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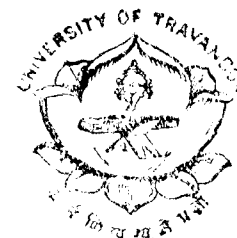
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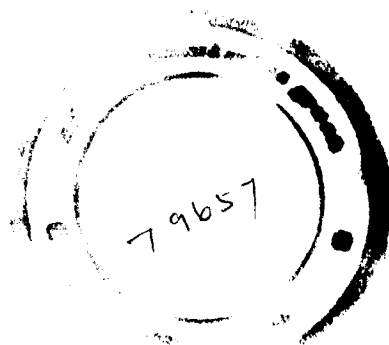
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Indian Merchant Ships and their Skippers in the Red Sea Ports, 1611 *

121

BY

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India's maritime contact with the Red Sea was of long-standing antiquity. At the end of the 15th century the route from the Persian gulf to the Near East became unsafe on account of the Turkish seizure of it. The Red Sea route through Egypt was also liable to vexatious interference by the Egyptian government. Even in 1609 Englishmen found Aden to be "a place of garrison rather than of trade," and its Turkish governor to be "both rapacious and treacherous". The Basha¹ of the Yemen did not allow the English to establish a factory at Mocha in the Red Sea without sanction from Constantinople.² Mocha's³ importance as a commercial centre was not only due to the pilgrim traffic, and the influx of Egyptian merchants who purchased eastern products in return for gold and silver, but also to the fact that the Red Sea was the main outlet of the maritime activity of Gujrat traders of Diu and Cambay, and it was at the same time frequented largely by merchant and pilgrim ships from the Sind port of Lahari Bandar, the Mughal imperial port of Surat, the Bijapur (Konkan) port of Dabhol and the Malabar or Vijayanagar ports of Cannanore and Cochin.

The activities of the Indian ships, belonging to various Indian States commanding the sea coast, in the Indian waters, i.e., from the Cape of Good Hope and Madagascar to the East Indies and the Far East and their fate in the impact of the new conditions created by the advent, first of the Portuguese and subsequently of Dutch and the English traders have not been adequately studied by scho-

* Read at the Delhi session of Indian History Congress, 1948.

1. Jaffar Basha, Vizier and Viceroy of the Province.

2. Moreland, *India at the Death of Akbar*; Foster, *England's Quest of Eastern Trade*, 189, 289; *Letters Received*, Vol. I. 129.

3. Also called Moho, Mocca. The English, however, advised their countrymen to 'shun the Red Sea' (1611) (as 'neither at Aden nor Moho nor any port under the Turkish tyranny in the Red Sea, there is not any trade for you') and to prefer the Assab road in the bay of Morgabra (Abyssinian coast), S. W. of Mocha. L. R. I. 129-31.

lars,⁴ who have dealt with the period from the point of view of the European nations' quest of the Eastern trade. In this paper an attempt has been made to study, on the basis of the English E. I. Company's records, the activities of the Indian skippers and the fate of the Indian ships in the Red Sea Ports during 1611.

In the course of the 6th voyage of the E. I. Company to the East, Sir Henry Middleton, the 'General', aboard the *Trades Increase*, was attacked at Mocha with some of his followers after an initial welcome, and imprisoned for nearly 6 months (Dec. 1610-May 10, 1611) by its Governor, Regib Aga (Rajab Agha) and sent to the Basha at Sana.⁵ On 10th May, 1611, Middleton escaped with some others of his party and reached the *Darling*. But Middleton had to leave behind "30 men of best quality" as pledges of good behaviour till the arrival of the Indian ships, which would be secure from any wrong inflicted by the English.⁶

The first reaction of the other members of Middleton's party was to avenge the Turks by attempting to dislocate their trade in the Red Sea. Captain Nicholas Downton (in charge of the *Peppercorn*) and his colleagues, wanted to make a show of force by preventing at Bab el Mandeb the Indian ships from reaching the Red Sea in the beginning of 1611. This course was decided upon after careful consideration of probable gains and losses and of possible reactions to Englishmen elsewhere. Captain Nicholas Downton, Giles Thornton and Hugh Frayne wrote to Middleton (30. 1. 11) that "the show thereof might turn you to good, since the damage they might receive that way by us might divers times double the hope or gain they may receive by all your captivities." Evidently the Turks were then deriving considerable profit from the trade carried on by the Indian ships. Though the English, advised by Sir Henry, did not actually resort to the blockade, they held (30th Jan., 1611) that "the safe passage in of the Indian ships" would conduce to the "especiall good of the Turks who might work us very much mischief."⁷

Regib Aga (Rajab Agha),^{7a} the Governor of Mocha, did not want the English to come to Mocha road, on the ground that the

4. F. C. Danvers, *The Portuguese in India*, 2 vols. (1894); Macpherson; Bruce, *Annals of Commerce*; Foster, *England's Quest of Eastern Trade*, &c.

