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P 61

THE
CALCUTTA REVIEW.

VOLUME CXXXI.

July 1910.

No man who hath tested learning but will confess the many ways of profiting by those who, not contained 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.

Calcutta:

PRINTED BY D. L. MONRO, THE EDINBURGH PRESS, 300, BOWBAZAR ST., AND PUBLISHED BY C. J. A. PRITCHARD, 256, BOWBAZAR ST.

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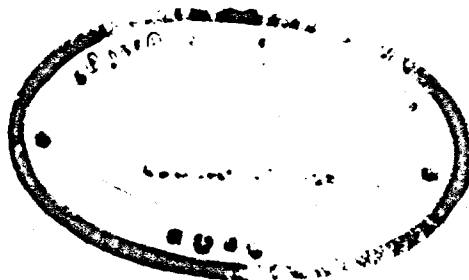
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THE CALCUTTA REVIEW

No. CCLXI.

CONTENTS.

	Page.
ART. I.—THE QUARTER	305
" II.—ON SOME BIHARI MODES OF TRIAL BY ORDEAL	313
" III.—RAMAPROSAD ROY	334
" IV.—HISTORY OF THE PRESS IN INDIA—X. BOMBAY—IV.	352
" V.—THE ORIGIN AND TRADITIONS OF KATHIS	381
" VI.—THE IDEAL SPECTATOR	393
" VII.—THE CREED OF CREEDS	408
" VIII.—THE REFORM OF THE MUNICIPAL ADMINISTRATION OF THE CITY OF CALCUTTA	411

CRITICAL NOTICES—

A Life of Jesus Christ in Modern English	438
Studies of Indian Life and Sentiment. By Sir Bampfylde Fuller, K.C.S.I., C.I.E. Publishers: Messrs. John Murray, Albemarle Street	438
A Short History of Burma. By S. W. Cocks, M.A.	439
An Arabic History of Guzarat, Vol. I. Edited by E. Denison (Ross, Ph.D.).	49
Indian Birds—A Key to the Common Birds of the Plains of India. By Douglas Dewar. Publisher: John Lane. Price 6s. net	440

ACKNOWLEDGMENTS	442
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THE CALCUTTA REVIEW.

No. 261.—JULY 1910.

Art. I.—THE QUARTER.

THE event that has overshadowed every other in the quarter is the death on the 6th May, of His Majesty Edward VII., King of England, Emperor of India, coming as it did with awful suddenness. On the 5th the wires informed us that the King was ill with bronchitis and that grave anxiety was entertained regarding His Majesty's condition, which gradually grew worse, terminating fatally at 11-45 P.M. on the 6th, when His Majesty passed away peacefully in the presence of the Queen Mother and other members of the Royal Family, plunging the nation into mourning, and calling forth the sincere sympathies of every nation on the globe. The universal mourning which followed the event not only in the heart of the Empire, but in every part of it, the numerous exhibitions of a Nation's love, and the sincerity of the mourning in which on the memorable 20th May every man in the Empire followed the bier either in the flesh or in the spirit, showed more than anything else could have possibly done the universality of the affection of the subjects, no matter

of what class or creed, towards the person of the Dead Sovereign; for while his coffin was followed from Westminster to Windsor by Kings and Captains of men, and the progress from cathedral to grave was reverently watched by thousands in the home country, at the selfsame hour we in India, Bengalee and Mohammedan, Sikh, Gurkha, Briton, Eurasian or whatever nationality or community we happened to be, followed the coffin in spirit, not the smallest incident serving to mar the universality of the mourning. Each mourned in his or her own particular way, in all sincerity, in one common love for the Great Sovereign whose lifework was to ensure an Universal Peace.

In the midst of woe the customary formalities had to be proceeded with in duly proclaiming King George V. King of Great Britain and of the Dominions over the Seas and Emperor of India, and though our new Emperor succeeds his father at a critical time there is a general impression that he will prove a worthy son of a worthy father. He is in the prime of life; has had a splendid training; his mind has been broadened by travel, while his heart has been inspired by his father's illustrious example, evidence of which he has already given in those touching deliverances which he has made as King. Long live King George.

Halley's Comet has come and gone, but the evil effects which were expected by the more ignorant to follow its transit across the sun's disc, which took place on the 19th May last, did not occur. The history of Halley's Comet is too well known to need recapitulation. It

is a periodic Comet which has been visible at intervals of 75 years since 87 B.C. It was seen in India at its best during the early part of May, and after its transit on the 19th of that month it became an evening object, setting later and later almost due west, and then as the Quarter came to a close we bade a long farewell to Halley's Comet for 75 years. It will retrace its steps slowly in the heavens, and after nine or ten months will cease to be of interest to astronomers and will disappear.

Early in the Quarter there were various rumours afloat as to who our future Viceroy was going to be. Persistent reports in certain quarters pointed to our ex-Commander-in-Chief as the successor to Lord Minto. During the latter part of the Quarter, however, all doubts were set at rest by the official announcement that Sir Charles Hardinge, (who has since been made a peer of the Realm) the Permanent Under-Secretary of State for Foreign Affairs—the brilliant linguist—had been selected to rule the Indian Empire. The selection has met with unanimous approval from men of all shades of opinion. Sir Charles Hardinge's chief recommendation lies, it might be contended, in the fact that he was a *persona grata* with the late King, who, as we know, was a splendid judge of men. Sir Charles accompanied his King on more than one of his continental tours which always tended to some pacific end, while the Viceroy-designate's career in Russia and his handling of affairs in that country at a critical period, constitute a further point in his favour. Taken altogether we do not think a better selection could have been made and we feel we can look forward hopefully to an able administration at

his hands. According to present arrangements Lord Minto will make over the Viceroyalty to his successor in November next.

Happily there has been during the Quarter under review an absence of those serious epidemics which have characterised the corresponding quarter of previous years. It was expected that Halley's Comet would be the precursor of much sickness in the land, but such expectations, it is satisfactory to record, were falsified by events, the Quarter taken altogether having been a very healthy one. The weather was extremely warm during the latter part of the Quarter, which was rendered more uncomfortable still by intermittent showers which fell out of season. The Monsoon broke a few days later than the customary date and might be characterized as having set in weakly, which accounted for a considerable amount of fever that prevailed especially in the larger towns during the latter part of June. Excessive heat was experienced in Mofussil towns on the eve of the Monsoon and many cases of sudden death, chiefly from apoplexy, occurred in more than one station.

There has been a great change in the political situation. It may aptly be described as the calm after the storm and we only trust that the Viceroy's confidence in the good sense of the bulk of the Indian people is being realized and that the Extremists find that the majority do not share their ideals. The Reforms have, it would seem, to judge by the temper of the people, allayed that spirit of unrest which prevailed previously and it is hoped that Lord Minto, who has done so much to ease

the situation, will be in a position, when he hands over the reins of office to his successor in November next, to bequeath to the new Viceroy a contented India.

During the Quarter we have had to bid good-bye to Sir Harvey Adamson, the erstwhile Home Member, who proceeded to Burma to take up the high office of Lieutenant-Governor of that Province. What is India's loss is certainly Burma's gain and the full knowledge of the working of the central government that he takes with him should be of great service to Sir Harvey Adamson in the administering of his new Province.

The Government of Bengal suffered a great blow by the sudden death at Darjeeling, early in the Quarter, of Sir Charles George Hillersden Allen, Kt., who, after a brilliant service as Chairman of the Calcutta Corporation had just entered upon the new duties of Acting Chief Secretary in succession to Mr. Duke. The sad event necessitated the usual changes in the service, and the Hon'ble Mr. Archdale Earle, C.I.E., who has been appropriately styled the handy man of the Bengal Government and who filled the position of Director of Public Instruction so ably, was selected to fill the Chairmanship of the Corporation; he was just beginning to win all hearts to him with that combination of the *suaviter in modo* with the *fortiter in re* which he possesses, when he was suddenly called away to assume the rôle of Home Secretary in place of Sir Harold Stuart, who proceeded home on leave, while his place as chief of the Municipality is to be filled by Mr. Blackwood, who has wisely elected to visit some of the most successful municipalities in Europe before assuming his duties.

Death has been very busy in our midst, and in addition to the losses already enumerated has to be added the name of

Obituary.

Mr. Banks Gwyther, the late Chief Secretary in the Public Works Department to the Government of the new Province of Eastern Bengal and Assam. The late Mr. Banks Gwyther's name was almost a household one in Bengal. He had risen step by step to the top of the official ladder. The great Indian Engineering College of Roorkee, which has turned out so many brilliant officers in the ranks of the Public Works Department in India, also claimed the late Mr. Banks Gwyther as one of her distinguished *alumni* and we think that no better testimony of the value he was held in by Government can be given than the official *communiqué* issued on his demise and which was couched in the following terms :—

“The Lieutenant-Governor has received with very deep regret the news of the death of the Hon'ble Mr. W. Banks Gwyther, Secretary to the Government of Eastern Bengal and Assam in the Public Works Department, which occurred after a brief illness at Shillong, on Thursday, the 9th June 1910.

“Mr. Banks Gwyther joined the Province of Eastern Bengal and Assam, after a long and distinguished career in Bengal, as Chief Engineer and Secretary in the Public Works Department. During the past two and a half years he has rendered invaluable service in these capacities. His conspicuous professional attainments, combined with administrative abilities of a very high order and an unfailing devotion to duty, rendered him peculiarly well fitted to perform the very arduous and responsible functions of his office. Sir Lancelot Hare

has derived the greatest advantage from his valuable advice and capable assistance and is deeply sensible of the loss which the Province has sustained through his sad death.”

The arrangements in connection with the great exhibition which is to be held from December to February next, at Allahabad, the capital of the United Provinces, made good progress in the Quarter, and the list of experts reached completion in the period abovementioned. Other courts—Agricultural, Engineering, Educational, Textile, Ladies—have from the first been under the guidance of trained experts; but the Committee had for some time felt that the Fine and Applied Arts, Wood, Stone and Metal and General Industries Courts would benefit by the supervision of some expert with a sympathetic knowledge and a wide grasp of the world of Oriental arts and craftsmanship, and we are glad to say that the well-known writer, Dr. Anand K. Coomaraswamy has been persuaded to come to India, and take charge of these. He will select from all parts of India exhibits for the Fine and Applied Arts and other kindred courts above mentioned. Many exhibits for these Courts are, we understand, already awaiting his selection. Considerable progress was made with the buildings during the Quarter and before the termination of the same a large number were completed, among these the Industries Building, the Fine Arts Court, the Native States Court, the Engineering Court, which is ready to receive Exhibits, and the Welcome Club. All the buildings are roofed with red tiles and cream-washed, and when completed should make a fine spectacle. Altogether the Committee hope

that the Exhibition will leave a permanent mark on the future of Indian art and craftsmanship.

We are glad to learn from that inner circle which is supposed to know to a nicety the exact position of the trade, that there has been a marked improvement and that to quote a well-known meteorological word there was an entire absence of that depression which characterized the corresponding period of the previous year. Considerable activity has been displayed in the erection of large new buildings, both an ornament and a use to the city, and though the growth in this direction in Calcutta has not been so rapid as in the western capital, the newer structures mark a considerable advance in the capital of India. Great progress has been made with the Elevated Reservoir at Tallah which, when completed, is to ensure a considerably larger and more consistent supply of water to Calcutta. The forest of trestles, to support the tank, have already been completed and the rivetting of the plates of the tank itself has already been commenced. Another important work which has seen accomplishment was the construction of the sewer at Alipore which, with its completion, has ensured a proper drainage system to the suburbs of the city. The syphon in connection with this scheme, which was the work of Messrs. Jessop and Co., Engineers, of this city, was opened with much ceremony during the last month of the Quarter.

Art. II.—ON SOME BIHARI MODES OF TRIAL BY ORDEAL.

IT was a cardinal article of belief among the ancients that, if a person was charged with the commission of an offence, his guilt or innocence might be proved by subjecting him to undergo certain operations, such as holding a red-hot iron with the hand, or diving under water and remaining there for some time, and the like. The accused agreed to undergo the said operations in the belief that the Deity would interfere in the matter and enable him to prove his innocence by passing through the ordeal unscathed in any way. This belief was based on two facts, namely, firstly, on the superstitious belief in the possibility of receiving Divine aid and, secondly, on the absence, among most of the ancients, of a system of jurisprudence prescribing rules for the recording of evidence and a well-defined procedure for enquiring into and adjudicating upon the guilt or innocence of the accused. In fact, Mr. Isaac Disraeli very pertinently observes that "ordeals are the rude laws of a barbarous people who have not yet obtained a written code, and not advanced enough in civilisation to enter into the refined inquiries, the subtle distinctions, and elaborate investigations which a court of law demands."

That the belief was based on the hope of receiving Divine aid appears from the following incident which occurred during the First Crusade. A Crusader named Peter Bartholomew had seen a vision in which Jesus Christ had appeared to him, promised aid to his fellow-crusaders in their attacks against the Saracens, and, by way of token of his proffered assistance, had given him a sacred lance. The incredulous scoffed at the alleged

reality of his vision, whereupon, to prove the veracity of his assertion, he undertook to undergo a fiery ordeal. The historian describes the whole affair as follows :—

“ Presently there came a rumour that the Caliph of Bagdad was sending an immense host to raise the siege (of the stronghold of Arkah). In this peril Raymond appealed to Godfrey and Robert of Flanders, who were besieging Jebleh or Gibel. The northern army marched to Arkah only to find the rumour false. The new-comers openly charged Raymond with having invented the story, and murmured at his wealth, which they contrasted with their own poverty.

“ The visions of Peter Bartholomew and others, which had not abated, were again turned to ridicule, the chief among the scoffers being Robert of Normandy's chaplain, Arnulf, afterwards Patriarch of Jerusalem. Peter Bartholomew retorted, ‘ Make me the biggest fire you can, and I will pass through its midst with the Lord's Lance in my hand. If it be the Lord's Lance may I pass through unharmed ; if not, may I be burned up.’ ”

“ On Good Friday morning, April 8th, forty thousand Crusaders gathered to see the ordeal. In front of them were two parallel piles of dead olive-branches, 14 feet long by 4 feet high, and only one foot apart. When the fires were kindled, I, Raymond, spake before the whole multitude : ‘ If God hath spoken to this man face to face, and if the blessed Andrew shewed him the Lord's Lance as he slept, may he pass through the fire unharmed ; but if the thing be a lie, let him be burned up together with the Lance that he holds.’ And all the people answered ‘ Amen.’ Now the fire blazed so fiercely that it occupied the space of 20 cubits, nor could any man approach it. Then Peter Bartholomew, clad only in his tunic, knelt

before the Bishop of Albara, received the Lance, and manfully entered the fire. Some fancied that they saw a bird fluttering over his head, but the great mass of the people do not appear to have seen anything miraculous ; though, as Raymond remarks, ‘ There was a multitude present, and all men cannot see everything.’ As Peter issued from the flames he was greeted with loud cries of ‘ God aid him.’ Such was the popular enthusiasm that he would have been torn to pieces, had not Raymond Pilet forced a way through the thronging multitude, and carried Peter off in safety.”

Peter died within a few days, and the ordeal, as might be expected, only served to confirm the believers and the incredulous each in their own faith. For while his supporters declared that he passed through the fire comparatively unhurt, and owed his wounds to the unruly crowd, his enemies asserted his death to be due to the effects of the ordeal itself. Even Raymond of Agiles had to confess that “ there was some sign of burning about him,” though qualifying his admission by adding that his wounds were great.*

Among the nations of antiquity, the ancient Hindus had recourse to trial by ordeal, when sufficient evidence proving the guilt of the accused was not forthcoming. The great Hindu lawgiver Yājñavalkya, in his *Dharmasāstra*, lays down the following rule :—

22. “ Legal proofs are described as writing, possession, and witnesses. In the absence of either of those, it is ordained that some one of the ordeals is (to be resorted to).” †

* *The Crusades*. (The Story of the Nations Series.) By T. A. Archer and C. L. Kingsford. London : T. Fisher Unwin. 1894. Pp. 82-3.

† *Hindu Law and Judicature from the Dharma-Sāstra of Yājñavalkya*. By E. Roer, Ph.D., M.D., and W. A. Montrieux, Bar.-at-Law. Calcutta : R. C. Lepage & Co. 1861. P. 14.

Then he goes on to describe the ordéals which are as follows :—

95. "The scales, fire, water, poison, the sacred draught—these are the ordeals for exculpation, in case of grave accusations, if the accuser be prepared to pay a fine.

96. "When it is agreed on, one of the parties shall perform (the ordeal), the other be in readiness to pay the fine. Even without a fine, there shall be trial by ordeal in case of treason or great crime.

97. "(The accused), being summoned, shall, after bathing at sunrise and fasting, be made to go through the several ordeals, in presence of the monarch and the Brāhmans.

98. "The scales are (the ordeal) for women children, aged men, the blind, the lame, Brāhmans, and those afflicted with disease. Fire or water, or the seven barleycorns' weight of poison are (the ordeal) for a Sûdra.

99. "For a less value than a thousand *panas*, one shall not go through the ordeal of the (heated) iron plough-share, of poison, or of the scales; but in case of offence against the monarch or great crime, ordeals shall always be gone through."*

The ceremonies connected with the undergoing of the fire-ordeal are thus described by the great law-giver :—

103. "The hands (of the accused) shall be inspected when rice has been rubbed in them; after which, seven leaves of the Indian fig-tree are to be placed in his hands and fastened round successively with a thread.

104. "'Thou, O fire, dwellest in all created things! O purifier, in testimony of innocence and guilt, do thou, in my hand, make known the truth!'

* *Op. cit.*, pp. 34-35.

105. "When he (who suffers the ordeal) has thus spoken, let a smooth red-hot iron ball of fifty *palas* weight be placed upon both his hands.

106. "Carrying this, let him slowly walk across seven circles, of sixteen fingers' breadth, diameter each, with an interval of the same measure between each.

107. "If, having thrown down the fireball, and being (again) rubbed with rice, he (the accused) is unburnt, his purification is accomplished. Should the ball during the trial fall down, or should there be any doubt, he is to take it again."*

The process of undergoing the water-ordeal is described by him as follows :—

108. "By the power of truth, O Varuna, save me!" Thus invoking the water, and grasping the thighs of a man standing in water up to his navel, let him (who goes through this ordeal) submerge himself.

109. "An arrow at the same instant shot (from the bow) a swift-footed man shall (run and) fetch: should he, upon his return, see that the body (of the accused) is still submerged, the latter is to be exculpated."†

The invocations to Agni (the fire god) and Varuna (the god of waters), contained in the foregoing passages, clearly show that the trial by ordeal was based on the superstitious belief in the possibility of receiving Divine aid.

The ceremonies described above somewhat differ from those mentioned by Dr. Julius Jolly in his notes on Narada. They are as follows :—

1. Eight concentric circles of equal breadth are marked out on the ground.

* *Op. cit.*, pp. 35, 36.

† *Op. cit.*, p. 36.

2. A ball of iron is heated by a blacksmith over and over again.

3. The accused's hands are carefully examined, and all the sores or scars existing thereon are marked out with dots.

4. The accused's hands are covered up with the leaves of trees in order to prevent them from being burnt by the heated iron.

5. The accused has to make an invocation to Agni, the god of fire. The said invocation is written out on a leaf which is tied on to the head of the accused.

6. The iron ball is then placed on the accused's hands. Holding this ball, he has to walk slowly over all the circles in succession, taking one circle with each step. When the accused arrives at the last circle, he may throw off the ball from his hands.

7. Once again an examination is made of the accused's hands. If any new sores or wounds are found thereon, the accused is adjudged to be guilty. If not, he is declared to be innocent.

8. If the accused, before arriving at the last circle, lets the ball fall from his hands out of sheer funk, or if no definite conclusions can be arrived at from an examination of his hands, he has to undergo the ordeal once again.

9. For the purpose of making it certain, beyond the shadow of a doubt, that the hands of the accused have not been burnt or blistered by holding the red-hot iron ball, he has to rub some unhusked rice between his hands seven times vigorously so as to separate the chaff from the grain.

Besides the Hindus, the ancient Greeks also resorted to the trial by ordeal for proving the guilt or innocence of the accused. The ordeal of the red-hot iron

was also in vogue among them; and the accused was made either to walk through a fire or to hold a ball of red-hot iron in his hand without, in any way, smarting with pain for it. The prevalence of this custom among them is alluded to by the celebrated Greek tragic poet Sophocles in his play entitled *Antigone*, wherein Creon is given to understand that all the soldiers were prepared to prove their innocence by undergoing various ordeals:—

Ready with hands to bear the red-hot iron, —
To pass through fire, and by the gods to swear,
That we nor did the deed, nor do we know
Who counselled it, nor who performed it.

The commentator adds for our information that the aforementioned ordeals were very commonly practised at that time.

The hot iron ordeal was also prevalent among the ancient Cambodians. The Chinese historians say that, previous to 581 A.D., the people of Cambodia adjudicated upon the guilt or innocence of accused persons by the aforesaid mode of trial. The suspected person was compelled to fast for three days and, then, hold a red-hot axe with his hands, or search in boiling water for iron rings. If his hands were not burnt by the hot iron or water, he was adjudged to be innocent.*

Coming down to modern times, we find the ordeal by holding a ball of red-hot iron in vogue among the Swedes. This mode of trial was popularly known in Sweden as the *Trux Iarn*. In this kind of ordeal, the accused had to carry with his hands a red-hot iron and put it in a hole which was twelve paces off from the place of starting. Before the accused could be allowed to avail himself of this mode of trial, he had to live purely upon bread and water on a Monday and a Tuesday;

* *Amongst the Shans*. By A. R. Colquhoun, F.R.G.S. London: Field and Tuer. 1885. Pp. 354-5.

and the ordeal used to be held on the Wednesday following. Before the trial commenced, the accused's hands and feet were washed with water and not allowed to come in contact with anything until it touched the iron. After the ordeal was over, his hands were wrapped up with a covering and sealed, and remained in this state till Saturday following when they were uncovered in the presence of the Judges and the complainant.

In Lombardy also, the trial by hot water was frequently resorted to; and, in Burgundy, the ordeal of the red-hot iron used also to be practised in addition to the former mode.

The red-hot iron and water ordeals, prescribed by the ancient Hindu law-givers Yājñavalkya and Nārada, are resorted to for the purpose of proving the guilt or innocence of an accused person in Bihar even at the present day. In the district of Saran in that province, there lives a tribe of gypsies who are known as the Nats. It is not my purpose to deal with their ethnography in this paper; but I shall confine myself to a simple description of the foregoing ordeals as practised by them.

Now the fact about the said ordeals being in vogue among the Nats of Saran was brought to light in a very curious manner in the course of a criminal case which came on for trial in August 1908 before the Sub-Divisional Magistrate of Gopalganj in that district.

One Dalsingar Barhai brought, on the 24th August 1908, before the Sub-Divisional Magistrate of Gopalganj, a criminal case against one Jawahir Nat on the allegations that one Dhani Nat owed him (Dalsingar) a small sum of money, that he called upon Dhani's nephew Khelawan to repay that sum after holding a Panchayet, that a Panchayet was held of which the accused Jawahir was the *pradhay*, or chairman, and

that the *pradhan* told him (Dalsingar) to deposit Rs. 70 and then undergo an ordeal. The complainant further alleged, in his petition of complaint, that if the accused underwent the ordeal successfully, he would get back the sum of Rs. 70 deposited by him and the amount of the loan, besides the costs incurred in holding the Panchayet; but that if he would be unable to undergo the ordeal, he would lose all the aforesaid sums of money. He further asserted that he undertook to undergo the trial, that is, to hold a red-hot iron with the hand, or sit under the water, and accordingly deposited Rs. 70 with the accused; but that the accused went away without giving him an opportunity for going through the ordeal. He, therefore, charged the accused with the offence of having committed criminal breach of trust in respect of the said sum of Rs. 70.

In the course of the trial, the complainant* deposed as follows before the Sub-Divisional Magistrate:—

"Khelawan said he would pay for Dhani Nat as he was his nephew, if a Panchayet decided. The Panchayet was held, and each party had to pay Rs. 52 for the expenses. Then Jawahir Nat accused, who was the leading man (*pradhan*), told me I should deposit Rs. 70. Then I would be given an ordeal which was that I should walk 7 paces with a lump of red-hot iron in my hand, separated from the palm by 2 leaves of *pipal*. The ordeal was not given to me."

The complainant's witness† also deposed before the said Magistrate as follows:—

"The complainant paid Rs. 70 in my presence to

* Dalsingar Barhai, son of Siran, by caste carpenter, resident of village Simaria Buzurg, Police-station Chhawain, District Gorakhpur, U.P., at present resident of village Nichua, Police-station Kuchaikot, District Saran, Bihar, by profession puppet maker.

† Narsingh Ram, son of Uditchand Ram, by caste Kalwar (or wineseller), resident of village Jalalpur, Police-station Kuchaikot, District Saran, by profession outstill-holder.

