make provincial and racial distinctions in admissions and in the giving of scholarships and posts to students in technical colleges, as for instance in Roorkee. The usefulness of such institutions is seriously marred when such restrictions are made.

These colleges should be brought under the rules of the Universities, and admission into them should be under such rules as would be applicable to all. We do not see any reason why restrictions of race, class and creed should be put upon persons seeking admission to these Colleges. The Roorkee Engineering College is affiliated to the University of Allahabad and there is also a Faculty of Engineering in the university. But we do not quite understand what this affiliation, and the institution of the faculty mean, when the University has no hand in prescribing the syllabus for examinations, or in holding the examinations, and has no degrees to confer.

The position of the Roorkee Engineering College seems anomalous in the Allahabad University calendar. It is a separate University in itself, but still affiliated to the University of Allahabad, although the University is impotent to move in any matter connected with that College.

We would strongly recommend that the Roorkee College examinations be brought directly under the control of the University like other Arts and Science Examinations, in conformity with the practice of the Universities of Madras, Bombay and Calcutta, where the Universities prescribe the courses and confer degrees.

The present diversity in the titles conferred by the different Universities for their Engineering degrees should be done away with, and one uniform nomenclature be introduced all over

India. For instance the L. C. E. and M. C. E. of the Bombay University, C. E. (1st Exam.) of Punjab, B. E. of Madras, and B. E. of Calcutta should be all amalgamated into two degrees of B. E. and M. E. We would in addition suggest that the system of appointing professors from such a close body as that of the Royal Engineers should be done away with, and the staff be selected from amongst experts in the various branches.

MEDICINE.

As regards the medical examinations, we would recommend the establishment of a Medical College in the United Provinces under the control of the Provincial University, conferring the M. B. and M. D. degrees, as is the case in the other Universities. This could be easily done by raising the Agra Medical School to that standard and affiliating it to the local University. The L. M. S. title, which is not a degree proper, but only a license for practising, might well be abolished. The appointments on the staffs of the Medical Colleges are mostly made from the Indian Medical Service, and the same objection to making selections from a limited class applies to this branch of study as to that of the Engineering. The system becomes pernicious when the Professors are shifted from chair to chair and from professorships to the medical charge of stations. The Commission can well see how unsuited this arrangement is for professorial work.

In all the Medical Colleges, there should be a separate department for the study of the Ayurvedic and Yunāni systems, which being indigenous to the country are suited to the constitution and purse of the people, and are more sought after by the general public than the English system of medicine. It should also be remembered that these systems are practically the only indigenous physical science left in the country and that is possible by judicious encouragement and development of them to revive a wide-spread interest and original research in the more or less closely-connected sciences of anatomy, physiology, botany and chemistry. Recognition of these systems and their scientific study would be productive of much good and save the Indian people from the hands of the quacks who are a danger to society, and a pest to the country, and whose number is unfortunately on the increase. Such classes, we would suggest, should be held in the vernaculars, and such subjects as anatomy, surgery, etc., should also be included in the curriculum. This will tend to make Ayurvedic and Yunāni students competent Vaidyas and Hakims, and thus remove a want very keenly felt by the Indian public. We would further suggest that the University should provide the students of this department

with a separate system of examinations and degrees as is being done in the Punjab.

AGRICULTURE.

India being principally an agricultural country, the need of a systematic and scientific training in that department is very keenly and generally felt, and no system of University Education could be complete without the providing of a diploma for that branch, as is done in the Bombay University. A nucleus already exists in the Cawnpore Agricultural School. It could easily be raised to the standard of a college and connected with the University, as has been proposed above in regard to the Medical and Engineering Colleges.

TEACHERS.

Examinations in teaching should be held by the Universities. There is a training college at Allahabad which combines in itself the three functions of a teacher, an examiner and the license-conferer, and is directly under the control of the Education Department. We would like to see its examinations held under the control of the University as is done in Madras, and as is proposed to be done at Calcutta.

SPHERES OF INFLUENCE.

We do not see any necessity for limiting the spheres of influence of the Universities; firstly, because there are no Universities in some provinces, and secondly, the standards of the different Universities differ, as also the monetary value of their degrees. So long as it is thought reasonable to permit differences of rules and courses of study and conditions of examination to exist between different Universities, it seems also reasonable to allow discretion to students as to which University they shall obtain degrees from. It seems hard, to put it mildly, that a boy on this bank of the Ganga should have to wait for two years after fourteen to matriculate, when the boy on the opposite bank can do so without any such expenditure of time; and again that a student in Cuttack should have to keep his brain on the rack working at three or more subjects year after year till he gets his degree from Calcutta, while another dwelling in Berhampore can take his B. A. from Madras in two or three years without any such strain and stress, working easily and healthfully. The question of practical difficulties in preparing a student at a college affiliated to one University, for the examination of another University, may safely be left to be settled between the staff and students. Indeed, such preparation would itself be a great guarantee against cram; and, as a matter of fact, even to-day it often happens that boys studying, e.g., in an 'U.' P. School, go up

as private students for the Calcutta Entrance for special reasons, such as that their mother tongue is Tamil or Telegu, for translations from and into which the Allahabad University has no provision. Students have also recently been going up for the Allahabad University Examinations who, though wholly or partially prepared in Bombay schools, have been driven thence by the plague. If all the Universities were reduced to absolute uniformity then perhaps such option might be less useful or necessary, but even then could anything be pleaded against it? And in any and every case, one great argument in favour of such option would always be that parents might, and would often like to, send their children to an institution in another province, especially circumstanced as regards religious teaching or moral atmosphere, or boarding-house accommodation and arrangements, and yet be desirous that the boys should take the degree of their own province. Even if the standards were made uniform, which it would be advisable to do for more than one reason, it is but reasonable that the different Universities should evince greater interest in particular branches of study as is the case with the Oxford and Cambridge Universities. Under these circumstances every college should be free to get itself affiliated to any one or more Universities, provided it fulfills the conditions of affiliation imposed by them.

SENATE.

It is true that in some Universities the senates have become too large and unwieldy. The senate of the Allahabad University is almost as it should be in regard to its numerical strength. There is not the least doubt that some of the fellowships have been conferred as mere compliments. The senate in almost all the Universities has shown greater discretion in electing fellows than the Government has done in nominating them. Some of the Government nominees do not know a word of English, and have not the least insight into educational questions. Such nominations should be discontinued. The Government have many other recognised means of awarding public services not connected with education, than with fellowships.

We would propose that the number of fellows in the different Universities be limited to any number between 125 and 150.

With regard to the qualifications of fellows, we would suggest that all persons who are engaged in educational, literary, and research work and take some active part and interest in educational problems, or who have distinguished themselves in other departments of public life, should be eligible for fellowships, which should be vacated by non-attendance, at four

consecutive meetings, or for two years continuously. But those persons who leave India for good or for more than two years, should cease to be fellows from the date of their departure from India. With regard to the tenure of a fellowship, the Sabhâ would urge that neither a very short term nor a permanent appointment would be conducive to the welfare of the University. The former is likely to lead to a great deal of undesirable canvassing, besides preventing the fellows from having sufficient time to master their duties thoroughly; while the latter will have the undesirable effect of keeping on old and effete members and preventing the infusion of fresher blood.

In the opinion of the Sabhâ ten years would be a fair and reasonable length of time. This of course does not preclude their being re-elected. All vacancies should be filled up as they occur in their respective spheres, *i.e.*, by the Government, or the senate, or the graduates, as the case may be.

We would propose that the fellowships be thus distributed—Chancellor, Director of Public Instruction, Inspectors of schools and Principals of all first and second grade Colleges and of all technical and professional Colleges, to be *ex-officio* fellows. The remaining fellowships should be equally divided between the Government, the senate, and those graduates who have completed a five years' standing, or have taken higher degrees, such as the M. A., D. Lit., D. Sc., M. D., M. E., LL.D.

SYNDICATE.

With regard to the syndicate we see no objection to its being placed on a statutory basis, provided the senate has always full control over it, and its bye-laws are framed by the senate.

The Syndicate of the Madras University consisting of only nine syndics is much too small. That of Allahabad, consisting now of twenty syndics, comes nearer the proper standard.

We would suggest that it should consist of 12 syndics as is the case in the Punjab, and carry on, by means of sub-committees, the merely routine work. These sub-committees should meet about ten days before the regular monthly meetings of the syndicate to dispose of all such work.

The election might be thus made:—

Vice-Chancellor; Director of Public Instruction; 5 nominees of the Principals of Colleges; 4 of the Faculty of Arts; 3 of the Faculty of Science; 3 of the Faculty of Law; 2 of the Faculty of Medicine; 2 of the Faculty of Engineering.

A member of the syndicate not attending three of its meetings consecutively should cease to be a syndic, and a fresh election should then be made. The selection of syndics should not be restricted to any one town, as is the case in

Calcutta and Madras. The syndics to be elected for two years. There is great diversity of practice at present about this.

Non-Government Colleges are not adequately represented on the Syndicate. But the system proposed above will remove this defect.

FACULTIES.

In our opinion every fellow must belong to one of the faculties. It is no use electing a fellow if he is not competent to belong to one of the faculties. It will be useful if the different faculties and boards of studies consult selected teachers and graduates as to the selection of text-books, &c., which is one of their principal functions. The election to fellowships should not be made by the faculties. The Government, the senate and the graduates should make the required number of nominations and elections from amongst competent candidates. The faculties must meet at least once a year, if not twice.

GRADUATES.

We would suggest that for the purpose of the election of fellows by the graduates and for the consultation of the graduates by the faculties, as suggested above, a 'Convocation of graduates' on the lines proposed by Dr. H. Wilson in 1883 in Madras, be formed. A Bill was drafted by the Senate of Madras University for the formation of such a convocation. This would keep the graduates, after they had finished their University career, in close touch with University life and produce a healthy effect by stimulating their literary and educational life. We are strongly of opinion that each University should keep a directory of its graduates.

We would further suggest that the calendar of the University should be broken up and published in parts thus, as is done in Madras:—

- (1) Part I to contain Acts, Rules, Bye-laws, Scholarships and lists of affiliated Colleges, etc.
- (2) Part II to contain questions papers.
- (3) Part III to contain a list of successful candidates and graduates authorized to vote on questions connected with the university.

The calendar should, besides, have a complete index of subjects, fellows, graduates and prizewinners, etc., as in Bombay, and should contain the dates of the senate and syndicate meetings, the last dates for receiving applications for examinerships, etc.,—briefly, all such information as the public can take action on, to prevent suspicions of hole-and-corner procedure, in view of the fact that the minutes are not accessible to the general public, while the calendars are.

Universities may be empowered to confer *ad eundem* degrees on application only from persons engaged in teaching in affiliated Colleges.

UNIVERSITY STUDENTS.

The small percentage of passes is rather due to the varying standard of the examinations from year to year, than to any laxity in granting certificates by the principals of Colleges. We believe that any interference by the University in the internal management of distant Colleges, on any such ground would only be harmful. On the question of supervision of the physical and moral welfare of students we do not see how the University, as a body, could undertake it actively. The matter should be left entirely in the hands of the heads of the Colleges, especially as under the scheme suggested, *all* of them will be fellows and many even syndics.

No proper attention is paid at present to societies and common pursuits so as to bring the different institutions into closer touch with one another and thus foster a genuine University life. It would be advisable that athletic, literary and scientific societies should be established in the different centres of education in which the professors and the students could take a lively interest. Such societies, if formed under the fostering care of the different Colleges, would bring the teachers and the taught nearer to each other and create an atmosphere conducive to the further prosecution of studies and a high standard of public life.

AGE-LIMIT AND FOUR YEARS' COURSE.

We are decidedly against the fixing of any age-limit for the Entrance Examination. We see no reason for reviving a system which, after a fairly long trial, was found to be prejudicial to the interests of education, and was given up by the Calcutta and Bombay Universities, as also by the London University, from which it was copied. The main argument in favor of fixing a high age-limit is that it will prevent premature forcing. Let us see how far the advocates of this are consistent. They are the very men who would insist on a better knowledge of English and the other subjects, a greater preparedness for the College-career; in short, in the Entrance, and who would also reduce the College course from four to three years. But all this means a stiffening of the Entrance course and examination, and a reduction of College studies. And if this is done, where remains the proffered advantage of the special age-limit? It becomes only a change of name, and a change for the worse. What was before expected of the F. A. is now expected of the *entrant*, with the evil consequences mentioned elsewhere. It should also be

remembered that the average age of Entrance students to-day is fifteen; the exceptions of boys passing at an earlier age are very few, and may safely be ignored. Still again, until the desire of parents to push on their boys is modified—and this modification is concerned with politico-economical conditions, which a true statesman who sees the intimate connection between all departments of a nation's life, should certainly take into careful consideration in dealing with education—the practical difficulty of ascertaining the true age of the student will be very great; and the rule may only prove an unwholesome incentive to lying. We, on the contrary, who advocate consistently the healthy popularisation of knowledge by absence of too much severity and stress in studies and examinations, and would adjust the market-values of the courses and degrees by the institution of post-graduate courses and degrees, plead for option in the matter of age as in a number of other matters, and would not reduce the College course from four to three years. The Bombay University, after a thirty years' trial of a three years' course, were convinced of its defectiveness and adopted a four years' course. Much more wholesome than the fixing of any age-limit or reduction of the College-course, etc., would be the gradual introduction of restriction against the admission of married boys into the school department, as is being done by the Central Hindu College, Benares. We would here suggest that the school final examination should not act as a bar to any students who wish to continue their studies in the College classes. This effectually prevents many from going up for that examination. The school final being a harder test than the Entrance Examination, it is only reasonable that the successful candidates should get all the advantages of the Entrance-passed students.

UNIVERSITY TEACHING.

We have already said that universities should not be teaching bodies so far as the B. A., B. Sc., B. Lit. and LL. B. examinations are concerned. That function should only begin after these examinations, *i.e.*, for the degrees of M. A., D. Sc., D. Lit. and LL. D.

The statement that many boys begin their College studies without a sufficient knowledge of English is true, and this is mostly due to the multiplicity of subjects, which prevents the giving of sufficient time and attention to each, and to an injudicious selection of text-books for the school classes, and a bad system of examinations, which is ever, on the look-out for tripping up the poor examinees on some nice point of grammar or a recondite allusion, and never cares to test the

amount of colloquial English acquired by the student. It is also due to bad teaching which is inevitable as long as the pay and prospects of the school teachers are not bettered. Another contributing cause is the very large number of boys a single teacher is required to teach. No teacher of languages in the lower school classes can effectively teach more than fifteen to twenty boys in an hour. The teacher not only requires good knowledge and sound methods of teaching to enable him to do his work well, but also a great deal of interest in his work. To secure this end it would be desirable to improve the pay and prospects of the lower-grade teachers as also to secure for them a reasonable retiring pension. Lastly, the late beginning of the study of the English language is also a strong reason for the insufficient knowledge of it possessed by the Entrance students. It is generally recognised that languages, like physical accomplishments, are best learnt early.

The selection of text-books for the school classes is solely in the hands of the Provincial Text-book Committee, in which the educated public has no voice. The selection of text-books for school classes is a matter of primary importance, inasmuch as it forms the basis of higher education, and in our opinion our universities are lamentably wanting in the amount of consideration which should be bestowed on the subject. The matter should not be left merely in the hands of a provincial committee, whose selections of text-books have not impressed us with their judiciousness. Sometimes the head of the department takes a liking to some book and it is continued to be prescribed, despite all text-book committees, and even the Government, *e.g.*, MacMillan's Primer has been condemned not only by the Provincial Text-book Committee but also by the school education commission of Mr. Roberts, appointed by Sir Antony MacDonnell, and still it continues to be the course. The greatness of the task, and the difficulty of doing it properly, are evident from the fact, that occasionally even the selection of text-books made by the University is not all that it should be. We would recommend that suggestions and opinions should be invited more extensively from professors and teachers actively engaged in educational work before finally deciding upon text-books, both for school and college.

With regard to the study of Greek and Latin we are of opinion that there is no necessity whatsoever for including these languages as compulsory in the curriculum of the Indian Universities. They should of course continue to be optional as at present.

(1) We are firmly of opinion, that for acquiring a fluent and correct knowledge of colloquial English, it is mere waste of time

spending it in the acquisition of a purely nominal knowledge of the two classical languages of the West. What is really helpful is a pretty wide reading of Victorian authors.

(2) The study of these classical languages is being given up in Germany and other European countries, and modern schools are being formed without them and are working satisfactorily.

The classical languages of the East, however, deserve a place in the University curriculum. The training in Sanskrit is bad and defective. There are no good books for beginners. Dr. Bhandarkar's 1st and 2nd Books of Sanskrit are largely used and have no doubt served a good purpose all these many years. But they are capable of improvement. The exercise sentences should be articulated on to each other instead of standing isolated as they now do, and the exercises should be more progressive in ideas as well as in difficulty of words and construction. Blackie's Greek Dialogues and Storm's French Dialogues may be imitated profitably in many respects. Besides this we are of opinion that the Sanskrit language should, as a matter of course, be written in the Devanāgarī characters. The Calcutta University introduced the Devanāgarī character for its Sanskrit examinations some years ago under the influence of Mr. Justice Gurudas Banerjee, but it has reverted to the older practice recently under less wholesome influences.

In connection with the study of Sanskrit, we cannot refrain from deploring the present system of teaching the language in the different Oriental Colléges. Specialisation commences as soon as the student has learnt the alphabet and without having gained any knowledge of his mother-tongue. Cramming is encouraged to the utmost, and Sutra after Sutra in grammar and philosophy is committed to memory without a real grasp of its bearing. The ability to express intelligently what they have got up is at a minimum. The inevitable result of this teaching is that the majority of students are turned out year after year who are supposed to be specialists in one or two subjects, but who are unable to write a sentence correctly in Sanskrit on any ordinary every-day subject, and whose knowledge of the Vernacular is almost nil. This is a deplorable state of things. We would propose that the Sanskrit Colleges be brought under the control of the Universities and specialisation should only be allowed after the students have attained a fair mastery of not only a vernacular but also of the Sanskrit language.

Even the Government Sanskrit College of Benares, under European supervision almost ever since its foundation, has not been able to resist the baneful influences of unenlightened conservatism surrounding it. To go a little into detail,

The full course of studies extends, theoretically, over twelve

years; i. e., two years to pass the Prathama or first examination, four years to pass the Madhyama or middle; and six years to pass the Uttama or highest examination. Practically, students start studies in the College with the Madhyama examination. It is not necessary to attend lectures for the Prathama or the Madhyama, or even to pass the Prathama examination.