5. *Letters Received Vol. I. 1602-13* Intro.; 129-30 (details). The Great Turk had ordered that the Basha might give license to Christians to come there but must capture their ships, kill the crew and confiscate their goods, because the place was so near Mecca. *Ibid*, 129.

6. *Ibid*, 130, 131.

7. L. R. I. 53.

7a. Formerly Governor of Aden about 1609.

ships of India dare (d) not come where the English were staying.⁸ The English also apprehended (9th March, 1611) that the arrival of the Indian ships, together with the ships and galleys from Mecca were expected to strengthen the hands of the Turkish Governor who would then be emboldened to use Sir Henry Middleton "at his pleasure and like a Judas to embrace you with a kiss and for the lucre of money to betray you again."⁹

Not only were the Indian ships considered by the English to bring vast wealth and resources to the Turkish authorities, we find the Nakhudas or Skippers or masters of Indian vessels playing the role of mediators or intermediaries between the Turkish officers and the Englishmen. Again it was through these Nakhudas that an active correspondence passed between Middleton, the General of the Sixth Voyage of E. I. C. and the other Englishmen during and after the period of his detention on shore.

The escape of Sir Henry Middleton caused a flutter in the minds of the Governor of Mocha and of the Indian merchants of Dabhol and Malabar, then at the port. They all apprehended some acts of reprisal from the English 'General'. The Turkish Governor was in a curious fix, pursuing a policy of force without sufficient naval strength, while the Indian skippers and merchants dreaded the naval might of the English. A policy of appeasement and of gaining time was the inevitable result of the situation. Two Indian Skippers (*Nahudas* or *Nakhudas*) of 'the Dabulls' and of 'the Malabars' interceded with the Governor of Mocha on behalf of some imprisoned English subordinates of Middleton including Lawrence, Femell and John Williams, and secured his ruling that none of these Englishmen would be "put into irons" or "otherwise wronged" and that they would only be confined to the house till the formal permission for their release came from the Basha within a fortnight (from 11th May, 1611).¹⁰ The Malabar Nakhuda even conveyed a letter of the imprisoned Lawrence Femell to Sir Henry Middleton (13th May), and persuaded the latter "to hold good quarter with the Turks", i.e. not to resort to any act of revenge, for the above period. The Nakhuda also promised to fulfil certain conditions suggested by Middleton regarding restoration of captured articles of the English and was rewarded by the latter with "a good sword blade in part of recompense."¹¹

8. L.R. I. 55. The English, however, hoped to get information of their men and business at Surat' only from Indian ships.

9. L.R. I. 58-9.

10. L.R. I. 89-90.

11. *Ibid*, 92.

At the same time presents and provisions poured into the hands of Femell, so that the latter might persuade Middleton (through correspondence) to remain quiet. From the crew of the Dabhol ship came much needed provisions,¹² while the Malabar Nakhuda sent some gold coins with a corg of fidkeas.¹³ The Governor of Mocha and the Nakhudas of Dabhol and of Malabar, all agreed to write (on 14th May) to the Basha, pleading for the release of the English prisoners, then guarded in their own house by a dozen soldiers, and sent them comfortable messages, assuring them freedom after the receipt of the reply from the Basha. Femell requested Middleton to send him some fresh wine, and 30 rials of eight through a trustworthy messenger "aboard the great Dabul's ships" and entreated him 'to grant the request of the Aga'.¹⁴ Thus the Indian ships rendered considerable service to the Englishmen in several ways.