Jawahir (accused) who told him to deposit the money and take the *kiriya* (oath) on Tuesday. He was to put a *pipal* leaf on his hand and on it a red-hot iron and to walk 7 paces; and if the hand should not be burnt, he should be regarded as speaking the truth. The other ordeal was that complainant should go under water and remain under it, while another man should run 80 yards. If he should stay under water until the 80 yards were covered, the complainant would win the stake."

The accused, having been convicted by the Sub-Divisional Magistrate of Gopalganj, preferred an appeal, through the author of this paper, to the District Magistrate of Saran. In the course of this appeal, I made enquiries about the aforesaid ordeals from the appellant Jawahir Nat and other persons of his tribe who had come with him to look after the case. From what I learnt from them as the result of my enquiries and from what I could gather from the depositions of the complainant and his witness, quoted *supra*, I find that the essentials of the procedure connected with the red-hot iron and water ordeals, as practised by the Nats of Saran, are the following:—

(a) Red-hot Iron Ordeal.

2½ *pipal* leaves are placed on the hand of the person undergoing the ordeal, which are tied on with *kachchi* (unspun) thread; and on the leaves so tied is placed a red-hot *ramma* (or rod of iron). With the red-hot iron so placed on his hand, the accused has to walk 7 paces. If his hand should not be burnt after walking 7 paces, he will be regarded as speaking the truth.

(b) Water Ordeal

The person undergoing the ordeal has to dive under water and remain under it; while another man should

start from a place (where a flag has been planted) and run 80 paces to the goal-point where a flag has been planted, pluck the goal-flag, run back to the starting-point and pluck the flag at the last-mentioned place. If the accused should remain under water until the 80 paces have been covered, he will win the stake.

The points of coincidence between the descriptions of the hot-iron ordeal, given by Yājñavalkya and Nārada, and that of the practice in vogue among the Nats of Saran are (1) the tying of the leaves of the fig-tree (*Ficus religiosa*) on to the hand of the accused; (2) the placing of the ball of red-hot iron thereon; (3) the walking across seven or eight circles or of 7 paces; and (4) the adjudgment of the accused as innocent if his hand be not burnt by the hot iron.

The water ordeal as practised by the Nats agrees with the description thereof, as given by Yājñavalkya, on the following points:—(1) the accused submerging himself under water; (2) the accused remaining so submerged till another person runs to the goal, picks up an arrow or flag therefrom and runs back with the same to the starting-point; and (3) the declaration of the accused as innocent if he succeeds in keeping himself under water during the time taken up by another person in running to the goal and returning thence to the starting-point.

A third Bihari mode of trial by ordeal is that of the brass bowl. In this method, the accused persons place their hands upon a brass bowl, over which incantations are then pronounced by a priest. Then the brass bowl is said to move and stop just in front of the guilty man. A correspondent (presumably a European) of the *Englishman* (Calcutta) witnessed the performance of

this ordeal in Tirhut (Bihar) and has described it as follows in the columns of that newspaper* :—

"I was witness of a most curious spectacle a few days back. The headman of one of my villages came in and informed me that there had been a theft in his house. He did not wish to apply for police aid as experience had taught him that that remedy was fraught with more evil than the cure : but he said that if I would allow it, he would go a day's journey and bring a noted magician who would soon "smell out" the thief. Be it understood that the man was confident that the thief was one of his fellow-villagers. Three days afterwards I chanced to be in the village, and I found that I had cut in for a séance. It was a most extraordinary proceeding. The villagers were all arranged in the circle, and the magician, a very old Brahmin, and his assistant sat in the centre. The old Brahmin muttered some incantation, and then produced a brightly polished brass bowl. This was placed on the ground ; the assistant and a casual onlooker were told to spin it after the way we have all seen in most Western drawing-rooms. The magician in office then proceeded to mutter strings of incantations and to throw handfuls of mustard seed over the brass dish. Presently it began to oscillate and to show a tendency to change its position : the men kept their hands upon it and followed its movements. It swayed up and down, backwards and forwards, some time advancing inches, at others jerking upwards. Slowly it passed in a checkered semi-circle down the line of gathered villagers, the old priest still crossing over it. Suddenly it stopped in front of one of them ; then worked towards him. The man, a thin

* Quoted in the *Calcutta Statesman and Friend of India* (daily) of Wednesday, August 5th, 1896.

hungry-looking native, turned white under his black skin. Nearer came the pot, more deliberate became the incantations, and with a bound the unfortunate victim leaped into the centre, and, clasping the priest's knees, confessed the crime. Moreover, he returned the stolen property. It was a most weird and fantastic scene, and I must allow that I experienced some of the spell which influenced the group."

Closely akin to the Bihari mode of trial by the brass bowl is the ordeal by the teapot which is in vogue in Kashmir. In this latter mode of trial, a teapot is held loosely suspended ; and the persons suspected of having committed the offence have to put their fingers under the rim thereof. The name of each suspected person is written on a piece of paper which, being rolled up into a scroll, is inserted into the spout of the teapot. When the paper inscribed with the name of the real culprit is inserted into the vessel, it is said that the latter immediately gives a sign, *i.e.*, makes a movement. A European lady, sojourning in Kashmir, had several of her belongings stolen ; and several of her servants were suspected of having committed the theft. In order to "smell out" the real culprit, the police official in charge of the investigation, resorted to this singular ordeal by the teapot, at the performance of which she actually assisted. She has placed on record her experiences of this weird function in a book published by her, wherein she says* :—

"The police planned an elaborate function one day in which I was made to take part : I was placed in solemn state in my easy chair in front of the tent ; around stood a wide circle of interested turbaned

* *A Lonely Summer in Kashmir*. By Margaret Cotter Morison. London : Duckworth and Co., 1904., pp. 168-9.

natives; on the ground in front of me squatted on his heels the chief of police (a superior man this, who had been especially sent up from Srinagar, and to my relief could talk no English). He signed to my young cook to squat opposite to him on the ground; a small native teapot was placed between them, and close at hand lay five tightly rolled scrolls of paper on which were written the names of my five servants, so I was given to understand. The teapot had a somewhat broad rim round the top; and now the policeman on one side and the cook on the other, placed a finger under this rim and held the vessel loosely suspended between them; whether there was water in the teapot or not, I cannot remember.

"Placing one of the scrolls in the spout of the teapot, the man now explained to me that if the paper held written on it the name of the thief, the vessel would give a sign; and so amid the breathless suspense of the whole throng he proceeded to reel off rich sounding incantations. We watched with all our eyes while two papers passed through the ordeal. Then when it came to the third, the teapot with calm deliberation made a complete semi-revolution and almost fell from their hands. An exclamation of intense interest burst from the onlookers, the inspector put the paper to one side, remarking that was the thief; and the fourth was tried; with this one also the teapot swerved pointedly; at the fifth it remained immovable. Apparently two of my servants were thieves, the policeman now told me; and their names were written on those papers. I appeared profoundly impressed, but to make the conviction more absolute, I said I would like to shuffle the papers and see if the teapot would a second time give the same results; he consented, and that sagacious little article jibbed at exactly the same two names as before."

There is a fourth Bihari ordeal which closely resembles the Kashmiri one described *supra*. It is chiefly resorted to by the Mahamadans of Bihar. The names of the suspected persons are written out on bits of paper which are rolled up and thrown into a small *chatty*. Just as the inscribed papers are thrown in, two of the suspected men hold the neck or brim of the vessel with the tips of their fingers, amid the chanting of *suras* or passages from the *Koran*. It is said that, if the slip of paper inscribed with the name of the real culprit is thrown into the *chatty*, the vessel immediately swerves round, which movement gives a clue to the detection of the actual offender.

A fifth Bihari ordeal is known as the *chāryāri*. It derives its name from the square Muhammadan silver coin called *chāryāri rupiyā*, which is said to be inscribed with the names of the four friends of Muhammad. Rice is weighed out with this coin; and a rupee's weight of the same is given to each of the suspected persons who are called upon to swallow the same. It is said that the real culprit finds it difficult to chew and gulp down the rice inasmuch as his tongue, becoming dry out of sheer funk, fails to secrete the quantity of saliva required for mastication. The guilty man is "spotted" from these indications. This ordeal is based upon a shrewd knowledge of human nature and of physiological laws.

An ordeal very similar to the above was prevalent in former times in England, where the "Coursned" or trial-slice of consecrated bread or cheese, weighing about an ounce, was given to the accused person. If, in trying to swallow the same, he became pale and was attacked with convulsions, he was adjudged to be guilty. Dr. Tylor says that vestiges of this custom still survive among the peasants in their old formula: "May this bit choke me if I lie."

The aforesaid ordeals also closely resemble the one practised by the Ja-luos—a tribe of Nilotic Negroes. Whenever any individual of the tribe is suspected of witchcraft, he is given dry flour to swallow. If he is innocent, he will swallow it easily. If he is unable to moisten the flour with his saliva and swallow it, he is declared to be guilty.*

It is very difficult to explain the origin of the Bihari ordeal by the brass-bowl unless we accept the tentative hypothesis that there must be some occult power in the priest's incantations, which causes the vessel to move and stop just in front of the guilty person. We must also rely on the same hypothesis if we seek to trace out the genesis of another ordeal which is performed by the well-known Nulwallahs of Bengal. A European gentleman, who has concealed his identity under the initials "W. W. S.," actually assisted at the performance of a *séance* held by these wizards for the purpose of "smelling out" a thief, and has graphically described the whole function with all its minute details, in the columns of a Calcutta daily. This weird ceremony will be best described in his own words:—

"Many a year has come and gone since I witnessed the extraordinary scene I am about to describe. It was in the early morning that my naib intruded his portly presence, and with a *salaam* commenced: 'Hazur, yesterday night the grocer was robbed of some money from his cash-box, and is in great distress about it.' 'Whom do you suspect?' I asked. 'Master got much Afghan and Sikh retainers,' he replied; and then was silent. His silence was expressive. Of course the Afghans or Sikhs did it. Here was the difficulty. 'Well,' I

replied, 'I am very sorry, why not see the police about it?' 'Hazur,' he replied, 'that bad advice; much money have to give, then not catch thief.' 'Indeed,' I exclaimed, 'I don't see in that case what I can do.' 'Hazur,' he said, coming a little closer, 'if master will permit me I will bring the *nulwallahs*. They catch much thief.' 'How do they do it?' I asked. 'Master see, if give permission. Hindoo god much strong. Soon get many thieves.' 'All right, send for these *nulwallahs*. have no objection.'"

"A man was there and then despatched for the *nulwallahs*. About 7 o'clock the next morning they appeared. Three dark-complexioned Hindoos with a brass pot and two long well-oiled bamboos. 'Hazur,' my naib said, 'will you send for all the ryots and servants?' This was done. Some eight hundred tenants were assembled on the grass, including all the Sikhs and Afghans. It was interesting to watch the expression of the Hindoo tenants as they squatted on the ground. The insolent look of the haughty Khalsa as they stood in obedience to the orders of the Hazur for an ordeal that nothing else would have compelled them to submit to was unmistakeable. The Afghans loudly murmured disapproval at the insult of having to submit to Kafir gods by the order of their master. However, there was no help for it. If the thief was to be caught, all must submit, or be tainted with suspicion of having something to do with the loss. The *nulwallahs* first dipped themselves in the river; then, wet as they were, stood on either side of the brass pot, on which they crossed the two bamboo rods, one spot of red colour being placed on each knot on the bamboos. Then a *tulsee* leaf was made to stick to the red colour, the green leaf hiding the red spots. The principal

* *The Uganda Protectorate*. By Sir W. Johnston. 2 vols. London: Hutchinson and Co. 1902. Vol. II., pp. 791-2.

Hindoo then asked that two men should be picked out from the retainers to hold the bamboo rods, one in each hand. This the Afghans refused to do, spitting on the ground in disgust at the request. Two Sikhs were at length induced to hold the rods, forming a cross over the brass-pot. Then the leading Hindoo commenced to repeat some Sanskrit verses. In about ten minutes he asked, 'Are you there? If so, stand up.' To the horror of us all, the two rods rose as if an unseen power was in the centre, lifting them, until they formed an arch, drawing the two Sikhs closer together. Then the bamboos lengthened out again, putting the Sikhs back with main force into their former positions. 'If you obey the power with me, move,' was the order of the presiding *nulwallah*. Instantly the rods twisted and turned several times violently; then moved forward at a brisk rate, the Sikhs having to keep up at a trot. The *nuls*, in the shape of an arch, passed over the heads of all the seated tenantry, then over the Sikhs and Afghans, without stopping; then, when at the end of the line of seated ryots, passed off towards the south, dragging the two Sikhs, who held the rods, at a smart pace. In five minutes we entered a small collection of huts. The *nuls* stopped in front of the door of a house, and refused to move, although ordered by the *nulwallah* to do so. The call from the naib to come out remained unanswered, so the door was opened and a young Hindoo found in a corner. The *nuls* at once moved forward and caught him round the throat. 'This,' explained the *nulwallah*, 'is the culprit. He stole the money.' 'Hold,' I interposed, 'this won't do; let the naib and an Afghan, hold the rods.' This was done with some trouble, and the Hindoo was taken away and placed among a number of ryots. At the command of the

Hindoo *nulwallah*, again the rods moved rapidly forward, passed over all the seated natives, and fixed themselves round the neck of the Hindoo lad, whose father came forward and promised to make good the grocer's loss." *

The efficacy of the bamboo-rod ordeal is vouched for by another well-authenticated instance of the same which came off in Calcutta and was reported duly in another of the dailies of that city. In its issue of Thursday, 16th June 1898, the *Amrita Bazar Patrika* wrote as follows :—

"The *Indian Daily News* publishes the following as 'Communicated':—The following extraordinary narration of facts as they occurred, and which, we are informed, were witnessed and can be testified to by the members of three households occupying a large house in Bentinck Street, are worth relating. A Brahmin is the worker of these marvels. He is well known in Calcutta. A cook, in the service of a family in the locality alluded to, entrusted his nephew with a large sum of money to keep in deposit. The nephew alleged that he placed the money in an earthen pot, which he buried. The location of the exact spot was confided to a friend.

Shortly after this, the cook was informed by his nephew that the pot and money had disappeared. With the nephew's consent, the Brahmin was summoned to discover the thief, and the following is a bare narration of the extraordinary procedure he adopted, and usually adopts, in all such cases. Accompanied by an aid, he comes to the house, provided with two bamboo rods, about sixteen feet long and an inch and a half in diameter. He also has with him a number of fresh *pipal* leaves, a cocoanut, some rice and some vermilion and

* Vide the *Calcutta Statesman and Friend of India* (daily) of Tuesday, November 19th, 1895.

cowries; a fresh earthen dish has to be provided by the person who summons him, as well as a stool. All the servants of the house are summoned; they are made to stand in a half circle, and their names are written on each leaf, and these leaves with one painted with the vermilion, are placed in the dish, which in its turn is placed on the stool. Two utter strangers are then made to hold the bamboo rods, one in each hand, opposite each other, with their elbows far behind their hips, so that they can have little or no influence in turning or bending the rods. Now comes the strange part of the proceedings, a marvellous one to witness. At the Brahmin's call of each name, the bamboo rods in the first instance rise together and form a semi-circle above, they then bend, and forming a semi-circle below, gradually come together, pick up the leaf containing the name called out and shuck it out of the dish. This strange process is repeated till the name of the thief, as alleged, is called, when both the rods seize the leaf, lift it up and only disengage it at the call of the Brahmin, who entreats the rods to let the leaf go. To all appearances the two men, who hold the rods, make no effort whatever. The thing is done in such an extraordinary fashion as to exceed belief. In fact a reasonable human being cannot believe it till he has witnessed it, and when he has done so, his amazement is all the greater. The two rods bend, come together, and seize upon the right names as they are called out, and then throw them aside except in the case of the thief. In this instance the nephew confessed to the theft, and a number of his relatives, who had come from up-country to witness the ordeal, made restitution."

It will be noticed that, in some of the ordeals described *supra*, the leaf of the Pipal Tree (*Ficus religiosa*)

is used. The question, then, arises: "Why, of all other trees, the leaves of the Pipal Tree are selected?" The answer to this question lies in the fact that, since the Sutra Period, the Hindus have ascribed sanctity to this tree. In the *Gobhila Grihya Sutra*, the *Ashwattha* or the Pipal is described as a tree presided over by *Aditya*, who is identified by Yaska with Vishnu. In later times, therefore, the *Ashwattha* came to be regarded as a tree specially sacred to Vishnu, and so Krishna declares himself in the *Bhagavat Gita* to be the *Ashwattha* amongst all trees. To plant an *Ashwattha* tree is regarded as an act of piety, and to destroy one by cutting a great sin. The latter-day Hindus consider the Pipal (*Ficus religiosa*) and the *Bar* or *Banyan* (*F. indica*) to be the favourite dwelling-places of their gods, who are supposed to delight to sit among their leaves and listen to the music of their rustling, and therefore consider them to be sacred.

SARAT CHANDRA MITRA,

CHAPRA.

M.A., B.L.

Art III.—RAMAPROSAD ROY.

CHAPTER V.

RAMAPROSAD AS GOVERNMENT PLEADER.

NO sooner was the startling news of the resignation of Government Pleaders by Prasanna Kumar made known to the public than there was a great stir in the town, but the official firmament remained quite undisturbed as if nothing unusual had happened. Mr. J. R. Colvin, the Chief Judge, who six years before had put some obstacle in the way of Ramaprosad's entering the arena of the Sadar bar, with the concurrence of his honourable colleagues, was the most forward in submitting his name as the fittest person to succeed to the post, and the Governor-General, Marquis of Dalhousie, who was not a stranger to the worth and abilities of the nominee, was only too glad to appoint him to it. This appointment, which took place in August 1850, would seem to have given general satisfaction, but there was one voice—not an insignificant one to be sure—which in the rage and fury of disappointed pride made itself heard against it throughout the official world. Moon-shee Golam Sobdar, a veteran pleader of the Sadar Court and who had by his long forensic practice amassed a large fortune, felt that a deep and dark slur had been cast upon his reputation by appointing Ramaprosad, who was considerably his junior, not only in point of age, but also in standing. He at once called on Mr. Colvin and with indignant earnestness asked him his reason for the selection he had made in defiance of the time-honoured rule of seniority. The good Judge, so far from being offended by the ungracious, I had

almost said, insolent, manner of the old Moon-shee, silenced him by saying with all politeness that, admitting his claim to be superior in point of seniority, and also supposing his merits to be on a par with those of Ramaprosad, the British Government could not in fairness overlook the very significant fact that the latter was the son of the illustrious Raja Ram Mohan Roy. The Moon-shee's perfect ignorance of English also stood in the way of his being appointed Government pleader, who, as the times were then in course of transition, was expected to have at least some knowledge of the language of the rulers. In fact, the post was never before given to one who knew not English; and, as for the gentleman who had vacated it, he was a consummate master of that language and wrote and spoke it like an accomplished Englishman. No member of the bar was in all respects so fit to take his place as Ramaprosad, who from a protégé had become his rival.

With the retirement of Prasanna Kumar from the bar, which soon followed his resignation of the Government Pleadership, the position of Ramaprosad, who took his place both in Government service and in the profession, rose much higher than it was before, and there was, as a matter of necessary consequence, a corresponding increase in his professional income. Indeed, he began to gather together money with both hands, if I may be allowed to use a common native expression. The stream which had thus commenced to flow, ran on incessantly, and when, a few years after, Mr. Waller, his illustrious rival in the crowded arena of the court, retired * it

* Mr. Waller retired in 1855. On the eve of his departure from India, a crowded meeting was held to do him honour, at which a gold watch was presented to him. The *Englishman* heard that the present had come from the Sadar Court Judges, while another Calcutta paper said that it was his brother pleaders who made the present. (See *The Friend of India*, 15th February 1855.) Mr. Waller was Solicitor, Attorney and Proctor combined in one (see Directory, 1844.)

rose much both in volume and velocity, and brought down a mint of money. Ramaprosad's whole income in the halcyon days of his practice, it is said, came up to about Rs. 2,50,000, of which only a few thousands were derived from zamindri and other sources, the rest being his professional earnings, pure and simple.

CHAPTER VI.

THE SECRET OF RAMAPROSAD'S SUCCESS.

Ramaprosad's wonderful success at the bar, however, did not come upon the public as a surprise. He had all the qualities of an advocate and seemed destined to achieve triumphs in the crowded arena of the Court. To sound and accurate knowledge of the laws of the land he joined mastery of languages and fluency of tongue. His knowledge of English was far above the average, considering the age in which his lot was cast; and he had also a fair command of Hindi which, sweet as Italian, was still, at least to a certain extent, the language of the Court. Indeed, he possessed in an eminent degree what is so very necessary to forensic practice, namely, the gift of eloquence, and had, as a matter of course, very few equals either at the bar or on the platform. True to his professional instinct, he was ever ready to subordinate all other interests to the interest of his client. This was the principle of that chief of English advocates, Erskine, and, indeed, should be the guiding principle of every member of the bar who wishes to distinguish himself in the profession. We are aware of several instances in which this prince of Bengal pleaders showed such strong moral courage; but we shall content ourselves with citing only one instance, and that a very notable one, to be

sure. In a very important Adoption case in which his adversary's counsel had secured for his client the opinion of Pundit Iswar Chandra Vidyasagar, who had such wide reputation for Sanscrit learning and whose influence in high official quarters was without a parallel amongst natives. Fortified by this weighty opinion, the counsel, who himself was not a perfect stranger to Hindu law, naturally thought that his position was very strong, if not absolutely unassailable, and, accordingly, made no secret of his assured success. Ramaprosad, on the other hand, quietly took the opinion of Pundit Bharat Chandra Shiromoni, the then Professor of Hindu Law in the Sanscrit College, and also himself consulted original texts which his fair knowledge of that parent of languages enabled him to do, in order to prepare himself well for the fight which, as he expected, would be a very tough one indeed. In due course when the case came on for hearing, the appellant's counsel argued very strenuously for his client and in support of the position he had taken favouring his cause, placed before the Court the recorded opinion of the great Vidyasagar, which readily had a very telling effect upon the minds of the presiding Judges. The counsel, when he perceived that he had made a strong impression, resumed his seat with utmost confidence, fully believing that the appeal would be decreed in his client's favour. His turn for addressing the Court having now come, up rose Ramaprosad and commenced reading the original authorities on the subject, learnedly and artfully construing them in a way which quite favoured his client's case. When he, after arguing for some time, found that he had sufficiently smashed the position taken by the other side, he added that the view taken by him was

not merely the popular view but was also held by such a recognized authority on Hindu law as Pundit Pharat Chandra Shiromoni, whereas the view propounded by the opposite party emanated from one who was considered throughout the country as a "Religisimo," or religion-monger, and anyone adopting the opinion of such a man in a difficult and disputed question of law would be simply laughed at and deemed little better than a simpleton. We do not know how this sly sting at the venerable Vidyasagar was taken by the Judges, but the general effect of Ramaprosad's arguments proved highly favourable to his client's cause. The court with one voice held that the decision of the court below was sound in law and should not be interfered with, and, accordingly, the appeal was dismissed with costs.

When the report of Ramaprosad's having in the course of his arguments scoffingly characterized him as a "Religisimo" reached the ears of the much-respected Vidyasagar, he was awfully annoyed and expressed grave displeasure at the conduct of young Ramaprosad. The latter who was not wanting in due regard for elders, rightly thinking that he should try to pacify the offended old Pundit, lost no time in seeing him at his town residence. In the course of the interview when Vidyasagar observed that in carrying out social reforms he was only following in the footsteps of his illustrious father, Raja Ram Mohan Roy of revered memory, Ramaprosad with that remarkable strength of character which he so abundantly possessed and for which he extorted admiration even from foes, retorted, that in the proper discharge of his professional functions upon which his whole prospect, nay, his very existence mainly depended, he would not have even spared his own venerable father, if he had put any obstacle in his

way. This reminds us of the memorable words which Erskine at the very outset of his career uttered when a friend of his with a serio-comic surprise asked him as to how he dared bandy words with such a mighty Law Lord as the illustrious Lord Mansfield. The explanation which Ramaprosad naively gave in justification of his conduct in the matter proved a very effective salve to the wound which the feelings of Vidyasagar had received and which had been festering so rapidly, and the result was that the parties who were about to become mortal enemies for all time to come were restored to their former state of friendship and amity.

CHAPTER VII.

THE THROWING-OPEN OF THE SADAR COURT TO COUNSEL AND ITS CONSEQUENT RISE.