1. Specialisation begins much too early. The Madhyama examination may be passed either in Vyākaraṇa or Nyāya, or Jyautisha (Elementary Mathematics and Astronomy). There is no provision for the supply to all students of such necessary knowledge as that of the elements of Arithmetic and Geography and History; and the candidates for Nyāya and Jyautisha, and even those for Vyākaraṇa, are not taught a sufficiency of such books, and in such a manner as would give them a good working knowledge of the Sanskrit language.

2. The selection of course-books is defective. In some of the subjects books are prescribed which are almost entirely unavailable. Original ancient books and commentaries are prescribed only as alternatives with later and inferior works. Thoroughness is not aimed at; pieces and patches from different works are prescribed, where the systematic study of one complete book from beginning to end, would be much more useful in the interests of coherent knowledge; thus in the Vyākaraṇa-course for the Uttama examination, only a very small piece is prescribed of the Mahābhāṣya, the recognised and authoritative commentary on Panini's aphorisms. Again small pieces only of different commentaries on the Siddhānta Kaumudī are laid down for study. Not many decades ago, the custom used to be to study at least one commentary complete, from beginning to end, on the Kaumudī. The case is the same with the Mimāṃsa and other courses.

3. Two of the most important branches of Sanskrit learning, Veda and Vaidyaka, have no chairs at all. There was provision for the study of the Vedas at first, but it was abolished for some reasons not quite clear.

Astrology and Karmakāṇḍa are not taught, though the former could easily and naturally be included with Jyautisha and the latter partly with Mimāṃsā and partly with Dharma Shāstra. It is true they are not supported by modern science, but still they form an integral portion of every Hindu's life, and as such deserve recognition and accurate study.

Dharma Shāstra and Pūrva Mimāṃsā, two of the most important branches of Sanskrit learning, are not at all encouraged. So far as I have been able to find out, not one student has passed the Achārya examination in Mimāṃsā and not more than three or four in Dharma Shāstra, although the latter has a living value even at the present day, being not only the basis

of the personal law of the Hindus as administered by the British Courts, but being, to a still greater extent, the guiding authority in all domestic and caste ceremonial in their daily life.

Similar charges of neglect can be brought against Vedānta and Nyāya.

Only two subjects are really popular for the final examination, Vyākaraṇa and Jyautisha.

4. No attempt is made to instigate original development and research. Whatever the conditions may have been twenty or thirty years ago, it is not impossible now to teach English as a second language in these Oriental Colleges. If this were done systematically, their students would be in a position, not only to properly appreciate and utilise the historical and comparative methods of study and research brought to bear upon these studies by the enthusiasm and industry of Western scholars, but would also be materially able to check their sometimes hasty generalizations, and advance their knowledge along those lines.

5. None but Vidyārthis on the rolls of some College are allowed to go up for the highest examination. Even ex-students, and although engaged in educational work, are not permitted to do so; while freshly-arrived outsiders, if they only get their names registered a few weeks before the examination as Vidyārthis of any one of the Pandits of the College (each theoretically supposed to be the Professor of some one special subject), can go up in any subject they like. No exemption from College-attendance is made even in the case of persons already holding the Achārya degree in another subject.

6. Examiners are appointed only from among the Pandits of the College; and in one subject—the Jyautisha—the teacher of the subject is the sole examiner year after year. The undesirability of this state of things has been pointed out in detail below, and we need not farther emphasise the point here beyond the remark that the evil exists in a much intenser form in this College. It should not be difficult for the various Oriental Colleges to interchange examiners, or even to find perfectly competent men from amongst private teachers.

Such are a few of the matters on which improvement is possible. But even more than such amendment in details is a change in the whole spirit of the institution needed. If one of the many visitors to Benares from Western lands were to stand in the hall of the Government Sanskrit College and ask: Are habits of independent research and criticism inculcated in the Vidyārthis of this ancient institution? Has it produced even one great work on any of the subjects taught, or helped to advance knowledge in any department? What has it done for the vernaculars of the country? We could answer

only "no" and "nothing"! And perhaps we might add sadly: It is a mere paleontological museum for the preservation of fossils! The students are wholly ignorant of History and Geography, even of their own country; entirely out of touch with the progress of the world, living in a Trishanku's paradise with eyes fast closed to the realities of life; conservative babies conserving they know not what; doctrinaires untouched by the influences generated by living contact with the myriad activities of the world; still discussing in their prudest senses the twelve kinds of sons and the fiery nature of gold; self-sufficient in a barren scholasticism, which Europe discarded centuries ago, afraid and yet pretending contempt of the onward march of the larger life of the world.

The late Dr. Ballantyne endeavoured to infuse a healthier tone into this pitiable state of things, and encouraged the study and translation of Western authors, both in Science and Philosophy, and he did it with so much tact and so much sympathy that the Pandits of Benares still remember his name with affection and with respect, notwithstanding that he led them into alien and untrodden ways. But unfortunately the fate that has dominated the indigenous life of India for very many centuries now, that regeneration shall be exceptional and personal, and degeneration general, has asserted itself here also, and though the successors of Dr. Ballantyne have all been men learned in various ways, none of them have kept up the spirit of his work.

The Indian vernaculars are wholly ignored by the Universities, and there are not many graduates who could express in their mother-tongue their thoughts on paper, about some scientific or philosophical subject with accuracy, elegance and ease. To diminish this admitted evil we would propose that in the Intermediate Examination, English should have four papers: (1) Prose, (2) Poetry, (3) Translation from Vernacular into English, and (4) an essay in the vernacular. No books in the vernacular need be prescribed for the examination.

Similarly in the B. A. examination there ought to be four papers in English: (1) Prose, (2) Poetry, (3) essay in English, (4) essay in the vernacular or any particular period of that language.

In the school classes text-books should be prescribed in the vernacular and not a syllabus. Students should be thoroughly grounded in their mother-tongues in the school classes.

In this connection, we would further suggest that each University should be required to recognise all the Indian vernaculars which have printed literatures. The Allahabad University is very backward with regard to this matter.

Coming to Mathematics, we see no necessity for its being

stiffened year after year, and being compulsory even for those who take up the literary courses, for, to the majority of students a knowledge of the Binomial Theorem, Logarithms, Parabola, Sines and Cosines will be of no use in after life. It is a useless tax on the memory of the students and it leads to no practical results. We would, therefore, recommend that it be an optional subject for the F. A. It would be far more useful to teach Economics, Logic and Ethics which prepare men for the struggle of life. The London University has always had Mathematics as an optional subject.

We may here incidentally mention that the Mathematics Course for the lower school classes is simply crushing. The absurdity of the course is so patent that it needs only to be pointed out to be admitted. For instance, practically the full course of Arithmetic required for the Entrance Examination has to be mastered in the vernacular by the time the young boy of about ten to twelve has got through the sixth class.

THEOLOGY.

We do not think it desirable in the present state of things to provide chairs for comparative theology. It would cause endless difficulties and troubles, and would produce no tangible results. Religious instruction should be left in the hands of the different private institutions. Government should avoid interfering in this matter for the present. It may be possible later on, if the different religious communities succeed in producing recognised text-books of their religions, for Government to give them facilities for teaching them to their children, even in Government Schools and Colleges.

EXAMINATIONS.

Too many public examinations are the curse of the Indian Educational System. We would be glad to see all departmental examinations replaced by school examinations. This would naturally throw more burden and responsibility on the individual Head-Masters, which would be a move in the right direction. Similarly we would deprecate the holding of more than one examination between the Entrance and the B. A., as is done by the Bombay University; it is only a relic of the days when it had a three years' course for its graduation. One of the two might be abolished with advantage. This would bring that University in line with the others.

In short we would advocate the adoption of a uniform standard for the University Examinations all over India, as also the bestowal of the same titles for the same examinations.

The question of the nature and number of examinations deserves very serious and thorough consideration. If a truly satisfactory solution of this is arrived at, many other vexed

questions, *e.g.*, the regulation of the methods of teaching, the age limit, the length of the college course, etc., will solve themselves. Generally the examinations should be more extended and leisurely than they are: oral debates and practical tests should form part of them as far as possible. The extra trouble and expense involved is well worth undergoing. To spend millions on the means, and stint thousands on that which really guides those means to their real end, is far from real economy.

EXAMINERS.

A University is the highest educational body in a province and its acts must be above suspicion. With regard to the suppression of the names of examiners we would strongly represent that the old practice of making them public be reverted to. It serves no useful purpose to suppress their names; besides they are really never kept secret, but mostly become known to the students.

Further, some of the subjects have been monopolized by particular professors in the United Provinces. For example, we would mention the English Translation paper (vernacular into English). The worst of the whole thing is that the vernacular pieces set for translation are invariably ungrammatical, unidiomatic and ill-constructed. A fine piece of English is mangled, by some person or persons unknown, into the different vernaculars connected with the examinations, and these vernacular pieces are set at the examination for retranslation into English; these retranslations again are compared with the original as a standard, and naturally fall far short of it, for they represent neither English thought and idiom, nor Indian. We do not see any reason why only persons, whose mother-tongues the vernaculars are not, should be considered competent for these examinerships. In our opinion there should be as many different persons to set the papers as there are recognised languages. This is not only the case in the translation examinerships, but also in most other subjects. We would request the Commission to get a statement from the Education Department showing the names of the examiners (and their present posts) of the Middle Examination for the last ten years. From such an enquiry it will appear that persons of very indifferent abilities have been appointed in many cases to be examiners. The information on this head will enable the Commission to get an insight into the way in which matters are managed by the Education Department. We would further suggest that examiners should be largely appointed from other provinces to avoid all complaints of unfairness and to remove much heart-burning. The remuneration of the examiners, of the F. A

and Entrance, should be higher, and the practice of appointing the same person to examine higher and lower classes at the same time in the same University, and sometimes in more than one University, should be carefully avoided as it necessarily leads to slipshod work.

We would also suggest that, in cases recommended by the Head of the College or the School, the answer-books ought to be re-examined on the payment of certain prescribed fees.

The marks obtained by examinees, especially the failures, should always be communicated to the Head of the College or the School concerned, to enable the teachers interested to detect the weak points of their students and to try to make up their deficiency.

There should not be one centre only for the degree examinations. For the Allahabad University, we would like to see Allahabad, Lucknow and Agra recognised as centres for examinations for the graduation degrees.

There are already more centres than one for the Entrance and Intermediate examinations, and in the view we take of what the graduation courses and examinations should be, there is no more reason for centralisation in the case of the latter than in that of the former; in the Province of Madras, a candidate may have to remain twenty-four hours in the train before he can get to the examination centre. In the Bombay Presidency, for even forty or fifty hours in a steamer or a train coming from Sind. He cannot very well leave many days beforehand for fear of wasting time, so precious immediately before the examination, and also because of the trouble of arranging a prolonged accommodation in a strange place; and the strain of a long journey, if it is at all severe and persistent, if it causes a headache, or excessive exhaustion, or a slight rise of temperature, may prove disastrous to the student's answer-papers. It also happens now and then that when there are many candidates and accommodation in the examination-hall is limited, students from the outside Colleges do not get the most (physically) comfortable places during the examination; and to be placed in a verandah with the sun beating on one in comparatively warm weather is not helpful to the quality of the answer-paper. All such disadvantages would be obviated if there were many centres of examination. This applies to all the Universities.

We would further suggest that in all the subjects there should be a number of optional questions in order to have a thorough test of the knowledge acquired by the student. This will greatly prevent cram. Also, to guard against the vagaries of the different examiners, the old system of printing in the margin of the question papers the marks assigned to each

question should be revived. We might make another suggestion in this connection. The present practice of dividing answer-books among a number of examiners, though the questions have been set by only one, is clearly inimical to a uniform standard of appraising the papers. This would be obviated if the Cambridge system of dividing the question paper into three or four sections and handing over to one examiner all the answers of one section were followed.

Regarding the appointment of examiners, we would suggest that they should be made by the Boards of Studies, and Principals of Colleges should be requested to recommend competent teachers and professors for the said appointments. Examinerships should not be the monopolies of one or two Colleges only. In the Allahabad University the Registrar fixes a date within which all applications for examinerships must reach him, but this date is never printed in the calendar, with the natural consequence that a good many applications reach him too late. This needs immediate rectification.

Here we would request that the examination dates should be carefully reconsidered in the interest of the students. The different universities have been experimenting with the dates for a long time past and it is quite time now that they arrived at a satisfactory and permanent conclusion. We would only suggest that work in the six months of the cold weather should not be interfered with for examination or vacation purposes.

REGISTRAR AND STAFF.

In our opinion each University should have a full-time Registrar with a competent staff to carry on the work of his office promptly and efficiently. The present pay of the Registrar is too high. A graduate of some European University is not a matter of necessity for the post of a Registrar, whose duties are mostly clerical, and Indians could easily be found who are quite competent for the post. When Indians are found competent enough to be vice-chancellors, it is strange that they should not have been found competent enough to be Registrars. Rs. 300 to 400 will, we think, be ample salary for a competent Indian, and so mean economy too. In our opinion some of the Universities have not always used wisely their power of appointing full-time Registrars. It goes without saying that the duties of a Registrar require a man of active and alert habits and it is not advisable to appoint persons who have served their full term in the Government service. The fifty-five years retiring rule might, with great advantage, be enforced.

AFFILIATED COLLEGES.

The discipline of all Government and aided Colleges is not

only looked after by the Principals but also by the Directors of Public Instruction. Besides, as all of these will be fellows, under the scheme suggested above, and a good many among these even syndics, the University will have, for all practical purposes, efficient control over the discipline and the teaching, and this latter will also be fairly and fully tested by the results of a freely conducted Public Examination. No new rules and provisions in this respect seem necessary.

In our opinion the rules regulating the affiliation of Colleges to the Allahabad University are unusually and unnecessarily strict. It is highly desirable that they should be relaxed.

INSPECTORSHIPS.

Although this question has not been raised by the Commission, we think it advisable to record our views on it, for in our opinion it has an even more direct bearing on college education than on school education.

Generally speaking, no Professor whose mother-tongue is not a vernacular should ever be appointed to be an Inspector (1) because he is a specialist and not an all-round man, (2) he has no experience of executive work, (3) his knowledge of the Vernaculars is worse than elementary and it is scarcely fair to expect a specialist to waste his time acquiring a mere smattering of an India vernacular, (4) he is not in touch with school education to which the Inspector's work is confined, and (5) it is a culpable waste of power to take away a specialist from his proper work to wander about amongst Primary Schools. A Head master on the other hand would have all the needed qualities; (1) the daily necessity of supervising the work of a score of teachers of different subjects, is sure to make him an all-round man, (2) he will have plenty of experience of executive work, (3) his knowledge of the vernaculars is sure to be deeper and more accurate than that of a non-Indian Professor, (4) he will know everything about school management. Of course, it is understood that a Head master, to be eligible for an Inspectorship, must be the holder of a high degree and have received a broad and liberal education and be equipped with sound theories and principles

FEEs.

We would earnestly request the Commission to move the different governments with a view to reconsider their decision as to the levying of high fees. The policy is extremely harmful to the interest of the Indian public. Unfortunately in India, there is a large class of poor people who have both the brains and the willingness to receive higher education, but they are hampered in their efforts by the high scale of fees which they can ill afford. It has always been the practice of

the Hindu and Musalman governments not only to supply free education, but also free board and lodging as was the case also in old Christendom. The present idea of making the students contribute towards their education, is entirely opposed to the traditions of the country. From this it will appear that all the modern cry of cheap education and underselling is the cry of an interested class. Even now, in those Colleges, where either no fees or nominal fees are charged, it is a mistake to suppose that the education is cheap, because the direct recipient has not to pay for it. May it not be safely questioned, if the money value of the thing is always commensurate with its intrinsic value? Did the Government, when it charged smaller fees provide in any way "cheap" education? The same Professor with the same salary taught as much and as well when the learner paid less for it. The quality of education now given cannot be said to have changed for the better, because of the enhanced rate of fees. It has only succeeded in placing fetters on poverty as poverty. In the case of private institutions charging small fees it is distinctly not cheap to the friends and sympathisers, who by their voluntary subscriptions keep up such institutions, or to the staff, who at great personal sacrifice to themselves work on merely subsistence allowances. It may be worth while to note here that the Government itself does not charge any fees at all in some of its Institutions *e.g.* the Sanskrit College at Benares. We are credibly informed also that the Paris University charges no fees. In this, as in many other connections, it should be well borne in mind that a system that is suited to England is by no means necessarily also suited to India. In fact it is very often directly unsuited, because of the great difference in the conditions of life.

The Sabhā would strongly recommend that unpaid managing committees, in charge of Educational institutions, should be allowed a freer hand in their management, especially in the matter of those schools not receiving any Government aid; such bodies should be left completely unhampered by the departmental rules as regards the choice of text-books, courses of study, examinations &c. It will give the minority of earnest educationalists a chance to carry out their own views, and thus succeed in providing an object-lesson on the correctness, or otherwise, of their educational theories which, if successful, could be adopted later on in the Government institutions.

In conclusion the Sabhā would earnestly implore the Government not to check the growing interest felt by Indians in the education of the youth of the country, by imposing on the lay a rigid and cast-iron scheme, which does not take into account the immense variety of needs existing in this

great continent. The traditions of Indian disjoin, rather than conjoin, wealth and learning. The learned man in India has generally been poor. The lads who are most likely to grow up into supporters of learning, into loyal peaceful citizens, into useful servants of the Government, come from the old but poor families in which high intelligence seems to be hereditary and poverty the prevailing characteristic. These are being more and more shut out from western education.

The Sabhâ therefore urges that, while the Government insists on efficiency in the teaching staffs of all Colleges it shall leave free as to their internal arrangements, unaided Colleges which are governed by local responsible bodies, and shall allow private munificence to supply the funds needed for the support of these "low fee" Colleges.

The Sabhâ feels that a too rigid system, however well-meant, will seriously impair the efficiency of education, and it prays the Government to become the fostering parent of all thoughtful efforts to help the educational movement rather than be its opponent. Thus will Indians, grateful for a policy that recognises their needs and their traditions, become ever more closely welded into the great Empire of which, by Divine Providence they form a part.

Benares.

GOVINDA DASS.

ART. VIII.—A HISTORY OF THE BENGAL HIGH COURT

FROM THE TIME OF THE OLD SADAR AND SUPREME COURTS, TOGETHER WITH NOTICES OF EMINENT JUDGES, BARRISTERS AND VAKILS.

(Continued from April 1902, No. 228.)