In Mocha there was an Indian town. The Indians built for themselves "a petty town of slight cabins, along the strand."¹⁵ Some of the Nakhudas had their own houses at Mocha, which were occasionally the venue of meetings and discussions between them, high Turkish officials and others. Such was Malik Ambar, who used to style himself 'Nakhuda of the great ship,' captain of Dabul, the port of Bijapur. He was 30 years old and should be distinguished from the Abyssinian Prime Minister of Ahmadnagar of the same name. This great ship of Dabul was christened the *Muhammadi*, and was capable of carrying 4,000 *Khandies*¹⁶ of goods. On 13th May night, an important meeting was held at his house to discuss the terms mentioned in Middleton's letter. It was presented by Lawrence Femell before the Nahuda and the Emir Dakar. It was settled that the Nahuda and Shermale, the Shahbunder of Mocha, would work out the conditions of Middleton's capitulation with the Agha, Governor of Mocha.¹⁷

Besides the Skipper of the ship of Dabhol in Bijapur, there was another influential skipper of Vijayanagar (Malabar) at Mocha, referred to in the E. I. Company's records as "the old Nahuda Mahomet of Cainnor" (Cannanore). He had rendered the party

12. Viz. two sheep, one large basket of rice, another of bread, with a pan of butter and some green ginger.

13. A bale of 20 pieces of a variety of cotton cloth.

14. L. R. I. 93-94.

15. L. R. I. 182.

16. A South Indian weight, generally equal to 20 maunds.

17. L. R. I. 95. For details of Malik Ambar and his ship, vide Portuguese records in JERS XXXIII, 32.

of Femell considerable services at the time of Middleton's escape and interceded on behalf of the English with the Basha. So Femell besought Middleton to use the Malabar Skipper, deputed to settle conditions of capitulation, "with all tenderness" and to arrange with him to get back the anchors in five days, so that the presence of two more English vessels in the Mocha road would inspire the local authorities and the Indians with greater awe of the English than before.¹⁸ Rajab Agha, the Governor of Mocha promised to Middleton (15th May) to agree to the terms suggested by Nakhuda Mahomet, as he was the accredited spokesman of the Turkish authorities.¹⁹

In spite of the friction between the English and the Turkish authorities the relations between the English and the Indian ships were, on the whole, outwardly at least, cordial. Thus Middleton asked (15th May) Femell to recommend him to Nakhuda Mahomed and Nakhuda Malik Ambar, thank the latter for the presents brought by his Kaihos, and request the Governor of Mocha to grant the Indian merchants and masters, complete freedom to come to Middleton's ships.²⁰ Indeed, it was from these Indians that the English could expect information of the progress which their predecessors, like William Hawkins, Jourdain and Sharpeigh, were making with regard to development of trade in the main land of India, particularly at Surat and Cambay.²¹

On the other hand, Malik Ambar, the captain of Dabhol, in his turn, showed a friendly disposition to the English, by supplying them daily rations, albeit without meat. In partial recompense, Middleton sent a good sword blade for Malik Ambar and another for his Kaiho, and still considered himself to be indebted to the Bijapuri captain.²² Subsequently Malik Ambar, too, thanked Middleton for the presents and avowed his readiness to requite his courtesy on any later occasion, if demanded. What had been sent by him to Middleton and the Englishmen ashore was, Malik Ambar

18. *Ibid.*, 95-6, 96-7.

19. 'And look what the Nahuda Mahomet (for he is the man that must deal for us) doth say, I will consent unto.' *Ibid.* 99-100. The Nahuda, along with the governor and the Shahbunder wrote to the Basha to restore the *Pinnace* captured by the Turks for the grand Seignor or Vizier, to Middleton. *Ibid.*

20. "My friends, the Nahuda and other my friends of India." *Ibid.*, 101.

21. Details in L. R. I. 116-118, 120, 123.

22. Femell and Williams gratefully acknowledged the gift to Middleton (18th May, 1611); "Every day we receive kindness from Meleck Ambar Nahuda of the great ship, in the quality that they ordinarily feedeth upon, we mean rice, but no flesh therewith." L. R. I. 108, 109.

professed, "not with expectation of recompense," but in token of his goodwill and love towards them. Malik Ambar also expressed the hope that the Basha's order of release of Englishmen would come in eight days' time. He volunteered to carry any letter which Middleton might send "to any part of India." He also invited Middleton to Dabhol, assuring him that his "entertainment would be very friendly and embracement of trade gratefully accepted."²³ The true reason of this offer of the Bijapuri captain is not probably disclosed in the E. I. Company's records. It is true Malik Ambar is said to have only expected "a safe passage" for himself in the hands of the Englishmen on his way back." Was this dallying of the Bijapuri Captain with the English intended to offset the Portuguese-Vijayanagar alliance and thereby reduce the political importance of the Portuguese in the West Coast of India and to win over the English to stand by the side of Bijapur, if need be, especially because of the apprehension that the friction²⁴ between the Portuguese and the Nizam Shahi's of Ahmadnagar might spread to Bijapur as well?