The Sadar Diwani Adalat being Company's Court, counsel who practised in the Crown's Court as the Supreme Court was called, had no access to it; it was, as it were, the monopoly of the pleaders. This prohibition not being found to be quite consistent with the principle of good sense and equity, Act I. * of 1848 was passed whereby such prohibition was removed and permission granted to the counsel to appear and plead in the Sadar Court provided they conformed to certain rules which were framed for the purpose. The pleaders, so far from showing any displeasure at the measure, were very glad to have that learned influential body in their midst. The fact was that many of the Judges of the Sadar Court were wanting in due regard for the pleaders practising before them, and, what was still more open to remark, some of them even went out of their

* Act XX. of 1853 extended the privilege to Attorneys.

way in order to keep them in subjection. At any rate, the position of the pleaders was anything but desirable,—honourable it was certainly not—and the general public looked upon that body with something very little short of contempt. When such was the state of affairs it was only natural that Ramaprosad, who had a keen sense of self-respect, should have most gladly invited the gownsmen to join them in practising before the civilian Judges, hoping thereby to raise the tone and character of the profession. This hope was to a great extent realized, the presence of counsel in the Sadar Court having had a mollifying effect upon the minds of the Judges. Dwarka Nath Mitter, who afterwards rose so very high, used to say that if Ramaprosad had not been the leader, the late Sadar Court would not have risen from the low level in which it had lain so long; and Mr. Allan, another well-known veteran of the native bar, said that Ramaprosad was most forward in welcoming the counsel and attorneys to practise in the Sadar Court, knowing full well that their presence would considerably improve the status of the legal profession. In thus inviting the practitioners of the Supreme Court, while, on the one hand, he did an act which quite became him as a gentleman, on the other, he did not lay himself open to the charge of indiscretion. In point of fact, he and some of his compeers at the bar were well able to hold their own against the new comers who, though certainly superior to them in their knowledge of English law and practice, were no match for them in the matter of the laws which were in vogue in the Company's Courts. Indeed, the advantage, so far as the business of the Sadar Court was concerned, was all on the side of the pleaders. Thus, by calling in the advocates and

attorneys, to practise in the Sadar Court, the pleaders, so far from being losers, were to a certain extent gainers. The presence of the former served in no small degree to raise the dignity and importance of the Sadar Bar, and, as the impetus thus given had a continuing effect, it went on rising till it placed itself in generous rivalry with the Supreme Court Bar which was all along held in high esteem. Ramaprosad, whose great mental powers only wanted sufficient sea-room for their full play, by coming into closer contact with the Barristers-at-law of the Queen's Court, found himself considerably raised in public esteem. The range of his practice, wide as it was, was made wider still, and, as a matter of course, his income rose to a much higher point.

CHAPTER VIII.

ONE NOTABLE INCIDENT IN RAMAPROSAD'S OFFICIAL CAREER.

While Ramaprosad was thus blooming brightly in the heyday of his professional life, an incident happened which for a time put a clog upon its easy onward course. It arose in this way. One Joy Gopal Chatterjee, who though belonging to the priestly class did not possess a character quite becoming his high social rank, owned a small zamindari known as Paranbati. As he was in need of funds, he mortgaged his estate to one Mohan Chand Boral, a money-lender of Calcutta. Mohan Chand, not being able to get back his money by easy means, transferred his rights and interests in the mortgaged property to Baboo Moti Lal Seal, the great millionaire, whose very name struck terror into every soul that fell under his frown. But Joy Gopal was not the

man to be daunted by any name, however terrific and dreadful it might be to others, and it is, therefore, no wonder that he made light of the fear of the great man's scowl. Backed by Baboo Ramaprosad Roy, the eminent pleader of the Sadar Court, and Mr. W. N. Hedger, the well-known attorney of the Supreme Court, he for some time showed fight much to the annoyance of his wealthy influential opponent. But as he was a man of narrow means, and was ill able to sustain the fight with such a mighty combatant, he in a few years found himself heavily involved, and his debts and liabilities far exceeded the value of all he had on earth. In this sorry and pitiable plight he listened to the voice of reason, and consented to settle the matter amicably with his creditor. For this purpose a *muktyarnama* was executed in favour of a respectable law agent of the district in which the suit on the mortgage was pending. This document, however, not being accepted by the Court owing to some defect of form, a second one was drawn up, duly executed and forwarded to the same law agent, along with a deed of acquiescence called, in court parlance, *Razinama*, in order to their being filed in the aforesaid Court in satisfaction of all claims against the defendant, Joy Gopal. Now, the latter whom a series of reverses had made desperate, turned round and denied all knowledge of all these transactions. This gross unfair conduct on the part of Joy Gopal roused the indignation of Moti Lal who once and again handed him up before the Sessions Court; but on both occasions the accused, by some means or other, escaped from the clutches of the much-dreaded criminal law. Now, the tables were turned, and the accused became the accuser. Joy Gopal charged Baboo Moti Lal, Mr. Hedger, his clerk, Michael, and Baboo Ramaprosad, who was his own

law adviser and who had always helped him,—with conspiracy and perjury. The bill of indictment, however, was thrown out as against the last who thus became a witness, and the trial proceeded as against the first three accused only. The counsel for the prosecution was Mr. A. T. T. Peterson, a young man who had only recently joined the bar, while the defence was led by Mr. Theodore Dickens, one of the well-known veterans in the profession. In the course of his arguments, Mr. Peterson, to whom a leading Indian journalist had applied such ungracious language as “the sinking counsel into a client,” in crass ignorance or rather in deliberate despite of the high position of Ramaprosad, had spoken of him as a witness of the ordinary run. But Mr. Dickens, while commenting upon the evidence of the latter, gave the lie direct to what the counsel for the prosecution had stated in his opening speech. He remarked with his usual impressive eloquence: “Think what must have been the consideration in money to have induced Baboo Ramaprosad Roy, the pleader for Government, still young, rising in life and reputation, well descended, and inheriting the renown of a distinguished father, of station equal, of intelligence, perhaps superior, to my own,—to be the head that contrived and the hand that executed a forgery, and framed this muktearnama.” All this, coming as it did from the counsel for the defence, would be open to adverse comment, and might not be considered as of much real value. But Mr. Dickens did not stand alone in his praise of the great pleader; the Court too gave a very fair and honourable character to him. The Chief Justice sitting with Sir James Colville, after considering the probabilities of the case, thus expressed himself about Ramaprosad. “It was well asked,” said his Lordship,

“ what bribe would suffice to purchase him, and if bribed, what profit would remain to the conspirators? *Primâ facie*, he has as fair a claim to be believed on his oath as myself, my learned colleague, or any gentleman that I see around me. No single question was put to him even tending to show that his antecedent career or action had been the reverse of creditable; he has filled, and still fills an important office,—that of Government pleader.” As regards the discrepancies which, as pointed out by the counsel for the prosecution, were found in the witness’s testimony in the Supreme Court, taken in connection with that given on some former occasions, his Lordship observed that they were only in minor matters of detail, and that so far from being convertible into charges of wilful and deliberate perjury, they were quite excusable in such a statement. Thus, the charge, which had been trumped up against him, of having betrayed his client was clearly found to be false and unfounded, and he came out of the ordeal, not only unhurt and unscathed, but with far greater honour and glory. His reputation as a man and as a lawyer rose to its utmost pitch, and his practice at the bar showed a very considerable improvement. Suitors placed the greatest confidence in him. If a brief, it was said, was given to Mr. William Ritchie in the Supreme Court, or to Baboo Ramaprosad Roy in the Sadar, the client in either case considered himself quite safe and took no further trouble about his cause, being sure that it could not have been placed in abler and honester hands. A hurried glance at the pages of the Sadar Diwani Reports would show that there was not a single important case in which Ramaprosad was not engaged on the one side or on the other. His brother pleaders were so keenly alive to the fascinating influence of his

eloquence that it was not unoften that they, even at some sacrifice of professional etiquette, prefaced their speech by observing that the Court would look only to the facts for doing justice and pay no heed to Ramaprosad’s sweet, sonorous and persuasive eloquence.

CHAPTER IX.

RAMAPROSAD’S SERVICES TO THE SADAR BAR.

Ramaprosad did much to raise the tone and character of the Sadar bar. When he joined it in 1844, its moral atmosphere was all but tainted, and it was he who purified it and made it sound and healthy. People had no very high regard for it, associating it as they did with some of the worst vices that corrupt and impair the vitals of human society. Ramaprosad, whose reputation for honesty and fair dealing stood very high, was bent on reforming the bar, and, be it said to his credit, his laudable efforts were crowned with complete success. As Mr. Thurlow observed in his useful and interesting work, entitled “Company and Crown,” “Ramaprosad was a name at the sound of which villainy and chicanery fled from the Sadar Dewanny Adalut.” Mr. Thurlow’s expression of opinion is entitled to very great weight, being the impression of one who had no likes and dislikes in the matter. He was not personally acquainted with the object of his praise, as Ramaprosad did not stir out of his house ever after the 13th April, 1862, and Lord Elgin, with whom Mr. Thurlow had come out as Private Secretary, did not assume the Viceroyalty until a few days after that date. But Mr. Thurlow did not stand alone in his laudation of the great pleader. Similar sentiments were voiced forth both by the Bench and the Bar. Indeed, Ramaprosad was a remarkable man and

his services to the profession to which he belonged were simply inestimable. He was a prince among his compeers and made the arena, which he trod along with them, sacred ground. Since his time the legal profession has been looked upon with high regard, and the re-action upon peoples' minds has been such that even gentlemen of the highest rank and respectability do not make the least hesitation in adopting it, nay, show considerable eagerness in being enlisted in its ranks. Indeed, at the present day, no other profession can boast of such a proud array of the best intellect and the greatest learning as the once-despised profession of law.

CHAPTER X.

RAMAPROSAD'S NOBILITY OF CHARACTER AND LARGE-HEARTEDNESS.

Ramaprosad with all his pride of parentage and position was anything but an autocrat at heart. His views were liberal and his principles quite consistent with reason and good sense. There was nothing like one-sided partisanship in him. The great Chakran case which happened in 1858 is a striking instance of his having in matters public always acted upon the high and noble principle of "the greatest good of the greatest number." Though a born zamindar, he never lost an opportunity to plead the cause of the *ryots* in opposition to the interests of his own class, for which his mentor, Prasanna Kumar Tagore, often took him to task in no measured terms. "People's William," as the late Mr. William Gladstone was called, used to say that one of the two admirable traits in Lord Beaconsfield's character was that he was perfectly faithful to his own class. The same could not be said of Ramaprosad, who

resembled the great minister and statesman in some respects. In the afore-mentioned Chakran case, though, as Government pleader, he, as in duty bound, had fought on the side of his masters, still it is an open secret that he did material help in getting that case taken up in appeal to the Privy Council, where the decision of the Sadar Diwani Adalat was modified, so as to make it agree with his own individual views.

Ramaprosad, eminently successful as he was in his profession, was not a slave to it. He did not content himself with his practice only. He paid a good deal of his attention to the laws which governed the Company's Courts. It was not enough that he himself understood the laws; he deemed it his duty to see that they were also understood by the people at large. Selfishness formed no part of his character; his mind was too high and noble to have given it a place therein. The Law of Evidence was then considered a very hard nut to crack; at any rate it was understood only by a select few, and even now it is a stumbling-block to the generality of practitioners. When, therefore, Act II of 1852 came into operation, Ramaprosad wrote a commentary on the same, which commanded an extensive sale, thereby testifying to its great usefulness. He also did good service in the matter of the framing of the Code of Civil Procedure; and when it passed into law as Act VIII of 1859, he made it easy by his comments and popular by his translations into the vernaculars of the country, and it is also a well-known fact that he took an active part in enacting the Law of Landlord and Tenant (Act X of 1859), thereby providing some relief for poor helpless tenants from the long-standing oppressions of hard-hearted merciless landlords. Indeed, after the troubles of the Sepoy Mutiny were over, he was often-

times summoned to Government House, where he attended in company with Mr. (afterwards Sir Henry Byng) Harrington in connection with Law-making, and, thus, he paved his way to a seat in the highest tribunal in the land which, alas, he was not destined to occupy.

CHAPTER XI.

RAMAPROSAD—NO MEETING-MONGER.

Ramaprosad, though he had risen so very high, was anything but a fussy man fond of show. Unlike some men of light and leading in the Presidency, he was no meeting-monger, nor was he at all disposed to make a show of oratorical powers which he really possessed in an eminent degree. The occasions were few, indeed, on which he himself called a meeting, or attended meetings convened at the instance of others. Mr. John Russell Colvin had been an eminent Judge of the Sadar Diwani Adalat at Calcutta, and as such, was known to Ramaprosad while the latter was practising as a pleader in that Court. Subsequently, he was made Lieutenant-Governor of the North-Western Provinces, and was governing well and ably those Provinces, when the terrible Sepoy Mutiny which shook India to its very foundations broke out. He was doing good services to his Queen at that dreadful crisis, when all on a sudden he was summoned away by the Mightiest of Monarchs whose mandate could not be disobeyed or evaded. He died at Agra, and was buried in the local Fort. On hearing of this sad news, Ramaprosad's sense of duty, strong as it was, was roused, and he forthwith called a meeting to do honor to the great deceased. This meeting was held

at the Metcalfe Hall, now converted into the Imperial Library, and it proved a grand success, almost all the *elite* of Calcutta having graced it with their presence. At that meeting he spoke, and his speech was one of the best that were delivered on that solemn occasion. He very properly said, that "the late Mr. Colvin had done more for the improvement of the East India Company's Courts, and for the administration of justice generally, than any Judge who had gone before him." Mr. William Ritchie, the then Advocate-General, bore most cordial and fitting testimony to what had been said by Ramaprosad; and Sir James Colville, Chief Justice of the Supreme Court, spoke very highly of his eminence in Court, and also said that he gave up his life for his country as much as if he had fallen sword in hand, on the field of battle.*

The next occasion on which Ramaprosad joined a meeting was when Lord Canning, who for his lenity in the matter of the treatment of the insurgents after the Sepoy Mutiny was over, was nicknamed *Clemency Canning*,† was about to retire from India. Ramaprosad felt some delicacy in joining this meeting, as Prasanna Kumar Tagore, whom he regarded as his "friend, philosopher and guide," was opposed, to it, so also were the non-official Europeans. Mr. Tagore's ill-will towards the retiring Viceroy, who had really saved India from a very terrible calamity, was the outcome of wounded pride. He had expected great favour at the hands of His Excellency, but as ill-luck would have it, he was not given the High Court Judgeship, nor taken into the Supreme Council which honour, so

* See Sir A. Colvin's *John Russell Colvin* (in the *Rulers of India* series) pp 156, 157.

† This epithet conferred upon him in derision, is now remembered only to his honour.

far as natives of the soil were concerned, was, it seemed, reserved for Ruling Chiefs and Indian Nobility of rank much higher than the Calcutta Baboos. But Ramaprosad who had nothing to complain against Lord Canning, was as much in favour of the meeting as Prasanna Kumar was against it, and he found a warm friend and co-adjutor in Mr. John Cochrane, a well-known barrister of the Supreme Court and the Official Assignee under Government. The latter, who for his pro-native turn of mind was contemptuously called by the anti-native editor of *The Englishman*, 'Baboo Cochrane,' commenced to gauge the feelings of the native community who for his fearless love of justice and fair-play as well as for the warm interest which he took in their well-being, held him in great esteem, and he found to his exceeding great joy, —for he loved Canning and was loved in return—that the native society was unanimous in doing honour to the great Viceroy. Accordingly, a monster meeting was held at the Town Hall in which were present almost all the *elite* of Calcutta. An animated discussion took place, in which Mr. Walter Brett of *The Englishman* Office led the opposition. But the other party, headed by Mr. Cochrane and Mr. Hume, won the day, and, thus the object of the meeting was gained. Ramaprosad also addressed the meeting, and although he could not raise his voice sufficiently so as to be heard throughout the Hall, he spoke with an earnestness and vigor which shook his whole fame, and was so much overpowered by tender feelings that tears trickled down his cheeks in streams. A countermeeting was, a few days after, held by the non-official Europeans, but as might have been expected, it proved a complete failure.

The last meeting in which Ramaprosad took part was the one held at the time when the Bill providing for the summary recovery of rents by Zamindars or rather European Planters was on the anvil of the Bengal Council. Mr. Peterson and his party were for expediting the measure, but the then Lieutenant-Governor, Sir John Peter Grant, was too conscientious to hurry it on without giving the public full opportunity of saying their say; and in this he received powerful support from Ramaprosad and other members of the same cast and complexion of mind. Sir Bartle Frere, who was all but supreme in the Viceroy's Council, finding this a glorious opportunity of gaining popularity of which he was so very fond,* not only withdrew his promised support, but also passed a censure upon the Bengal Government, which extorted from Sir John a crushing reply. But notwithstanding all this wrangle and outcry, the Bill was passed and was entered on the Statute-Book as Act VII of 1862. When shortly after, the Governorship of Bombay was conferred on Sir Bartle* instead of Sir John, as was contemplated, the latter observed to Ramaprosad,—"I cannot stay longer in Bengal to undo what I have done,"—and accordingly, a few days after, he tendered his resignation and sailed for England.

SHUMBHOO CHUNDER DEY.

(To be concluded.)



* Sir Henry Bartle Edward Frere was Governor of Bombay from 24th April, 1862 to 6th March, 1867. He wrote a book on an Indian subject, entitled *Pandurang Hari*.

Art. IV.—HISTORY OF THE PRESS IN INDIA—X. BOMBAY—IV.

(Continued from page 294.)

DURING the absence of Mr. John Connon from Bombay the *Bombay Gazette* was edited by Mr. Mawson till November 1859 when Mr. J. M. Maclean came out as editor.

During the Mutiny Mr. Dosabhai Framji Karaka acted as censor of the Native Press of Bombay according to the provisions of the Gagging Act. During these days the *Rast Goftar** very strongly defended

* From the 1st February 1852 the *Rast Goftar* became weekly. Mr. Dadabhai Naoroji edited it from 1851 till August 1852. He was succeeded by Edulji Nasarvanji Prussia and Jehangir Burjorji Vacha. The former remained on the editorial staff till March 1853 and the latter till December 1857. From January 1858 Mr. Sorabji Shapoorji Bengali became editor and edited it for two years without remuneration retiring from the editorship at the end of 1859 after satisfying himself as to its secure financial basis for the future. He was succeeded again by Jehangir Burjorji Vacha who edited it till 1861, when he was succeeded by Karsendas Moolji. The late Kaikhusro Naoroji Kabraji joined the *Rast Goftar* in 1861 as sub-editor and in 1862 relieved Karsendas Moolji from the editorship. From 1862 to 1902 the paper was edited by him.

The first proprietors of the paper were Messrs. Dadabhai Naoroji and Kharshedji Nasarvanji Cama. Till 1857 they carried on the concern at a loss of Rs. 10,000. In the beginning of 1858 they converted the property into a joint-stock concern taking the following persons as their partners:—1. Kharshedji Rustomji Cama, 2. Dosabhai Framji Cama, 3. Naoroji Furdunji, 4. Sorabjee Shapoorjee Bengali, 5. Pestonji Ruttonji Kola. To them in 1861 joined Karsendas Moolji as proprietor when his paper, the *Satyā Prakash*, became amalgamated with the *Rast Goftar*. On the 8th September 1869 the paper was sold by them to Messrs. Behramji Furdoonji Murzban and his brother Merwanji Furdoonji Murzban. The former died in 1895 and the latter is still alive and is the present owner of the *Rast Goftar*.

When first published as a fortnightly on the 15th November 1851 the *Rast Goftar* was printed at the *Samachar Darpan* press; in 1853 it began to be printed at the *Daftar Ashkara* press which was founded by Furdunji Murzbanji in 1840 and where it is still printed. The press is now the sole property of Mr. Merwanji Furdunji Murzban, the youngest son of Furdunji Murzban about whom we have written already.

The first three issues of the paper were printed 1,000 copies each and distributed free. From 1st January 1852 a copy was charged one anna or two annas monthly for two numbers. It contained at first six foolscap pages. In 1856 the paper was enlarged to 8 pages foolscap and the annual subscription raised from Rs 1-8 to Rs 3. Mr. K. N. Cama also made arrangements for illustrating the paper by bringing materials from England. But this improvement did not make it more pecuniarily prosperous. In 1858 the paper was enlarged to 12 pages foolscap without increasing the rate of subscription. In 1861 when the *Satyā Prakash* was

the Indians from the sweeping denunciations by its Anglo-Indian contemporaries. For this object it opened English columns. This was the first of the kind to appear in a Gujarati paper. These English columns were edited by Mr. Cowasji Edulji Khumbata.* A similar bold stand was made by the *Bombay Samachar*†

amalgated with it, the subscription was raised to Rs. 5 per annum. In 1868 it was enlarged to 16 pages foolscap, and its subscription increased to Rs. 6 which is also the present rate. The paper used to appear on every Sunday morning.

In 1865 the English columns were discontinued for want of good writers and also for the Bombay Share mania. From 1865 to 1887 the paper remained as a Gujarati weekly. In 1888 (after the celebration of the Jubilee) the English columns were reopened under the editorial management of Mr. Nanabbhai Behramji Masani who was formerly on the staff of the *Bombay Gazette* as a reporter. The object of repewing English columns was for criticising the purpose of the Indian National Congress which this paper from the beginning looked upon as an unfriendly critic. Mr. Dinshaw Edulji Wacha also used to contribute to the English columns, but this was of very short duration as acute differences of opinion soon arose between him and the editor about the object of the Indian National Congress of which Mr. Wacha is a great sympathiser from its beginning. In 1889 Mr. Masani became Secretary to the Joint School Committee, Bombay, and gave up the editorship of the English columns of the *Rast Goftar*. In consequence they were again discontinued. In 1897 they were again revived under the editorial management of Mr. Nanabbhai Ruttonji Chichgar to defend Sir Mancherje M. Bhownagre then a Member of the House of Commons against the attacks made upon him by the Congress leaders and the Indian Press.

In 1863 Mr. Sorabjee Shapoorji Bengali went to Europe and contributed to the columns of the *Rast Goftar* interesting accounts of his visits to cotton and other factories, iron works, shipbuilding yards, coal pits, etc., of England and Scotland. The years 1864-65-66 are known as the period of the share-mania and of empirical enterprises in the history of Bombay. The *Rast Goftar* under Mr. Sorabji's inspiration was probably the only native newspaper of Bombay which held itself aloof from the mad excitement of the period and stoutly opposed and exposed the wild schemes into which the mercantile community were being blindly led. Mr. Sorabjee contributed a number of leading articles to the paper by which he did useful service to his countrymen in protesting against the fatuous speculations which brought such ruin upon the city.

A full history of the *Rast Goftar* and the other vernacular papers of Bombay will be given later on in a separate chapter on the subject. The persons who after Mr. Khumbata successively edited the English columns of the *Rast Goftar* were Jehangir Burjorji Wacha, Pestonji Jehangir Taleyarkhan, Naoroji Furdunji, Hormusji Dadabhai, Visvanath Narayan Mandlik, Dadoba Pandurang, Zaverilal Umasanker Yagnik, Gandhibhai Jehangir Vachagandhi, Narayan Mahadev Permanand and Vinayakrao Narayan Bhagvat.

* The English columns of the *Rast Goftar* were begun in 1858 and continued till 1865.

† Its second editor, Mr. Timulji Rustomji Mirza, died in 1834 at the age of 26 and was succeeded by Mr. Cowasji Hormusji Mama. The latter edited the paper till 1841, when he died at the age of 32. He was succeeded by the two well-known Maratha brothers and scholars, Janardhan Wasudev and Vinayek Wasudev. In 1849 Mr. Sorabjee Shapoorji Bengali undertook the editorship of the *Bombay Samachar*. His connection with this journal was of short duration, but was nevertheless marked by some stirring incidents, the chief among them being the animated discussion carried on in its columns, which was provoked by the publication by the Rev. Dr. Murray-Mitchell of a small volume entitled "Letters

and the *Jam-e-Jamshed* * against Anglo-Indian attacks upon Indian character during the Mutiny.†

In 1859 Mr. Robert Knight created great sensation in the Bombay Presidency by exposing, in the *Bombay Times*, the doings of the Inam Commission of which Captain W. Cowper was then the head. He published an able and exhaustive exposure of the department in a pamphlet called "The Inam Commission Unmasked" which was dedicated to the Right Honourable Lord Stanley, then Secretary of State for India; and so great was the effect produced by this publication that Lord Elphinstone, then Governor of Bombay, penned a confidential minute in condemnation of the Department. This private minute somehow or other reached Mr. Knight; and its publication in the *Bombay Times*

to Indian Youth" in which the claims of Christianity were set forth to the utter disparagement of all the religions of India. He relinquished the editorship of the *Bombay Samachar* in 1851. In 1858 Mr. Behramji Ghandi was appointed editor. From 1st November 1860 its proprietors, Seths Kharshedji Meherjiabhai and Hormusji Meherji enlarged its size and made it a daily paper. From the 27th June 1866 Mr. Maneckji Burjorji Minocher-Homji became its editor and part proprietor. In 1871 he purchased the whole concern and continued to edit it with much success till his death in 1898.