CHAPTER III

THE reputed Raj of "The Grand Old" Company was about to complete its centenary of regnal years, and to all appearances there was nothing to disturb the even tenour of its course, when all on a sudden a little cloud, no bigger than a man's hand, was seen looming in the distant horizon. A slight breath of wind followed, which, it was believed, would soon subside, but, as if to humble the pride of humanity in respect of its pretended knowledge of future events, it ere long grew both in violence and volume and rapidly spread like wild fire from one end of Hindustan to the other. The British Lion was roused by this thunderous uproar, and looking around found himself, to his surprise, surrounded by a thick solid wall of infuriated rebels. Nothing daunted, he raised a tremendous cry, at which all India shook to its very foundations. A life-and-death struggle ensued, in which both parties fought with all the might they possessed. As for the mutinous Sepoys, they strove hard with desperate fury, and it was apprehended that if their military operations had been properly directed, they might have compelled the English to pack off from this country with bag and baggage. But fortunately for our dear fatherland, their misguided valour only the more rushed them into ruin, and at last victory favoured the cause of the foreign rulers. The land which for months and months together was one continued scene of death and desolation—"the waste of war"—again smiled with peace, and the people went about their usual avocations with redoubled energy and diligence. Taught by bitter experience, the Authorities at home thought that it was not advisable to keep the government any longer in the hands of the East India Company, and, accordingly, an Act was passed by the British Parliament, known as the Government of India Act, whereby it was declared that India was thenceforward to be governed by and in the name of Her Majesty the Queen of England. This material change in the policy of Government was announced by royal proclamation* on the memorable first day of November in the year of grace 1858. The Honour-

* This proclamation is justly regarded as the Magna Charta of the natives, and is couched in language which deserves to be recorded in characters of gold. The concluding words are very significant:—"In their prosperity will be our strength; in their contentment our security; and in their gratitude our best reward."

able East India Company, which had had such a wonderful career, ceased to exist as a governing body, and although it lingered on for some years as a trading corporation, which it originally was, it had lost all its lustre and remained as a sad relic of its former power, pomp and greatness.*

By the aforesaid Government of India Act, which was passed on the 6th of August 1861, Her Majesty the Queen was empowered to establish, by Letters Patent, High Courts of Judicature in the several Presidencies of India. Section 2 of the Act provided for the constitution of such Courts. It enacted among other things that the High Court of Judicature at Fort William in Bengal should consist of a Chief Justice and as many Puisne Judges, not exceeding fifteen, as Her Majesty might, from time to time, deem proper to appoint, and that these Judges should be selected, *first*, from barristers† of not less than five years' standing; or, *secondly*, from members of the Covenanted Civil Service of not less than ten years' standing, and who should have served as Zillah Judges, or should have exercised the like powers as those of a Zillah Judge for at least three years of that period; or, *thirdly*, from persons who had held Judicial Office not inferior to that of Principal Sadar Amin‡ or Judge of a Small Cause Court for a period of not less than five years; or, *fourthly*, from persons who had been pleaders of a Sadar Court or High Court for a period of not less than ten years, if such pleaders of a Sadar Court should have been admitted as pleaders of the High Court: § Provided that not less than one-

* Referring to Lord North's Indian Act of 1773 and the Charter Act of the next following year, Lecky says that by the one "the charter of the East India Company was completely subverted, and the Government of India passed mainly into the hands of the Ministers of the Crown;" and by the other "the whole constitution of the Company was changed, and the great centre of authority and power was transferred to the Crown." (*History of the Eighteenth Century*, vol. iii., ch. 13.) But, as a matter of fact, the change was not complete until the first day of November 1858, when the Company was denuded of all its powers and was allowed to exist only as an ordinary body of merchants, which it did until 1874 when it was formally dissolved. See Ilbert's *Government of India*, p. 4.

† Section 19 provides that the word "barrister" in the Act shall be deemed to include barristers of England or Ireland, or members of the Faculty of Advocates in Scotland.

‡ Now termed Subordinate Judge.

§ Thus, the High Court Judgeship was thrown open to the natives of the soil. This was quite in consonance with the letter and spirit of the royal proclamation of the first of November, 1858, which, among other things, declared that, "so far as may be, our subjects of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified, by their education, ability and integrity, duly to discharge." Accordingly, Babu Rama Prasad Roy, the great luminary of the native bar, was nominated to a seat in the newly-established Court, but a fatal illness prevented him from occupying it even for a single day.

third of the Judges of such High Court, including the Chief Justice, should be barristers, and not less than one-third should be members of the Covenanted Civil Service. Section 3 contained the other proviso which was to the effect that the persons, who, at the time of the establishment of such High Court, were Judges of the Supreme Court of Judicature and permanent Judges of the Court of Sadar Diwani Adalat of the Presidency, should be and become Judges of such High Court without further appointment for that purpose; and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court. Section 4 provided that all the Judges of the High Court, established under the said Act at Fort William in Bengal, should hold their offices during Her Majesty's pleasure, but this would not prevent any Judge of the Court so established from resigning such office of Judge, to the Governor-General in Council. As questions of precedence amongst Judges were very likely to arise now and then, provision was accordingly made by section 5, whereby it was declared that the Chief Justice of such High Court should have rank and precedence before the other Judges of the said Court, and that such of the other Judges of such Court as on its establishment should have been transferred thereto from the Supreme Court should have rank and precedence before the Judges of the High Court not transferred from the Supreme Court, and that, except as aforesaid, all the Judges of the High Court should have rank and precedence according to the seniority of their appointment, unless otherwise provided in their Patents. Section 6 provided for the salaries and pensions of the Judges of such High Court. It enacted that any Chief Justice or Judge,* transferred to any High Court from the Supreme Court, should receive the like salary, and be entitled to the like retiring pension and advantage as he would have been entitled to for and in respect of service in the Supreme Court, if such Court had been continued, his service in the High Court being reckoned as service in the Supreme Court, and that, except as aforesaid, it should be lawful for the Secretary of State in Council to fix the salaries, allowances, furloughs, retiring pensions, and (where necessary) expenses for equipment and voyage of the Chief Justice and Judges of the High Court under the said Act, and from time to time to alter the same: provided always that such alter-

* Nothing was said in particular about the salary of the Judges transferred from the Sadar Court, or of those who were newly appointed, but it appears that there was no difference in the salary of the Puisne Judge; it was Rs. 50,000 a year all round, or, to speak more accurately, Rs. 4,166 2/3 month.

ation* should not affect the salary of any Judge appointed prior to the date thereof. Section 7 provided for a vacancy in the office of Chief Justice or other Judge. If there was any vacancy, either permanent or temporary, in the office of Chief Justice, the Governor-General in Council was to appoint one of the Judges of the same High Court to perform the duties of the Chief Justice until some person had been appointed by Her Majesty to the office of Chief Justice, and he had entered on the discharge of the duties of such office. And in the case of a like vacancy in the office of a Puisne Judge, the Governor-General in Council was to appoint a person, with such qualifications as were required in persons to be appointed to the High Court, to act as a Judge of the said High Court, and the person so appointed should be authorised to sit and perform the duties of a Judge of the said Court until some person had been appointed by Her Majesty to the office of Judge of the same Court, and he had entered on the discharge of the duties of such office, or until the Governor-General in Council should, in the case of an acting appointment, see cause to cancel the appointment of such acting Judge. It should be observed that although a vacancy in the office of Chief Justice could not be permanently filled by anybody but a barrister-at-law, there was nothing to prevent an ordinary Puisne Judge from holding the office before a permanent man was appointed to it. Accordingly, when Chief Justice Garth took leave, as Mr. (afterwards Sir) Romesh Chandra Mitter was the senior Judge actually serving in the country, he was appointed by Lord Ripon to officiate as Chief Justice. This

* The last time that alterations were made on the subject was on 25th April, 1899. It is to be observed that the salary of the Chief Justice or Acting Chief Justice of the Bengal High Court has always been the same, *viz.*, Rs. 72,000 per annum. The salary of a Puisne Judge was first reduced to Rs. 45,000 a year. On the said 25th of April, 1899, however, it has been raised to Rs. 48,000 per annum, provided always that every Judge of the said High Court, appointed before the 18th day of January 1881, shall get Rs. 50,000 per annum. (See Rule 4.) Rule 27 provides that a Chief Justice of the Bengal High Court after an actual service of eleven and a half years as Judge of the High Court, of which period at least five years and nine months shall have been as Chief Justice of the Bengal High Court, shall receive a pension not exceeding £1,800 per annum. Rule 29 provides that a Puisne Judge, after an actual service of the same period as aforesaid as Judge, shall receive a pension not exceeding £1,200 per annum.

For the purpose of defraying the expenses of equipment and voyage from Europe on first appointment, there shall, as provided by Rule 40, be allowed to a Chief Justice or Judge of any High Court £300. But no such allowance shall be made to any person who, being in India, is appointed to the office of Chief Justice or Judge, or who, having been in India, is in Europe at the time of his appointment with the intention of returning to India.

preferment, of which there was no precedent, was disapproved of in some quarters, but there were others of the opinion that the Governor-General's action was justified although the appointment had no parallel in the annals of British rule in India or elsewhere.

Section 8 made a very important provision, and its importance has special reference to the matter with which we are at present concerned. It enacted that upon the establishment of such High Court, as aforesaid, in the Bengal Presidency, the Supreme Court and Sadar Courts at Calcutta should be abolished, and that, as a matter of necessary consequence, the records and documents of the Courts so abolished should become and be records and documents of the High Court established in their stead. The provision of the next following section is more important still. It enacted that the High Court which was to be established under the aforesaid Act should have and exercise all such civil, criminal, admiralty and vice-admiralty, testamentary, intestate and matrimonial jurisdiction, original and appellate, and all such powers and authority for, and in relation to, the administration of justice in the Presidency, for which it was established, as Her Majesty might, by such Letters Patent as aforesaid, grant and direct, subject, however, to such directions and limitations as to the exercise of original, civil, and criminal jurisdiction *beyond* the limits of the Presidency Towns as might be prescribed thereby, and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor-General in Council, the High Court established in the Presidency should have and exercise all jurisdiction and every power and authority whatsoever in any manner vested in any of the Courts in the same Presidency abolished under this Act at the time of the abolition of such last-mentioned Courts. Thus the section provided that over and above the jurisdiction and powers which might be conferred upon the Court under the Letters Patent establishing it, it should have and possess all jurisdiction and all powers which had vested in the Courts abolished under this Act, subject to the directions which might be made in the Letters Patent, and also subject to the provisions which might be made by the Governor-General in Council in exercise of his legislative powers in relation to matters aforesaid.

By section 13 power was given to the High Court to provide for the exercise, by one or more Judges, or by Division Court constituted by two or more Judges of the said Court, of the original, and appellate jurisdiction vested in such Court, in such manner as might appear to such Court to be convenient

for the due administration of justice, the Chief Justice being authorised by the next following section to determine what Judges should sit alone or in Division Courts. By section 15 the High Court was empowered and authorised to have superintendence over all Courts which might be subject to its appellate jurisdiction, and to have power to call for returns and to direct the transfer of any suit or appeal from any such Court to any other Court of equal or superior jurisdiction and generally to frame rules of practice for the guidance of such Courts.

The above are substantially the provisions of the Government of India Act, and in pursuance of this Act Letters Patent were issued by Her Majesty under the seal of the United Kingdom on the 14th of May 1862, constituting the High Court of Judicature for the Bengal Division of the Presidency of Fort William. The Court so constituted, it was provided,* should consist of a Chief Justice and thirteen Judges. The first Chief Justice, who was the last Chief Justice of the Supreme Court, was Sir Barnes Peacock, *Knight*, and of the thirteen Puisne Judges seven were transferred from the Courts abolished and six were new appointments. Of the seven Judges so transferred, two, Sir Charles Robert Mitchel Jackson, *Knight*, and Sir Mordaunt Lawson Wells, *Knight*, were from the late Supreme Court, and the remaining five, Henry Thomas Raikes, Esquire, Charles Binny Trevor, Esquire, George Loch, Esquire, Henry Vincent Bayley, Esquire, and Charles Steer, Esquire, were from the late Sadar Courts. The five new appointments† were John Paxton Norman, Esquire, Walter Morgan, Esquire, Francis Baring Kemp, Esquire, Walter Scott Seton-Karr, Esquire and Louis Stuart Jackson, Esquire. The Chief Justice, as also every Puisne Judge, previously to entering upon the discharge of the duties of his office, was required to take an oath‡ in the prescribed form thereby solemnly declaring that he would faithfully perform the duties of his office to the best of his ability, knowledge and judgment. This oath was required to be made before such authority or person as the Governor-General in Council might commission to receive it. To give solemnity to the proceedings of the High Court it was provided § that a seal bearing the inscription, "The Seal of the High Court at Fort William in Bengal" should be used by the Court. This Seal should be in the custody of the Chief Justice,

* See s. 2. of the first Letters Patent and s. 3 of the second.

† One addition was made to the number of Judges on the 30th of January 1863. See Preamble to the Letters Patent of 28th December 1865.

‡ See s. 3 of the first Letters Patent and s. 5 of the second.

§ See s. 4 of the first Letters Patent and s. 6 of the second.

or, during his absence, in the custody of the person who might be appointed to act as such. All writs, summonses, precepts, rules, orders and other mandatory process to be used, issued or awarded by the said High Court should not only run* and be in the name of the reigning Sovereign for the time being, but also bear the impression of this Seal. Thus, the Court's Seal is a thing of very great importance, and any process, order or proceeding which does not bear the impression thereof has no value or effect in the eyes of the law.

As the business of a Court of Justice cannot be carried on without the aid and instrumentality of clerks and other ministerial officers, the Chief Justice of the High Court so established was empowered† to appoint so many and such clerks and other ministerial officers as should be found necessary for the administration of justice, and the due execution of all the powers and authorities granted and committed to the said High Court by the Letters Patent. Every such appointment should be forthwith submitted to the Governor-General in Council for approval, who might either confirm or disallow it. The clerks and officers so appointed were required to reside within the limits of the jurisdiction of the said Court so long as they should hold their respective offices; but this requisition should not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor-General in Council, and to absent himself from the said limits during the term of such leave in accordance with the said rules.

As the Charter of 1862 was superseded by the Charter of 1865, and as in regard to the other provisions the two Charters differ in some particulars, we shall, in noticing them, give only the language and mode which have been adopted in the later Charter without making any mention whatever of the earlier one.

As clerks and other ministerial officers are necessary for the carrying on of the office work of the Court, so are practitioners necessary to aid and assist the Judges in the administration of justice. Accordingly, the Charter authorised and empowered the said Court of Judicature at Fort William to approve, admit and enrol such and so many advocates, vakils and attorneys-at-law as to the said Court should seem meet. Advocates could appear and plead for the suitors in the said Court subject to the rules and directions of such Court. The powers and privileges of vakils ‡ so far as they went, were

* See s. 5 of the first Letters Patent and s. 7 of the second.

† See s. 6 of the first Letters Patent and s. 8 of the second.

‡ In forensic practice, however, advocates have the right of pre-audience before vakils.

somewhat greater than those of advocates. In addition to the powers given to the latter, vakils were authorised also to act for the suitors which advocates could not do, their function being confined to arguing cases in Court or preferring motions in Chambers. As for attorneys-at-law their position was inferior to that of vakils as well as to that of advocates: they could appear and act for parties, but they lacked the power of pleading in Court which is the most important of all.

As a necessary consequence of the power given for appointing advocates, vakils and attorneys, the Court was also given the power of making rules for the qualifications and admission of persons to be advocates, vakils and attorneys of the said High Court, and to remove, or to suspend from practice, on reasonable cause, the said advocates, vakils or attorneys. Save and except such advocates or vakils none were allowed to act or plead for, or on behalf of, any suitor in the said High Court; nor were any but such vakils or attorneys allowed to act for any suitor in the same. But this rule did not prevent any suitor from appearing, pleading, or acting on his own behalf, or on behalf of a co-suitor.

The rules which have reference to the appointment, rights and duties of advocates, vakils and attorneys of the High Court have been collected and arranged by Mr. Robert Belchambers in his well-known work on the Rules and Orders of the High Court. He divides them into portions corresponding to the two Sides of the Court as they are called in Court parlance. These rules are of very great use and importance, and in a subject like the present a summary of them supplemented by authoritative rulings of the Court cannot fail to be interesting, and well deserve a place in this article, more especially as Mr. Belchambers's work, owing to its high price, is not accessible to the majority of practitioners and the general public.

Advocates of the High Court may appear and plead for suitors in any branch of the Court, civil or criminal.* Vakils may appear, act and plead for suitors in this Court provided that they shall not appear, plead, or act for any suitor in any matter of ordinary original jurisdiction, civil or criminal, or in any matter of appeal from any case of ordinary original civil jurisdiction, unless, upon appeal from a judgment in a case of such original civil jurisdiction, a question of Hindu or Mahomedan law or usage shall arise, and unless the Court or a Judge thereof shall think fit to admit a vakil or vakils to plead for any suitor or suitors in that case. In such case

* Rule 70

the vakil or vakils so admitted may plead accordingly.* But there is nothing to prevent a vakil from appearing, acting and pleading in any case before the High Court, in the exercise of its extraordinary jurisdiction, under the provisions of section 13 of the Letters Patent.† Attorneys, as such, cannot practice in the High Court, their right of pleading being confined to all other Courts and the Revenue offices. They can only appear and act in that Court. But if, by establishing to the satisfaction of the Court that he has *bond fide* practised as such for the period of three years, and that he is a person of good character and ability,‡ an attorney is admitted as a vakil, he shall in the character of a vakil enjoy all the privileges of a vakil without being deprived of his powers as an attorney-at-law.§ Thus, he shall have double character and may act in both capacities. And, as we have already stated, in Chambers Attorneys have the right of pre-audience before Counsel.|| Any person who is entitled to practice as a barrister in England or Ireland, or as an advocate in the principal Courts of Scotland, who is of good character, and who intends to practise in the High Court, may be admitted as an advocate of that Court.¶ Every advocate, before being admitted and enrolled, shall take the oath of allegiance.** Thus character and loyalty are important factors in the formation of an advocate. A barrister-at-law, enrolled as an advocate of the High Court, is incapacitated from making a contract of hiring as an advocate, and cannot maintain a suit for the recovery of his fees.†† In fact, the fee he gets is honorarium,‡‡ and as such is not legally recoverable, as has been held in the well-known case of *Brown v. Kennedy*. But this incapacity does not extend to extra-professional services.§§ An advocate of the High

* Rule 71.

† Rule 72.