But this friendly attitude of the English towards the Indian ships was more apparent than real. In the first place, it did not stand in the way of Sir Henry's holding a threat to burn the Indian ships, when he was dissatisfied with the negative reply of the Governor of Mocha on the question of the release of the Englishmen. Reprisal, followed by a dislocation of the trade of Mocha was, to the English, the only means of bringing the Turks on their knees. On 16th May, Middleton wrote, "I will not forbear to burn the India ships which are my friends, rather than I will lose the benefit of revenge upon so vile a traitor." He even withdrew his request, previously made, of allowing "the Nahudas and other my friends" to come aboard his own ships, so as not to remain under any sense of obligation to the Governor.²⁵ Middleton, however, refrained from reprisals "at the entreaty of the Shahbunder and Nakhuda Mohomet". Indeed, the issue seemed to depend wholly on "the promise and determination of the Nahuda."²⁶ The Governor, gave out that any breach of peace by Middleton, involving

23. *Ibid.*, 113, very likely it was in pursuance of this invitation that in 1612, Sir Henry Middleton's ships touch at Dabhol. He was requested to initiate a regular trade. But in spite of occasional discussions of the advisability of opening a factory, nothing took place, "as the perennial warfare with the Portuguese rendered ventures in that direction unsafe for any but a strong fleet." Foster, *England's Quest of Eastern Trade*, 317-318.

24. Danvers, II. 149-51

25. L. R. I. 102-103.

26. L. R. I. 104.

the burning of the Indian ships, would be immaterial to his government, as it would only injure "the friends". But this was evidently a bluff, as future events showed. Further, the delay in the arrival of ships from the Gujrat port, Diu, caused a steep rise in the price of articles from India at Mocha. The Aga also wanted to keep the question of access of the Indian Nakhudas to Middleton to be undecided, depending on Middleton's own conduct. As a matter of fact the Shahbunder and Nakhuda Mahomet and even Lawrence Femell himself desired Middleton to wait patiently till the expiry of the limited period.²⁷

Secondly, Femell objected to Middleton's advice to borrow some money from Nakhuda Mahomet, considering it to be "a discredit to borrow money of" Indians and resolved to keep himself out of debt in any eventuality.²⁸

Thirdly, Sir Henry Middleton seized, on 18th May, 1611, the ship of Diu, together with its crew and goods, and some other ships from Malabar and Dabhol, as a security for the release of the imprisoned Englishmen. He was resolved to so tighten the blockade as not to allow any unloading of ships and to permit a single person to go ashore, even if starvation stared the crew in the face on the sea. Thus "the Malabar master and owner of the small ship that rideth next the shore" were not permitted to haul their ships ashore, though the Dabull ship was permitted to ballast. But he promised not to inflict any injury on either the ship or the crew. He would also not allow any Englishman to enter the ship. His sole objective was to bring her under complete command of his own ship for purposes of effective blockade.²⁹

This blockade of the Indian ships seemed to cause a serious dislocation of the trade interests of the port. Rajab Agha, the Governor of Mocha, had to swallow his previous bluff, and to relent at this pressure. On 19th May he requested Middleton to permit the unloading of the ships and especially of a ship of Diu, 'appertaining' to the business of Shermale, the Shahbunder, that was expected to arrive from the Babel Mandab to Mocha on the 20th. In case of noncompliance, the Governor would inform the Basha.³⁰ But Middleton steadily refused to permit unloading of any goods till the release of the Englishmen and retained the Diu ship in his own keeping. The Shahbunder, anxious to know his own business

27. *Ibid.*, 105-107.

28. *Ibid.*, 105-107.

29. L. R. I. 110, 111.

30. *Ibid.*, 112-113.

affairs, implored Middleton (20th May, 1611) to allow at least "some of my people come ashore, and offered him 10 Moraes of rice as a sign of goodwill."³¹ He was especially anxious to contact a Gujarati youth and Femell forwarded his request to Middleton, a request that was repeated by the Aga also. But Middleton would not release him till the release of the Englishmen.³² These details show that the Turks were utterly weak in naval power and that the Indian ships had no convoy or military protection against hostile attack on the sea.