* In 1849 Mr. Dosabhai Framji Karaka was appointed editor of the *Jam-e-Jamshed* which he conducted for a period of five years. In 1854 he severed his connection with this paper and was appointed manager of the *Bombay Times* by Dr. George Buist. In 1859, at the age of seventeen, the late Mr. Kaikhusrau Naoroji Kabraji was taken in as a reporter on the staff of the *Jam-e-Jamshed*. The paper in those days was conservative, and although before long Mr. Kabraji was appointed its editor he soon found out that a person of his type—one who advocated progress and reform—could not consistently be the editor of a paper like the *Jam-e-Jamshed*. In 1861 he resigned his connection and joined the editorial staff of the *East Gleaner* which he continued to edit with much success for forty long years.

† During the Mutiny the sub-editor of the *Bombay Times* was Mr. David Henry Workman. He came of a British family and was the son of Aaron Workman of Bristol. He was born at Vingorla in the Bombay Presidency on 29th January 1835 and received his education at Byculla School, Bombay. In 1850 he began journalism on the staff of the *Bombay Times* and afterwards on the *Telegraph and Courier*, Bombay. Early in 1857 he joined Generals Outram and Havelock's expeditionary force to Persia, obtaining a post as clerk to Colonel Pope, the Commissary-General of the Expedition, and sailing with the Headquarter Staff. Remaining with the force until the close of the campaign and witnessing the bombardment of Mohamra, Mr. Workman returned to Bombay and was appointed sub-editor of the *Bombay Times* under Mr. Robert Knight and Dr. George Buist, which post he continued to hold throughout this eventful period. Arriving in England in 1860 Mr. Workman became an active journalist, contributing to many of the London dailies and weeklies. He edited *Who's Who* from 1870 to 1899. He died on 17th March 1905 in his 71st year.

created much sensation in the Presidency and a perturbation in the Bombay Secretariat, some of the clerks wherein were suspended on suspicion of having furnished a copy of the minute to Mr. Knight. The result of this exposure was the extinction of the Inam Commission, though not before much confiscation; the summary settlement took its place; under it Government resumed one-fourth the Inam and left the rest in the possession of the Inamdars.*

Towards the end of 1859 several changes took place in the *personnel* of the Bombay Press. The late Mr. J. M. Maclean came out to Bombay to edit the *Bombay Gazette* under an agreement with Mr. John Connon, its proprietor. Mr. Maclean writes thus in his autobiography:—

"In November 1859 when I had just completed my twenty-fourth year, I went to India, and my connection with that country, with long intervals of time spent in England or on the continent, lasted up to 1880. In India it became necessary for me to begin an entirely new life. Indian Journalism in those days was passing through a transition stage. In Bombay Dr. Buist and Mr. Robert Knight, two men of remarkable ability and original thought, had raised Indian journalism to a higher level and made it, in Mr Knight's words, a "power in the Empire." I found, therefore, on my arrival, that Bombay editors held a good social position

* When Mr. Knight published the confidential minute of Lord Elphinstone, the editor of the *Telegraph and Courier* (Mr. George Craig) who was a comic writer, announced that Mr. Knight was going to exhibit in a performance the story of "Ali Baba or the Forty Thieves" in which Ellis the Jew was to have an important part. This was in allusion to the late Sir J. B. Ellis who was once the head of the Inam Commission. The poor clerks in that branch of the Secretariat concerned with the subject matter were suspended for months. They often urged the Secretary to remonstrate and begged to be re-installed, but in vain. One of them, bolder than the rest, asked why should he be so treated. Because, said the Chief, the papers had passed through their hands, and until they pointed out the offender, they must suffer. "Sir," rejoined the bold clerk, perhaps made desperate, "the papers also passed through your hands." "Yes, Mr. ——" replied good Mr. Ellis, "and if my superiors suspected me, they might similarly suspend me!" At last the men were reinstated; and one clerk from another department was dismissed on suspicion.

I was at once made a member of the principal clubs and military messes, and was received with open arms by the services and the business community of the city. Anglo-Indian society in those days was singularly free and cordial; a spirit of free-masonry, if I may so express it, prevailed; and I quickly made many friends with whom I established a lifelong intimacy.

"But my work was not so pleasant; the newspaper office which I had joined was very badly organised, mainly through want of adequate means, and the subjects of discussion were quite unfamiliar and distasteful. To one accustomed, as I had been, to the well-organised arrangements of an English newspaper, and the full and free public life of England, the change was quite disheartening, and my first year in India (1860) was the most unhappy time I had ever spent. The life, apart from the office work, was pleasant enough.

"I found my position so intolerable that I threw it up, with the intention of returning to England, where I had held a good position on the Press. But better thoughts prevailed; my friends rallied round me; at their suggestion I started a newspaper of my own (the *Bombay Saturday Review*) and from that moment all went well."

In his "Recollections of Westminster and India," Mr. J. M. Maclean wrote thus:—

"At the end of 1859 when I had had five years' steady work as an English journalist and had written largely on both political and commercial affairs, I went out to India to take up the editorship of the *Bombay Gazette*. This position had been offered to me through Mr. Alexander Russel of the *Scotsman*, one of the wittiest and most kind-hearted of men, who had previously recommended me to the proprietors of the *Manchester Guardian*. Mr. Russel suggested to me that by going to India I might take up the imperial questions and so 'lay down a double line of rails.' It is difficult, however, to imagine a position more forlorn than that of an Indian journalist in those days, when there was no telegraph to Bombay and only a mail from England once a fortnight. Newspaper offices were badly organised and not too well provided with the means of undertaking new enterprises.

Indian questions were unfamiliar and distasteful, and an editor too often found himself in the luckless state of being obliged to make bricks without straw. I found my employment so intolerable that I threw it up with the intention of returning to England. I had, however, made a good many friends who persuaded me to try my fortune once again in India. With their help I founded a weekly critical paper which I called the *Bombay Saturday Review*. In form it was closely modelled on its famous London prototype, but it gave much more prominence to commercial affairs, and in this respect was modelled upon the *Economist*. No venture of the kind had previously been started in India, and the newspaper attracted much attention, and soon acquired considerable circulation and influence.

"There happened at that time to be in Bombay in connection with the founding of the new University a band of highly intellectual and literary men fresh from the English Universities where they had been selected among the most promising young men of the day. These men, including Sir Alexander Grant (himself an old *Saturday Reviewer*), Mr. E. J. Howard, Professor Hughlings and Professor Wordsworth, rallied round me and wrote regularly for my paper, and I had the invaluable assistance of such men as Sir George Birdwood and Sir Raymond West (of the Civil Service), while the Governor himself, Sir Bartle Frere, did not disdain to send me some occasional notes. I had also the occasional help of that miracle of quaint learning and rhetorical vehemence and prolixity, the late Mr. Chisholm Anstey, who after a meteoric career in the English House of Commons, passed the evening of his days as a practising barrister in Bombay.

"Captain E. W. West, a member of the Political Department, whose promise of future distinction was cut short by a premature death, was also one of my most regular contributors. Mr. and Mrs. Lockwood Kipling, the parents of Mr. Rudyard Kipling, who were then residents in Bombay, gave me frequent help. I had thus surrounded myself with colleagues who could really turn out first class work.

So far as I was personally concerned my business prospered largely with the growth of the town, and I was enabled in 1864 to put down £15,000 for the purchase of the daily paper, the *Bombay Gazette*, of which I remained the proprietor till 1880 when I finally left India."

In December 1859 Dr. George Buist was appointed by the Bombay Government Municipal Commissioner of Bombay in addition to two half-time Commissioners, and retired from the editorship of the *Bombay Standard*. Mr. Matthias Mull, its Manager, purchased the paper from the shareholders. About this time Mr. Robert Knight also purchased the *Bombay Times* from its Indian shareholders, giving Mr. Matthias Mull a share. These gentlemen, therefore, incorporated the two papers into one which, from the 1st January 1860, appeared as the *Times and Standard*.

From the 1st January 1860 the *Akhbar-e-Saudagar* was made a daily. From the 1st November of this year the *Bombay Samachar* was also enlarged and made a daily. From the 18th May 1861 Messrs. Robert Knight and Matthias Mull changed the name of their paper, the *Times and Standard*, to that of the *Times of India*.* In July following they purchased the proprietary rights of the *Telegraph and Courier* and amalgamated it with the *Times of India*.

On the 21st October 1861 Mr. Karsendas Moolji,† editor of the *Satya Prakash*, published an article in

* Mr. Robert Knight writes :—"The modern Bombay Press dates from the year 1860 when Mr. Mull and I bought jointly the *Bombay Times* and the *Bombay Standard*, forming one paper of the two, under the title of the *Bombay Times and Standard*. The long title was an awkward one, and when in 1861 we bought the *Telegraph and Courier*, the third paper we incorporated—we adopted as our title the *Times of India*, to the intense annoyance of the proprietors of the *Friend of India* (of Serampur, Bengal) who never condescended to recognise the change to the last days of their ownership of the *Friend*. The *Times of India* is beyond doubt a capital title, but the proprietors would probably never have adopted it, but that the public had become accustomed to the jargon 'of India' from the Serampur paper."

† See Buckland, *Dictionary of Indian Biography*, page 306.

which he charged the *Maharajahs* or high priests of the Wallabacharya sect with teaching immoral doctrines and indulging in adulterous practices with their female devotees, and accused Jodunathji Brijratanji, a high priest in Bombay, noted for his opposition to religious and educational reforms, as especially guilty of the grossest immorality. The Maharajah brought a civil action against Mr. Moolji who was defended by the celebrated lawyer, Mr. Chisholm Anstey. The Chief Justice, Sir Joseph Arnould, gave a verdict for the editor-defendant, on the main issues with costs. The plaintiff was, however, allowed damage for Rs. 5. For this civil suit Mr. Karsendas was obliged to give up his paper, the *Satya Prakash*, which, in December 1861, was incorporated with the *Rast Goftar*, and the amalgamated paper took the single title of *Rast Goftar* and *Satya Prakash*.

In 1862 the now well-known *Indu Prakash* was started as a weekly Anglo-Maratha journal. Rao Bahadur G. A. Mankar in his biography of Mahadev Govind Ranade thus writes about its origin :—

"The *Indu Prakash*, a weekly Anglo-Maratha journal, was started soon after Mr. Ranade's taking his degree of B.A., in 1862. The Vernacular Press was then in its infancy. The few Maratha journals that were then in existence, were conducted solely in Marathi by men who were hardly educated enough to be aware of the duties and responsibilities of journalists, or to be able to discharge them with any degree of satisfaction. Their utterances, generally speaking, were extremely feeble and puerile. It is no wonder that they failed to command any attention or respect. It was, therefore, thought desirable by the projectors of the *Indu Prakash* to start a journal which should discuss the leading topics of the day with moderation, discernment and fullness, whose editorial comments on men and measures should be inspired

with enlightened views, which should lay the grievances of the people in a just and fair way before the Government, and seek redress thereof by constitutional methods, which should be a just and moderate interpreter between the rulers and the ruled, and should advocate not only political advancement of the people, but also social and material progress. The object of such journal could only be attained by an able, learned and thoughtful editor. And happily the choice fell upon Mr. Ranade who had then lately taken his B.A. degree with distinction. Being a college fellow and a candidate for honours he had, of course, no leisure to take up the entire management of the journal. Consequently the editorship of the English portion of the journal only was entrusted to him, the management of the Maratha columns having been taken by one of the projector themselves."

The latter gentleman was Pandit Vishnu Parushram Shastree,* the Vidyasagar of Bombay.

In this year Messrs. Kursendas Moolji and Nanabhai Rustomji Ranina started a paper called the *Satya Dipak* which lived for four years. In 1864 Mr. John Connon, who returned to Bombay in 1861 to edit the *Bombay Gazette*, was appointed Chief Magistrate† of Bombay and sold his paper to Mr. J. M. Maclean, editor and proprietor of the *Bombay Saturday Review*.

*Subsequently he became proprietor of the *Indu Prakash*; died in 1876.

† Mr. Robert Knight thus writes:—"Mr. Connon deserved well of Bombay. In spite of his faults, he was an honest, independent writer, and he introduced careful editing, and the discussion of important public questions into the Bombay Press, having as one of his colleagues, the late Professor Green of the Poona College, whose essay on the Goldsmid-Wingate 'Settlement' of the land in Western India is a paper valuable for all time to the Indian Statesman." (Vide *The Deccan Ryots and their Land Tenure*. By H. Green, Professor of Literature at Poona College, Bombay, 1852.)

Mr. James Douglas in his *Bombay and Western India*, Vol. I, p. 239, says:—"John Connon was an upright and conscientious judge, and I may add an upright and fearless journalist. 'I have been of the Press,' said he in his happiest vein of pleasantry at a public dinner, and at a time when he had left the Press for ever; 'and—I may take to it again, and I hereby give fair warning that if any man vexes, torments, or unduly persecutes me without cause, I shall—start a newspaper and hunt him down. The English Cemetery of Alexandria is a forbidding place, no doubt in all conscience now deeply enough ploughed by the British Army of Occupation. Here on this bleak and sandy waste, where an Empire was lost and won, under scanty shadow of tamarisk or accacia and under the granite of his

From the 1st March 1864 Mr. Robert Knight took leave from the editorship of the *Times of India* for going home to rest for three years.* The Rev. Mr. F. Gell of the Bombay Ecclesiastical Establishment, who was then on furlough, became editor of the *Times of India* during Mr. Knight's absence. The Lord Bishop of Bombay immediately after took objection to Mr. Gell's

native district, lie the mortal remains of John Connon." On page 237 there is a portrait of John Connon as Chief Magistrate of Bombay. There is a short account of him in Buckland's *Dictionary of Indian Biography*, p. 467 (addenda).

Another Bombay journalist writes:—"Honest" John Connon was a member of the Bombay Press before his elevation to the Magistracy. As a Magistrate, 'Honest' John was successful and popular, and many were the stories in circulation in the early seventies (of the last century) concerning his efficacious judicial methods."

* On this occasion the citizens of Bombay acknowledged Mr. Knight's services in a public manner. A meeting of his friends, European and Indian, was held at Mazagon Castle on the 10th March, to express to Mr. Knight 'their appreciation of his conduct as a public journalist which had so greatly tended to spread correct and useful information on many questions of great public interest and to promote good feeling between Natives and Europeans.' Sir Jamsetjee Jeejeebhoy, second Baronet, presided on the occasion, and among speakers at the meeting, were the Chairman, the Hon'ble Juggernath Sunkersett, Sir Alexander Grant, Bart., Mr. Dosabhai Framji Karaka, the Rev. John Wilson, Dr. Bhau Daji, Sir Mangaldas Nathubhoy, Sir Raymond (then Mr.) West and Sir George (then Mr.) Birdwood. An influential committee was appointed with Mr. Dosabhai Framji as Secretary. A sum of Rs. 65,000 was subscribed on the spot, and it rose to nearly a lakh of rupees at the time of the presentation of a purse to Mr. Knight. Sir Bartle Frere, then Governor of Bombay, was one of the subscribers to the testimonial; and Sir Cowasjee Jehangir and the Hon'ble Rustomjee Jamsetjee Jeejeebhoy subscribed Rs. 5,000 each. The presentation of the address and purse took place at Mazagon Castle on the 12th May 1864 when Sir Jamsetjee Jeejeebhoy read the address. Mr. Knight in receiving the cheque, which was handed over to him by Sir Jamsetjee, made an appropriate reply. On the same day an address was also presented to Mr. Knight by the editors of the Vernacular Press of Bombay. Mr. Knight made a suitable reply to this address also.

Besides the above purse the famous patriot of Bombay, Mr. Kursendas Madhudas, privately gave to Mr. Knight "a very big sum" in recognition of the valuable services he had rendered to the cause of the country. Mr. Knight acknowledges Mr. Kursendas's munificence in the following letter:—

Times of India,

BOMBAY, 2nd April 1864.

MY DEAR KURSENDAS,—Your munificence really distresses me. I do not know what I have done to deserve such returns. I have simply striven to be just, and you pay me for it thus.

However, I accept your singular mark of regard with the condition attached to it. I shall hand it over to my wife and children, and I must take care to introduce them to you before we leave.

I shall send the cheque for Rs. 1,500 to the bank as you direct. I hope to return to India next year or the year after, but whether I do or not, I shall remember the singular friendship you have evinced for

Yours very sincerely,

R. KNIGHT.

undertaking such a duty. The Government of Bombay referred the whole question to the Secretary of State for India in a despatch No. 3, dated the 8th August 1864. The following extract from the despatch explains what took place.

1. "The Reverend F. Gell took a furlough in India, and shortly afterwards became one of the editors of the *Times of India*, a local newspaper.

A Bombay journalist thus writes on Mr. Knight's conduct of the *Times of India*:—"In the conduct of the *Times of India*, the combination of three Bombay dailies, Mr. Knight enlisted the best talent available for the purpose. It should be no breach of confidence, we believe, to mention that men like Sir Alexander Grant, then Director of Public Instruction, Bombay, the late Sir Michael Westropp, the Hon'ble Walter R. Cassels, an eminent merchant and a member of the Bombay Legislative Council, Sir George (then Dr.) Birdwood, Sir Raymond West and others were among the chief contributors to the paper. In the conduct of it, however, Mr. Knight found a powerful opponent in Mr J. M. Maclean, afterwards a member of Parliament. He had come out to Bombay to edit the *Bombay Gazette* under a covenant with Mr. John Cannon, its proprietor; and having severed his connection with that paper, he started a weekly newspaper known as the *Bombay Saturday Review*, in which the weak points of Mr. Knight's writings were passionately, though ably, controverted and ridiculed. Mr. Maclean had also secured an able staff of contributors for his weekly paper; and the public questions of the day were discussed in the rival journals with unusual ability. As was remarked by the late Sir Jamsetjee Jeejeebhoy, second Baronet, on the occasion of presenting an address and a purse to Mr. Knight in May 1864, "it was by the attracting influence of an honest, lofty and generous policy that you continued to draw around you that phalanx of able and thoroughly informed writers, who made the *Times of India* an arbiter in nearly all the great questions of public policy that have been controverted for some years past."

"Mr. Knight took up one after another the questions of the right of adoption, the misapplication of the revenues of India to English purposes, the indigo dispute, the electric telegraph, the license tax, the Press gagging bill, the waste land question, all of which were handled by him with much ability. The income tax found in him a great opponent, and the series of letters which he addressed publicly in his own name to the late Mr. James Wilson, Finance Member, showed that there was no necessity for imposing the tax. Similarly it might be mentioned here that when the shroffs and bankers of the country sustained heavy losses by the conversion of the 5 per cent. Government loans into 4 per cent. in the time of the late Lord Dalhousie, Mr. Knight came forward in his own name and denounced the measure in a series of letters, published in the *Bombay Times*, which showed great natural abilities in the writer. In the celebrated indigo dispute in Bengal he took part of the poor ryots and commented severely upon the conduct of his countrymen in the Bengal Presidency. The following is a strong illustration:—

THE "ENGLISHMAN" OFFICE,

CALCUTTA, 21st August 1861.

To the Editor of the *Times of India*, etc.

SIR,—In your paper of the 10th instant, I see you have done me the honour to introduce my name in one of your leading articles, but you have chosen to attach to it, for reasons not apparent in the argument, a distinction to which as my name it has no claim. I do not know on what information you call me an *Hungarian*, but as it is entirely false, and I happen to be an Englishman, pure bred and proud of my nationality, I do not approve of being so unnecessarily

2. The Lord Bishop of Bombay, in consequence, addressed us, as in his letter No. 30 of 28th March 1864, objecting to such duty being undertaken by any clergyman.

3. He again addressed us, as in his letter No. 33 of 9th May 1864, in which he objected to the character of certain articles which appeared in the *Times of India*.

deprived of my birthright. I, therefore, look to you for the courtesy, which I have certainly given you no personal reason to depart from, and as this assertion is of a kind you can have no justification for having made, I shall be obliged by your taking such opportunity as you may deem fitting for contradicting your gratuitous assertion that I am an alien professing to be an Englishman.

I am, Sir, yours truly,

WALTER BRETT,

Editor of the "*Englishman*."

The following is the reply:—

"TIMES OF INDIA" OFFICE,
BOMBAY, 9th September 1861.

WALTER BRETT, ESQ.,

Editor of the "*Englishman*," Calcutta.

SIR,—I have ever understood that Calcutta is in doubt as to the country which claims the honour of your birth and was recently informed that the general information is that you are not an Englishman, but a Hungarian.

Under ordinary circumstances I would accept implicitly your assurance that you are an Englishman, and make the correction you ask for, but I put it to yourself whether I can place much reliance upon the statement of a writer who knowing well that his readers had no means of correcting his representations of the nature of the *Nil Darpan* (*Mirror of Indigo*) pamphlet, laboured for weeks to impress them with the belief that it is "an obscene and filthy production"! And with the same disregard for truth sent forth to the world a garbled account of the Judge's charge (in the *Nil Darpan* defamation case against the Reverend Mr. James Long) as a true and faithful report of his deliverance. Can I suppose that you would hesitate to mislead the public in the matter of your nationality any more than in the instances I have cited?

I notice also that you make the mistake of characterising as *un-English* the moderation, forbearance and love of justice shown by a portion of your contemporaries, and it is natural to suppose that your mistake arises from the fact that you are imperfectly acquainted with the national character.

I have the honour to be,

Sir,

Your most obedient servant,

ROBERT KNIGHT.

From June 1864 to March 1867 Mr. Knight remained in England. In 1866 he made preparations for founding a journal in London when Black Friday fell upon London, and his Bankers Messrs. Overend, Gurney and Company closed their doors with terrible crisis. This not only stopped the enterprise but obliged Mr. Knight to apply for insolvency. In April-May 1867 Mr. Knight returned to Bombay and resumed charge of the *Times of India*. Mr. William Martin Wood remained for the time being joint editor of the paper. Be it mentioned here for the sake of Mr. Knight's credit that though he became insolvent in 1866-67 he afterwards paid fully all his creditors to their entire satisfaction.

4. We accordingly replied, as in our Secretary's letter No. 73 of 20th June 1864, pointing out that there are two distinct questions :—

Firstly.—The propriety of a clergyman occupying the position of editor of a newspaper.

Secondly.—The degree of restriction which the Government would reasonably and wisely place upon the occupations of its officers during furlough, with particular application of the principle of such restriction to the editorship of an Indian newspaper.

5. To this the Bishop replied, as in his letter No. 43 of 5th July, submitting the correspondence which has taken place between himself and the Reverend Mr. Gell.

6. Beside the questions stated, the Bishop's letter raises a third, *viz.*, whether, irrespectively of the propriety of a clergyman undertaking the editorship of a newspaper at all, the Reverend Mr. Gell's conduct, as Editor, has been such as to warrant interference by Government on that ground alone. We cannot view this question in the same light as the Lord Bishop treats it. The articles to which His Lordship alludes in his letter of 9th May accompany this despatch, and, to say nothing of the uncertainty as to who actually writes a particular article in a newspaper, we do not think that the Reverend Mr. Gell can be exceptionally treated on account of the character of those articles.

7. Again, we do not think that we can advantageously entertain the question of whether the post of editor of a newspaper be necessarily unbecoming to a clergyman.

8. The Government, it seems to us, can only decide what considerations should restrict the occupation of its servants during furlough. We have no sufficient reason for excluding any occupation within the limits of lawful and respectable employments excepting those likely to cause engagements extending beyond the duration of the furlough, and those which lead to new relations with Government, independent of, and liable to be inconsistent with, the relations between Government and its paid officers.

9. The functions both of a newspaper and of its editor are of an informal character; but criticism of the administration of Government is so generally recognised by Englishmen as one of the most important purposes of a newspaper that we are inclined to regard the editorship of a local newspaper as virtually placing a servant of Government in new and very probably antagonistic relations with Government, and, therefore, an occupation from which a Government servant on furlough should be excluded.

10. We append copies of our several Minutes on this subject, and we would add that we should have at once acted on the above stated opinion, but for the consideration pointed out in our President's Minute that any rule on the point will have a wider application than contemplated by the Lord Bishop, and that we are, therefore, anxious to fortify our decision by the authority of Her Majesty's Government.

11. Referring to the third paragraph of the Reverend Mr. Gell's letter of 28th March, we beg to state that we do not know who are the servants of Government to whom he alludes as engaged in editing the *Bombay Saturday Review* and the *Catholic Examiner*.

H. B. E. FRERE

AND OTHERS.

To the above despatch the Secretary of State for India replied as follows in his despatch No. 12, dated the 16th November 1864 :—

"I have considered in Council your letter dated 8th August (No. 3) 1864, forwarding correspondence with the Bishop of Bombay relative to the undertaking by the Reverend F. Gell of the editorship of the *Times of India*, while taking his furlough in India, and requesting the opinion of Her Majesty's Government before issuing any orders on the question of the editing of newspapers by Government officers.

2. In reply I have to observe that under the orders addressed by the Court of Directors to the Government of India of 11th May 1853, it was within your competence to deal definitely with the case of Mr. Gell, but as you have

thought fit to refer it for my decision, I think it proper to state that I am of opinion that no officer, civil or military, whether he be in actual service or on furlough, ought to be permitted to edit a newspaper in India without the express sanction of the Government.