‡ Provided that no attorney or other person shall be admitted as a vakil of the High Court without passing the final examination prescribed by Rule 16, chap. xvi, Appellate Side, which a practitioner has to pass before admission as a vakil of the High Court. See also Rule 23, chap. xvi, Appellate Side.

§ See Rules 73, 74.

|| See Rule of 1st May 1875.

¶ Rule 78.

** Rule 84.

†† See *Smith v. Gunesu Lal*, 3 N. W. Rep., 83.

‡‡ In connection with this matter it may not be amiss to refer to the provisions of section 39 of the Code of Civil Procedure which exempts an advocate of any High Court established by Royal Charter, or of the Chief Court of the Punjab, or of the Chief Court of Lower Burma, from presenting any document empowering him to act.

§§ See *The Land Mortgage Bank of India, Limited, v. Elves*, 25 Ith., 332.

Court, though entitled to appear and plead on the Appellate Side, cannot file an appeal in the Registrar's office.* This restriction, however, does not hold good in the case of a petition of appeal in a criminal case which may be presented by any person.† Barristers have the right of pre-audience before vakils. But as between themselves, they take precedence according to the date of call to the bar.‡ An attorney or solicitor of the Sovereign's Superior Courts of Law or Equity in England shall be entitled to be admitted as an attorney of the High Court without service or examination in India.§ This privilege, however, is not accorded to an attorney or solicitor of the High Court of Judicature in Ireland, who is liable to pass an examination in India before being admitted as such.|| But a *bond fide* attorney of the High Court of Madras, or of Bombay, may be admitted as an attorney of the High Court here without examination.¶ An attorney, by virtue of his retainer, has general authority to compromise an action subject to his acting *bond fide* and reasonably, and not in defiance of the direct and positive instructions of his client.** And he may exercise such authority even when acting contrary to instructions where the other party is ignorant thereof.†† This is defensible on the principle that a principal is bound by the acts of an agent done within the ordinary scope of his authority, even though he may have given secret instructions to the contrary. If, however, those instructions were known to the other contracting party, and in spite of his knowledge he entered into the engagement with the agent, that would not bind the principal, as it would be a clear case of fraud, and fraud, as we all know, avoids all proceedings, even the solemn proceedings of a Court of Justice.

Every person before being admitted to practice as a vakil of the High Court, shall have obtained the degree of Bachelor of Law in the University of Calcutta, Madras, Bombay or Allahabad‡‡; but this alone is not sufficient to establish his

* See *Ram Taruck Barick v. Siddessari Dasi*, 13 Suth., C. R. p. 63.

† See *In re Subha Aitala*, 1 L. R., 1 Mad., 304.

‡ See *Kamtoprosad v. Ramlal Sookul*, 10 Sev., 34.

§ See Rule 85.

|| Rule 87.

¶ Rule 86.

** See *Prestwick v. Foley*, 18 C. B. (N. S.), 806.

†† *Juggernath Dass v. Ramdas*, L. R., 7 Bom., H. C. 79: see also *Butler v. Knight*, L. R., 2 Ex. 109.

‡‡ See Rule 143. In the case of a Bachelor of Law of the University of Allahabad, he shall be required to pass an examination, held under the direction of the High Court, in reading, writing and speaking the Bengali language. (Rule 18, chap. vi, Appellate Side.)

right to practise: he must also serve a regular clerkship* to some vakil of the High Court for full two years.† This is also the case with an attorney, whose period of service, however, appears to be five years.

A vakil has authority under an ordinary vakalatnama to apply for leave to withdraw the suit.‡ But compromise a suit he cannot without special authority to that effect.§ Nor can he relinquish any portion of his client's claim without such authority.|| Nor, again, can he validly give consent beyond his instructions.¶ A vakil retained in a suit is bound to carry it to an end.** And his right of suit for fees does not accrue until he has completely discharged his duty in the conduct of the suit.†† On a similar principle a vakil who appeared at the first hearing, cannot act for the opposite party when the suit is remitted by an Appellate Court for rehearing, or for finding on an issue.‡‡ A vakil has, it is true, authority to certify grounds of appeal on behalf of a client, but when he has himself for his client he cannot certify his own grounds of appeal.§§ Vakils of the High Court are not only entitled to appear and plead in the Mofussil Courts: they are also entitled to be heard in the Calcutta Small Cause Court:||||

What attorneys are to the barristers, mukhtyars are to the vakils. Both of them are officers of the Court, but there is considerable difference in their positions as such. Indeed, the attorneys wield much greater power and hold a much higher position than the mukhtyars. Where a mukhtyar is employed, fifteen per cent. of the sum now allowed as vakil's fee shall be allowed as such mukhtyar's fee and the remaining eighty-five per cent. only shall be allowed as the vakil's fee. But this rule shall not be considered as preventing a suitor from engaging a vakil without employing a mukhtyar.¶¶ The case of an attorney is different, his services being indispensable in the matter of employment of counsel.

Five kinds of jurisdiction have been given to the High

* *Bond fide* practice for four years as a pleader in one or more of the Courts in the mofussil, subject to the jurisdiction of the High Court, is a necessary qualification for one being admitted to practice in the High Court as a vakil without service under articles. (Rule 19, chap. vi, Appellate Side.)

† See Rule 144.

‡ *Ram Coomarr Roy v. The Collector of Beerbhoom*, 5 W. R., 80.

§ *Prem Sookh v. Purthee Ram*, 2 Agra Rep., 222; *Sudar Begum v. Izzut-ool-nissa*, 2 All. Rep., 149.

|| *Gour Pershad Doss v. Sookdeb Ram Deb*, 12 W. R., 229.

¶ *Ramkant Chowdhury v. Brindabun Chunder Das*, 16 W. R., 246.

** *Takee Aly Khan v. Gool Mahomed Khan*, 1 N.-W. P. Rep., 23.

†† *Buckahatnam Thaita Charlu v. Kajamiya*, 6 Mad. Rep., 265.

‡‡ *In re Vakil*, 4 Mad. Rep., 43.

§§ *Thakoor Doss Mookerjee v. Ameer Mundul*, 14 W. R., 168.

|||| *In re Tulsidas Seal*, 7 W. R., 228.

¶¶ See *Belchambers's Rules and Orders*, Appellate Side, p. 103.

Court by the Charter, namely, civil, criminal, admiralty and vice-admiralty, testamentary and intestate, and matrimonial. The civil jurisdiction of the High Court is divided in two ways, *viz.*, *first*, into ordinary original civil jurisdiction and extraordinary original civil jurisdiction; and, *secondly*, into ordinary appellate civil jurisdiction and extraordinary appellate civil jurisdiction. In the case of ordinary original civil jurisdiction as to *limits*, it is provided* that the said High Court at Fort William shall have and exercise such jurisdiction within such local limits as may, from time to time, be declared and prescribed by any law made by competent legislative authority for India, and until some local limits shall be so declared and prescribed, within the limits of Calcutta, as declared in the proclamation issued by the Governor-General in Council on the 10th day of September 1794; and that such jurisdiction of the said Court shall not extend beyond the limits for the time being declared and prescribed as the local limits thereof.

As regards its ordinary original civil jurisdiction as to *suits*, it is provided† that the said High Court, in the exercise of such jurisdiction, shall be empowered to receive, try, and determine suits of every description, if, in the case of suits for land or other immovable property, such land or property shall be situated, and in all other cases, if the cause of action shall have arisen, either wholly, or, in case the leave‡ of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the defendant at the time of the commencement of the suit shall dwell or carry on business, or personally work for gain within such limits: except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause Court at Calcutta, in which the debt or damage or value of the property sued, does not exceed one hundred rupees.§ The provisions of this section are very important. The High Court has no jurisdiction in a suit for land situate outside its local limits, even though it be in the possession of its Receiver.¶ But in other cases where the leave of the Court has been previously obtained, it may try and determine a suit in which the cause of action shall have arisen partly within the limits of its ordinary original civil jurisdiction. And it was held

* See s. 11 of the second Letters Patent.

† See s. 12 of the second Letters Patent.

‡ The leave to sue under this section must be taken before obtaining the admission of the plaint. *Kellie v. Fraser*, 1 L. R., 2 Cal., 445.

§ See note under "Court of Requests" in my account of the Supreme Court.

See also sections 19 and 633 of the Code of Civil Procedure.

¶ See *Dononath Srimani v. Hogg*, 1 Hyde, 141

by the late Supreme Court that the obtaining of probate or letters of administration from the said Court is no ground of itself for subjecting the party obtaining them to the jurisdiction of the Court in a civil action connected with the estate in respect of which probate or letters of administration have been obtained.*

Section 14, of which the provisions did not find place in the Charter of 1862, provides that, where a plaintiff has several causes of action against a defendant, such causes of action not being for land or other immovable property, and the High Court at Fort William shall have original jurisdiction in respect of one of such causes of action, the said High Court may, either of its own accord or on the application of the plaintiff, call on the defendant to show cause why the several causes of action should not be joined together in one suit, and make such order for trial of the same as to the said High Court shall seem fit.

Ordinary Civil Courts have only ordinary powers; but the High Court, being the highest tribunal in the land, it is only just and proper that along with ordinary, it should also have some extraordinary powers. Accordingly, section 13 of the Charter provides that the said High Court at Fort William shall have power to remove, and try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Bengal Division of the Presidency of Fort William, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court. Ordinarily, agreement of parties cannot give jurisdiction to a Court which it does not otherwise possess. But this rule does not apply to the High Court in the exercise of its extraordinary powers. The High Court may, if it think proper, act upon such agreement and try and decide the suit, and where such agreement is wanting, the Court may, for the ends of justice, exercise its extraordinary powers. In *Doucett v. Wise*,† where intricate questions of English law were involved and the witnesses and parties were chiefly British subjects, and, what is more, the plaintiff was an officer of the High Court, and resident in Calcutta, it was held that it was a fit case for transfer to the file of the High Court in its extraordinary original jurisdiction. In the case of a Court situate outside the limits of the Bengal Division of the Presidency

* See *Leslie v. Inglis*, 1 Hyde, p. 67.

† 1 Ind. Jur. (N. S.), p. 227.

of Fort William, it is only where such Court is subject to the superintendence of the said High Court that transfer to its file is possible. Accordingly, it has been held that the High Court at Fort William has no jurisdiction to remove a case from the Court of the Civil and Sessions Judge at Allahabad, that Court not being subject to its superintendence.* Section 15 is very important: it provides for appeals from the Original Side of the High Court to its Appellate Side. It says that an appeal† shall lie to the said High Court of Judicature at Fort William from the judgment‡ (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court or of one Judge of any Division Court, pursuant to section 13 of the High Courts' Act, and that an appeal shall also lie to the said High Court from the judgment (not being a sentence or order as aforesaid) of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the Judges of the said Court at the time being; but that the right of appeal from other judgments of Judges of the said High Court or of such Division Court shall be and lie to the Privy Council, as hereinafter provided. In the first place the section provides that the judgment of a single-seated Judge or one Judge of any Division Court, in an original suit, shall be appealable to the same Court in its Appellate Jurisdiction. In the second place it provides that in the case of the judgment of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the full complement of Judges, where such judgment is in an original suit, it shall be appealable to the said Court; but where there is no difference of opinion between the Judges, or where the Judges form a majority, an appeal shall lie to the Privy Council. In either case only judgments and not orders are appealable. In *Baku Bibi v. Khaja Mahomed Musa Khan*,§ an order passed by the senior of the Judges of a Division Bench, who differed in opinion, dismissing an application for the review of their judgment, was held not to be appealable, such an order not being judgment within the meaning of this section. Section 16 provides for appeals from

* *G. E. Hotel Co. v. The Secretary of State for India*, 1 In. Jur. N. S.), p. 219.

† The right of appeal under this section is not taken away by section 575 of the Court of Civil Procedure, *Gossami Sri v. Purushtom Gossami*, 1 L. R., 10 Cal., 814, F. B.

‡ For meaning of the word 'Judgment' in this section, see *Justices of the Peace for Calcutta v. Oriental Gas Co.*, 8 B. L. R., 432; and *Ibrahim v. Fuckkrum-nissa Begum*, 1 L. R. 4 Cal., 534; see also *DeSouza v. Coles*, 3 Mad., 384.

§ 4 B. L. R., A. C., 10.

that in each of the cases noticed above, the sum or matter at issue must be of the amount or value of not less than Rs. 10,000, or that such final judgment, decree, or order, so intended to be appealed against, must involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than Rs. 10,000.* An appeal shall also lie from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to the Privy Council, subject *always* to such rules and orders as are now in force, or may from time to time be made, respecting appeals to the Sovereign in Council, from the Courts of the said Presidency at Fort William; except so far as the said existing rules and orders, respectively, are by this Charter varied, and subject also to such further rules and orders as may be hereafter made in that behalf by the Sovereign with the advice of the Privy Council.† Thus the pecuniary limit is fixed once for all at Rs. 10,000 at the lowest calculation. Where the amount or value of the property in dispute is that sum or more, the case is clear enough; and the same thing will happen where the decision appealed against involves, directly or indirectly, some claim, demand or question to or respecting property worth such sum. So it has been held that leave to appeal to the Privy Council will in some cases be allowed respecting property, which, on the whole, is above the said pecuniary limit, notwithstanding that the portion of the property which is the subject of appeal is below that limit.‡ The Court may take into consideration, in allowing or rejecting a petition of appeal to the Privy Council, the fact that the property has increased in value since the commencement of the suit.§ And even where the value is less than Rs. 10,000, an appeal may still lie to the Privy Council, if from the peculiar difficulty of the case, in a legal point of view, or from its great importance, the High Court certify that it is a fit case for appeal to the Privy Council. Orders

* By the true construction of section 595 of the Civil Procedure Code there are two conditions of appeal, that the amount or value both of the subject matter of the suit in the first Court, and also of the matter in dispute on appeal must be Rs. 10,000 or upwards. The case must comply with both conditions to qualify the admission of an appeal. See *Moti Chand v. Gunga Parshad Singh*, 29 In. App., p. 40.

† Applications in appeals to the Privy Council in suits instituted on the Original Side of the High Court are made before a single Judge exercising original jurisdiction under clause 36 of the Letters Patent.

‡ See *Onooroop Chunder Mookerjee v. Purtab Chunder Pal*, 2 Wym. Rep. 37: see also *Musli. Ameena Khatoon v. Radhabinode Misser*, 7 I. A., 261.

§ See *Lopez v. Madan Mohan Thakoor*, 2 Wym. Rep., p. 96.

contemplated by the section are orders made in regular course as distinguished from subsidiary orders or the like. An order of a Division Bench, rejecting an application for a review of judgment passed on appeal, is not an order made on appeal from which an appeal lies to the Privy Council.* But an appeal does lie to the Privy Council from the order of the High Court in execution proceedings, when the amount involved is above the appealable value.† Even interlocutory judgments may form subjects of appeal to the Privy Council. This provision is made by section 10 of the Charter. It enacts that it shall be lawful for the said High Court at Fort William, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition, of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to the Privy Council, subject to the same rules, regulations, and limitations as are in this charter expressed respecting appeals from final judgments, decrees, orders and sentences. As regards appeals in criminal cases, section 41 provides that from any judgment, order, or sentence of the said High Court, made in the exercise of its original criminal jurisdiction, or in any criminal case where any point or points of law has or have been reserved for the opinion of the said High Court, in manner hereinbefore provided by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to the Sovereign in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as may hereafter be made in that behalf by the Sovereign with the advice of his or her Council.

Clause 42 provides for the transmission of copies of evidence and other evidence to the Privy Council. It also provides that the High Court shall, in all cases of appeal to the Privy Council, conform to and execute, or cause to be executed, such judgments and orders as the Privy Council shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal order or other order or rule of the

* See *Soudamini Dasi v. Maharaj Dhiraj Mahtab Chand Bahadur*, 6 W. R., F. B., p. 103; and *Rajah Enaet Hossein v. Rane Rowshan Jahan*, 1 B. L. R., F. B., p. 1.

† See *Musst. Velarly Begum v. Rughoonauth Pershad*, 8 W. R., F. B., p. 147.

said High Court should or might have been executed. Where a decree is simply affirmed by the Privy Council, it is the decree of the Appellate Court which is to be executed.* When a decision of the Judicial Committee has been reported to the Sovereign and has been sanctioned, it becomes the decree or order of the final Court of Appeal, and it is the duty of every subordinate tribunal, to which the decree or order is addressed, to carry it into execution.†

Clause 43 requires the High Court to comply with requisitions from Government for records, returns and statements.

By clause 44 legislative powers of the Governor-General in Council are preserved to them in their full integrity. In exercise of such powers the Governor-General in Council is competent to make new laws and regulations, or to amend and alter existing ones.

The High Court is a composite body, having two branches, which are respectively termed the Original Side and the Appellate Side. Roughly speaking, the Original Side represents the late Supreme Court, and the Appellate Side the late Sadar Courts. Thus, though the Sadar and Supreme Courts have become things of the past, still their memory is well preserved by the High Court which has taken their place. The procedure and practice followed in the two Sides of the High Court are different from one another. In the Original Side the English law and the practice of the Courts in England predominate, whereas in the Appellate Side, the Acts and Regulations of the Governor-General in Council and the native laws and usages, where they are applicable, are the guiding authorities. This being the case, it is only just and proper that in the Original Side only Barrister Judges who have had legal training in the Inns of Court in England should preside. In the Appellate Side no such distinction is made, and Judges, whether chosen from amongst the barristers or recruited from the Covenanted or Uncovenanted Civil Service, or from the native bar, are privileged to sit in it. The Rules and Orders governing the High Court in its Original Side being different from those having force and effect on the Appellate Side, it is only fair and reasonable that they should be dealt with separately.

The general rule governing both Sides of the Court is that all powers and functions which are vested in it by the Letters Patent constituting the Court, and which are not otherwise expressly provided for by the rules of the Court, may be exercised by a single Judge, or by a Division Bench, consisting

* See *Jynarain Giri v. Goluck Chunder Mytee*, 22 Suth. C. R., p. 102.