Fourthly, Nakhuda Mahomet lost the confidence of the English. About 20th May, the Turkish authorities imprisoned and enchained Femell and his party. The latter at first believed that this was due to the alarm raised by Nakhuda Mohomet that Sir Henry Middleton would not only demand the release of Femell and his men but also the restitution of all goods. But Sir Henry denied to have said so and assured Femell (21 May) that he was not "so indiscreet to reveal my designs to any Indian whatsoever." Subsequently, after his chains were removed, Femell learnt that the Shahbunder did not want him to disclose to Middleton the fact of the enchaining and attributed it to the news of approach, during night, of a boat, evidently suspected by the townsmen to be a reprisal boat of Middleton. Femell, therefore, suspected the Nakhuda to be a double-dealer, who was responsible for his own imprisonment. Later still (22 May) Femell could not decide whether the Nakhuda or the Shahbunder was more honest, and began to suspect the Shahbunder also. The Shahbunder had arranged the detention of the Englishmen till the arrival of the Indian ships, and when Middleton seized the ship of Diu, connected with the Shahbunder, the latter, who was at the Agha's house, was reported to have given "Money to have it (enchaining) done." Femell was therefore at a loss to understand which of the three causes, alleged to be responsible for the enchaining of the English, was "the efficient cause" i.e., true cause. But he was definite that Malik Ambar "did speak most earnestly and boldly in our cause."³³ Evidently there was some intrigue between

the Shahbunder and Nakhuda Mahomet. Middleton swore vengeance on the Nakhudas whom he suspected to neglect him, stating (21 May), "I hope to requite them and make them know their errors too late, for I find no man to stir in my business but the Shahbunder and all the rest sit still."³⁴

Middleton was also sceptical of Malik Ambar's attitude. To Lawrence Femell's assurance that Malik Ambar had spoken "most earnestly and boldly in favour of the imprisoned Englishmen, Middleton replied (22 May, 1611): 'If Meleck Ambar be kind to you now, it is more for fear than love, for I, when I was ashore, could receive none at his hands.'"³⁵

At the same time there was a growing realisation on the part of the Englishmen of the 6th Voyage, then at Mocha, that if they were to prosecute their trade successfully, they must, in view of the uncertainty of establishing trade in the west coast of India, "make friends at other places." The Portuguese maritime supremacy and the danger of rivalry with them was a factor that must be reckoned with. "If the Portingals seek to work us out we must endeavour to keep ourselves in; the beginning is the worst," wrote Femell to Middleton (22 May). Moreover, from information trickling from the Indian merchants and skippers, they came to know of the difficulties of establishing trade at Cambay and Surat³⁶ on account of the vacillating policy of Jahangir and the caprices of his Governors.³⁷ Further, the commodities which the English had brought for India would not be suitable for or vendible in "any other place but the coast of Mallabar". But direct trade relation with the Vijayanagar Empire in the Malabar coast would be impossible on account of the treaty of 1547 between that Empire and the Portuguese. Hence the only hope for the English lay in taking "perfect intelligence of the entrance of Dabull", the port of Bijapur, so that they might establish overland trade with Vijayanagar through Bijapur. This necessitated that the "Dabull men" must be completely won over. Hence Lawrence Femell and John Williams requested Sir Henry Middleton (22 May, 1611) to send a compass for the "Malum of the great Dabull's ship;" in case Middleton was

31. *Ibid.*, 114, 116. Middleton's letter, a reply to Regib Aga's letter of 19th is dated 18th May, 1611. This is evidently a mistake. A *mora* was a measure used in sale of paddy on the West Coast of India.

32. *Ibid.*, 120, 121, 122. From Femell's letter of 23rd May, 1611, it appears that the father of the Guj. youth, 'an old decrepit man' came to him enquiring about his son's release. *Ibid.*, 122.

33. L. R. I. 116-117, 117-118, 119-20. It is clear that the Turkish prison restrictions did not prevent correspondence between the prisoners and their outside friends.

34. L. R. I. 117. Middleton regarded both Nakhuda Mahomet and the Shahbunder to be alike, refuting Femell's allegation that he condemned the former and excused the latter, but held that it would not be proper to indict the Shahbunder, who "was never but kind to us", without substantial proof. *Ibid.*, 121.