C. WOOD.

Partly in consequence of this order and partly for the expiration of his period of furlough, the Reverend Mr. F. Gell ceased to be editor of the *Times of India* in December 1864 and was succeeded temporarily by Mr. Louis Jennings* then staying in Bombay as the Special Correspondent of the London *Times*. Mr. William Martin Wood arrived in February 1865 and relieved Mr. Louis Jennings from the editorship of the *Times of India*.

In 1864 Mr. Vishvanath Narayan Mandlik (afterwards Rao Shaheb and C.S.I.) started the *Native Opinion* as an English weekly and conducted it till 1871.† In the beginning of 1864 Mr. Mancherjee Hormusji Cama (died in 1894) published an English translation of Professor Schweigler's German edition of *Zenda Avesta* and distributed copies free to the Parsi people. The *Rast Gofar* criticised this book severely. Annoyed at this Mr. Cama, Sett Mehervanji, Pande and others started in Gujarati the *Suryadaya* (sunrise) as a rival to the *Rast Gofar* from the *Moombai na Samachar* press; it began to be edited by Maneckji Burjorji Minocher-Homji with the object of opposing social reforms. It circulated for three years and stopped in 1866. Its editor, Mr. Maneckji Burjorji Minocher-

* For an account see my "Pillars of Indian Journalism" published in the *Journal* (The *Englishman's* Sunday edition) of 12th April 1908.

† Mr. Mandlik was succeeded in the editorship of the *Native Opinion* by Mr. N. M. Parmanand, who in May 1873 began to edit the *Subodhi Patrika* jointly with Mr. (now knighted) Narayan Ganesh Chandavarkar. The latter journal is the organ of the Bombay *Prarthana Samaj*. The *Native Opinion* has now changed hands and developed into an Anglo-Marathi bi-weekly.

Homji, then became editor and part proprietor of the *Bombay Samachar* from the 27th June 1866.

In May 1867 Mr. Robert Knight returned from home and resumed the editorial charge of the *Times of India*. In 1868 Mr. Maneckji Burjorji Minocher-Homji brought out a weekly paper in Gujarati called the *Loke-Mitra* (*People's Friend*) from the *Moombai na Samachar* press.

In 1868 Major William Nassau Lees, then Principal of the Calcutta Madrasah, was severely attacked for certain transactions in the *Indian Public Opinion** newspaper of Calcutta. He sought permission of the Government of India to institute legal proceedings against the proprietors of the paper for the vindication of his character, but the Government of India refused him permission to do so in the following letter:—

From the Secretary to the Government of India in the Home Department, to Major W. N. Lees, LL.D., No. 1749, dated the 9th April 1868:—

I am directed to acknowledge the receipt of your letter dated the 30th ultimo, and in reply to state that, while the Governor-General in Council would be very unwilling to prevent you from taking steps which were necessary for the vindication of your character, His Excellency in Council does not think that it would be for the benefit of the public service to authorise you to commence legal proceedings against the proprietors of the *Indian Public Opinion* newspaper in the manner that you desire. If such a course were really necessary for your protection against unfounded accusations, the case would be different, but it does not appear to the Governor-General in Council that such necessity actually exists.

2. You voluntarily afforded, some months ago, to the Government of India, an explanation of the circumstances

* This paper was afterwards incorporated with the *Bengalee* of Calcutta.

under which the transactions in question had occurred, and you were informed in reply, that your explanation was considered by His Excellency in Council to be, as regarded yourself, quite satisfactory.

3. You are authorised to make public, in any manner that you desire, the orders that are now communicated to you, as well as the former orders, and the explanation to which they referred, and it appears to His Excellency in Council that this will be amply sufficient to vindicate your character against the charges in question.

In the beginning of 1868 acute differences arose between Mr. Robert Knight and his partner, Mr. Mathias Mull,* about their interest in the *Times of India* newspaper and printing offices. Mr. Robert Knight agreed to retire from the business in favour of his partner, and by an agreement made on the 28th November 1868, it was mutually agreed (1) that the said partnership should be dissolved from the 1st of July 1868; (2) that Mr. Robert Knight should sell his share † in the

* A Bombay journalist thus writes about Mathias Mull:—"Mull was a musical enthusiast who also believed that he had a special mission to construe Shakespeare. He was the originator of the rupee popular concerts at the Town Hall and indeed took a prominent part in everything connected with music in Bombay in those days. He was the kindest and most generous of men, and much sympathy was manifested for him in the financial troubles which darkened the closing years of his life. He usually devoted the early mornings to a careful perusal of the day's issue in which he would mark in red ink any blunders, printer's or literary, and send the marked copy to the members of the staff as an object lesson. Once a dreadful thing happened. The Bishop had consecrated a small place of worship on the previous day, and in the course of his address had remarked that it required to be "dammered", a term well known to Bombay residents. But the next day's paper represented the greatest ecclesiastical dignitary of the island as having said that the "church ought to be d—d." Of course it was a printer's or a proof-reader's blunder, but the unlucky reporter had to suffer. "You have ruined the paper, sir," said Mull. The offence was unforgivable and that reporter had to seek another sphere for his talent for misrepresenting things." For an account see Buckland, *Dictionary of Indian Biography*, p. 306.

† This share was virtually purchased by Colonel William Nassau Lees who had been Principal of the Calcutta Madrassah and Mr. William Martin Wood who succeeded Mr. Robert Knight as editor of the *Times of India*. Colonel Lees eventually acquired the whole concern.

A Bombay journalist thus writes about Colonel Nassau Lees:—"Nassau Lees was not a frequent visitor to Bombay. He was an Oriental Scholar and had been Principal of the Calcutta Madrassah. His contributions to the current newspaper literature of the period were made over the pseudonym of 'Hafiz' or 'Carolanus' and were not conspicuous for their merit as pieces of composition." For an account see Buckland, *Dictionary of Indian Biography*, p. 249.

partnership property to Mr. Mathias Mull for one lakh of rupees; (3) that he should receive Rs. 40,000 in cash at once, Rs. 40,000 on the 3rd June 1869; and the balance Rs. 20,000 on the 3rd June 1870; (4) that the unpaid portion of the purchase money of Mr Robert Knight's share in the partnership property and outstandings (Rs. 60,000) should be secured by a mortgage of the said newspaper and printing office; (5) that Mr. Robert Knight should be and remain sole editor of the *Times of India* for 12 months from the 1st of July 1868 on a salary of Rs. 1,300 per mensem, which should be paid regularly on the 1st of every month; (6) that Mr. Robert Knight shall not carry on, edit or become, or be in any way directly or indirectly in property or otherwise connected with the carrying on, or editing of, any other newspaper or periodical within the Presidency of Bombay, except the said *Times of India*.

But in January 1869 Mr. Robert Knight was informed by Mr. Mathias Mull that he would not permit him to discharge the duties of the editor of the *Times of India*. The following correspondence between them reveals fully the reason of the quarrel:—

To R. KNIGHT, ESQ.

SIR,—I have heard with considerable consternation, that while I was in England in 1862, you entered into a negotiation affecting the reputation and interests of this office, which demands immediate explanation, and refutation if that be possible.

I am informed by Mr. Sim of Bombay, that you tendered to him the first inspection of telegrams coming to this office, the consideration for which privilege was the sum of Rs. 4,000 (four thousand) paid you. No such sum, of course, appears in our books, as it was a private transaction into which you induced Mr. Sim to enter.

If no satisfactory refutation of the alleged transaction is furnished me during business hours to-day, I shall take what course I deem necessary in the matter.

I am, etc.,
M. MULL.

23rd January 1869.

TO M. MULL.

SIR,—I do not deign to answer the insolent and calumnious charge. You must *know* it to be false as well as I do.

Yours obediently,
R. KNIGHT.

23rd January 1869.

TO R. KNIGHT, ESQ.

SIR,—Your reply is most unsatisfactory. I have from Mr. Sim himself the statement made in my former letter, and he has permitted me to use his name in support of that statement.

Mere denial, therefore, on your part cannot be expected to satisfy me.

Yours, etc.,
M. MULL.

23rd January 1869.

TO R. KNIGHT, ESQ.

SIR,—You have forwarded to Mr. Sim my (to-day's) letters and your denial of the charge therein made. He in his reply to you, confirms to the fullest that charge, and besides supplies further information which affects Mr. Manockjee Tuback. After this confirmation by Mr. Sim himself your denial can be characterised only in the most painful, emphatic and denunciatory terms. You thought that by putting into his hands your audacious denial to me—appalling in its falsehood—he would probably follow your lead and sustain you in the lying course you had taken.

Not only have you resorted to falsehood in denying the transaction now proved, but you were so base as to cast upon me the imputation that I must know it to be "false as

well as" you. To reply as you did "I do not deign to answer the insolent and calumnious charge," when *you* knew that that charge was true, reveals a depth of degradation not altogether unknown to me, but only now visible in its broadest and darkest colours.

As you have not hesitated (in the desperate hope of checking further enquiry) to impute to me the knowledge that I was falsely accusing you, and seeing that you have resorted to the most reckless falsehood in the same vain hope, I deem you unfit to conduct for one hour longer the editorial duties of the *Times of India*, and besides I also deem you a dangerous man to be on these premises. I, therefore, prohibit your entering this office as editor any longer; your presence will only be recognised as a private individual for the purpose of removing any property that may belong to you.

Yours, etc.,
M. MULL.

23rd January 1869.

TO M. MULL, ESQ.

SIR,—I have received your foolish and wicked letter of yesterday. Your charge is simply a calumny from beginning to end. It was impossible for me to reply to Mr. Sim yesterday from pressure of another engagement, but I was fortunately able before leaving office to lay my hands upon the correspondence of 1862 which I had feared was destroyed long since, concerning this Rs. 4,000 which you calumniously say was paid for the sale of the *Times* telegrams. I, therefore, warn you against persistence in this new and unprincipled effort to get this journal into your own hands at all costs. As potential mortgagee thereof, for I suppose £17,000 or £18,000, and as sole editor by contract till 30th June next, I will suffer no interference therewith on your part of any kind, and if necessary will apply to the Court of Chancery to remove you from the premises altogether. You will find that I have far greater powers as mortgagee than unfortunately for myself I ever possessed as partner.

I have given instructions to the printers for to-morrow's paper, and if you interfere therewith I will go straight to the

Chancery Court for relief against your unprincipled efforts to drive me by outrage out of a property in which I possess so overwhelming and you so subordinate an interest.

Yours, etc.,
R. KNIGHT.

24th January 1869.

R. KNIGHT, ESQ.

SIR,—I have received your letter of this day's date, in which there is no attempt whatever at explanation or refutation of the statement made to me by Mr. Sim, and subsequently confirmed by that gentleman in his letter to you yesterday. Your letter to which I am now replying consists, indeed, only of abuse and threats—the former is beneath my notice and the latter I can afford to disregard.

For the protection of my own interests, and from regard to the reputation of this journal, I shall adhere to my determination to relieve you of your editorial duties forthwith.

Yours, etc.,
M. MULL.

24th January 1869.

TO M. MULL, ESQ.

SIR,—I am not anxious, but am quite determined to go for relief to the High Court as soon as I can prepare an affidavit setting forth the long course of injury and persecution I have sustained at your hands, if you do not send me by 1 o'clock to-day the assurance that you will cease to interfere with the editorship of this paper. You cannot but know that you are violating, in the most open manner, one of the conditions upon which I agreed to retire from the firm in your favour, namely, that I should be and *remain sole* editor thereof until the 30th June next, when the second heavy instalment you have to pay me becomes due. You cannot but know moreover that I ought to have already had the mortgage of the property in my hands, and that the delay has been occasioned through Mr. Wilkies' concentrating himself upon your calender. And, lastly, that while my heavy claim thereon remains unpaid, I and not you am the real proprietor of the journal. Now I have yielded as far as I mean to yield, and I will *not* allow you to interfere with the

editorship any further, and unless you send me by 1 o'clock to-day the assurance that you will commit no further breach of the twelfth condition of our agreement, I will devote the afternoon to preparing an affidavit applying for an injunction to-morrow if possible. I should hope that you are not going to be mad enough to force me to assert my rights under our contract, in the Chancery Court.

Yours, etc.,
R. KNIGHT.

25th January 1869.

TO R. KNIGHT, ESQ.

SIR,—You have a plain duty before you—not to resort to threats, which I disregard altogether—but to clear yourself of the imputation alleged against you by Mr. Sim.

In your letter of yesterday you declare that you have in your possession correspondence which places the transaction under notice in light which contradicts Mr. Sim's statement. Produce it at once—that would be the course of an innocent man, the "calumny" will then meet its *quietus*. I shall rejoice at your being able to exculpate yourself, and Mr. Sim will no doubt apologise. Your exculpation, according to your own statement, is in your own hands. I accept your word, that you have the power to satisfactorily explain the transaction, on the condition that you supply me with your alleged proof in 48 hours from this time. Unless that be done, I shall resume, what I had begun, to take the editorial conduct of this journal into my own hands.

Yours, etc.,
M. MULL.

25th January 1869.

P.S.—You have introduced much irrelevant matter into this as into your former letter, which is but a waste of time on your part. I only notice the subject for the purpose of saying, that you have been asked several times, as yet unsuccessfully, for some accounts of monies paid by you in London, which accounts are needed for the adjustment of the books of this office.

TO R. KNIGHT, ESQ.

SIR,—You have failed to place in my hands certain correspondence which you declare in your letter of 24th instant you are in possession of, the purport of which you intimate alters the character of the transaction alleged against you. I have reason to believe that no such correspondence exists, and that your statement that it does exist is untruthful.

Mr. Sim, in the correspondence that has passed between you both during the last two days, adheres to the statement made in his letter to you of the 23rd; consequently, there is no course now open but to adhere to the determination expressed in my letter of Monday to relieve you of the editorial duties of this journal from to-day.

Yours, etc.,
M. MULL.

27th January 1869.

M. MULL, ESQ., *Times of India* Office.

SIR,—Mr. Knight has placed in our hands the correspondence which has recently passed between yourself and him, in which you claim the right to determine his editorship of the *Times of India* on the ground that misconduct alleged to have taken place so far back as 1862, but for which as we are instructed, there is not the slightest foundation.

We are now instructed by Mr. Knight to deny that you have any right whatever under your agreement with him, to put an end to the editorship especially reserved to him by the terms of your dissolution of partnership, and to give you notice that in the event of your in any way obstructing him in the continuation of his duties as editor, or otherwise omitting to fulfil your engagements under the agreement in question, we are instructed to file a suit against you to compel the specific performance of the agreement, and for damages in consequence of its breach.

1 } We are, etc.,
ACLAND, PRENTIS AND BISHOP.

28th January 1869.

TO MESSRS. ACLAND, PRENTIS AND BISHOP.

GENTLEMEN,—I claim and have exercised, the right as proprietor to determine the editorship of the *Times of India* in the person of Mr. R. Knight. If he thinks fit to question that right, the Courts are open to him for redress.

Besides the reasons assigned for relieving him of his editorial duties, he is doing serious damage to my property by his scandalous writings affecting the reputation of public men, for an instance of which I refer him to his leading article of Saturday last.

I am, yours faithfully,
— M. MULL.

"TIMES OF INDIA" OFFICE,
28th January 1869.

Accordingly on the 2nd February 1869 at the High Court, Bombay, Mr. White (with whom was Mr. Dunbar) instructed by Messrs. Acland, Prentis and Bishop made an *ex parte* application to the Hon'ble Sir Joseph Arnould to present a plaint filed by Mr. Robert Knight against Mr. Mathias Mull; and at the same time to move for rule calling on the defendant to show cause why an injunction should not issue under the circumstances set forth in the affidavit of the plaintiff.

The plaint is as follows:—

1. The plaintiff and the defendant were for some time partners in Bombay as proprietors of *Times of India*, newspaper and of the printing office connected therewith. By a memorandum of agreement made on the twenty-eighth day of November 1868, it was mutually agreed that this said partnership should be dissolved as from the first day of July 1868.

2. It was by the said agreement further provided that the plaintiff should sell his share in the partnership property to the defendant on the terms therein mentioned, and it was further provided that the unpaid portion of the purchase-money of the plaintiff's share in the partnership property and his share of the partnership property and outstanding should

be secured by a mortgage of the said newspaper and printing office.

3. By the twelfth clause of the said agreement it was provided that the plaintiff should be, and remain, sole editor of the said *Times of India*, from and to the end of twelve months from the 1st of July 1868, at a salary of Rs. 1,300 per mensem, and that the defendant would pay the plaintiff the said last mentioned salary regularly every month from the said 1st day of July during the said last mentioned term of twelve months from that date. The plaintiff had been for a long time previous the editor of the said newspaper, and after the making of the said agreement he continued to act as editor, until interfered with by the defendant as herein stated.

6. The plaintiff occupied a room in the office of the said newspaper for the discharge of the duties of editor.

7. On the 28th January last, the defendant informed the plaintiff that he could not permit him any longer to discharge the duties of editor of the said newspaper, and that he would take possession of the said room which had been so occupied by the plaintiff.

8. Since the twenty-eighth of January last the defendant has entirely excluded the plaintiff from the office of the said newspaper, and has refused to allow the plaintiff to have access thereto, and has taken possession of the said room occupied by the plaintiff, and has refused to allow the plaintiff to act as editor of the said newspaper, and has entirely prevented him from so acting.

9. Plaintiff submits that he is entitled to have the said twelfth clause of the said agreement of the 28th of November 1868, specially performed by the defendant, and that the defendant ought to be restricted by the order and injunction of this Hon'ble Court from preventing or hindering the plaintiff from discharging the duties of editor of the said newspaper.

The plaintiff prays for the following or such other relief as the nature of the case may require:—

1. That the plaintiff may be declared entitled to have the said agreement of the 28th of November, 1868, especially performed by the defendant.

2. That the defendant may be empowered to allow the plaintiff to remain and be sole editor of the said newspaper for twelve months from the 1st day of July 1868.

3. That the defendant may be restrained by the order and injunction of this Hon'ble Court from interfering with or of obstructing or preventing the plaintiff from acting as sole editor of the said newspaper for the said term of twelve months.

4. The plaintiff, in the alternative, claims Rs. 50,000 damages for the defendant's breach of the said 12th clause of the said agreement.

5. That the defendant may be decreed to pay the costs of this suit.

The plaint was accepted, and an affidavit which was a mere echo of the plaint and was filed by Mr. Knight in support of the plaint was then read. The last portion of the affidavit runs thus:—

"With reference to such interference and exclusion as aforesaid, certain correspondence has passed between me and the said defendant, and between my solicitors and the said defendant, copies whereof are annexed to the plaint filed in this suit, and to which, for the sake of brevity, I crave leave to refer.

"The charges therein made against me by the said defendant are wholly untrue."

As there was a *prima facie* case His Lordship said:—"Take an order *nisi* for an injunction, injunction to issue *ad interim* until further order. That will give you everything you want, because Mr. Knight will have access to the room, and be sole editor until the Court do otherwise order, which will be after the hearing." A formal order was then drawn up embodying the foregoing direction of the Court.

The following note by Mr. Knight appeared in the *Times of India* of 3rd February 1869 after the report of the case:—

"After many years of painful differences with his partner Mr. Mull, Mr. Knight finally determined on his arrival in India

a few months ago (May 1868) that the partnership should cease. Mr. Knight having much the larger interest in the journal was willing to buy Mr. Mull's share therein, upon such terms as arbitrators might determine, but Mr. Mull was very anxious that Mr. Knight should retire from the firm instead, and as it was more important for Mr. Mull to remain by the property than for Mr. Knight to do so, the latter consented, though with considerable reluctance to retire in his favour. After a protracted negotiation, the terms of Mr. Knight's retirement were finally settled on the 11th July last, as set forth in the agreement referred to above. Mr. Mull now gave infinite trouble before paying the earnest money, and the preliminary agreement, owing to his irritating delays, was not signed until the 28th November, when the money was at last forthcoming. Mr. Knight has been greatly blamed by his friends and legal advisors for the terms consented to by him in this agreement, as under them he leaves four-fifths of his capital in the business for a very long term. Now one of the conditions of the sale was that Mr. Knight should 'be and remain sole editor of the journal until the 30th June next, when the second instalment of the purchase money (£4,000 with interest) becomes due.' This condition Mr. Mull has systematically violated. For many months Mr. Knight has never known when leaving office in the evening what would appear in the paper next morning. Living upon the premises, Mr. Mull has claimed and exercised the right of putting whatever he pleased in the paper, and on several occasions has published in its columns communications expressly intended, and known by the staff in the office, to be intended, as reflections upon Mr. Knight. At midnight, in one instance, long after Mr. Knight had left office, Mr. Mull compelled the printers to append a footnote to a leading article of Mr. Knight's reflecting grossly upon Mr. Knight's article. The next day he inserted in the correspondence columns a letter, designed to convey covertly the most injurious reflections upon Mr. Knight's character, and refused to give up the manuscript of the letter, or to state who was its author. About the same time he wrote a letter to Mr. Knight's legal advisers, requiring him upon some trumped-up

charge to abandon the editorship of the journal as a condition of his (Mr. Mull's) fulfilling the agreement of the previous month. The paper has also constantly contained extracts from other journals, inserted as Mr. Knight believes, by Mr. Mull's orders, reflecting upon Mr. Knight's writings: and so late as a fortnight since, a letter headed 'Beware' was published in its correspondence columns, warning the public not to trust the editorial columns of the journal.* In none of these instances has Mr. Knight been able to recover the manuscript from the printers, Mr. Mull taking care to secure it himself.

"Mr. Mull has wished to bring Mr. Knight's writings into discredit and has treated all his remonstrances with contempt. It has been impossible of course for Mr. Knight to take proper interest in his work under these circumstances, but he has striven to do it conscientiously and as far as possible has refused to see what was going on, that he might, if possible, avoid the scandal of an open quarrel. This has now been made unavoidable, by Mr. Mull terminating the editorship upon the pretext of the scandalous story narrated in the above proceedings; for that it is a mere pretext Mr. Mull does not himself conceal. He had admitted that it was *not* this calumny that led him to this violence, but that certain of Mr. Knight's recent writings had very greatly offended him and his friends. The truth is that the money, to purchase Mr. Knight's interest in the paper, is being furnished by parties who are desirous of changing the editorship of the journal permanently.

"Mr. Knight would not apply to the Court at all for relief, but would found another journal* in Bombay, had he not still so deep an interest in the *Times of India* and were he not bound by his engagement not to do so. In due course he believes it will be in his power to show conclusively the untruthfulness of the charge made against him, and may mention that Mr. Mull himself offered to withdraw it, and to

*For this reason Mr. Mathias Mull objected to the publication of the *Indian Economist* by Mr. Robert Knight in Bombay. It was a monthly journal devoted to economic and statistical enquiries concerning India and appeared first on 10th August 1869.

pay Mr. Knight his salary up to the end of June, when the editorship terminates by contract, if Mr. Knight would only resign the editorship. Mr. Knight felt that it would be wrong for him to resign under such circumstances and refused to do so. When the injunction comes on for hearing, all the correspondence connected with the case will be laid before the Court. Mr. Knight expresses once more his regret that all his efforts to avoid this open quarrel have been frustrated. Only his intimate friends know what he has suffered during this partnership and the consideration, forbearance and gentleness which have been at last thus rewarded. Mr. Mull when urging Mr. Knight to retire in his favour, was profuse in his assurances that Mr. Knight's reputation in connection with the paper should ever be jealously asserted!"

(To be continued.)

S. C. SANIAL.

ART. V.—THE ORIGIN AND TRADITIONS OF KATHIS.

ORIGINAL HOME.

THE Kathis are not only one of the most ancient tribes of India but also are of great interest to the antiquarian. The origin of the race like that of most of the old races, is lost in obscurity, but from coins, inscriptions and writings of early historians and from other comparatively unreliable sources, it has been somewhat widely assumed that the original home of the Kathis was not in India. They are believed by some to have come from Sakitai or Sakadvipa or Scythia, and from the Dasht-i-Kapachak, crossed the the Jaxartes or Jihun and the Paropamisan range into Hindustan. Some authorities consider them to be only a branch of Rajputs. Certain customs and practices of the Kathis as well as their stature, feature and their blue and grey-coloured eyes in particular have led, however, to the supposition that they are a northern race of Scythian origin. Speculation as regards the subject is useless, but the mere fact of the Kathis worshipping the sun does not seem to clearly warrant the theory as to their Scythian or Indo-getic origin, while their own traditions tend to discount the suggestion.

TRADITIONS.

The Kathis trace their descent to the end of the Dwapar Yuga, when the Pandavas, by the play of fortune, were obliged to leave their native country and remain in secret exile for 12 years. At the termination of seven years of their banishment, the brothers arrived in Birat or Dholka and settled there, living privately.