† See *Pitts v. La Fontaine*, L. R. 6 App. Cas., p. 482.

of two or more Judges.* This being so, it necessarily follows that a Court for the exercise of the ordinary original jurisdiction of the Court may be held before one Judge, or before two or more Judges, and two of such Courts may sit at the same time.† In case of doubt or difficulty a Judge sitting alone may refer any matter for the decision of two Judges.‡ If in a Court of original jurisdiction held before two Judges there be a difference of opinion, the Chief Justice, or in his absence the Senior Judge present, shall have a double or casting vote.§ Appeals from the decisions of one Judge in the exercise of ordinary original civil jurisdiction shall be heard and determined by at least two other Judges, and in case the two Judges who exercise the appellate jurisdiction differ in opinion, they may direct that the case shall be re-heard before a Division Court consisting of themselves and some other Judge or Judges, and if no such order be made, the decision shall be affirmed.|| In order to avoid such complicated process, the Appellate Bench is, as a rule, formed of three Judges. Appeal from decree shall be presented within twenty days, and appeal from order within four days from the date of the decree or order appealed against, and the period of limitation so prescribed shall be calculated exclusive of the date of the decree or order and the time taken up for taking copy thereof. Appeals from the decisions of two Judges in the exercise of ordinary original jurisdiction shall be heard by a Division Court consisting of three Judges.¶

A Court for the exercise of the ordinary original criminal jurisdiction of the High Court may be held before one Judge, and one or more Courts may sit at one time, in each of which there shall be one Judge.** A Division Court for the hearing of criminal appeals may consist of two or more Judges.†† Appeals on the criminal side of the appellate branch of the Court, which are in the first instance heard before one Judge, may, if he think fit, be referred to such Division Court.‡‡ All proceedings in civil cases which shall be brought before the Court, except proceedings in its Admiralty, Vice-Admiralty, and Matrimonial jurisdiction, and in its original Testamentary and Intestate jurisdiction, shall be regulated by the Code of

* See clause 36 of the Letters Patent.

† See Rule 53.

‡ See Rule 54.

§ See Rule 55: See, however, section 575 of the Code of Civil Procedure and *A. Bhivraj v. S. Khup Chand*, 3 Bom., 204, F. B.

|| See Rule 56, since repealed by a rule, dated the 5th December 1890.

¶ See Rule 57.

** See Rule 58.

†† See Rule 59.

‡‡ See Rule 60.

Civil Procedure, and by such other Acts and by such rules and orders of the High Court as were in force and regulated the procedure of the said Court at the time of the publication of the Letters Patent, except so far as the same are at variance with the provisions of the said Letters Patent.*

The procedure in civil cases, which shall be brought before the Court in the exercise of its Admiralty, Vice-Admiralty, or Matrimonial jurisdiction, shall be regulated, so far as the circumstances of the case will admit, by the Code of Civil Procedure.† In cases in the exercise of Admiralty or Vice-Admiralty jurisdiction in which a ship, or a ship and cargo, have been or are to be proceeded against or arrested, or in which goods only have been or are to be proceeded against or arrested, either for the purpose of proceeding against the goods or the freight due thereon, or in which property shall have been or shall be arrested, and no party shall have appeared or shall appear at the return of the warrant, and in all cases in the exercise of Admiralty or Vice-Admiralty jurisdiction in which the rules contained in the Code of Civil Procedure are not applicable, the practice and procedure shall be regulated as nearly as possible by the rules and regulations made and ordained by order of his late Majesty King William IV in Council in pursuance of 2nd William IV, c. 51, and touching the practice to be observed in the several Courts of Vice-Admiralty in the Colonies, except so far as such rules may be inconsistent with the 24 and 25 Vict., c. 104, or of the said Letters Patent.‡

In suits for mariners' wages brought before the Court in the exercise of Admiralty or Vice-Admiralty jurisdiction, any number of mariners may proceed jointly in one action.§ The procedure in all cases which shall be brought before the Court in the exercise of its original, testamentary and intestate jurisdiction, shall be regulated, as far as the circumstances of the case will admit, by the rules of procedure laid down in the Indian Succession Act of 1865, whether the Act itself applies to the case or not, and in cases to which such rules are inapplicable, the procedure shall be regulated by the Code of Civil Procedure.|| Persons of nautical skill and experience, residing or having places of business within the jurisdiction of the High Court, are to act as assessors in any Admiralty or Vice-Admiralty cause of salvage, towage, or collision, under the provisions of section 645A of the Code of Civil Procedure. A list of such persons is to be framed by the Registrar in the Original Side and approved by the Chief Justice, and when

* See Rule 61.

† See Rule 62.

‡ See Rule 63.

§ See Rule 64.

|| See Rule 65.

so approved, is to be published in the *Calcutta Gazette*.* Every person who shall act as assessor shall be entitled to a fee of four gold-mohurs for each day's attendance.† Unless otherwise ordered, all fees paid to assessors under these rules shall be deemed to be costs in the cause.‡

We now proceed to deal with the rules regulating the procedure and practice of the High Court on its Appellate Side. A Division Bench for the hearing of appeals from decrees or orders of the Provincial Courts shall consist of two Judges. To this general rule there are two exceptions: *First*,—appeals from Appellate Decrees in suits of which the value does not exceed fifty rupees may be heard by a single Judge; and, *secondly*, a Special Bench, to consist of three Judges, may, on the requisition of any Division Bench, be appointed by the Chief Justice for the hearing of any particular appeal or other matter.§ From the judgment of a single Judge, as aforesaid, there shall be an appeal under section 15 of the Letters Patent, which appeal shall be heard by a Division Bench consisting of two Judges other than the Judge from whose judgment the appeal is preferred.|| In all other cases a Division Bench for the hearing of appeals under section 15 of the Letters Patent from a judgment of a Division Bench sitting on the Appellate Side of the High Court shall consist of three Judges other than the Judges of the Division Bench from whose judgment the appeal is preferred.¶ Every appeal to the High Court under section 15 of the Letters Patent from a judgment of a Division Court on the Appellate Side of the High Court shall be presented to the Deputy Registrar within thirty days from the date of the judgment appealed from, unless the Court in its discretion, on good cause shown, shall grant further time.** The petition of appeal shall be in the English language, shall be drawn up in accordance with the provisions of section 541 of the Code of Civil Procedure, and shall be subscribed by an advocate or vakil of the Court.†† In every such appeal in which the value of the appeal exceeds Rs. 50, copies of the memorandum of appeal and of the judgment of the Judges shall be printed. But where the value of the appeal does not exceed Rs. 50, whether decided by a Division Bench, or by a single Judge, the copies shall be prepared in manuscript.‡‡ A Division Bench for the hearing of appeals under section 15 of the Letters Patent from the judgment of a Judge, sitting on the Original Side of the High Court,

* See Rule 729.

† See Rule 731.

‡ See Rule 736.

§ See ch. p. II, Rule I, *Appellate Side Rules*.

¶ See Rule II.

|| See Rule II.

** See Chap. vi, Rule I.

†† See Rule III.

‡‡ See Rule VI.

shall consist of three Judges. An appeal from original decree, where such appeal lies direct to the High Court, may be on questions of fact as well as of law. Where the value of a suit is above five thousand rupees, even if such suit be decided by a Subordinate Judge, an appeal from it shall lie to the High Court.* Such appeal shall be made in the form of a memorandum in writing and shall be accompanied by a copy of the decree appealed against, and unless the Appellate Court dispenses therewith, of the judgment on which it is founded. Such memorandum shall set forth concisely and under distinct heads the grounds of objection to the decree appealed against, without argument or narrative, such grounds shall be numbered consecutively.† It is not necessary, for the purposes of appeal, that the decree should have been passed in a *contested* suit, as an appeal may, indeed, lie from an original decree passed *ex parte*.‡ The petition of appeal shall be presented by the appellant in person, or by his recognised agent, or by a pleader appointed under section 39 of the Code of Civil Procedure, or by some person appointed in writing in each case by such pleader to present the same.§

The rules applying to appeals from original decrees shall apply generally to appeals from orders.|| Such appeals shall have precedence over other appeals in the preparation for hearing, and shall, when ready, be placed on a special board of appeals for hearing.¶

An appeal from appellate decree, or, as it is commonly called, special or rather second appeal, differs from an appeal from original decree mainly in this, that it does not lie on pure question of fact. The Code of Civil Procedure in Chapter XIV deals with such appeals. The main provisions are contained in section 584 which runs thus:—“Unless when otherwise provided by this Code or by any other law, from all decrees passed in appeal by any Court subordinate to a High Court, an appeal shall lie to the High Court on any of the following grounds (namely):—

- (a) the decision being contrary to some special law or usage having the force of law;
- (b) the decision having failed to determine some material issue of law or usage having the force of law;

* See s. 20 of the Civil Courts Act (XII of 1887).

† See section 541 of the Code of Civil Procedure.

‡ See section 45 of the Civil Procedure Code Amendment Act (VII of 1888).

§ See Chap. VIII, Rule I. *Belchambers's Rules and Orders*.

|| See Chap. X, Rule I.

¶ See Rule IV.

- (c) a substantial error or defect in the procedure as prescribed by this Code or any other law, which may possibly have produced error or defect in the decision of the case upon the merits.

An appeal may lie under this section from an appellate decree passed *ex-parte*.*

The above are the only grounds on which a second appeal is tenable, and on no other ground, as has been emphasized by the next following section. In the case of suits of the nature cognisable in Courts of Small Causes, it is provided that no second appeal shall lie in any such suit, when the amount or value of the subject matter of the original suit does not exceed five hundred rupees.*

The memorandum of appeal against an appellate decree shall be accompanied by a copy of the judgment and decree as well of the Court in which the suit was originally tried as of the Court whose decree is appealed against.† Every petition of appeal must be certified by the vakil presenting it in due form.‡

A very large number of second appeals are annually preferred to the High Court, but unfortunately for the litigating public, only a few of them are decreed. Some are rejected at the preliminary hearing under section 551 of the Code, and as for the rest which stand such severe trial, nearly ninety per cent. are eventually dismissed on the stereotyped ground, that they do not involve any question of law or usage having the force of law. In fact, second appeals do not, as a rule, receive due consideration at the hands of the Court, and are in most cases perfunctorily disposed of much to the regret of the suitors whose wrongs are thus left unremedied for all time to come. People used to look upon the High Court as the palladium of justice, and resorted to it in the firm belief that their grievances would be redressed; but for the last fifteen or sixteen years their confidence is much shaken and they now seek the aid of that Court something like a drowning man catching at a straw. Time was when the Judges feeling very strongly the serious responsibility of their high and exalted position tried their utmost best to do justice, and even where an inexperienced counsel or vakil was found not quite able to deal properly with the case of his client would be throwing out suggestive hints and putting him in the right way. But unluckily for this country the number of such good

* See section 586 of the Code of Civil Procedure.

† See Chap. IX, Rule II., Belchambers's *Rules and Orders*.

‡ See Rule IV. Mark no *advocate* can certify grounds of second appeal, nor can the party himself in his professional capacity do so, if he happens to be a vakil.

Judges is becoming smaller and smaller as time rolls on. Now-a-days, one who can dispose of the largest number of cases, be the character of the decision what it may, is considered as the best Judge. But in the matter of administration of justice as in many other things, the quality of the work done should have much greater weight than its quantity. This wholesome salutary principle, however, is almost ignored, and the result is that to do even-handed justice has, in the majority of cases, become an utter impossibility.

The High Court being the first and foremost Tribunal in the land, it is only just and proper that it should have very large powers over the Courts subordinate to it, and as a matter of fact it does possess such powers. These powers are of a general character and serve well to keep the inferior Courts under check and within bounds. The power to control, however, is not inconsistent with the power to help, and, accordingly, the High Court may, in cases of doubt and difficulty, come to the rescue of the lower Courts, provided the latter seek its aid in due form. Section 617 of the Code of Civil Procedure provides that if, before or on the hearing of a suit or appeal in which the decree is final, or if, in the execution of any such decree, any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, arises, on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court may, either of its own motion, or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement, with its own opinion, the point for the decision of the High Court. Section 621 says that on such reference being made, the High Court may return the case for amendment, and may alter, cancel, or set aside any decree or order which the Court making the reference has passed in the case out of which the reference arose, and make such order as it thinks fit. References from Provincial Civil Courts (including, we suppose, Provincial Small Cause Courts) shall be heard by the Division Bench appointed for the hearing of appeals and orders of the Civil Courts of the district in which such Court is situated.* References from the Presidency Small Cause Courts shall be heard by the Division Bench appointed for the hearing of appeals from the High Court in its original jurisdiction.†

Where no such reference, as is noticed above, is made, the

* See Chap. II, Rule III.

† See Rule IV.

High Court may, in the exercise of its general revisional powers, try to do justice where some injustice has been done by any of the lower Courts. These powers are given by section 622 of the Code. By virtue of the provisions of this section the High Court may call for the records of any case in which no appeal lies thereto, if the Court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction illegally or with material irregularity, and may pass such order in the case as the High Court thinks fit. The High Court may also withdraw any suit, whether pending in a Court of first instance or in a Court of appeal subordinate to it, and try the suit itself or transfer it for trial to any other such subordinate Court competent to try the same in respect of its nature and the amount or value of its subject matter.*

But not only has the High Court power to control and regulate the proceedings of the Civil Courts subordinate to it, it has also power in certain cases to deal with the officers themselves who preside in those Courts. It may remove or suspend a Munsif for misconduct;† and in the case of a Subordinate Judge, though it is not competent to dismiss him from service, it may suspend him whenever it sees urgent necessity for so doing.‡ Thus, in truth and in reality, the powers of the High Court over the inferior Courts are very large.

As on the civil, so on the criminal side, the High Court has large powers given to it. These powers it owes mainly to the Letters Patent granted under the Indian High Courts Act, and only partially to the Code of Criminal Procedure. In the exercise of such powers the High Court may take cognizance of any offence upon a commitment made to it in due form.§ This is the general rule. Section 447 deals with the case of a European British subject. It provides that when such person is accused of an offence before a Magistrate, and such offence cannot, in the opinion of such Magistrate, be adequately punished by him and is punishable with death or with transportation for life, such Magistrate shall, if he thinks that the accused ought to be committed, commit him to the High Court; but when the offence is not so punishable, he may commit the accused to the Court of Sessions, or, in the case of a Presidency Magistrate to the High Court. All trials

* See section 25 of the Code of Civil Procedure.

† See section 28 of the Civil Courts Act (XII of 1887).

‡ See section 27 of Act XII of 1887.

§ See Act V of 1898, s. 194.

before the High Court, shall be by jury.* This circumstance distinguishes such trials from trials before a Court of Sessions, which may be either by jury, or with the aid of assessors.† When any person is sentenced to death by the High Court, the sentence shall direct that he be hanged by the neck till he is dead.‡ But when such extreme sentence is passed by a Court of Sessions, it cannot be executed unless it is confirmed by the High Court.§ In such cases the High Court may direct further inquiry to be made,|| if it sees good ground for so doing.

The High Court has not only power to try cases duly committed to it, but may also try cases in appeal. Accordingly, it is provided that any person convicted on a trial held by a Sessions Judge, or an Additional or Joint Sessions Judge, may appeal to the High Court.¶ So also may a person convicted by a Presidency Magistrate, if the Magistrate has sentenced him to imprisonment for a term exceeding six months or to a fine exceeding two hundred rupees.** An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall lie on a matter of law only.†† There may also lie an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court. Such appeal, however, is allowable only on behalf of Government.‡‡ A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which arises in the hearing of any case pending before him, or may give judgment in any such case subject to the decision of the High Court on such reference; and, pending such decision, may either commit the accused to jail, or release him on bail to appear for judgment when called upon.§§

The High Court has also power to call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its jurisdiction, for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court.¶¶ In the exercise of such powers of superintendence, the Court may *enhance* the sentence.¶¶ This provision is new and it strikes one as somewhat severe. But whatever its character may be, it is only fair and reasonable that it should

* See section 267 of Act V of 1898.

† See section 268 of Act V of 1898.

‡ See section 368 of Act V of 1898.

§ See section 374 of Act V of 1898.

|| See section 438 of Act V of 1898.

¶ See section 410 of Act V of 1898.

** See section 411 of Act V of 1898.

†† See section 418 of Act V of 1898.

‡‡ See section 417 of Act V of 1898.

§§ See section 432 of Act V of 1898.

¶¶ See section 435 of Act V of 1898.

¶¶ See section 439 of Act V of 1898.

be carried out only in very exceptional cases. As on the civil side, so on the criminal, the High Court has power to withdraw a case from a subordinate Court and itself try or transfer it to any other such Court of competent jurisdiction.* A Division Bench for the hearing of cases in appeal, reference, or revision, in respect of the sentence or order of any Criminal Court, shall consist of two Judges.† A Division Bench for the decision of any question reserved or referred under section 434 of the Code of Criminal Procedure shall consist of such number of Judges as the High Court shall, in each case, determine.‡

Whenever one Division Court shall differ from another Division Court upon a point of law or usage having the force of law, the case shall be referred for decision by a Full Bench.§ Thus, the reference to a Full Bench is confined to matters of law or usage having the force of law: it does not extend to matters of fact, or procedure, or the construction of a document; nor can such reference be made by a Judge sitting alone, only a Division Court consisting of two or more Judges being competent to do so. If the question arise in an appeal from an appellate decree, or in any matter coming before a Division Court in the exercise of its civil revisional jurisdiction, the Court referring the case shall state the point upon which they differ from the decision of another Division Court, and shall refer the appeal or matter, as the case may be, for the *final* decision of a Full Bench.¶ But if the question arise in an appeal from an original decree, the question of law shall alone be referred, and the Full Bench shall return the case with an expression of its opinion upon the point of law for final adjudication by the Division Court which referred it, and in case of necessity, in consequence of the absence of any or either of the referring Judges, for the ultimate decision of another Division Court.¶

If the question arise in any case coming before a Division Bench as a Court of Criminal Appeal, Reference, or Revision, the Bench referring the case shall state the point or points on which they differ from the decision of a former Division Bench, and shall refer the case to a Full Bench for such order as to such Bench may seem fit.**

A Full Bench appointed for the purposes of matters regard-

* See section 526 of Act V of 1898.

† See Rule V, Belchambers's *Rules and Orders*.

‡ See Rule VI, Belchambers's *Rules and Orders*.

§ See Chap. V, Rule I, Belchambers's *Rules and Orders*.

¶ See Rules II and IV, Belchambers's *Rules and Orders*.

¶ See Rule III, Belchambers's *Rules and Orders*.