35. *Ibid.*, 120, 121.

36. *Ibid.*, 116-118, 120, (Femell's letter, 123, 157).

37. L. R. I. 157, 158, 159, 160.

unwilling to "bestow a compass upon him" i.e. as a gift, Femell requested his superior to "sell us a compass which in the end shall not be lost."³⁸ Middleton demurred, saying that he had not brought any compass for sale but finally sent one in the hope of eventual advantage, adding: "The last news of Surat hath afforded you a reason why you should give it, for before you wrote me none."³⁹

The Indian Nakhudas also played an important part in the final release of the Englishmen, imprisoned by the Turkish authorities at Mocha. The Basha at Sana sent letters to the Governor, to Nakhuda Mahomet, to the Shahbunder and the merchants for the release. It was settled that Nakhuda Mahomet should go to Middleton on 25th May and take from him and his crew a signed guarantee ("a writing under your hand and seal") to the effect that they would not do "harm to any ships whatsoever in this Sea." Then the Shahbunder and the Nakhuda would "become pledges", i.e. stand as surety for the English. The Nakhuda of the ship of Dabhol (i.e. Malik Ambar) had the courage to denounce the conduct of the Turkish authorities and incurred the Governor's displeasure. Middleton was informed that "the Governor and Nahuda of the Dabull are at difference, the Nahuda telling him plainly of his injurious dealing towards us." The Governor refused to permit Malik Ambar "to send a boat aboard to see what his ships" wanted. So Femell requested Middleton to lend a boat for the purpose, in order to gratify Malik Ambar.⁴⁰

Nakhuda Mahomet promised to Middleton that the entire party of the imprisoned Englishmen with all their belongings, and the pinnace with all its articles would be restored to Middleton on 26th May, besides articles of personal use "save the main bulk of our goods". If the Aga would not restore as many goods as demanded by the English, the Nakhuda himself would.⁴¹ On 26th May, Middleton sent a written note to Rajab Agha, through Femell, that if all the "Englishmen, the pinnace, and all ships and men were restored, he would bind himself "not to meddle with any ships" in the Red Sea.⁴²

38. L. R. I. 119-20. I am indebted to Dr. Moraes for giving me the interesting information that the compasses of the Europeans were superior to those used by the Arabs and others in the Indian waters.

39. *Ibid.*, 121. The Malum, approached by Femell, promised to furnish Middleton with a good loadstone in return for his money, *Ibid.*, 124.

40. L. R. I. 124-5.

41. *Ibid.*, 125-6.

42. *Ibid.*, 128.

A cipher correspondence⁴³ on Middleton's letter of 25th May contains the following with regard to Indian ships. I have given a tentative clue within brackets where possible:

This day being 28th May is 226th day. The ships of Dabull (Dabhol) 305 or 300 (expected to leave Mocha on 15th or 10th August).

Mallebarrs (Malabar) 295 or 300 (expected to leave on 5th or 10th August).

Ships of Dewe (Diu), 305 (expected to leave on 15th August).

To go 310 (leave Mocha by 20th August) is very late and doubtful to attain the coast of India, the best time is 300 (10th August) to attain the coast of India. After 270 days (11th July) begin the buying and selling. The coast of India 330 or 332. (The English hoped to reach it by 9th or 11th September).⁴⁴

The Storm of Ofante⁴⁵ doth begin and endureth 2 or 3 days.

The ships of Dew (Diu) 130 or 135 each from Sinda (Indus R.) or 70, 80, 90 (? not clear).

43. L. R. I. 125-6.

44. Middleton, in his settlement talks with Nakhuda Mahomet had informed him that he would depart within 48 hours of completing his necessary purchases of provisions for his ships. As a matter of fact, Middleton's fleet left Mocha on August 9, (i.e. one day earlier) and anchored in the road south of the bar of Surat on Sept. 26, (i.e. about a fortnight behind schedule). L. R. I. 125, xxxiii.

45. Ofante or Elephant, a term used by the Portuguese to indicate violent storms at the end or according to some, beginning of the monsoon.