The spies of Durjodhan discovered the place of their concealment, but without being able to verify the fact by obtaining a sight of the royal exiles, as it was part of the stake they had pledged to remain concealed for twelve years, under the penalty of doubling the period of their banishment. On the strength of his suspicions, Durjodhan prepared a large army and advanced to Birat. The place withstood his attacks, and he was despairing of success when his chief minister, Karna, the "offspring of the sun," suggested a device for discovering the Pandavas. He suggested a stratagem for carrying off the cattle of Birat, which, as he expected, would oblige every true Rajput and warrior to leave the walls for their recovery, and consequently compel the Pandavas to appear. But as it is also disgraceful for Rajputs to plunder and carry off cattle, it was necessary to have recourse to others than the brave soldiers of that caste who composed the army of Durjodhan. Karna removed this difficulty by striking a rod which he held in his hand on the ground, on which the rod opened, and there issued forth a man, who, being produced from wood, was called Kath. This newly-created being was appointed to carry off the cattle from Birat, and to reconcile them to the service, he was told by Karna that the gods would never reckon it, in him and his descendants, a sin to commit robbery, especially that of stealing cattle! "Thus," remarks Colonel Walker, "the Kattees claim a divine ordinance and privilege as the origin of the means by which the greater number of them subsist."

After Kath, the primeval ancestor of the Kathis, had performed the necessary service for which he was created, Durjodhan assigned for his use the district of Powar, lying between Sindh and Kutch, and gave him

in marriage the daughter of an Aheer or shepherd. The Kathis continue to speak with great veneration of Karna and worship his father, the sun, representing or drawing the figure of this planet on every written deed or document of any importance which they execute. Kath had eight sons—Putkur, Parwa, Manjureea, Toorea, Bail, Jobuleea, Nurer and Natha. The Kathis established themselves at Powar and remained there for several centuries as vassals of the Soomuree King of Sindh.

MIGRATION.

The emigration of Kathis to Dhank is said to have happened on the occasion of a famine when they accompanied a band of travelling Charuns who were likewise going in search of subsistence and who are supposed to have settled in Guzerat at the same time with the Kathis. The two races, moving wherever they could find forage for their flocks and provision for themselves, arrived in the neighbourhood of Dhank, the chief of which was a Rajput of the Walla tribe.

Mr. A. K. Forbes in his famous *Rás Málá* gives a different account of the migration. Once upon a time, a female dancer ridiculed one of the Soomuree kings of Sindh as she performed before him. The dancer was condemned by the king to banishment from his territories. The Kathi chiefs, who were at that time in Powar land, called the actress to their quarters, and amused themselves by causing her to sing the song which had offended the king. The Sindh chiefs, being informed of this, issued sentence of expulsion against the Kathis also. The Kathis flying from Sindh, took refuge in the dominions of a

Raja of the Walla or Walo race who ruled at Dhank, near Dhorajee, in Soreth or-Saurashtra, the modern Kathiawar. The chiefs of the Kathis became the followers of the Walo chief.

Whatever may have been the cause of the migration of the Kathis to Dhank all accounts agree that the Walo chief became enamoured of a Kathianee, daughter of Umuro Putgar, one of the Kathis. The Dhank chief demanded the beautiful Kathianee of her father in marriage, to which the father agreed on condition that the Walo should eat at the same table with him. Hereupon the brothers of the Dhank chief conspired against him as one who had lost caste and drove him from his kingdom. He took refuge with the Kathis who accepted him as their leader, and laid plans, under his direction, for seizing the territory of the Dhooneas, the men of the land.

ORIGIN OF THREE BRANCHES.

The Walo chief retained from his forefathers the worship of the sun, which religion was adopted from him by the Kathis. The chief had, by his Kathi bride, three sons—Khuman, Khachar and Hosur-Walo, who shared his acquired territories between them, and took up their residences respectively at Chotila, Mithialu and Jetpur, thus becoming founders of three Kathi tribes called after them. There arose, also, as a result of the marriage, two great classes of Kathis, the Shakayut or Gurderas, meaning the descendants of Walo or principal nobles, and the Ourteea, meaning inferior or primitive Kathis, including those who intermarried with them.

EARLY FEATS.

According to Peile, the Kathis are probably the earliest occupants of Kutch, where they slew the

sovereign of the country for his having conceived an improper attachment for one of their women who had previously been betrothed in marriage which the king would have unjustly dissolved. The Kathis are believed to have manfully opposed Alexander near Multan. The invader marched against them in person, when he nearly lost his life and left a signal memorial of his vengeance. The genealogists of Rajasthan and Saurashtra concur in assigning to the Kathis a place amongst the thirty-six royal races of India. In the earlier portions of the annals of Jeysulmir, says Balfour, mention is made of their conflicts with the Kathi, and the Kathi traditions fix their settlement in the peninsula from the south-eastern part of the valley of the Indus, about the 8th century. In the 12th century they were conspicuous in the wars with Prithwiraj, there being several leaders of the tribe attached to his army, as well as to that of his rival, the monarch of Kanaoj.

FROM KUTCH TO KATHIAWAR.

The exact year of the entry of the Kathis into Kathiawar is not known. It is possible that they formed settlements in that peninsula in the 8th century A.D. at Kathkote, and to this day the Kathis repeat couplets describing their migration from Multan and temporary settlement in the tracts called Pawin, north of the Runn, and of Megum Roa, leader, conducting the first Kathi colony across the gulf into Saurashtra 800 years ago. Strictly speaking, however, they are taken to have entered Kathiawar in the 15th century, driven from Kutch by the Samma kings of that country, better known as Jadejas. The Jadejas of Sind pursued the Kathis as far as Than in Kathiawar, and tradition

relates that in Than the leader of the Kathis was counselled by the sun in a dream to try the event of a battle, foretelling also that he would be victorious. Under this encouragement, they overcame the army of the sovereign of Kutch, gave up all idea of returning to Powar, and directed their energy towards effecting a new settlement where they had defeated their enemy. They expelled the Parmars and Babrias from Than and established their own authority there, rebuilding the ancient temple of the sun on the Kandole hill, living on the great pastoral wastes in hordes with their cattle, embracing every opportunity of plundering their neighbours, and as a terror to the country. In the 16th century, about 350 years ago, some improvement took place in their manners, for at that period they are reported to have settled in villages, and betaken themselves to fixed pursuits, either as shepherds or as cultivators or thieves and robbers. Their first regular settlements, after extending themselves from Than, were Sudumra, Guddera and Bhurdlee. Dislodged from Than by Mahomedans in the 17th century, the Kathis took possession of the Girnai mountains and the outlying regions, acquiring territories from the chiefs as the price of affording them security against their plundering incursions. In this way the districts of Bhadla, Jasdan, Anandpur, Meywassa, Bhairla, Chitul, Jetpur, and several other taluks came under their sway, and a powerful Kathi colony was established in Saurashtra—the Khachar Kathis migrating to Chotila, the Khavads to Sayla (now absorbed by the Jhala house), the Walas to Chital and the Khumans to Javar-Kundla which now belongs to Bhownaggur. With these later acquisitions the Kathis now occupy a large tract of territory between Gohelwad and Soreth. The Mahrattas who

came into contact with them in their forays and were sometimes successfully repelled by them, extended the name of Kathiawar to the whole province, and from them we have come to apply it in a similar wide sense. Thus is it that Kathiawar, the modern name of the entire peninsula, has completely superseded the ancient title of Saurashtra. The recent history of the Kathis is that of Kathiawar. The British were invited by the Kathi chiefs in 1803 to settle their affairs, and Colonel Walker formed the Agency four years later.

HABITS AND CUSTOMS.

Colonel Walker, writing in 1807, gives an interesting account of the Kathis. At that time they were not numerous, and their mode of life was unfavourable to population. They were formidable by their boldness and dexterity, but in their great incursions they used to supply their want of numbers by hiring the horsemen of the country. They paid their mercenaries liberally, and rewarded those who might suffer, but never allowed them a share of their booty, the profit and loss of the adventure being exclusively their own. Some of the chiefs lived in forts and castles where they secured their plunder and retired on any external danger. When a tribe or family became notorious robbers and attracted sufficient attention to appear objects of severe punishment, they immediately deserted or destroyed their villages. They sold or disposed of their goods, and removed their women and children into the mountains and fastnesses, or concealed them in the town of their neighbours with whom it was a point of honour to afford them shelter and protection. When a Kathi chief and his tribe were expelled from society, the nature of their country afforded them numerous places of retreat where-

from they sallied forth and plundered or destroyed everything that came in their way, as often as they were excited by necessity and opportunity. Their principal booty consisted in cattle which they used sometimes to drive across the Runn and sell to the thieves of Waghur. Besides this system of depredation, the Kathis were hardly ever without their domestic wars and private feuds, which were prosecuted with animosity and cruelty. These rude and ferocious people lived in their society in a state of perfect equality, finding refuge for all offenders against society. They were fond of spirituous liquors and opium which they took to excess.

All the sons of a Kathi succeed equally to the patrimony of their father, the eldest son in some cases receiving the largest share and enjoying certain privileges as the head of the family. The practice is universal among the small proprietors. The possessors of the shares and their descendants are called the Bhayad or brotherhood of the principal chief, claiming the same powers in their estates as the chief, paying their contribution of the general collections made in the country, and frequently claiming the right of a separate settlement of their account. The daughters are incapable of inheritance. In recent years some influential Kathi chiefs have set their face against the practice of subdividing their property into fragments.

The Kathis marry any number of wives, but they generally at most never exceed two. The women of the Kathis are proverbially beautiful and graceful. They are large and masculine in their figures, often dressed in long dark garments like the Chattran women, and are more domesticated than their Rajput sisters. The Kathis are much under the authority of these women who, in days gone by, often inclined their husbands to

moderate the harsh treatment they sometimes accorded to their captives in order to extort from them large ransoms. The women are often not brides till 16 or 17 years of age. To become a husband, the Kathi must be a ravisher, and have to fight and force his way into the village of his bride, the bride's party opposing him with might by means of stones and such missiles. If the bridegroom succeeds, he is allowed to enter with one or two friends. The rest of his attendants continue without the village till midnight, and until they have in a most humiliating manner solicited admission. Once admitted, the marriage ceremonies go on with the utmost conviviality and order. The bride, it must be mentioned, has the liberty of assisting her lover by all the means in her power, and when bravely won, submits willingly to be carried off by her champion. In former times this was no less a trial of strength than of courage. The Kathis do not intermarry with any other caste, although a Rajput will eat food dressed by a Kathi.

Kathianees are at liberty to marry again after the decease of their husbands. In case an elder brother dies leaving a widow, the widow invariably becomes the wife of the younger brother, although she has had children to her first husband. The rule is never broken, though, whatever may be the age of the parties, unless the widow positively refuses to form any future connection in life. The wife of the younger brother is never married by the elder; when therefore the younger brothers die, the widows are free to marry whom they please. When a Kathianee, the mother of children, dies, the nearest relatives of the deceased take away the children from their father, and carry away the whole of his movable property for their use. The Kathi is not at liberty to complain or to make any effort to

prevent this removal of his property. They carry off everything that is movable, excepting his mare. Infanticide was common half a century ago, but it has died out along with several other practices mentioned above, as a result of the settled circumstances introduced by the British Government.

It must be added here that, in former years, when a Kathi happened to be killed in a battle, the whole of his property acquired on that trip used to be given to his heirs. Next, he considered it disgraceful to carry firearms, and never use them. The Kathis were always mounted when they went on plundering expeditions. They bred their horses, reserving the mares for their own riding and for breeding, and selling the horses. They sold the mares and horses they rode as soon as they discovered a disposition to neigh, as the quietness of the beasts favoured the privacy of their expeditions. They avoided, moreover, as much as possible, to expose their persons.

The Kathis are worshippers of the sun, as well as of snakes and Hindu gods like Siva, Vishnu, Bheem-nath, Somnath, etc. The sun, however, is their chief deity, and its symbol is drawn on every deed at the head of the list of living witnesses, with the words "Sree Sooruj Nee Sakh" (the witness of the holy sun). Their mixture with other tribes has inoculated them with respect for Brahminical deities, but the sun is paramount. When they have engaged themselves to pay a sum to the sun, they spend it on victuals and feast their village or a portion thereof in the name of the sun. Whatever they may have promised to Bheemnath and other deities, they give to their temples. They have, however, no sense of religion and no formal prayers. They place their hands in the posture of adoration and

looking at the sun invoke his favour in such language as their conception of his omnipotence and their fervour inspire. Snake worship is to be met with at Than. On the west side of a tank near the village is a small temple devoted to it. "The Devata" (deity), says Burgess, the great antiquarian, "is Wasukhi, one of the five snake brethren, the others being Bandia Bel, who has a shrine at a place about three miles from Than, Jalsaniyo, Bhujio and Khambra."

The Brahmins of the Kathis are Rajgors, but their function seems to be confined to the ceremonies of marriage and *sradd*. They have much influence with the Kathis, which they exercise to their own advantage. In the *sradd* days, instead of throwing food to the crows as the other castes do, Kathis repair to tanks and marshes and throw it to lapwings. The bird is very familiar, and the Kathis conceive it to be acceptable to the spirit of the deceased, ensuring well-being in a future state.

Great reliance is placed on omens. Previous to their going on any excursion the Kathis ascertain by a prognostic whether they will be successful. Any person skilled in divination is much respected, the omen most blindly relied on is the call of a partridge on the left. Early in the morning, a person is sent into the field to ascertain on which side the first partridge calls, and if on the left, he immediately ties a knot to his turban, or some part of his clothes, which is supposed to retain the power of the good sign.

Such in brief is the old history of the remarkable race of hardy freebooters and horsemen now living peacefully in the Kathiawar Peninsula and who are being slowly reclaimed by education and enlightenment by the British Government. Several ruling chiefs have visited

England and other foreign countries, and many scions of aristocratic houses are to-day receiving education at the Rajkumar College and in English universities. The upper classes may be said to have completely survived their ancient traditions which now live exclusively and only in part among the peasants and the lower sections of the communities. As time passes and the spirit of reformation introduced by the British Raj spreads in Kathiawar as in the other parts of India, there is little doubt that the Kathis, once so wild and untameable, will take their rightful place in the great empire in which they live.

J. L. CHATTERJI.

Art. VI.—THE IDEAL SPECTATOR.

THE Ideal Spectator is not the person who merely punctuates the incidents on the stage with proper marks of approbation and behaves with scrupulous decorum and dignified reserve without at the same time losing his claims to be known as an enthusiastic lover of the theatre. He is also the *Ideal Critic* whose opinions and impressions are sought for and valued by the Dramatist; a judge imbued with correct principles of Art who is in a position to dwell on the merits of Plays passed before him in review in, "The two hours traffic of our stage," whose critical judgment ought to be able certainly to examine with freedom, authority and profound insight even the histrionic Art.

It must be a difficult task to find a gathering of persons with more diverse emotional temperaments, intellectual tastes and general habits in life than the huge mass of people that form the *spectators* in a modern playhouse. The theatre draws together a wider variety of characters than any other institution of popular resort—even including the Church. There can never be any unanimity in the judgments expressed by the members of such a group; nor is it possible to analyse with any success their feelings—much less their whims and fancies.

The Elizabethan Dramatist was only uttering a truth when he compared the playgoers to a miscellaneous crowd of connoisseurs in wine assembled at a tavern, each passing his judgment, on the liquor brought by mine host :—

"In one hour,

The wine was new, old, flat, sharp, sweet and sour."*

* Heywood—*Woman killed with kindness*.

Micro Filmed on
Reel No.

The pursuit after the *Ideal Spectator* in this dense disordered puzzling wilderness of human souls is an attempt to chill the most ardent mind and as a compensation for the difficulty to be undergone there is not even the guarantee of success. The luring phantom may after all vanish before the coarse touch of the prosaic realities of the world, the fierce light of rigid critical scrutiny having at the same time unmasked with merciless enthusiasm the dissembling and illusioned figures on the steep ascent to the mysterious personage.

The honour of being considered the *Ideal Spectator* is a privilege, for which different kinds of auditors would long to compete, but it cannot be denied that it is only a few who can be allowed even to enter the lists. Among the varied types represented in a modern theatrical audience, a superficial examination is enough to reveal the utter incompetence of a large number to exercise anything like the functions of the *Ideal Spectator*. Whatever were the circumstances that contributed to make the members of an ancient Athenian theatre fine critics and excellent judges of the famous masterpieces of Art brought before their sympathetic notice, it is true that such advantages cannot be claimed at the present day with all the remarkable advances in the spread of general education. A respectable proportion would not care to concern itself with Art. There is again a class which finds it difficult to comprehend all discussion of the merits of a dramatic piece, or the characteristics of an actor's grace—not merely that; it often fails to realize even the nature of such efforts as their subtlety and strangeness only bewilder its imagination.

There are probably as many motives underlying the conduct of the visitors at the Stage as the proverbial ones associated with a congregation at the Church, which

though varied and interesting are not always ideal, being sometimes under the pitiable necessity of taking refuge behind a charitable critic dreading a cruel exposure. Before fixing our attention on those who are drawn to the playhouse from a genuine appreciation of the Dramatic and Histrionic Arts, it is necessary to dismiss from our minds the remaining body of spectators.

At the very outset have to be excluded spectators who do not possess or care to exercise the faculty of *sympathetic observation*, who find their own concerns and general conversation more interesting than that which they presumably "come forth to see." Discussing its necessity for the *Ideal Spectator* one is irresistibly reminded of Sir Roger at the play where the genial knight is absorbed in profound sympathy with the fortunes of the characters in the *Distrest Mother*. This requisite of a sympathetic observation has to be satisfied before proceeding further. But some of the other characteristics displayed by Sir Roger must not find appreciative adherents. The importance of a critical but sympathetic detachment on the part of the spectator—a virtue which Sir Roger could not dream of exhibiting—the importance of this feeling of separation and calm review cannot be over-estimated. It may also be said that the ability to play the Critic must be of a better quality and a more confident grasp than what two questions of the good Sir Roger would imply he had, "Is the play according to the dramatic rules, as you call them? Should you people in Tragedy always talk to be understood?"

The chorus of the Greek Tragedy has been characterized the "*Ideal Spectator*" by Schiller but it cannot lay claim to the critical faculty and surely no Greek Tragedian intended it to be the "*Ideal Critic*" of his own work.

The "Ideal Spectator" must therefore be sought among that section of the audience which has *sympathetic observation* and *critical judgment* and is also in the mood and circumstances necessary for the purpose of being a critic.

The burly old gentleman freed from the trammels of a calling in life who has to find some entertainment every evening to while away the tedium of his hours and who is only too willing to applaud anything which resembles talent in Art; the person worn out with the anxieties of the world or vexed with the whirling struggle in business to whom the Drama serves its highest purpose if it is a mere innocent relaxation; the fashion-monger who considers it a part of his routine to be occasionally seen at the theatre in obedience to the dictates of the omnipotent sovereign—fashion; the listless hunter after new sensations, who finds himself in a box before the footlights he knows not why; the cynic and the melancholy misanthrope who decline to see anything true or beautiful in Nature and Life but however condescend to bear the infliction of a Dramatic performance—who would not pause before venturing to seek the *Ideal Spectator* among them?

There are again certain offensive types who are an annoyance in any well-ordered society, especially at the theatre. Ben Jonson has vented his wrath against members of such classes and his portraits are as true of the frequenters of the Stage to-day as they were of the motley crowd that assembled at the *Globe* or the *Blackfriars* to see

"If Jonson's learned sock be on,
Or sweetest Shakespeare, Fancy's child,
Warble his native woodnotes wild."

Is not "the gallant of this mark" familiar enough:—

He, "to be thought one of the judicious, sits with his arms thus wreathed, his hat pulled o'er, cries mew, and then breaks a dry-biscuit jest, which that it may more easily be chewed, he steeps in his own laughter."*

"Do we not recognize the person who knows no other learning than the price of satin and velvet; no other perfection than the wearing of a new suit; and yet will censure as desperately as the most professed critic in the house, presuming his clothes should bear him out in it."† Who has not sat next to "another whom it hath pleased Nature to furnish with more beard than brains, prunes his mustaccio, lisps and with some score of affected oaths swears down all that sit about him."‡ Such types have not vanished since the days when Ben Jonson lashed them in the Prologues and Inductions to his Plays and they are kind enough to haunt the theatre even at the present day.

There are certain peculiar products of modern civilization who must not escape undetected—the affectedly smart young man, who damns everything, considers Shakespeare unsuited to the age, as he readily proves by what he stigmatizes as the "unnatural" soliloquies of Hamlet or the protestations of Romeo; the professed Aesthete whose tastes elude all critical analysis and who delivers his flashing impressions in a manner quite unintelligible to others or probably even to himself; the "society bore" from whose dreaded presence no place is exempt—not at least the theatre where he has the widest field of preying on society—enlightening his neighbours as to the precise date when he was last at

* Ben Jonson—*Every Man out of his Humour*—(Prologue)

† Ben Jonson—*Cynthia's Revels*—Induction.

‡ Do. Do. Do.

the theatre, and the exact age of the old grand-aunt that followed him then, long-drawn anecdotes of his friendship with renowned actors, the characters in which he appeared as a student at the University—even university men can be bores—on all subjects other than the one on hand; the perverse being who can never bring himself to praise others, whose croaking voice is ever heard on the decadence of Art and Literature, and on things being good “elsewhere” or “in past ages”—who would be bold enough to approach these to find the beloved object of his pursuit, especially when there is the fear of the bore being suddenly discovered in any of them?

Before entering upon a consideration of the claims of the formidable competitors for being acclaimed the *Ideal Spectator*, something has to be said about ladies who form an invariable as well as an attractive feature of the modern playhouse. As has been observed they are more “a show” in themselves than serious spectators of a show, and it has to be affirmed, even at the risk of being accused of want of chivalry, that the things that appeal to them most as a class are the finery and glitter of the stage, the frivolity and outward graces of certain sections of the audience, and some accessory excellences of the drama. It is again no exaggeration to say that their praise, description and critical estimate is all combined in the apparently rapturous, but laconic monotonous outburst—“Awfully nice! How good! Charming!” or some such conventional jargon of appreciation. One may be disposed to doubt if there is any sincerity or point in it, but there cannot be difference of opinion as to its value to the actors, the dramatist or criticism at large.

There are elements in the feminine nature that aid powerfully the process of sympathetic observation, but

which always result in the exclusion of the faculty of critical detachment especially in the presence of high-strung emotional scenes. All the cold severity and merciless analysis necessary for the search after the *Ideal Spectator* must be summoned to withstand the temptation of considering these members of a theatrical audience the ideal judges. However much one would like to have the laurel from their hands, there must be an emphatic protest against the decision resting with them.

We have no doubt that the manager of the theatre has not been following us with any sympathy in this work of drawing invidious distinctions among those who are of the same pecuniary interest to him. One can however be sure of the actors and dramatist who may not view with equal dismay the house becoming thinner and thinner before the relentless ravages of this strange pursuit which has been fascinating those interested in the Stage since the days of Aristotle.

The claims of the average man in the street to be the *Ideal Spectator* of a play have often been urged with vehement and impassioned eloquence. The exalted authority of Molière is called forth to support this contention on the strength of Boileau's account that he used to read all his comedies to an old woman who was his house-keeper as she sat with him at her work by the chimney-corner and could foretell the success of his play in the theatre from the reception it met at his fireside—the audience always following the old woman and never failing to laugh in the same place. The story has lately been proved to be apocryphal; but even its truth cannot form a sufficient justification for associating his name with the theory as he probably did so for merely testing the effect of his work on the average person.

Tolstoy is however a powerful advocate of the fitness of this class to the enviable position of the *Ideal Spectator*. The Ideal Consumer of Art is according to him "the respected, wise, educated, country labourer"—if such a being exists—"one, for instance of those wise and truly religious men whom I know among the peasants." Recognition of merit by the general populace has always been considered eminently desirable, but who would be prepared to lay the judgment entirely in its hands? The idea of the appreciation of the *Universal Elements in Art* by humanity in general is largely real—but for an adequate and comprehensive examination who could trust its critical capacity? Placing the average man in the street in the most favourable light, imagining him to be above the prejudices, the unreasoning vacillations and the want of refinement in artistic taste—the characteristics of a member of the mob—even crediting him with the condition of mind necessary for critical discernment he will be found to be a failure if asked to play the *Ideal Spectator*. A few questions bearing on Shakespeare's plays may serve to test his position. What is the full force of his appreciation of Shakespeare's ridicule of Gonzalo's imaginary commonwealth in the *Tempest*? His analysis of the motives of Iago's villainy? His estimate of Hamlet? His perception of the dramatic genius exhibited in the introduction of this passage in *Julius Caesar* after the assassination,

How many ages hence,

Shall this our lofty scene be acted over

In states unborn and accents yet unknown.

His knowledge of the technique of dramatic composition? His idea of the sketching of characters in a play? Artistic unity and proportion? His comprehension

of the subtle suggestions, delicate touches, and occasional profound reasonings in the Drama?