** See Rule V.

ing appeals under section 15 of the Letters Patent shall consist of five Judges.* In fact, that is the lowest number necessary to form a Full Bench, properly so called. Every decision of a Full Bench shall be treated as binding on all Division Benches upon the points of law or usage having the force of law determined by the Full Bench, unless it be subsequently reversed by a Bench specially constituted, consisting of such number of Judges as in each case shall have been fixed by the High Court, or unless a contrary rule be laid down by the Judicial Committee of the Privy Council.†

The business of the Privy Council Department on the Appellate Side of the High Court shall be laid before a Division Bench, except in the case of appeals in suits instituted on the Original Side of the High Court.‡ Every petition under section 598 of the Code of Civil Procedure in respect of any decree passed by the High Court in its appellate jurisdiction in the case of an appeal from the Original Side shall be presented to the Appellate Bench for the hearing of appeals from the Original Side.§

What are called in Court language Insolvency matters form a distinct and separate department by itself. Such department, it is true, is presided over by a Judge of the High Court, but it has a procedure and practice of its own. The Civil Procedure Code, which has such wide and extensive application, cannot touch it; and, accordingly, by section 638 of the said Code, it is laid down in so many words that nothing therein contained shall extend or apply to any Judge of a High Court in the exercise of jurisdiction as an Insolvent Court. The law of insolvent debtors, so far as it concerns the High Court, is contained in Statute II and 12 Vict., Chap. 21. All insolvency cases arising within the limits of the towns of Calcutta, Madras, Bombay and Rangoon are to be dealt with in accordance with the provisions of the said Act; whereas similar cases occurring in the mofussil are to be dealt with according to the provisions of Chapter XX of the Code of Civil Procedure. To make this matter clear, section 360 of the Code expressly enacts that nothing in the said Chapter shall apply to any Court having jurisdiction within the limits of any of the three Presidency towns, or of Rangoon, the Recorder's Court in the latter city being placed in the category of High Courts.

As an Insolvent Court, the High Court at Calcutta has

* See Rule VII.

† See Rule VI, Belchambers's *Rules and Orders*.

‡ See Rule VIII.

§ See Rule IX, with effect from 15th June, 1899.

jurisdiction only within the Bengal Division of the Presidency of Fort William.*

In 1869 the High Court of Bengal, as well as the High Courts of Madras and Bombay, were constituted by Act IV of that year Courts of Divorce for, and in respect of persons professing the Christian religion. Except the Chief Court of the Punjab no other tribunal not established by Royal Charter is competent to grant a *final* decree for dissolution of marriage. The District Courts, it is true, have also a concurrent Divorce jurisdiction with the High or Chief Courts to whose appellate jurisdiction they are subject, but it does not extend to the making a *final* decree for dissolution.†

Besides affairs of a judicial character, the High Court has also to do business which is not of that character. Such business is transacted by a Standing Committee which is composed of the Chief Justice and at least four other Judges to be appointed by him from time to time.

The English Committee, as the Standing Committee is commonly called, is charged with the control and direction of the Subordinate Courts, so far as they are exercised otherwise than judicially. The Committee has power, without reference to the Judges generally,—

- (a) to dispose of all correspondence within its own department, urgent in its nature and not of general importance;
- (b) to make recommendations for the appointment of Subordinate Judges, and for the promotion, degradation, or suspension of Subordinate Judges and Munsifs;
- (c) to issue General Letters to the Mofussil Courts;
- (d) and to dispose of any matter which might ordinarily have been dealt with by the Judge in charge of the English Department, and which he may have referred to the Committee for its opinion.

Generally one Judge is kept in charge of the English Department. But the powers conferred on him may be exercised by two or more Judges of the Court forming the Committee. The Judge in charge of the English Department is empowered to pass orders on—

- (a) matters arising out of the revision of all periodical returns and statements furnished by the Subordinate Courts;
- (b) the leave of Munsifs, recommendations to the Local Government for the transfer of Subordinate Judges

* See Tagore Law Lectures (1872), p. 233.

† See Tagore Law Lectures (1872), p. 242.

and Munsifs, and the nomination of Munsifs, subject to consultation with the Chief Justice;

- (c) recommendations to Government for the investing of Subordinate Judges and Munsifs with extraordinary powers, such as Small Cause Court powers and the like;
- (d) applications and routine references connected with the admission and enrolment of pleaders and muk-tears under Act XVII of 1879, where the orders required are not formal;*
- (e) all other correspondence not relating to matters judicial, or to orders of other Judges.

The matters on which *all* the Judges shall be consulted are the following:—

- (a) Changes in the law specially proposed.
- (b) The Administration Reports annually submitted to Government, when passed by the Judges of the English Committee.
- (c) Rules which when published will have the force of law.
- (d) Subjects connected with the relations between the Privy Council and the High Court.
- (e) All appointments which by law are made by the High Court and which are not otherwise expressly provided.
- (f) All recommendations for the dismissal from office of judicial officers.

There shall ordinarily be a meeting of the English Committee on every Saturday,† except holidays, at 11 A.M., unless there be no business, or unless another day and time shall be, on any occasion, specially appointed.

Thus have we given a short account of the High Court as it has been existing since 1862. But short as it is, it contains, we hope, all the necessary information on the subject. Now, the question arises whether the said Court, which was consti-

* By a Resolution of the Judges of the English Committee passed on the 15th July 1891, the Registrar has been authorised to dispose of such applications and references where the orders required are formal, and the requirements of the law and the Court's rules have been duly observed. See Belchambers's *Rules and Orders*, Appellate Side, p. 3, note. Indeed, by section 637 of the Code of Civil Procedure, it is provided that any non-judicial or *quasi*-judicial act which this Code requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394, may be done by the Registrar of the Court, or by such other officer of the Court as the Court may direct to do such act. Thus, as a matter of fact, the Registrar holds very large powers.

† The Court does not, as a rule, sit on this day. Thus, there are, in fact two days in every week on which judicial work is not done in Court.

tuted as an experimental measure, has realised the hope which was entertained of it at its establishment. Nearly four decades have elapsed since the Supreme and the Sadar Courts were amalgamated and formed into the present High Court. This union did not at all partake of the nature of a "hasty marriage," nor was it made on the principle of "the firstling of the heart should be the firstling of the hand." As a matter of fact, it had been proposed so far back as 1780 by that far-sighted statesman, Warren Hastings, but as the proposal was not then deemed desirable or expedient, it was shelved in. But though the project was not readily adopted, it was too good to be lost altogether; so we find that about the middle of the nineteenth century the matter was again brought to the fore. At the time when the second Indian Law Commission* was appointed, the intention of amalgamating the Queen's and the Company's Courts in the Presidency towns had already been announced to Parliament, and the Commissioners were instructed to address themselves, in the first instance, to the consideration of the preliminary measures necessary for this purpose, in particular to the preparation of a simple and uniform Code of procedure. The Commissioners sat in "famous London town" for about three years till the middle of the year 1856, and presented four reports, in which they submitted a plan for the amalgamation of the Supreme and Sadar Courts, and a uniform Code of Civil and Criminal Procedure, applicable both to the High Court, formed by that amalgamation, and the inferior Courts of British India. They also adverted to the wants of India in respect of substantive civil law, and they submitted their views as to the best mode of supplying those wants.† The recommendations of these Commissioners resulted in important legislation both in Parliament and in the Legislative Council of India. About this time the terrible storm of the Sepoy Mutiny swept over the whole face of Hindustan, and when, at last, it subsided, it became necessary to effect a radical change in the mode of government. The East India Company was deprived of all its powers and privileges as a governing body, and the Crown took upon itself the direct rule of the country. This change in the *regime* was soon followed by codification of laws, both adjective and substantive. A Code of Civil Procedure—an excellent specimen of its kind—was passed in 1859. The masterly Code which Macaulay had drafted in 1837 was taken up and revised, and became law in 1860. To this piece of sound substantive law was given in the next year a worthy "help-meet" in a

* This Commission was appointed on November 9th, 1853.

† See Sir C. Ilbert's *Legislative Methods and Forms* (1901), pp. 130, 131.

Code of Criminal Procedure. By the Parliamentary Act of 1861, "for establishing High Courts of Judicature (24 and 25 Vict., Chap. 104)," the old Supreme and Sadar Courts at Calcutta, Madras and Bombay were amalgamated into the present chartered High Courts, and provision was made for establishing another High Court in the North-West Provinces. Thus, by the year 1861, not only had the grand old Courts of the Presidency towns given way to the present High Courts, but "the chaotic and incomplete Regulations," as Sir C. Ilbert calls them, had received considerable improvements in the matter of procedure, and a Penal Code, which bids fair to serve as a model for the criminal law of the civilised world, had been added to the Indian Statute-book.

The Bengal High Court having been formed in 1862, it has thus had a fair trial so that judgment may well be passed as to whether it has been an improvement upon the old state of things and has resulted in the better administration of justice. High hopes were entertained, when the said High Court was constituted, that it would surpass the old Courts in public esteem and general usefulness. But if the truth must be told, those hopes, we are sorry to observe, have not been realized. The reasons, however, for this sore disappointment are not far to seek. The old Supreme Court, so far as its judicial organization went, was better constituted than the present High Court. The Judges who sat in that Court were, as a rule, trained lawyers and were well conversant with the English law which they had to administer. Most of them were sent direct from England, and as for the few who were taken from the bar here, they were generally the very pick of the profession. After the establishment of the High Court there has been a change in the matter of the selection of Judges,—a change which does not certainly commend itself to sound unprejudiced minds. Now-a-days, very few Judges are imported direct from England, the great majority being, to use a military term, "recruited" from the local bar. These gownsmen have very little experience of the Courts in the home country. They come out to this strange land only a short time after being called to the bar, so that, as a matter of fact, their life as professional men commences on the banks of the Hooghly instead of on the banks of the Thames. The valued traditions of Westminster Hall are, as it were, a sealed treasure to them. Some of them, it is true, rise very high in the profession, but the great body seldom come up to the mark, and somehow manage to live like gentlemen. As for the fortunate few who succeed in commanding a large practice, they do not care to be made Judges, the plain and simple reason being that their professional income is much

greater than the pay of a Puisne Judge. A Henderson or an O'Kinealy might accept a Judgeship, but would a Hill or a Garth do so? As for men like Woodroffe or Evans they would be the very last persons even to think of exchanging the bar for the bench. We know very well that Mr. W. C. Bonnerjee, who has the largest practice among native barristers, and whose position at the bar is only second to that of Mr. Woodroffe, was more than once offered a Judgeship, but that on each time he made no hesitation in declining the offer. Thus, only men who have not much practice and would clearly be gainers by being elevated to the Bench, are available for a Judgeship. This being the case, it is no wonder that Barrister Judges of the present High Court do not stand on the same plane with the Judges of the old Supreme Court. Indeed, they would suffer much by being compared with them. The Judges of the Supreme Court were, as a rule, not only well read in the principles of law: they also knew how to apply them, having acquired the art by real actual practice at the bar. Of course, there were exceptions, but they were exceptions of that character which only prove the rule. Indeed, some of the Judges were really ornaments to the Bench, and proved themselves remarkable adepts in the momentous matter of the administration of sound, substantial justice. Their decisions would do credit to any Judge in any civilised country. Some of them not only gained their laurels in this country, they also distinguished themselves in the Judicial Committee at home to which they were appointed after their retirement from Indian service. Certain it is, the old Supreme Court had begun in discredit, but that was owing to some peculiar circumstances which came to pass only under the then unsettled state of the Company's affairs. When in course of time the disturbing elements disappeared, the Court rose high in public esteem and confidence, so much so that the Metropolis was deemed a safer and better place to live and transact business in than any station in the mofussil.

But not only were the Judges of the old Supreme Court superior to the Barrister Judges of the existing High Court, the Sadar Judges, too, were made of better stuff than the average Civilian Judges of modern times. Not to speak of Colebrooke, Harington and Barlow, who were of exceptional ability and learning, even an average Sadar Judge would not suffer by being pitted against one of the best Civilian Judges of the High Court. In the good old days of the Honourable John Company, no officer could expect to be promoted to the Sadar Court unless he had served with distinction as Judge and Magistrate for a pretty long period and had laid in a good stock of knowledge and experience both in the

executive and the judicial department. But "the tune of the time" has changed, and things have taken an altogether new turn. Now, nothing is more common than for a raw, inexperienced Joint-Magistrate to become a District Judge, and after such a one has served in the latter capacity for some years, he stands a fair chance of being raised to the High Court Bench. In this way, officers who are not well-grounded in law, and, what is of greater importance than legal learning, "sage experience," get into the High Court, and if these men fail to conduct themselves well in the enviable eminence to which they have been raised, they are not so much to blame as the system under which justice is administered in British India. Generally speaking, a High Court Judgeship is the utmost goal a member of the Covenanted Service can expect to reach; but before he hopes to have his expectation fulfilled, it must appear that he has been well in the running; it will not do to jump over the space by some means or other, and thus reach the destination before one has well exercised himself in running. The shortest cut is not always the best path to follow; unless one toils through by taking the ordinary road, it is ten to one he will cut an awkward figure in the post to which he has thus skipped over. The modern Civilians are allowed to step out of the old well-worn way and to reach their goal, as it were, by leaps and bounds. This being so, it should not surprise us if they are found wanting in the high posts to which they have thus managed to rise. Added to this sad want of proper judicial training, the fatal fertility of modern legislation places an insuperable bar to their acquiring a good and fair knowledge of the current laws. Indeed, multiplicity of laws has become a fruitful source of mischief, so that officers who have to administer them find themselves quite at sea, and administration of justice, so far from being helped thereby, is seriously injured. The Indian legislature, following the course of legislation adopted in England, seem to aim at making laws a science. But this does not appear to be a move in the right direction. The Statute-book should be as short and simple as possible, and additions to it should be carefully avoided unless imperatively required by peculiar circumstances. Well does Beccaria say, "The happiest of all nations is that in which the laws have not become a science." The whole of the ancient law of Rome was contained in the Twelve Tables. The laws of the Medes and the Persians were few, and, as the prophet Daniel says, "alter not." Indeed, the fewer the laws, the greater is the opportunity for doing justice. While the East India Company was in power, the number of laws was not so large as they are now, and

hence the officers who had to deal with them in the discharge of their duties, seldom found difficulty in mastering them. But since the Government of the country has come into the hands of the Crown, things have taken a new course. The legislative mill is almost always kept agoing, and the painful result has been that the Courts of Justice are flooded with laws and regulations. The Statute-book has been rapidly swelling in bulk, and if it goes on growing at this rate there is great apprehension of its ere long proving a monster burden enough to break the back of a huge camel. In this state of things it would not be strange if some judicial officers of a somewhat impulsive turn of mind were to play the rôle of a Hardinge and "damn the legality" altogether.

But not only were the Judges of olden times generally of better calibre and of more liberal views than the Judges of the present High Court: the bar too, both European and Native, was much stronger than the bar of modern times. In the whole host of barristers who have joined the High Court since its establishment, you will hardly find one who is well able to hold his own against a Turton, a Dickens, or a Clarke. These have become names to conjure with, and are not likely to be forgotten so long as forensic championship retains its hold on the public mind. But they did not stand alone like oases in a sandy desert; there were others who also cut remarkable figures and stood high in popular esteem, so that it is very unlikely that posterity would willingly let them die. Now, what is true of the barristers is also true of the pleaders of old. Waller, Prasanna Coomar and Rama Prosad were mighty champions on the arena of the Court, and in the rough and tumble of forensic fight well acquitted themselves to the wonder and admiration of all beholders. Their mental might was such that "each an army seemed alone," and showed a bold front against a whole array of puny combatants. Like the above-named barristers, they also had their compeers who sometimes fought with them and sometimes against them. Any such veteran we look for in vain in the ranks of the vakils of the present High Court, barring, of course, some honourable exceptions whose number, however, is miserably small. Thus, many fortuitous circumstances combined to secure for the old Supreme and Sadar Courts an enviable popularity; No wonder, then, their revered memory is still cherished in grateful remembrance.

During the all but patriarchal rule of the good old Company, litigation was not so rampant as it is now, and hence the number of cases which the Sadar Judges had to decide was comparatively small. This being the real state of affairs, if those Judges were actuated by a deep sense of duty

as most of them were, they could devote sufficient time to the consideration of cases which came on for hearing before them, and so it happened that in the majority of cases they did real substantial justice between the parties. In the High Court, on the other hand, owing to an enormous increase in the number of cases, the Judges are often found to do their work somewhat perfunctorily, and thus they fail to give satisfaction to persons who, smarting under a sense of wrong and injustice done them, come to Court for relief. But because the file of cases is heavy, that is no reason why they should be dealt with recklessly. Better that there should be delay—and the "law's delay" is proverbial—than that any case should be disposed of without due consideration being brought to bear upon it. But strange to say,—and we blush to put it in black and white,—a notion has got rooted in some Judges that the more they dispose of cases, the better they deserve of the public. But this is a very mistaken and mischievous notion, and the sooner it is eradicated, the better for the well-being of the community and the honour of the judiciary. By thus playing drakes and ducks with cases as though they were "trifles light as air," the so-called dispensers of justice may gain the good graces of Government, but public esteem, the value of which cannot be estimated in money, they cannot hope to gain, nor can they have that peace of mind arising from a quiet and peaceful conscience, which is "its own exceeding great reward," nor escape from having a very hard time of it at the most solemn Tribunal on High before which every man of woman born would have to give an account of his conduct in this life. Such "speedy despatchers," if one might so call them, so far from being worthy of being honoured as dispensers of justice, ought to be denounced as judicial butchers and treated as such. The Sadar Judges generally felt a strong desire to do justice, and, as is often the case with men in such mood of mind, succeeded in having their wish gratified to the satisfaction of themselves as well as to the advantage of the public. But unfortunately, such strong desire,—such keen sense of justice,—appears to be wanting in the majority of the Judges of the High Court, who seem to attach greater importance to the number of cases disposed of than to the manner in which they are disposed of. In other words, they look not so much to the quality of work done as to its quantity; and thus, while they secure the cheap favour of the powers that be, they forfeit the much-prized approbation of their conscience,—a faculty of which it has been well said by a great English moralist, that, "had it strength as it had right, had it power as it had manifest authority, it would absolutely govern the world."