The Histrionic Art does not lend itself to more universal examination. Nothing short of a perfect critical acquaintance with the *spirit* of the characters in a play will enable a person to judge an actor's success. Some years ago the talented actress Miss Ellen Terry, appearing in the character of Viola in *Twelfth Night* in the scene, where, in the disguise of a page she receives the ring sent by Olivia and a suspicion dawns on her mind that she has fallen in love with her, she gave the words

I am the man, if it be so, as 'tis,

Poor lady she were better love a "dream."

with an air of pretty and intense amusement followed by a charming and laughing assumption of a mannish walk. As the *Saturday Review* promptly pointed out, this was not the right interpretation of Viola, who though light-hearted and brave in the midst of trouble, is not the person to be unfeeling towards the sorrows of another woman. There must be a touch of pity and interest, but there is not the slightest doubt that the average man in the street would prefer the attitude that appeals better to the mob—the girl masquerading in the mannish walk.

The average spectator cannot follow the dramatic spirit when it passes into thin and rarified regions. Comedy must descend to the level of Farce to have his approval and enthusiastic applause—a circumstance which makes many a comic actor over-do his part. He cannot comprehend without difficulty the true comic, which, as Meredith says, is "the preceptive, is the governing spirit awakening and giving aid to powers of laughter but is not to be confounded with them; it unfolds a thinner form

of them, differing from Satire in not sharply driving into the quivering sensibilities, and from Humour in not comforting them and tucking them up, or indicating a broader than the range of this bustling world to them." *

There is then the professional critic who claims the honour as a matter of right, disdaining the presumption that would question his unique qualifications. His influence and importance must not however unnerve us in the pursuit.

The time has long gone by when it was an acknowledged opinion that the critic was among the dregs of the literary world. He is now recognized and respected as a master regulating, controlling and appreciating literature. Criticism is no longer regarded as a parasitic occupation, but a great Art in itself. The theatrical critic has also to be viewed in the most favourable light to see if he is the *Ideal Spectator*. The opinions of the accomplished scholars who act as theatrical critics to the high-class journals and newspapers of the present day deserve all honor and attention. The verdict is generally sane, valuable and trustworthy. But the professional critic has his own failings. They are present in the best circumstances—when he is free from bias, does not pander to the leanings of the public, resents any external influence with his discretion and judgment and discharges his duties to the best of his abilities in the light of his tastes and culture. The necessities of criticism—which is an art in itself—however always affect unconsciously the truth of his opinions. As is finely expressed by Mr. Walkley, the accomplished Dramatic Critic of the London *Times*, when discussing this question, "in the very act of describing and appraising the methods of another art, he has to follow the

*Meredith — *Essay on Comedy*.

methods, the very different methods of his own. A criticism is a picture with its own laws of perspective and composition and 'values' and the play which furnishes the subject for the picture has more often than not to be 'humoured' a little, stretched here and squeezed there in order to fit into the design. The salient points in the pattern of the play may not suit the salient points in the pattern of the criticism—though no doubt the good critic is he who most often gets the two sets into perfect coincidence."

Those acquainted with the usual theatrical notices in the papers—even the high class ones—must have observed in the writers a tendency which is not always under proper restraint to hunt after "striking situations and remarkable dramatic effects," which are very often not the truth, but somewhere about it, if not a perversion and misreading.

There is an anecdote connected with the German theatre, which though a caricature of this weakness of the critic is unfortunately true and relevant enough here. In a Court Theatrical Company consisting of men and women, kissing was forbidden under penalties of a fine. But one of the chief actors, who was probably young in years, always snatched a real, fervent kiss from the beautiful actress who acted the heroine, whenever the action on the stage gave him an opportunity. Everytime he was reported against he paid the fine cheerfully. He was too valuable to be dismissed and punishment was of no effect as he considered his kissing the fair one more than a compensation for the fine he paid. On a night when *Romeo and Juliet* was acted, he had to appear as Romeo and he made a bet with a comrade that he would kiss the actress passionately when she lay in the tomb as Juliet. She got word of it and was

prepared for it by lying in the tomb with a hat pin between her lips, and a couple more on her bosom and Romeo after delivering his impassioned speech in which occur the lines

Death that has sucked the honey of thy breath
Hath had no power yet upon thy beauty,
Thou art not conquered; beauty's ensign yet
Is crimson in thy lips and in thy cheeks
And Death's pale flag is not advanced there

He imprinted a passionate kiss with the line,
"Thus with a kiss I die."

The pins had their desired effect only too painfully, and he fiercely recoiled from the coffin as though a snake lay there. (We are sure he never repeated his attempt). But the most interesting part of the story is yet to come. Here was a situation tempting enough for the sanest of dramatic critics and the next day the local critic wrote—"The scene in the churchyard was a masterpiece of acting. The wistful bowing down of the lover; then the acute pang of terror that thrilled him at sight of death, the suddenness with which he perceived and realized the vast change that had come over his beloved one—the coldness of the kiss which brought to him the fact that the body even of his Juliet inspired horror and disgust and acted upon him like exquisite physical pain—all this wonderful display of fine feeling and masterly interpretation imparted to the acting of Herr X a unique and irresistible charm."

The critic's, whole conception of Romeo was thus altered to suit the development of the situations on the stage. While acknowledging that this is only an extreme case, it has to be said that the spirit of the critic of Romeo's kiss is very often on the professional critic.

There are other weaknesses which form his besetting sins. The judgment of the professional critic very often lacks in freshness and direct sincerity. Bred up on the conventional principles of Art and Criticism and bound like a slave to the rigid laws of his craft, he may argue like some over-enthusiastic disciple of Saint Beauve or Mathew Arnold, asking himself not "Am I pleased?" but "*Am I right* in being amused with it, in applauding it, and in being moved by it?"

There is also the other danger of his impressions being obscured beneath the luxuriant growth of his technical verbiage. Mechanical cant phrases of the type of "objective" and "subjective," "classic" and "romantic," "evolution" and "denouement," are very often not at all illuminating. Leslie Stephen was not severe when he branded these expressions as "the mere banalities of criticism." "I can never hear them," he says, "without a suspicion that a professor of aesthetics is trying to hoodwink me by a bit of technical platitude. The cant phrases which have been used too often by panegyrists too lazy to define their terms, have become almost as meaningless as the complimentary formulæ of society." If there are fashions in society, there are fashions in the world of letters and the professional critic is not above them.

We pass on to another class. The Ideal Consume of Art, we are told, is a person belonging to the class of producers themselves. The honour which we have been so reluctant to bestow till now need not pass easily into the hands of the dramatist or the actor, whatever his merit in his own Art. It is as impossible for the actors or dramatists directly interested in a performance to be its ideal spectators as it is for a person to join

in a procession and at the same time to look out of the window.

Where a playhouse has the privilege of counting amongst its audience other actors and dramatists, too much of the personal equation enters into their judgments. In Aubrey de Vere's *Reminiscences of Tennyson* there is an instance of such a class judging art and here is the result. "Read the exquisite songs of Burns," Tennyson exclaimed; "In shape, each of them has the perfection of the berry, and in light, the radiance of the dew-drop, you forget for its sake those stupid things his serious pieces." "The same day," continues Aubrey de Vere, "I met Wordsworth and named Burns to him. Wordsworth praised him even more vehemently than Tennyson had done; but added 'Of course I refer to his serious efforts; those foolish little amatory songs of his one has to forget.' I told the tale to Henry Taylor the same evening and his answer was, 'Burns' exquisite songs and Burns' serious efforts are to me alike tedious and disagreeable reading.'"

The only other candidate for this prize is the cultivated gentleman of the world to whom the *Fine Arts* are not a professional study or exercise, but a pastime, the person who has been called the *Amateur of Culture*. If he has a cultivated taste and if his dabbling in the Arts is neither desultory, nor light-hearted, there cannot be any difficulty in admitting that he comes nearest the *Ideal Spectator*. He has defects, it is true; his brain may not always bear the weight of high-class plays and high-class art; he embraces very eagerly the current modes and fashions, and joins the rage of the day; the function of criticism is not palatable to him—but there is the guarantee of his criticism being correct without stiffness; fresh and original without any mixture of

eccentricity or foolishness; discriminating, but not fastidious; adequate and comprehensive enough to rise to the expectations of the actors or dramatist who seek his help and, above all, so interesting and valuable as to make him deserve, if not absolutely, at least better than others in the playhouse—the laurel which we have been anxious to get rid of our hands.

A spread of the consciousness of what is truly beautiful in art is necessary to have a large number of such *amateurs of culture*—men who form their tastes on masterpieces of Art and whose judgments always agree with the canons of criticism they have learnt to respect.

P. SESHADRI.

Art VII—THE CREED OF CREEDS.

"The Creed of Creeds
In loveliness of perfect deeds."—*Tennyson*.

ABOVE all faiths of human mind,
There is a creed of creeds;
Of loving service for mankind,
And noble golden deeds;

With love that breaks all racial doors
As wide as land or sea,
Which clasps the men of farthest shores
And all humanity.

It knows no altar raised in stone,
That stands a pace of time
And crumbles down in pain and moan
When void of youth and prime;

It bends before the Shrine of Love
Which lasts Eternity;
And scoffs at age or ruin's brow
In distant futurity.

It's litany the Hymn of Truth,
In universal tongue;
It knows no priest—by age or youth,
By all, 'tis fitly sung.

The empty forms of faiths and creeds
Are not its breath or care;
Dissembling souls with wicked deeds
It never loves to bear.

A zealous worship of the Right
Is all its Godliness;
Its highest message, Faith and Light,
Is lofty Righteousness.

A life of service, not of rest
And hard penances long,
Or endless days in worship's quest
With prayer's hymn or song.

The countless souls that fill the world
Toiling along their ways—
Beneath their glorious flag unfurled
It seeks to serve its days.

For Freedom's cause it lends its hands
And comforts every race;
All fallen men in oppressed lands,
Are shown its favoured grace.

The greedy mind that seeks reward
For ev'ry deed on earth,
From Heaven's Almighty judging Lord
It spurns as base of birth.

The noble creed is never known
In mystic murmurs low;
In tender kindly words 'tis shown
To misery and woe.

Its hands are not in prayer's way
In sombre idleness—
But working, bring the poor, a ray
Of cheery happiness.

No fancied visions haunt its sight
 In strange ecstatic trance ;
 On struggling souls it sheds its light—
 ' It sees the world advance.

It little knows the endless search,
 Of vain theology ;
 It moves afar from creed and church
 And idle casuistry.

No sacred writ—but throbbing hearts
 Of countless toiling men ;
 No ancient prophet's magic arts
 But worlds in human ken.

It needs no chant, no organ-voice,
 No church to seek the light ;
 It shares with love, the woes and joys
 Of brothers in its sight.

The creed is ne'er upon the lips,
 In book or church or Art—
 Not where our outward vision dips,
 But far within the heart.

P. S.

Art. VIII.—THE REFORM OF THE MUNICIPAL ADMINISTRATION OF THE CITY OF CALCUTTA.

THE points required to be dealt with are :—(1) Duties and Qualifications of Commissioners ; (2) Claims and Influence of the Rate-payers on the Commissioners ; (3) Methods of Election and Nomination of Commissioners with due regard to the fair representation of the various interests ; (4) Powers and Constitution of the Deliberative and Executive Councils ; (5) Is a separate President of the Councils necessary ? (6) Limits and Procedure of Debates in Councils ; (7) Powers and Responsibilities of Chairman as the Executive head of the Staff ; (8) Causes of the alleged corruption and their remedy ; (9) General Principles of Local Self-Government as applied to Calcutta.

INTRODUCTION.

I.

Municipal administration has been placed upon a broad and liberal basis by the Reform Scheme contained in the Despatch of Lord Morley to the Government of India. The guiding principle of the scheme relating to Local Self-Government has been the policy inaugurated by Lord Ripon in 1882. "It is not primarily," the Government of that liberal-minded Viceroy say, "with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. There appears to be great force in the argument that so long as the chief Executive Officers are, as a matter of course, Chairmen of the Municipal and District Committees, there is little chance of these

Committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge." Experience has shown that if Lord Ripon's scheme had been faithfully and generously carried out, more satisfactory results would have taken place. Funds have not existed for an efficient Executive Staff. The official element within the local bodies has been in many places predominant. Non-official members have not been induced, to such an extent as was hoped, to take real interest in local business, because their powers and their responsibilities were not real. If Local Self-Government has so far been no marked success as a training ground, it is mainly for the reason that the constitution of the local bodies departed from what was affirmed in the Resolution to be the true principle, that control could be exercised from without rather than from within, the Government should revise and check the acts of local bodies, but not dictate them. It would be hopeless to expect any real development of "Self-Government if the local bodies were subject to check and interference in matters of detail and the respective powers of Government and of the various local bodies should be clearly and distinctly defined by statute so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor-General in Council is anxious that the fullest possible liberty of action should be given to local bodies."

As improved Local Self-Government forms a part of the proposals for constitutional reform, the whole

scheme should be examined and discussed so as to see how far the former will lead naturally and normally to Self-Government in the Empire which is the goal of the people's aspirations. As a forward step in the direction of the political advancement of the Indian people, the Reform Scheme may be welcomed as a generous concession. It has some good points as well as some defects, but considering the trying times and the circumstances and conditions attending its presentation, the people have every reason to be thankful for the former and not to grumble for the latter. The good points are: (1) an improved system of representing the various interests of the different classes of the Community on the Provincial Councils; (2) the provision for majority of non-official members in such Councils; (3) the appointment of an Indian member to the Viceroy's Executive Council; (4) the establishment of Executive Councils for the major provinces, each containing an Indian member; (5) the enlargement of the right of interpellations and of moving amendments, giving more scope for the discussion of grievances; (6) the discussion of the Provincial Budget by a Committee, containing equal numbers of officials and non-officials; (7) emancipation of the Local Self-Governing Institutions from strict official control and interference. The defects pointed out by Mr. Saroda Charan Mitter, late of the Calcutta High Court, who has formed a most independent, just and correct estimate of the scheme are (1) that it will not represent the middle classes sufficiently, especially in the towns, unless the towns are separately represented in the Electoral Colleges as they are called—the middle classes are generally to be found in the towns; (2) the control over the Budget will not be of much use unless the funds

placed at the disposal of the Local Governments are considerably increased by the Imperial Government, control over the Imperial Funds would be an improvement ; (3) there should be also a retracing of a good many measures of supposed improvement as, for instance, in the matter of education, in the appointment of men to the services, the giving of greater encouragement to Indian industries and to agriculture, and a better administration of justice both in Civil and Criminal cases, as also a speedy separation of the Judicial and Executive functions.

From all accounts there seems to be a consensus of opinion that the Partition should be annulled or modified and a Governor or Lieutenant-Governor placed in charge of the reunited Bengal with an Executive Council, one member of which is to be an Indian. Another point of general interest is that Lord Morley should have accepted Lord Minto's recommendation of maintaining an equal proportion of official and non-official members in the Imperial Legislative Council, reserving the casting vote to the Governor-General of India in Council. This would have rendered the composition of the Council evenly balanced, preventing the chance of "wild cat Bills" being passed on the one hand and reducing the chance of official domination to a minimum on the other. A hopeful augury, however, for the future of India is shadowed forth in the peroration of Lord Morley's speech in the House of Lords announcing the reform proposals. "We will associate the people of India," said His Lordship, "with the Government in the work of actual administration to-day. All will be well if we do not lose our moral strength in guidance and control of those countless multitudes. Who are the people of India?

I like to recall the language used by Mr. Bright in 1858. 'We do not know how to leave it and therefore let us see if we know how to govern it' Let us abandon all that system of calumny against the natives of India which has latterly prevailed. Had that people not been docile and the most governable race in the world, how could you have maintained your power for one hundred years. Are they not industrious, are they not intelligent, are they not, upon the evidence of the most distinguished men the Indian service has ever produced, endowed with many qualities which make them respected by all Englishmen who mix with them?"

It appears from the above extract that Lord Morley was not influenced by recent unfortunate happenings in India, notably in Bengal, in framing the Reform Scheme. Moreover, His Lordship said that he approached the question from principles recognised in 1861 and Doctrines enunciated by Lord Lansdowne and Lord Ripon. The latter noble-minded Viceroy claimed as the chief merit of his scheme of Local Self-Government that it would be a potent factor of political education of the people. Although there is sufficient available good Indian material for establishing Self-Government under British paramountcy without any risk to the Government but with great benefit to the people, still it will be too much to expect it to take such a big jump just at present. But it must be noticed that although working under rigorous official control and with limited funds, Local Self-Government in India has on the whole been admittedly a great success. It has undergone rather a long period of probation sufficient to raise it to the status of Self-Government. The new scheme may be characterised as a higher grade of apprenticeship for such Government. A system of

training for Self-Government is evidently intended for the ultimate enjoyment of its privilege. That being so, how could Lord Morley say that a Parliamentary system in India, which is another name for Self-Government in the Empire, was a goal to which he did not aspire? Did he not say some time ago that for as long a time to which his imagination could carry him, India would remain under a strong personal Government? As this epithet can hardly be applied to the Government now proposed to be constituted under the Reform Scheme, the Secretary of State for India may yet change his programme of future Government of India by introducing a Parliamentary system here which at present he does not think desirable.

II.

(1) *Duties and Qualifications of Commissioners.*

Section 38 of the Calcutta Municipal Act (Benga Act III. 1899) provides for the qualifications of Municipal Commissioners. A person shall not be qualified to be elected Commissioner unless he is enrolled in the Municipal Election roll as a voter of some Ward:

Provided that if any Company, Body Corporate, Firm, Hindu Joint Family or other Association of individuals is enrolled in the same roll as a voter of a ward, any one person duly authorised by power-of-attorney to represent such Association shall be deemed to be qualified to be elected a Commissioner. Females, persons convicted of any non-bailable offences, uncertificated bankrupts or undischarged insolvents, Municipal office-bearers and servants, a Municipal Magistrate or a Small Cause Court Judge, and subject to certain exceptions, persons interested in any contract or other business of the Corporation are disqualified

from being elected or appointed as Commissioners. Subject to the decision of the Chief Judge of the Court of Small Causes of Calcutta, any Commissioner who becomes disqualified from serving as such or who absents himself without any reasonable cause during six successive months from the meetings of the Corporation shall cease to be a Commissioner.

The duties of the Commissioners have not been defined or generally enumerated in the Act but they can be collected from the specific directions given to promote the health, convenience, safety, etc., of the rate-payers and residents of the city. They are to prepare a Budget Estimate of Income and Expenditure for each year, to borrow money, if necessary, for construction of Permanent Works or for payment of debts, to impose Rates and Taxes, to maintain a system of Water-supply, to construct Drains, Privies and other receptacles for filth, to maintain, repair and protect Streets and Public Places, to regulate the construction of Buildings and Bustees with due regard to Sanitation, Ventilation, Locality, etc., to acquire Land and Buildings for improvements, to regulate Factories, Trades, etc., Markets, Bazars and Slaughter-houses; Public Bathing and washing, sale of articles of Food and Drink generally, and of Drugs, Weights and Measures, registration of Births and Deaths, disposal of the Dead, the taking of periodical Census, to frame Bye-Laws. These are some of the duties imposed upon the Commissioners to work out the Act. But their most important duty is to bring their intelligence, attention and honesty to bear upon the discharge of their responsibilities with a view to give the Rate-payers, as far as practicable, a *quid pro quo* for what is taken from them and protection from iniquitous demands, troubles and harassment at the hand

of Municipal underlings. As the Reform Scheme contained in Lord Morley's Despatch provides for non-official majorities in the Provincial Legislative Councils and an improved system of election of Members representing the various interests of the country, Municipal Commissioners will have a very great inducement to discharge their duties carefully and cautiously and to take great interest in Municipal affairs. As remarked in that memorable document, popular election would provide a healthy stimulus to interest in Local Self-Government by linking up local bodies (Rural and Municipal Boards) more closely with the Provincial Legislative Councils. To this end it might be provided that the candidate for election to the Provincial Council must himself have taken part in Local administration. "I make no doubt," said Lord Morley, "that the Government of India to-day will affirm and actively shape their policy upon the principle authoritatively set forth by their predecessors in 1882. It would be hopeless to expect any real development of Self-Government if the local bodies were subject to check and interference in matters of detail and the respective powers of Government and of the various local bodies should be clearly and distinctly laid down by statute, so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor-General in Council is anxious that the fullest possible liberty of action should be given to local bodies."

III.

(2) *Claims and Influence of the Rate-payers on the Commissioners.*

The Commissioners are expected to do their duties to their constituents without fear or favour. They

must try to promote their true and not fancied interests. Some Commissioners may have the weakness to pander to the vitiated tastes and wanton caprices of their electors with a view to be elected at the next poll. They may be actuated by motives of self-interest to fan the flame of party spirit and throw arbitrary obstacles in the way of peaceful administration of civic justice and due recognition of civic claims and rights. But educated gentlemen and men of light and leading who will certainly constitute the major portion of the representatives of urban areas, notably the second city in the British Empire, will be assuredly above such foibles. The Rate-payers have just claims upon their services, (1) to have the existing Act amended so as to bring it into conformity and harmony with the liberal and generous spirit of Lord Morley's Reform Scheme, (2) to get *inter alia* a provision for an elected Chairman for a term of years, (3) to secure a tangible majority of non-official members on the Municipal Board limiting the number of official and nominated members representing minorities and backward communities to one-third of the whole body of Commissioners, (4) to have a free hand in framing the Budget Estimate unfettered by official control or interference which should be confined to revision or check and not dictation, (5) to have the pending Calcutta Improvement Scheme under the consideration and decision of the Corporation subject only to the submission of a final report to Government and generally to see that the Act, officialised as it is, be worked till its amendment for the advantages of the Rate-payers in two important directions, *viz.*, the lighting of the existing heavy Municipal burdens and the redressing of everyday petty grievances which are legion. The Commissioners should regularly and

periodically go round their respective wards, enquire of the grievances and complaints, if any, of the Rate-payers and use their legitimate power to redress them. It will not do, if they simply attend meetings, vote for or against certain propositions and then go to sleep till the next meeting takes place. What is urgently wanted and what affects the Rate-payers materially is that the resolutions passed at the Municipal meetings be carried out faithfully and promptly, that the matters elicited on interpellations are attended to and not ingeniously avoided. It is necessary that such interpellations should receive improvements like those proposed for interpellations at Provincial Legislative Meetings. At the same time it is highly desirable that the Rate-payers instead of relying entirely upon the exertions of their representatives should put forth their best efforts to create a healthy public opinion to bear upon the Corporation through the medium of properly constituted Rate-payers' Associations and the local journals. Temperately worded concrete cases of Municipal vagaries and oppression will go a great way towards the redress of proved actual grievances. It is a notorious fact that the Collecting Department levied fines in several cases for alleged excess consumption of filtered water allowed to occupiers of holdings. In some cases the reading of the water-meter was recorded in the absence of the occupier or somebody on his behalf, the Chairman's order on applications of protest against such excess demand was seldom or never communicated to the applicant, bills of such excess demand for several quarters ranging over more than one year were allowed to be piled up and served upon the defaulting occupier, no steps taken to enforce the payment of the demand for a particular quarter as it became due if

there was a legitimate ground for the enforcement of such payment and then one fine morning the defaulting occupier is served with a notice accompanied by bills of demand for a year or so that if the demands are not paid within 24 hours the pipe-connection of the premises in respect of which the default was made, will be cut off and this unfair and peremptory *ukase* was often enforced in grilling weather when cholera raged fiercely in the town! In vain the poor occupier may point out that the Chairman should enquire whether the excess consumption of water was due to latent defect in the water-pipes which it is the duty of the Municipal Inspectors to inspect from time to time, to wilful and negligent misuse or wastage of water by the occupier or to necessary consumption for domestic purposes within the meaning of the explanation attached to Section 269 of the Calcutta Municipal Act. In vain the aggrieved party may show that Section 283 of the Act providing for stoppage of water-supply does not apply to his case, that the Chairman should proceed under Section 272 which provides that any rent due under Section 270 Sub-section (4) and any payment due under Section 271 shall be recoverable in the manner provided by Chapter XVIII for the recovery of the Consolidated Rate. In matters like these, the rate-payers should bring their influence to bear upon the City Fathers to make them strain every nerve to afford proper and prompt redress to the wronged party.

IV.