One of the most important functions of a High Court Judge

is the decision of special, or as they are now more commonly called, second, appeals. These appeals, though generally not of much importance in a pecuniary point of view, often involve very nice and intricate questions of law. But unfortunately for the good name of British justice, they do not, as a rule, receive sufficient attention at the hands of the Judges. As in deciding these appeals the Judges are not swayed by any other sanction than the "still small voice" of the "inner saint" within them, they are often found to pay little or no attention to the disposal thereof, and the result is that their decisions which, by-the-bye, are in most cases no decisions at all but bare arbitrary orders couched in half-a-dozen words, fail to give even a shadow of satisfaction to the parties who, at an immense loss of time and money, come to them for judicial help. In fact, as the common saying goes, second appeals have no *Maddh*, and, as such, are dealt with in a rash, reckless manner. But nothing is more disgraceful, we had almost said culpable, than for a professed dispenser of justice to follow such a wild unseemly course. True it is, such appeals are only tenable on questions of law or usage having the force of law, or material defect in procedure resulting in error of judgment on the merits. But this very circumstance so far from warranting a Judge to hurry over them in hot haste, as is too often done, ought to make him more than ordinarily careful in handling them. But, as a matter of fact, in dealing with such appeals, the Judges, be it said to their discredit, appear to start with the supposition, gratuitous as it is, that they do not involve any such question as is stated above, and unless they are fully convinced to the contrary—a feat, which only very few can hope to perform—they are sure to throw them out as not coming within the purview of law. An officer bearing such a sacred appellation as Judge would not be justified in deciding a case one way or the other until he satisfies himself by his own individual efforts as well as by extraneous aid how it really stands. A young, inexperienced counselor or *vakil* may not be able to put his client's case in its true light, but surely a Judge should not make that a plea for disposing it of without any further consideration on his own part. The Judge himself has a duty to perform, and unless on a careful consideration of the facts and circumstances, he, thinks that the case is not really tenable on any of the grounds on which a second appeal is sustainable, he cannot, in fairness and in justice to himself, dismiss it. Indeed, it is often very difficult to determine what is a question of law and what is not, or, when a case involves a mixed question of law and fact, to say how far it is law and how far it is fact, that is, where law ends and fact begins. Again, there are some Judges who, when an

appeal happens to be argued by a junior man, do not pay the same attention as they would do if it were argued by a well-known member of the bar. Such distinction it does not become a Judge to make. On the contrary, a beginner in the profession, instead of being treated in such an uncourt-like way, deserves to be encouraged, and there have been Judges who, if they saw a young practitioner getting nervous, or groping in the dark, would use encouraging words in order to bring him round, or throw out suggestive hints with a view to put him in the right way. All that a Judge is required to do is to look to the merits of each case in all its bearings, and if he finds that it is a good case for the appellant it will be his bounden duty to decree it, no matter whether it is argued by an experienced veteran or by a mere tyro. Administration of justice to be pure and undefiled, must be impartial, but impartiality is not feasible where such invidious distinctions are made. In the good old days of the Sadar, such complaints were not so common as they are now. We know of a well-known Judge who carried his view of favouritism to such an unusual extent that a pet *vakil* whom he had brought down from the *mofussil*, and who afterwards rose very high in the profession, almost invariably won cases in his Bench, and even when on some rare occasion, he lost any, his defeat was made a theme for glorification. This is not as it should be, and if such conduct is improper in the ordinary affairs of life, it is simply reprehensible in the serious matter of the administration of justice. Sadar Judges were not generally well-trained lawyers, but they always had their heart at work, and as they commonly possessed sound good sense, in nine cases out of ten they succeeded in doing substantial justice. Plain, common sense is a very valuable possession, and one who has a fair share of it seldom goes wrong. A Judge to be successful must be a practical man, and none can prove to be so who has not a fair share of common sense nor has sufficient regard for it. No Sadar Judge would ever bother his head about the nice technicalities of law; he would take broad views of cases and try to do substantial justice, which is all that is required of a good Judge. In these circumstances it is only natural that Sadar Judges should have been more liked by the people than their brethren of the High Court are at the present day.

Thus, in the long run the Supreme and Sadar Courts fared much better with the people than the High Court by which they have been replaced. While Sir Barnes Peacock was at the head of the latter Court he managed matters so very adroitly that the people saw no reason to complain of the change which was made in the matter of the administration of justice. Sir Barnes was a very able Judge, and was well

conversant with the ways and methods of the Supreme Court, of which he was the last Chief. He was also a thorough master of the laws which the newly-constituted Court had to administer. As for his co-adjutors on the Bench, most of them were Judges of the old Courts where they had already won their spurs; and as for the new comers, they were mostly picked men and were well suited to their appointments. Under such circumstances it is not to be wondered at that the new Court fully maintained the reputation which the old Courts had gained with the people among whom their lots were cast. Sir Barnes retired in 1870, and was succeeded by Sir Richard Couch, who had already distinguished himself as Chief Justice of the Bombay High Court. Sir Richard was an able Judge, no doubt, though not so brilliant as his illustrious predecessor, and in his hands the high esteem and regard which the High Court had earned under the blessed rule of Sir Barnes, did not suffer much if at all. Sir Richard's colleagues on the Bench were also worthy men, and they did him knight's service in the matter of the administration of justice. But with the retirement of Sir Richard Couch, which took place in 1875, there has been a perceptible decadence in the position and prestige of the Court. His successor, Sir Richard Garth, was undoubtedly a sound lawyer, and had the good of the country at heart. But he fell considerably short of the great "Pocockus" both in general ability and knowledge of law; nor was he a good match even for his immediate predecessor. In the matter of help from co-adjutors, too, he was not so fortunate as either of the last two Chief Justices. No wonder, then, that the Court suffered much in general repute, and the firm confidence with which the people had always sought the safety of its sanctuary was considerably shaken. During the incumbency of Sir William Comer Petheram who succeeded Sir Richard Garth, matters did not show any sign of improvement: they remained almost as they were. The High Court was considered as the palladium of justice, and people resorted to it in the belief that the wrongs which they had sustained at the hands of their fellow-men would be righted, and in the majority of cases they did, as a matter of fact, get adequate relief. In this way the Court had gained its prestige for even-handed justice, and this prestige it preserved for a pretty considerable period. But a change of circumstances brought about a change in the matter, and the high prestige which it had gained was found to be on the decline. The people lost much of their confidence in the Court and with this loss of confidence their regard for it was considerably diminished. In this state of things Sir Francis William Maclean, the present Chief Justice, joined his high office. He is a plucky-pushing man and has been trying

his best to regain for the High Court the ground which it has lost in public esteem. The very attempt in this direction is laudable, whether his noble efforts will be crowned with success or not is a different question. The High Court is the foremost Tribunal in the land and its aid is sought after all attempts at getting relief from other quarters have failed. Such a Court which people wistfully look to as their final haven of hope, must be exceptionally well-constituted and by the right dispensing of pure unalloyed justice inspire confidence in the minds of the people. The Judges holding the scales of justice therein must possess all the qualities which are absolutely necessary for the due discharge of high judicial functions. Their sole end and aim should be to dispense even-handed justice. Indeed, this must be the ever-fixed pole to which the magnet of their mind should always turn. Speedy justice, however it may find favour in some quarters, is only a misnomer for justice. As Sir James Stephen says, "To do injustice quickly is the easiest thing in the world. To do justice quickly and easily is simply impossible." Haste and hurry make a Judgego astray, however well-intentioned he may be in other respects. Indeed, the course of justice to be smooth and even, must be reasonably slow, and where that is so, it is generally found to be sure. The proper duty of a Judge is not to polish off the largest number of cases in the soonest possible time, but to do justice between two contending parties on a careful consideration of the facts and circumstances. If this is true of any dispenser of justice, it is preeminently true of the master dispenser who presides in the highest Court in the land. His main duty being to examine and supervise the decisions of Judges of inferior Courts, unless he give them his utmost attention and consideration, he cannot be said to have duly done his duty. Nelson's watchword is of a very wide application, and if the Judges of the High Court respond to this solemn sacred call, there is every chance of its regaining the dear old ground which it has lost. But much depends upon the ability, industry, and, above all, the example of the Chief appointed to guide it, and the discretion with which he directs the labours, or stimulates the zeal of his colleagues. Thus a heavy responsibility rests on Sir Francis Maclean, and we sincerely hope that he will try to discharge it in the best way he can. The High Court is the holiest sanctuary of justice, and it behoves its high priests by peaceably settling civil disputes between parties and manfully repressing violence against the body politic, to contribute towards the peace and prosperity of the country. In its strength will be the people's safeguard against oppression; in its purity their safeguard against corruption; and in its judgment their safeguard against injustice.

SHUMBHOO CHUNDER DEY.

ART. IX.—NOTES ON GOVIN CHUNDER DUTT.

GOVIN CHUNDER DUTT'S grandfather, Nilmony Dutt, better known as Niloo Dutt,—was a well-known resident of Calcutta in the latter half of the eighteenth century, *i.e.*, in the days of Clive and Warren Hastings. I have often heard my grandfather (a younger son of Niloo Dutt) say; that Nilmony kept an open house, and was known for his hospitality. Brahmans and pious men, who went every morning for their bath in the Hughli river, assembled at Niloo Dutt's house on their return, and were welcomed and entertained with refreshments. The foremost men of Calcutta reckoned Niloo Dutt among their friends; Maharaja Naba Kissen of Sobhabazar esteemed him; and Maharaja Nand Kumar visited him in his house. Liberal and catholic in his ideas, he was equally well known to many prominent Englishmen of the day, and was a friend of Christian Missionaries. The preaching of Christianity was prohibited at that time; and the Missionary Carey, when pursued by the agents of the East India Company, found shelter with Niloo Dutt, who concealed him for a time. A well-known, well-beloved, hospitable, and charitable man, Niloo Dutt lived the life of the highest class Hindu of the eighteenth century, and passed away in the early years of the nineteenth century, leaving his property much involved.

His eldest son, Rossomoy Dutt, was a stern economist; he cleared the debts left by his father, and reared a fortune and a reputation as one of the foremost men of his day. The British Government sought the co-operation of able Indian gentlemen in spreading English education and in other liberal measures; and soon recognized the splendid abilities of Rossomoy Dutt. Rossomoy was appointed Secretary to the Sanskrit College of Calcutta; he was afterwards appointed a Judge of the Small Cause Court of Calcutta, then a position of high honor and trust; and he took a leading part in all the great public movements during the first half of the nineteenth century. He had a splendid collection of English books in his house, and infused in his sons that strong partiality for English literature which distinguishes the family to this day. Liberal in his ideas, and also in his expenses, he set his face, however, against that extravagance in the matter of Hindu poojas and ceremonials which had involved his father in debt; and this gave him a bad name with many Brahmans and orthodox men. Rossomoy Dutt's life marks a transition in

the Hindu society under English influences. He died shortly after the middle of the nineteenth century.

Among the cultured sons of Rossomoy Dutt, Govin Chunder was the most distinguished. He held a high appointment under the Indian Government in the Accounts Department, but soon resigned service, and devoted his leisure, in retirement, to literature and to religious studies. Early in life he had published a volume of English verses; and these productions, together with some poems written by his cousin Shoshee Chunder Dutt, received the deserved compliment of a favourable review in *Blackwood's Magazine* in England. After his retirement, he embraced the Christian religion with his wife and children, his brothers and nephews; and his wife and two daughters accompanied him to England in 1869. There he brought out his maturer poems, with those of his two brothers and a nephew, in a handsome little volume under the title of the *Dutt Family Album*. And his talented daughter, Toru Dutt, won a still higher distinction by her own English verses and her translations from French poetry. But the climate of Europe had told on the young poetess and her sister; and both the girls died within a few years after their return to India. Govin Chunder himself followed them not long after.

I have vivid recollections of the visits which I used to pay, as a boy, to Govin Chunder, then living with his wife and children, in retirement, in their garden-house at Ragmaree, in the suburbs of Calcutta. It was an extensive garden, covering many acres of land, and shaded by fruit-trees; and there was a rustic bridge over a canal, which was the delight of our boyhood. We had the run of the whole garden, and Govin Chunder's only son, Abju, shewed us his favourite secluded places. Poor boy, he died early, and his loss was an abiding grief to his parents. In the midst of this forest of fruit-trees rose the comfortable and spacious one-storeyed bungalow house,—a perfect picture of repose! There was a good collection of choice books in the house, for study was Govin Chunder's only recreation. Sometimes our grandfather,—Govin Chunder's uncle,—accompanied us in these visits; and I remember the persuasive manner in which Govin Chunder spoke of Christian doctrines and precepts to us. He was never aggressive, never controversial; to the end of his life, Govin Chunder always retained those perfect manners which best befit a cultured, broad-minded, kind-hearted gentleman.

I have recollections also of the time when we met in England. I was a young man then, and had passed the open competition for the Civil Service of India in 1869; and shortly after, Govin Chunder arrived in England with his wife and

his two accomplished daughters. I secured rooms for them at Grosvenor's Hotel, and shortly after they took a furnished house at Brompton. It is needless to say that I often visited them there, and spent many pleasant hours with my young cousins. Literary work and religious studies were still the sole occupation of Govin Chunder and his family, and they made the acquaintance of many pious Christians. When the *Dutt Family Album* came out, Govin Chunder presented me with a copy, marked out the poems which were his own, and read, almost with tears in his eyes, the verses he had written on his deceased son.

I saw him also, pretty often, after we had all returned to India. I think it was the state of his daughter's health which had cut short his stay in England. They had now left the Bagmaree Garden House, and lived in a newly-built house in the town, close to their ancestral residence. They were as kind, as gracious, as courteous towards me as ever, and their hearts were full of piety. But the fatal illness, of which the germs were brought from Europe, declared itself. First the eldest daughter Aru, and then the talented Toru, fell ill and died. Toru's verses were praised in England by Edmund Gosse, and admired by a select circle of readers; had she lived to a maturer age, she might have left a name in English literature. Govin Chunder survived them a few years, and his widow followed him after some more years. Thus passed away one of the worthiest families that ever lived, and I venture to place this humble wreath on their graves.

ROMESH DUTT.

SUMMARY OF ANNUAL REPORTS.

Annual Report on the Police Administration of the Town of Calcutta, and its Suburbs. for the year 1901. By R. A. D'O. Bignell, Esq., Commissioner of Police, Calcutta.

IT is refreshing to read, in the Resolution issued by the Government of Bengal on this Annual Report,—“In contrast to previous years, the Commissioner of Police, Calcutta, has submitted his Annual Report on the Police Administration in the Town and Suburbs of Calcutta, with *excellent punctuality*.”

The office of Commissioner of Police was held from the beginning of the year to 16th April by Mr. A. H. James: on his retirement, Mr. E. M. Showers was appointed to the post, but retired on the 5th September to join a responsible appointment under Government in South Africa. For the remainder of the year Mr. F. L. Halliday, Officiating Deputy Commissioner, acted as Commissioner. The constitution of the force under the Commissioner's control underwent practically no change during the year, and the number of casualties amongst its members, and of punishments inflicted, presents little variation from the figures of preceding years.

The total number of cognizable cases reported during the year under review is 25,115 against 38,353 in 1900, and 34,282 in 1899. The net decrease is 13,238 cases and 9,167 cases for these years, as compared with the figure for the year under review, and is chiefly under the petty heads of offences, *viz.*, public and local nuisances, Police Act, and Cruelty to Animals Act. The figure for the five months before the strike under the three petty heads of offences noted above, being 9,562 against 5,119 for the seven months after the strike, the monthly average of cases reported being 1,912·4 against 731. The decrease in cases is attributable to the strike amongst carters and hackney carriage drivers which occurred on the morning of the 8th June, and spread over the whole of Calcutta town and suburbs. Twenty-three thousand four hundred and forty-six cognizable cases were reported to the Police, of which 19,874 or 84·7 per cent. were tried, and 19,018 cases or 95·6 per cent. of cases tried ended in conviction, 47 cases were pending trial at close of the year; 1,669 cognizable cases were instituted direct before the Magistrates, 480 were dismissed without trial, 899 were tried. Of these 477 or 53·0 per cent. were convicted, and 31 cases were pending trial at close of the year.

There were 16,718 non-cognizable cases; 1,234 were dismissed without trial, 9,895 were tried, and 8,665 or 87.5 per cent. were convicted, 238 cases were pending trial at close of the year.

Sixty-two false cases are adjudged to the town and 20 in the suburbs, against 44 and 29, the corresponding figures for 1900. Out of eight town prosecutions, instituted under the Penal Code for bringing false complaints, convictions were obtained in four cases, in one of which the culprit was sentenced to imprisonment; in the remaining cases it was considered useless to institute proceedings for want of evidence. In the suburbs 20 prosecutions were instituted, convictions resulted in two cases, sentence of imprisonment was passed in one case and a fine of Rs. 20 in the other. In the remaining cases, four were withdrawn, and fourteen discharged.

The value of the property stolen, both in the town and suburbs was Rs. 2,53,685-11-7 against Rs. 2,14,605, and the amount of property recovered was Rs. 1,34,290-12-3 against Rs. 1,18,204 in the previous year. The percentage of property recovered during the year was 52.9 against 55.0 in 1900. Of the total amount of property stolen, Rs. 98,183-1-7 or 38.7 per cent. was in cash.

There were fourteen cases relating to coin, and thirteen persons were put on trial,—eight were discharged and five convicted. One case is of note and occurred in the Jorabagan section of the town, in which the accused was arrested in the act of coining, with implements of coining by his side, and four partially-made rupees. He was sentenced to eight years' rigorous imprisonment. There were nine cases of murder as against six cases in 1900. Three cases were undetected. In one case accused evaded arrest during the year, two were acquitted, and three convicted. In the suburbs there were two murder cases, to one of which no clue could be obtained, and the other, on medical examination, was found to be insane. There were four cases of culpable homicide as against two in the previous year. The sentences were seven years' rigorous imprisonment, and ten years' transportation, and the third was acquitted. Three cases of unnatural offence were reported as against two in 1900: one person was sent up for trial and convicted. There were 66 cases of grievous hurt in the town, of whom 39 were convicted, 24 acquitted, and cases against six persons were pending trial at the close of the year. In the suburbs 37 cases were reported as against 31 in 1,900: 23 persons were sent up for trial, of whom nine were convicted, two acquitted, and twelve cases compromised. There were fifteen cases of kidnapping in both town and country as compared with eleven last year,—six were convicted and nine acquitted. In the 129 cases of hurt by dangerous weapons, 130 were sent up for trial, of whom 65 were

convicted, and 43 acquitted, of the others one died, three were withdrawn, twelve compromised, and six pending trial. Last year the number of arrests for grievous hurt was 163.

The number of true cases of burglary and lurking house-trespass,—in the town there has been an increase of 31 cases and in the country a decrease of eight during the year. The number of thefts, in the town, 2,192 as against 2,077, shewing an increase of 115 cases—and in the suburbs 601 cases against 572 in 1900,—an increase of 29. The percentage of property recovered in the one case was 52.9 against 55.0 of the previous year, and in the other 32.8 against 44.7 of last year.