- (3) *Methods of election and nomination of Commissioners with due regard to the fair representation of the various interests.*

On this head the recommendations of the Government of India contained in their Despatch to the Secretary

of State for India on the Reform Scheme regarding the representation of the various interests in India on the Legislative Councils may be adopted as a model so far as they can be made applicable to the Corporation of Calcutta. They come to the conclusion that representation by classes and interests is the only practical method embodying the elective principle in the constitution of the Indian Legislative Councils. In the course of his speech in the House of Lords when the Indian Councils' Bill which became law in 1892 was the subject of debate in that House, Lord Ripon referred to the extreme difficulty of selecting men who represent the various classes of the community, and the various sections of opinion as well as the various localities of India. Lord Northbrook considered that provision should be made for the representation of different classes of people—people of different races and different religions. In a later stage of the discussion, Lord Kimberley agreeing with Lord Northbrook observed "It has been found in this country not very easy to protect the interests of minorities by any contrivance that can be devised, but there must be found some mode in India of seeing that minorities, such as the important body of Mahomedans who are frequently in a minority in parts of that country, are fully represented." In the House of Commons Sir Richard Temple observed that in fixing the ratio of members, the interests to be represented and the classes which constitute the bulk of the people ought to be the determining factors rather than the population.

To the principle thus affirmed by both Houses of Parliament Lord Lansdowne's Government endeavoured to give as wide a scope as was then possible in the regulations framed by them for the constitution of the

Provincial Legislative Councils. In the letters addressed by them to Local Governments on the 15th August 1892, they enumerated the interests which seemed to be of sufficient importance to require representation and indicated the manner in which the seats to be filled by recommendation should be allotted so as to secure the object in view.

The Government of Lord Minto in their Despatch containing the Reform Proposals state that they are impressed with the unanimity of feeling in favour of a large Council and consider that the rise in the standard of general intelligence and the universal desire for a greater share in the management of public business, render an increase inevitable and desirable. For ordinary purposes the Government are prepared to dispense with official majorities in Councils. They have every hope that the confidence they are willing to place in the intelligence and public spirit of the non-official members will be justified and that increased responsibility will bring with it the requisite forbearance. They believe that on all ordinary occasions the Government may reckon with practical certainty upon securing sufficient non-official support to enable them to carry on the work of legislation with a Council containing less than the full quota of official members, and they are willing to give this system a fair trial. The Corporation may be permitted to settle the methods of election and nomination of Commissioners on the principles laid down above.

V.

(4) *Powers and constitution of the deliberative and Executive Councils.*

The municipal authorities charged with carrying out the provisions of the Act are (1) a Corporation,

(2) a General Committee of the Corporation and (3) a Chairman of the Corporation. Of these authorities the first is deliberative and the second and third are executive. The Corporation is to formulate a general scheme of municipal work, to provide ways and means for executing it and to decide what extraordinary works of improvement are necessary and how to meet the necessary cost whether from the ordinary income of the Municipality, by additional rates or taxes or by loans. The General Committee have to devise the best methods of carrying out the decisions of the Corporation and the Chairman is to give effect to such decisions by following such methods. It is provided in the Act that if any doubt arises as to the municipal authority to which any particular function pertains, the Chairman shall refer the matter to the Local Government, whose decision shall be final. As it is desirable to make the municipal law conformable to the liberal spirit of the Reform Scheme, imparting an independent character to the Corporation, the exercise of such official power may injuriously affect such character. Moreover, if the Corporation is allowed to elect its Chairman from among the Commissioners there will be hardly any dispute as to the respective functions to be exercised by the three municipal authorities. For the Chairman being now a nominee of the Local Government naturally feels an inclination to convert the Corporation into a department of Government moulding and shaping its policy and actions as dictated by those of the Government. If, however, the Chairman is made to think that he is subordinate to the Corporation and must carry out its behests loyally and faithfully, there will be hardly any occasion when he will arrogate to himself or usurp the functions possessed by

the ruling and advisory councils designed to guide and regulate the course of their chief executive officer. As the Reform Scheme proposes to confer a greater degree of independent power upon municipalities than they possess at present, the controlling power of Government must be considerably reduced or slackened so as to make the exercise of such independent power possible or effective. For instance, the power conferred upon the Local Government under Sections 22, 23 and 24 of the Calcutta Municipal Act is calculated to materially hamper the free action of the Corporation. Section 24 may only be quoted to show the amount of vast arbitrary power which has been reserved by Government in regard to the grave question of the necessity or otherwise of embarking on a stupendous project involving expenditure beyond the limits of ordinary Municipal Income. The section runs thus :—

(1) If, within the period fixed by any order issued under Section 23, action directed under Clause (i) of that section has not been duly taken, and cause has not been shown as aforesaid, the Local Government may by order—

- (a) appoint some person to take the action so directed,
- (b) fix the remuneration to be paid to him and
- (c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Funds, and, if necessary, that any one or more of the rates or other taxes authorised by Part IV. shall be levied or increased, but not so as to exceed any maximum prescribed by that Part.

(2) The person appointed under Sub-section (1) may for the purpose of taking the action directed as

aforesaid, exercise any of the powers conferred on any Municipal authority by or under this Act which are specified in this behalf in the order issued under Sub-section (1).

(3) With the previous sanction of the Government of India, the Local Government may, in addition to, or instead of, directing under Sub-section (1) the levy or increase of any rates or other taxes, direct, by Notification in the *Calcutta Gazette*, that any sum of money, which may, in its opinion, be required for giving effect to any order issued under that Sub-section, be borrowed, by way of debenture, on the security of all or any of the said rates or other taxes, at such rate of interest, and upon such terms and as to the time of repayment and otherwise, as may be specified in the Notification.

(4) The provisions of Sections 131 to 141 shall apply to any loan raised in pursuance of Sub-section (3).

This provision is against the grain of the proposed scheme of Local Self-Government in India.

VI.

(5) *Is a separate President of the Councils necessary?*

It is provided by the Calcutta Municipal Act that the Chairman shall preside at all meetings of the Corporation and the General Committee. If at the time appointed for holding such meetings, the Chairman is absent, one of the members present to be chosen by those members for the purpose shall preside. As the Chairman is the Executive head of the Deliberative and Advisory Councils of the Corporation, both for purposes of subordination of powers and fairness and latitude of discussion, it is desirable that the Chairman of the Corporation should not by virtue of his position as such be entitled to preside at the meetings of such Councils but

that they should have the option to choose either the Chairman or any of their members present as their president. If the non-official members form a substantial majority on the Municipal Councils, it is immaterial whether the official Chairman remains a permanent president or is chosen to preside as occasion arises. But under the existing Act the Commissioners, fifty in number, are equally divided as elected and nominated, that is to say, as non-official and official members with a casting vote residing in the official Chairman. As the object of the Reform Scheme is to liberalise and broaden the basis of Local Self-Government it is desirable that the non-official members should greatly preponderate in the Corporation. In Lord Morley's Despatch on the Reform Scheme there is the following remarkable passage:—"Your Excellency claims for your scheme as a whole that it will really and effectively associate the people of India in the work not only of occasional legislation but of actual everyday administration. The claim is abundantly justified, yet the scheme hardly pretends to be a complete representation of the entire body of changes and improvements in the existing system that are evidently present to the minds of some of those whom your Government has consulted, and that to the best of my judgment are now demanded by the situation described in the opening words of the Despatch. It is evidently desirable, your Excellency will agree, to present our reformed constitutional system as a whole. From this point of view it seems necessary to attempt without delay our effectual advance in the direction of Local Self-Government. The principles that should inspire and regulate measures with this aim can hardly be laid down in sounder or clearer terms than in

the Resolution published by the Government of India on the 18th May 1882." The two important directions in which Local Self-Government is proposed to be improved are by securing a decided non-official majority on the Corporation and by restricting strict official control. These two concessions if granted would decide the question at issue.

VII.

(6) *Limits and Procedure of Debates in Councils.*

It often happens that at meetings held for the transaction of any business the members make frequent and tiresome digressions intended rather for display of learning, eloquence and wit than for throwing light upon and facilitating its despatch. They should remember that such places of meeting are not the proper arena for gladiatorial fights nor the public platform to move the audience on any burning questions of the day. Desire to elicit truth and not mere popular applause should be the main object of speaking at any Municipal Meeting. As remarked by Bacon, "Some in their discourse desire rather commendation of wit, in being able to hold all arguments, than of judgment, in discerning what is true; as if it were a praise to know what might be said, and not what should be thought. Some have certain commonplaces and themes, wherein they are good, and want variety; which kind of poverty is for the most part tedious, and when it is once perceived, ridiculous." Despatch is the life of business and its principal value, for time is the measure of business, as money is of wares; and business is bought dearly where there is small despatch. Long and tedious speeches are as fit for prompt disposal of business as a robe with a long train is for a race. There are three parts of business: the preparation, the debate

or examination, and the perfection or resolution. Despatch requires that the first and the third should be the work of few and the second only of many. Pertinent discussion and keeping a steady view to the subject matter are great aids to despatch. But despatch to be of value should be by coming to a definite and clear conclusion and not by simply hurrying through the business keeping some parts of it unsettled or obscure so as to necessitate future deliberation. It is not proper to interrupt anyone in the midst of his speech for he may thereby lose the thread of his reasoning and become so confused as to take more time to put his thoughts in an orderly manner than would be necessary if he were allowed to go on in his own way. Another point of importance is to place such persons in charge of certain propositions as are well qualified to deal with them ably and satisfactorily. Above all things the discussion should be conducted in a dispassionate and cool temper in language of moderation and with tact and judgment.

VIII.

(7) *Powers and Responsibilities of Chairman as the Executive Head of the Staff.*

Subject to certain restrictions, the entire executive power for the purpose of carrying out the provisions of the Calcutta Municipal Act vests in the Chairman who has also special functions to discharge : (a) to perform all the duties and exercise all the powers imposed or conferred upon him by the Act; (b) to prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all Municipal officers and servants, and subject to the provisions of Chapter VI, dispose of all questions relating to the service of the said officers and servants,

and their pay, privileges and allowances ; (c) on the occurrence or threatened occurrence of any sudden accident or unforeseen event involving or likely to involve, extensive damage to any property of the Corporation or danger to human life, to take such immediate action as the emergency shall appear to him to justify or require, reporting forthwith to the General Committee and to the Corporation, when he has done so, the action he has taken and his reason for taking the same, and the amount of cost, if any, incurred or likely to be incurred, in consequence of such action, when such cost is not covered by a current budget grant. The Chairman has to prepare the annual administration report and statement of accounts. He may by general or special order in writing, delegate to any municipal officer any of the Chairman's powers, duties, or functions under the Act, or any rule, bye-law or regulation made thereunder except those imposed upon or vested in him by certain sections of the Act.

The nature and character of the Chairman's action depends upon the manner in which he exercises the statutory powers conferred upon him. For instance, if upon the information of some municipal employee or other informer he takes certain proceedings without ascertaining the truth of such information by some reliable corroborative evidence he will place himself in the same awkward and unenviable position as the police often do by similar careless and hasty steps.

IX.

(8) *Causes of the Alleged Corruption and their Remedy.*

The Act prohibits the Chairman, Vice-Chairman or Deputy Chairman and Municipal officers and servants from having share or interest in contract or employment with the Corporation, being indebted and from engaging

in other business with certain exceptions. A Commissioner who is convicted of any non-bailable offence is liable to forfeit his office as such. But besides these prohibitions under the Municipal Act there are several causes of corruption which is punishable under the Criminal Law. The causes of such corruption of which Municipal underlings are generally guilty are :— (1) want of proper vigilance and supervision over their acts by superior officers ; (2) leaving the rate-payers who have to obtain sanction for certain original building works, additions or repairs at the tender mercies of the officers concerned ; (3) giving *carte blanche* to Municipal officers in respect of certain alleged acts of malfeasance, misfeasance and non-feasance under the Act on the part of rate-payers ; (4) a general disposition to shield Municipal officers or servants from the legal consequences of their abuse or misuse of power charged by aggrieved rate-payers ; (5) readiness to take action upon the reports or statements submitted by Municipal officers without testing their accuracy by independent and reliable evidence or counter-statement.

The remedies are simple enough. Avoid the above courses of action or rather take the steps opposite to them and corruption will much abate, if it will not entirely, disappear. Of course nobody charges the Municipal authorities with directly or indirectly encouraging or conniving at corruption on the part of Municipal officers and servants but they seem to regard them above suspicion like Cæsar's wife.

X.

(9) *General principles of Local Self-Government as applied to Calcutta.*

As the Indian Municipalities, both rural and urban, have been based principally upon the provisions of

Municipal Acts for the Local Self-Government of the boroughs of Great Britain, a brief description of the general features and principles of such Acts will be of great help to introduce municipal improvements in India.

The following abstract is made from the "Encyclopædia Britannica," Vol. XVII:—

With a few exceptions arising under local Acts, the following description applies to all the Municipal boroughs in England and Wales, similar provisions having been made for the boroughs of Scotland and Ireland by Acts of Parliament passed for those parts of the United Kingdom. The powers and duties of the Council are defined by the Municipal Corporations Act, 1882, which forms a complete Municipal Code. The number of councillors varies from twelve to forty-eight according to the size of the borough and in the case of a new incorporation the number is fixed by a provision in the charter. The qualification of a councillor is to be an enrolled resident, burgess, or, if not resident within the district, residing within 15 miles of the borough and having in either case the property qualification required by the Act, provided that he is not a clergyman or a regular dissenting minister, or interested in any office, place or contract with which the Corporation is concerned. The qualification of a burgess is to be enrolled on the burgess roll as the rate-paying occupier of a house or other building in the borough or within 7 miles distance from it. Women may be burgesses, but are not qualified for corporate office. In many boroughs, there are ancient classes of freemen qualified as such by birth, servitude or marriage (and formerly in many cases qualified by gift or purchase); but these freemen as such have not the rights of burgesses,

though they are entitled to the parliamentary franchise and to their share in the charities and corporation property under titles accruing to their class before the reform of 1835. The qualification of an alderman is the same as that of a councillor, and the mayor is chosen from the aldermen or councillors, or persons qualified for such positions. The councillors hold office for three years, one-third of their number being annually renewed by ballot. If the borough is divided into wards, an alderman acts as returning-officer for the elections in each ward; if not, the Mayor acts as the returning-officer for the borough. Municipal elections fall within the provisions of the Corrupt Practises Act, 1883. The aldermen hold office for six years, one-half of their number retiring every three years in rotation. The Mayor holds office for one year. His election is the first business at the quarterly meetings held on the 9th day of November, when the amount of his remuneration is fixed by the Council. He is the only member of the Corporation who receives a salary. The Council chooses the Mayor and Aldermen and appoints the officers of the Corporation as the Town Clerk and Treasurer, the Sheriff when the Borough is a county of itself, and the Coroner and the Clerk of the Peace when it has separate Quarter Sessions. The Council appoints such general and special committees as may be required and has the general management of the corporate property subject to the supervision of the Treasury; it makes all necessary bye-laws, subject to disallowance by the Privy Council if necessary. With exceptions arising from the provisions of Local Acts, the Council regulates the police force, the lighting and watching of the borough, the management of markets and burial grounds and the execution of the laws

relating to public health. The expenses are defrayed out of the borough fund, which includes the income of the general corporate estate, supplemented by a borough rate paid out of the poor rate or assessed upon a similar basis. A watch-rate if required may be levied on the whole borough or on a select portion of the district. When expenditure is required for objects of a permanent character, the Council is empowered to raise the amount by loans, charged on the rates and repayable by instalments subject to the approval of the Treasury or other public departments entrusted with the control of the matter according to the nature of the improvement required. The whole of the accounts are audited by borough auditors of whom one must be a councillor appointed by the Mayor and the other two elected by the burgesses from persons qualified to be councillors. A return is made to the Local Government Board of the receipts and expenditure for the year and an abstract of all these returns is laid every year before Parliament. Some control over the expenditure is also reserved to the High Court of Justice by a provision that all orders for payment must be signed by three Councillors and the Town Clerk and that any such order may be moved by *certiorari* into the Queen's Bench Division. The Aldermen have no greater powers than other Councillors excepting that they may act as the returning officers for wards as above mentioned and an Alderman may act for the Mayor if he is temporarily unable to discharge his duty and has not appointed a deputy. The Mayor is, the head of the Corporation and is *ex-officio* a Magistrate for the borough and a member of the Watch Committee. He is the returning officer at Parliamentary Elections and acts with two elected revising assessors as the revising

officer if the borough is not represented in Parliament. His office is vacated by death or bankruptcy and must be filled up with all convenient speed after any such vacancy occurs. The last *ex-Mayor* is also *ex-officio* a Magistrate for the borough. Where the borough has a separate commission of the peace, the borough justices, with the last mentioned exceptions, are appointed by the Crown. A separate commission does not of itself exempt the borough from the concurrent jurisdiction of the country justices. A stipendiary Magistrate may be appointed by a Secretary of State on the application of the Council, and when appointed he is *ex-officio* a Justice for the borough. When the borough has a separate court of Quarter Sessions, the Recorder is the Judge, but in certain cases may appoint an assistant or deputy; the Recorder must be a barrister of five years' standing and is appointed by the Crown on the recommendation of the Home Secretary; the Recorder is also *ex-officio* a Justice for the borough. When the borough has such a court, it ceases to be liable to the county-rate but must contribute to the expenses arising from prosecution and conviction of prisoners from the borough at the assizes. In the case of boroughs which were liable before 1832 to contribute to the county-rate, a contribution to the expenses of the county is still required. Subject to an exception as to judges and assessors appointed before 1835 and to the provisions of various local Acts the Recorder is the judge of any civil court existing in the borough by prescription.

The privileges of the cities in the United States illustrate the proposition that the history of every country must determine the type of its municipalities. In almost all parts of Europe the civic franchises

arose out of some treaty or contract between the lord and his dependants. In France however the character of the Corporations was gradually modified as the communal system was extended to the rural districts. In the United States, the French model has been followed with the addition of many improvements; and where self-government has been impartially granted to the county, the township and the village, the purely Municipal organisation has lost its special significance. It is regarded in the American courts as a revokable agency established by the state (without contract or consideration for the grant) for the purpose of carrying out the necessary details of civil government among the inhabitants of an urban district. It is considered to have no vested right to any of its powers or franchises which are only allowed to exist in furtherance of the design for which the Municipal polity was constituted, that object being the exercise in subordination of the legislature of certain minor powers of government over part of the territory of the state. Each city has the general powers of a corporation and no others, but it is not in any other way entrusted with judicial authority.

After the fall of the Corporation of London in 1681, the provincial boroughs lost or surrendered their privileges and though the Charters were revived at the Revolution, the narrow and corrupt system remained. The Commissioners of 1835 reported a general and just dissatisfaction with the state of the Municipal institution, great distrust of the self-elected councils. The recommendation of the Decentralisation Commission that the Chairman of the Calcutta Corporation should be elected by the Commissioners just as the Chairman of the Municipality of Bombay is elected, if adopted, will certainly liberalise and broaden the basis

of the Municipal administration of Calcutta. It will be remembered that it was the Bombay system which was recommended for adoption in Calcutta by the popular representatives in the Bengal Legislative Council during the passage through that Council of the Calcutta Municipal Bill. The recommendation was not then accepted; now that it has been repeated by the Royal Commission on Decentralisation itself, Government, we hope, will no longer ignore it. The present constitution of the Corporation is one of the worst fruits of the Curzonian *régime*. A revision of the constitution of the Calcutta Corporation, giving the people the paramount voice in its affairs that ought to be theirs, is doubtless one of the things that must happen if the policy of conciliation is to be successful. The other recommendations of the Hobhouse Commission relate to some of the details and methods of administration such as to make the Corporation in a large measure independent of the Provincial Government.

K. C. KANJILAL, B.L.

CRITICAL NOTICES.

A LIFE OF JESUS CHRIST IN MODERN ENGLISH.

MESSRS. MACMILLAN AND CO., LD., St. Martin Street, London, send us a copy of their work which has been compiled from the Gospels by the Rev. James Smith. The book is primarily intended for use in Indian schools. The aim of the compiler has been to tell the story of the Gospels in language which he believes from long experience, will be readily understood by the average High School pupil. The Gospels have been woven together into one continuous narrative so as to combine all the details mentioned by the four Evangelists and to present a complete history. The book is priced at 6d.

STUDIES OF INDIAN LIFE AND SENTIMENT. By Sir Bampfylde Fuller, K.C.S.I., C.I.E. Publishers: Mr. John Murray, Albemarle Street.

THE very name of Bampfylde Fuller is sufficient incentive to make most people read what this erstwhile Indian Civilian has written about India when feeling ran high soon after the Partition. Sir Bampfylde Fuller, who had the courage of his convictions, was signalled out as being a fit sacrifice to propitiate the injured feelings of the Extremists thereby depriving India of one of her most gifted Indian Civil servants. More than anything else can his "Studies of Indian Life and Sentiment" show him not, as he was by some supposed a rabid beaurucrat but a warm sympathiser with Indian ideals and sentiment. As the preface correctly observes the book, though it will not contribute much that is new to the stores which Indian experience and study have collected, will at any rate be of service in diffusing information which these stores seclude. The writer's object has been to use an intimate acquaintance with the country to give such an account of it of its people and of its Government as may assist others to

understand the problems that are offered by the development of a vast population for whom the British nation is trustee. Every page is brightly written. Different peoples, with whom Sir Bampfylde Fuller has come into contact during his tours, are described fully and these chapters should make most instructive reading to those officers whose duties take them among many strange people, each having its peculiar habits and customs, and teach them how to deal with each case separately. The book is well printed and bound, and, considering the valuable information it contains, is cheap at 6/net.

A SHORT HISTORY OF BURMA. By S. W. Cocks, M.A.

MESSRS. MACMILLAN AND CO., LD., St. Martin's Street, London, have just issued this work. The author, who is the Inspector of Schools, Central Circle, Bombay, gives in brief space much that will be fresh reading to many readers. At the present time when the "Land of the Pagoda" is forging so fast ahead and with such a great future before it owing to its vast natural resources any work dealing with such a country must necessarily prove of interest, and when added to this fact the author sets forth information, gathered from many sources, into a homogenous whole, we can with safety predict a good sale for the work. The writer deals very lucidly with the fall of the Prome Monarchy, the foundation and fall of the Pagan Monastery, as well as with the period of the Shan Dominion, and other periods and finally with the reign of Thebaw, his fall and the British annexation. The story is well told and there are a number of good pictures and a map in the book. Price Re, 1-8.

AN ARABIC HISTORY OF GUJARAT, VOL. I. Edited by E. Denison Ross, Ph.D.

MR. JOHN MURRAY, Albemarle Street, London, sends us a handsomely bound volume of the above, which comes in the list of the Indian Text series and is published for the Government of India. The 390 pages of Arabic text printed in the

volume represent about one-third of the contents which the Editor, Mr. E. Denison Ross, Ph.D., discovered in the Library of the Calcutta Madrasa shortly after his appointment to the Principalship of that Institution. The author of the text was Abdallah Muhammad bin Omar al Makki al Asafi Ulugh Khani, who was born in Mecca apparently in A.D. 1540. He first came to India in A.D. 1555 and settled with his father in Ahmedabad. In 1559 he entered the service of his first master, Muhammad Ulugh Khan the Abyssinian, a prominent nobleman and general in Guzarat, in the capacity of under secretary or clerk. In the following year he took part in a battle near Baroda and did such good service that his master bestowed two villages on him. Mr. Ross synchronises the period of our author's activity with the reign of the Emperor Akbar with whom he was on more than one occasion brought into personal contact. The manuscript contains 544 folios of Arabic written in a small clear hand. This work only now being given to the world in a finished form as Mr. Ross has done, after having lain hidden and unknown for over 300 years, may, the Editor thinks, be possibly due to the author's sudden death or perhaps to the loss by accident of his manuscript. The main historical narrative contained in the volume before us extends from the accession of Muhammad Shah in A.D. 1443 down to the murder of Mahmed Shah II. in A.D. 1553. The work, however, is much more than a mere chronicle of the kings of Guzarat, a large number of digressions carrying the reader back to the early history of Islam on the one hand and forward to the beginning of the seventeenth century on the other.

INDIAN BIRDS—A KEY TO THE COMMON BIRDS OF THE PLAINS OF INDIA. By Douglas Dewar. Publisher: John Lane. Price 6s. net.

THIS is a companion volume to the bird volumes of "The Fauna of British India" and Jerdon's "Birds of India." As the author in his preface pithily remarks, "there are several good systematic works on Indian ornithology, but the descriptions in these presuppose that the reader has the

specimen in his hand and is able to examine it leisurely, feather by feather. To do this it is necessary to kill the bird in question—a procedure which causes pain to many and gives pleasure to very few." Mr. Dewar's interesting work will obviate this, while the book should also enable any person to learn in a few weeks to identify nearly all the common birds of his station. The descriptions, given in Part II of the book, are short ones, and each depicts the bird as it looks when perched in a tree or during flight.



THE FAUNA OF BRITISH INDIA, including Ceylon and Burma, published under the authority of the Secretary of State for India in Council. Medium 8vo., with text-illustrations and 10 plates. **DERMAPTERA (Earwigs).** Price 10s.
London: Taylor & Francis, Red Lion Court, Fleet Street; Calcutta and Simla: Thacker, Spink & Co.; Bombay: Thacker & Co., Ltd.; Berlin: Friedlander and Sohn, Carlstrasse, 11.

ACKNOWLEDGMENTS.

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