There were 104 cases of suicide against 102 in 1900. In the town and river divisions, 67 of the deceased were Hindus (40 males and 27 females), 4 Mahomedans, (all males), 4 Christians (1 male and 3 females), and other sects, 2 males,—in the suburbs, 25 were Hindus (13 males and 12 females) and 2 Mahomedans, both females: 55.7 per cent. of the suicides were caused by opium poisoning. The total number of accidental deaths was 358 against 306 in 1900: 43 persons were run over and killed against 27 in 1,900. Out of 291 persons prosecuted for rash and furious driving, 232 were convicted.

The number of vagrants in the Government Workhouse at the close of the year was less than at the close of last year,—*viz.*, 86 as against 100—32 were discharged on obtaining employment, 17, for whom no employment could be found, were released under the first clause of section 16 of the Act. Twenty-two were removed from the workhouse and 15 remained at the close of 1901.

The expenditure was Rs. 5,563-4-0, *viz.*, Rs. 1,059-12-0 in removing vagrants from British India, Rs. 3,028-8-0 for feeding and clothing men in the workhouse, and Rs. 1,440 on account of establishment, and contingencies Rs. 35. The increase in expenditure was due to the longer periods inmates remained in the workhouse.

The Fire-Brigade was employed at 106 fires against 80 in 1900. The Brigade was called out on 33 occasions, 11 in the town and river, 11 in the suburbs, and 11 in Howrah. The remaining fires were of a petty description. The most serious fires were at Sulkea in the West Hydraulic Press,—when the loss was Rs. 1,56,000: the other in the Strand Bank Hydraulic Jute Press at Nawapatty,—when the loss was Rs. 1,60,000. The total loss of property from fires was Rs. 4,09,974 against Rs. 8,57,341 in 1900. It is satisfactory that there was no loss of life by fire during the year.

The actual strength of the police force employed in the town and suburbs was 3,010, sixty-five men were dismissed from the

force as against 66 in 1900. This number is made up of four European constables, six native officers, and 55 native constables of the lower grade. The total cost of the force was Rs. 8,33,555.

Report on the Administration of the Police of the United Provinces of Agra and Oudh for the year ending 31st December 1901.

IN these Provinces, for the year under review, there is a decrease in reported crime of 38,376 cases, or 18 per cent. on the figures for the previous year. This is most satisfactory—for the figures for 1901 are the lowest recorded in the past twelve years. There has been an increase under certain heads of crime—the less serious,—but a decrease of the more serious preventable crime—on this account, therefore, the figures are even better than they look at first sight. Of dakāiti of all kinds, including cases reported to Magistrates, there were 350 cases left on the record as true, to which are to be added 66 cases remaining over from the previous year, or 416 for disposal as compared with 542 in 1900. Of these, 156 were disposed of, 100 ending in conviction. The number of persons whose cases were disposed of was 965, of whom 381 were convicted.

District officers are in the habit of including in the return of special and professional crime all cases of dakāitis—but, as a matter of fact, there were only 104 of the professional type committed by armed gangs, out of the 341 reported as professional dakāiti—the number had been 151 in 1900.

There was a notable decrease in the number of cases in Meerut, Muzaffarnagar, Aligarh, Agra, Manipuri, Etah, Bijnor, Moradabad, Pilibhit, Banda, Jhansi, Sitapur, Kheri and Fyzabad. The districts of Mirzapur, Ballia, Unao, Bahraich, Gonda and Bara Banki show an increase, though only important in the case of the last three districts, whilst Dehra Dun, Azamgarh and Partabgarh were free from this class of crime. It is satisfactory to note that the number of dakāitis in the United Provinces in which fire-arms were used or carried, decreased by 47. The operations resulted in the suppression of the principal gangs—and the practical result is that at present there is no gang of notoriety at work. The notorious *dakait*, Bhagwan Din, of Bahraich, has been arrested since the submission of the report.

The number of true cases of robbery reported was 779, whilst 68 cases were pending trial from the previous year,—and of these 707 were classed as special or professional, a decrease of 14. Prosecutions were more successful than in 1900. Professional poisonings fell from 21 to 16, and the

total number of true cases of poisoning from 46 to 32. Murders showed a small decrease. There were ten cases of murder by women of their children. In one case sentence of death was passed, but it was reduced by the High Court to transportation for life. In six cases the sentence passed was mitigated by Government.

The number of cases of culpable homicide decreased by 17, but the work was not quite so successful as in 1900; as although there were 22 cases less for disposal—the percentage of convictions was less. Of grievous hurt, the cases had increased by 84. The total number for disposal was 2,510 as compared with 2,425 in 1900. The tendency to deal leniently with this class of crime is criticised, the worst instance being one in which a brutal assault on a woman was punished with a very short term of imprisonment, the reason given being that she had a scolding tongue.

There were ten cases of conviction of professional coiners, in nearly all of which heavy sentences were passed.

Lurking house-trespass or house-breaking decreased by more than 27 per cent. The Inspector-General says, "Nowhere, however, is weakness in detection more apparent than in this class of crime. In fact, many districts comment on the fact that, unless the burglar is caught on the spot, detection seldom follows." He also recommends that enquiry by the Police, in burglary cases, should only be compulsory when the complainant desires it, without reference to the value of the property stolen.

The number of true reports of cattle theft was 3,497, a decrease of 20 per cent. as compared with 1900.

The Resolution of Government on the Report calls special attention as to the method of obtaining the assistance of chaukidárs and headmen, and of the villagers generally, in suppressing crime:—

"We cannot blame the people for preferring to pay a little black mail, and recover their cattle themselves, which they can generally do. A Police inquiry costs far more and is much more harassing. As the Commissioner of Meerut points out, if we could obtain full reporting a severe blow would be dealt to the professional thief and receiver. If, however, we compel fuller reporting we must give owners better results in the way of recoveries, and this can only be done by a more thorough system of supervision of receivers than at present exists. The village headmen could, if they were willing, bring nearly all cases to light; but the Police will have none of them and their assistance is lost. So, also, could the chaukidár; and the only successful work done is where sensible Sub-Inspectors make friends of the chaukidárs and get the work out of them. But the Police despise the chaukidárs and, as they are ill paid and have more to gain from the attachments they naturally form in their villages, this valuable aid is also thrown away. The extent to which cattle theft is prevalent and can be concealed is evidenced by a raid in the Bulandshahr district made by the

Delhi and Bulandshahr Police on a Gújar village, from which over 300 head of stolen cattle were recovered. The Magistrate of Moradabad, finding the Police impotent, started a crusade of his own in a notorious tract of the district. When the people realized that action was to be taken against the ringleaders in earnest, they came forward at once, with the result that many were prosecuted and others absconded. Many of these men were in the pay of leading zamindárs as Karindas and Padhás, these landholders admitting that they employed them as a means of preserving their own and their tenants' cattle from being raided. There appears to be little reason why, if a Magistrate can do this, a District Superintendent and his men should not be able to do so likewise, if they would enlist the zamindárs and chaukidárs on their side: otherwise they are helpless. It is certainly not difficult to find out who are the notorious cattle thieves in each district; and proper surveillance and inter-district co-operation could do much."

Under the working of the Criminal Tribes Act—no new tribe was proclaimed during the year. The tribes dealt with in this Report are the Sanauriahs of Jhansi and Lalitpur—the Barwars of Gonda—the Sansiahs of Muzaffarnagar, Jaunpur, Kheri and other districts—the Doms of Gorakhpur and the Haburahs of Moradabad—the two last are unprogressive but inoffensive; while there is little progress to report in the work of re-claiming the first two tribes. The sanctioned strength of the Provincial Police was 4,740 officers and 19,297 men: of the Municipal and Cantonment Police 222 officers and 2,287 men; of the Railway Police 257 officers and 690 men. In addition there were 619 jamadars and 6,611 chaukidárs employed in municipalities.

The decrease in the number of desertions is satisfactory, as also the decrease in the number of resignations, but this is counterbalanced by the number of men discharged within the probationary period. We learn that service in the Police is not popular—and this is not to be wondered at when the Army recruit receives Rs. 9 per to commence with, while the Police recruit receives only Rs. 6.

Report on the Police Administration in the Punjab for the year ending 31st December 1901.

IN this Report, as in others under notice, we are glad to notice a marked abatement during the year of serious crime; and there were considerable decrease in the number of murders, dakáitis, robberies and, especially, burglaries, and this is to be attributed, chiefly, to the excellent autumn harvest of 1900 and the spring harvest of 1901, which was the best on record. Want is the parent of crime but not of hardened criminals—a plentiful year, therefore, naturally results in the diminution of crime. In the present case the excellent harvest was helped by the energy of the Police; and to the result of

their operations must be partly attributed the decrease in murders and robberies.

With regard to false coins there were 125 offences as against 171 in 1900. During the last twelve months much attention has been paid to offences of this kind, and several raids have been made on the workshop of counterfeiters.

There is, without doubt, a large amount of counterfeit coin in circulation; and as some of the coins contain the same amount of silver that genuine rupees contain, and the workmanship is good, detection is not always easy even to persons accustomed to handle coin. There are also some forged 5-rupee notes in circulation which almost defy detection. One of these notes was traced to a postal peon who had received it in payment of a value-payable parcel. The peon had paid it away to a shop-keeper after he had been informed by the Post Office Treasurer that it was a forgery. The peon was sent for trial and convicted, but eventually acquitted by the Sessions Judge, who held that the forgery was such a good one that no one but an expert could say whether it was not genuine.

There is a great decrease in the number of murders as compared with the previous five years. Excluding the Mianwali District, the number of murders reported for the remaining 26 districts of the Punjab was 497 in 1897 and 477 and 507 in 1898 and 1899 respectively, whereas in the present year the number was 447. This satisfactory result was no doubt chiefly due to the comparative immunity from dacoity which many parts of the Punjab enjoyed during 1901. With regard to cattle thefts, there is an increase. The Report says:—

But our statistics do not give an approximate idea of the extent to which cattle lifting is carried on. The fact is that the people do not report their losses, but trust to being able to arrange for the return of the animals by communicating with the thieves through middlemen. This was brought very prominently to notice a few months ago when Mr. Hyde, Assistant District Superintendent of Police, Delhi, acting in concert with the District Superintendent of Police, Bulandshahr, made a raid on the cattle pens of a village on the left bank of the Jumna and seized some 400 odd head of cattle, a large number of which belonged to inhabitants of the Delhi District, who had made no reports of their disappearance.

Four Lee Enfield rifles, one Martini-Metford carbine, two Martini-Henry rifles, one Snider carbine, four revolvers and 1,454 rounds of ammunition were stolen in the province. Of these only four weapons were recovered, but no professional rifle thieves were convicted.

The value of property stolen and recovered during the last two years is as follows:—Stolen in 1900, Rs. 11,95,067; in 1901, Rs. 9,21,863. Recovered, 1900, Rs. 4,40,818; 1901, Rs. 4,19,122.

These figures give a percentage of recoveries of Rs. 37 for 1900 and Rs. 45 for 1901. The strength of the force at the close of the year was 14,827 Constables, 2,358 Sergeants, 67 Inspectors, 27 Assistant District Superintendents, 31 District Superintendents, two Deputy Inspector-Generals and one Inspector-General.

The estimated cost of the force was Rs. 34,67,663, and the number of punishments 1,526. Money rewards were granted to 1,273, aggregating Rs. 1,440.

It is interesting to notice the castes from which the force is drawn. During the year 1,805 men were recruited, and of those 227 were Rajputs, 222 Jâts, 156 Sayads, 144 Pathans, 138 Brahmans, 135 Sikhs, and 2 Christians.

The Lieutenant-Governor, in his remarks on this Report, thanks Mr. Turton Smith and Mr. C. Brown, both of whom had, successively, during the year, occupied the post of Inspector-General. Mr. Turton Smith retired on the 10th of July 1901, after a long and meritorious service of thirty-eight years.

CRITICAL NOTICES.

History of India, for High Schools, by C. F. De La Fosse, M.A., Oxon, Inspector of Schools, N.-W. P. and Oudh, and Fellow of the Allahabad University, 285 pp. Macmillan & Co, London, 1902.

THIS is a most readable and helpful History of India. It was given into the hands of one who knew little of the history of this vast Empire, and his verdict was "most concise interesting, and valuable."

Although this history is intended primarily for students, it is hoped that it may prove useful to a wider class of readers. Its object is to give, in a convenient compass, a general outline of the history of India, from the earliest times down to the end of the nineteenth century. It differs from existing small histories of India in two main respects: the Hindu period has been dealt with at greater length, and the chronological order of events has been throughout more closely followed in the narrative. It has been the writer's aim to include only such matter as is important from its relation to the general history of the country: and for this reason the earlier history of the Deccan has not been treated so fully as its intrinsic interest might otherwise have warranted.

This work is divided into four Books. Book I covers the Hindu period, and treats of the Vedic Age,—The Age of the Brahmanas; the Sutra Period; the Buddhist Age, and the Rajput Ascendancy. Book II is of the Muhammedan Period, and has the following four chapters; Afghan Rule: Moghul Supremacy; and the Decline of the Moghul Empire.

Book III covers the British Period, and tells us of the Foundation of British Rule in India; the Governor-Generals of British India, and India under the Crown.

There are many good woodcuts, illustrating this small volume—the last of which is an excellent one of the present Viceroy.

A Second Handful of Popular Maxims, current in Sanskrit Literature, collected by Colonel G. A. Jacob, Indian Staff Corps, 74 pages. "Nirnaya-sagar" Press, Bombay.

COLONEL JACOB says in his Preface:—"When the first "handful of nyâyas was published, I had no thought of "bringing out another. Maxim-hunting, however, had become "too interesting an amusement to be lightly laid aside; so, instead "of abandoning it, I set to work more vigorously than ever, and

"the following pages are the outcome of eighteen months' further research. During this period, I have retraversed some old ground, but the best results have been obtained from a thorough overhauling of the philosophical works published in the Vizianagram Sanskrit Series."

He had the opportunity, for the first time, of studying Raghunāthavarman's *Laukikanyāyasangraha* in the MSS. in the India Office Library. He has also examined every verse of Sures'varas large *vārtika* on the *Bṛihadāranyakopanishadbhāṣya*, and of his smaller one on the *Taittirīyopanishadbhāṣya*, also the *Ātmatattvaviveka* and S'abara's *bhāṣya* on Jaimini. We proceed now to give a few of these popular maxims with their modern equivalents :

Proclaiming the name of a son before he is born, i. e., Counting your chickens before they are hatched. This saying is found in the *Nyāyamanjari*, p. 345.

Better a doubtful condition of things than a crushing defeat. This occurs in the *Nyāyavārtikatātparyatikā* 5, 1, 43. This seems akin to our "Half a loaf is better than none."

One who leans on a blind man will fall with him at every step, in *Bhāmātī* (page 20), akin to "If the blind lead the blind, both will fall into the ditch"

It is wrong to quarrel with that on which one's livelihood depends. (It is found in *Paribhāṣhendus'ekhara* 85.—) or as we should say, "Don't quarrel with your bread-and-butter !"

A Brāhman does not become a Kirāta by living on the S'āla-grāma mountain filled with hundreds of those barbarians ! This is equivalent to our saying, "A horse does not become an ass by being born in the stable of the latter."

Not even by the employment of a thousand different processes can Syāmāka gram be made to germinate as rice, reminding us of those sayings from another part of the Orient :—"Do men gather grapes of thorns, or figs of thistles ?" and again, "Whatsoever a man soweth that shall he also reap."

A lamp will not throw light on an object before it is brought in (Nyāyamanjari). Perhaps equivalent to "Catch your hare before cooking it."

Running away through fear of a scorpion, he falls into the jaws of a poisonous snake ! Avoiding Scylla, he falls into Charybdis. This *nyāya* comes in the *Nyāyavārtikatāt Paryatikā*.

The maxim of the ascent of a staircase: Used of knowledge aimed at gradually, by easy steps. "Line upon line, precept upon precept, here a little, and there a little." This comes in *Bhāmātī* 1, 3, 8 (page 201).

The maxim of *the woodapple on the (open palm of the) hand.* Said of something unmistakably clear—"as plain as a pike-staff." It occurs in *Vārtika* 2, 1, 95.

Abundance of labor produces abundance of fruit : from great pains come great gains. Akin, presumably, to our "No gains without pains." It occurs in Vidyāranya's *Vivaranaprameyasangraha*, p. 247.

What has a seller of ginger to do with ships ? Possibly the equivalent of "No cobbler beyond his last." It occurs in *Ātmatattvaviveka*, p. 62.

If Mithilā should be in flames nothing of mine would be burnt up. This is the second line of a verse in *S'āntiparva*, chapter 179. It is used to indicate the freedom from anxiety of one who has nothing to lose ; like Juvenal's "*Cantabit vacuus coram latrone viator.*"

The Virginian.—A Horseman of the Plains. By Owen Wister, page 504. London—Macmillan & Co., 1902.

WHEN this book was first published, the sub-title of "A Tale of Sundry Adventures" was given to it. The author complains that certain newspapers thereupon made the mistake of taking it for an "historical novel : " he apparently wishes us to consider his work a romantic historical narrative, a distinction without very much difference it would appear, and accordingly has dropped his sub-title in the English edition.

Now Mr. Wister takes himself seriously, and we will therefore take the trouble of discovering, if possible, from his book what the ingredients of this sort of narrative may be ; the work has been rather extravagantly praised by certain critics as a good example of the workman-like way in which the American author meets the demand of the reading public on the other side, and we may perhaps assume therefore that in our investigation we shall obtain some insight into what the demand of the moment is.

Our trans-Atlantic cousins appear to be able to dispense in the first place with *construction* : the novel [we may be permitted to use this short title perhaps in lieu of Mr. Wister's rather inflated description] is the worst constructed we have read these last ten years :—the incidents are thrown together anyhow, and there is a maddening digression in chapter v.

Chapters xiii to xvi comprise a short story distinct in itself,—this is the best thing in the book, which has, apparently, been written round it. Chapter vi is little short of a monumental digression, and evidently has previously appeared in the 'Lighter Vein' corner of some American monthly.

The author can have extremely little sense of the dramatic

unities, as he should very obviously have concluded his book with chapter xxxv, which is very finely told indeed.

Chapter xxxvi is the worst anti-climax, we remember in fiction—the writer has not even taken the trouble to mention the “island” before.

Mr. Wister has no business to outrage the feelings of his readers with chapter xxx—it recalls the worst faults of Dickens—this chapter seems to owe its origin to a sketch that has previously appeared, and which the author thought so well of, that he dragged it in by the heels.

Mr. Wister could do very well if he liked—he can draw a strong and definite male character though he fails rather with his principal female one,—Molly,—and of all the irregularly-constructed books we know this is the most readable.

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