The Development of Judiciary and its Conflict with the Executive in Bengal between 1774-1803

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CHAPTER I

THE ENGLISH COURTS IN INDIA BEFORE 1770

The Charters obtained by the East India Company from Queen Elizabeth and King James I (viz., those of 1600, 1609, 1611, 1622) gave the Company no privileges except the right of exclusive trade with the East Indies, which was, however, an exceptional privilege in the light of the political economy of the times ; (for instance,) Section 9 of the Act against Monopolies (21 James I C. 3) which expressly provided that any company or society of merchants which had been erected for the maintenance, enlarging or ordering of any trade of merchandise should retain all legal privileges. The next important Charter was that of Cromwell of 1657. It was followed by that of Charles II of 1661 (13 Charles II) which gave the Company "power and command" over their fortresses and to appoint Governors and other officers for their Government.¹ "The Governor and Council of each Factory were empowered to judge all persons belonging to the said Governor and Company or that shall live under them, in all causes whether civil or criminal, according to the Laws of this Kingdom and to execute Judgment accordingly." The Chief Factor and Council of any place for which there was no Governor, were empowered to send offenders for punishment either to a place where there was a Governor and Council or to England. The Company were also empowered to send ships of war to their factories, to choose commanders and officers and give them power, by commissions under their common seal, to seize unlicensed persons and send them to England, to punish persons in their employment and to make peace or war with any non-Christian Prince or people.²

1. Shaw : Charters of the East India Company, 1887, Madras, p. 44.

2. *Ibid.*, p. 45.

Before the issue of this Charter the Company's Agents and Councils in their Indian Settlements possessed no authority of any judicial character over the inhabitants, "but such as was derived from the native suzerain." Offences by British subjects were dealt with by the Agent and Council. Thus, when the case of the murder of an Indian slave girl at Madras by her European mistress was referred by the Agent and Council to the Directors, the latter resolved that, under the authority given by the Charter of 1661, the Agent at Fort St. George should be created Governor with power to try this and similar cases under the Charter. This despatch reached Madras when Governor Foxcroft had been superseded by Sir Edward Winter (Sep. 1665-Aug. 1668). Foxcroft thus became the first Agent to be created Governor of Fort St. George. The Governor also claimed the control of the Indian population of the presidency against the Muhammadan ruler of the neighbourhood, because if he should accept a Havildar or Indian Governor for the town of Madras, that acceptance would be "an infraction of his authorised privileges."³

In earlier times, disputes between Indians and the Factors of a Settlement were adjudicated in the tribunals of the native powers. Captain Best's treaty with the Mughal Governor of Ahmadabad confirmed by the Governor of Gujarat (October 21, 1612) provided that "in all the questions, wrongs and injuries that shall be offered to us and to our nation we do receive from the Judges and those that be in authority speedy justice, according to the quality of our complaints and wrongs done us, and that by delays we be not put off or wearied by time and charge." A King's commission under the Great Seal, empowered the Commissioners to punish and execute English offenders by martial law. In civil cases, the President or Chief of the Factory had absolute powers.

In Madras there had long been in existence a 'Choultry Court' where justice was administered to Indian inhabitants by either Indians or Europeans appointed by the Governor.

In 1684 an Admiralty Court was created by a Royal Charter of 1683 at Madras presided over by a Judge Advocate. This Charter of 1683 gave the Company full power to declare war and make peace with heathen nations, and to exercise martial law in their jurisdiction. The same Charter established a Court of Judicature presided over by a civil judge and two assistants, with power to hear and determine all cases of forfeiture of ships or goods, trading con-

trary to the Charter and also all mercantile and marine cases, according to the Laws and Customs of the Merchants. A Judge-Advocate was appointed at both Surat and Madras and was later empowered to preside over the quarter sessions. Usually the Governor presided at the trial of pirates, and occasionally the Judge Advocate presided over the trials.⁴

According to the Company's Charter issued under their own seal, under the authority of the Royal Charters of 1661 and 1683 (of Charles II and of 1686 of James II) a Municipality and a Mayor's Court were established at Madras in September 1687.

The Municipality and the Mayor's Court were created by the Company's Charter, because, as the Governor of the Company observed, "the wind of the extraordinary humour in their heads would probably render them so haughty and over-bearing that the Company would be forced to remove them." The Company evidently had in mind the recent differences that had occurred between Sir John Child, the Governor of Bombay, and Dr. St. John, who had been appointed Judge of the Court at Surat by Royal Commission from the Company; and it was alive to the dangers arising from an independent judiciary which in the next century were to bring about the conflicts between Warren Hastings and the Calcutta Supreme Court.⁵

The Mayor's Court was to have a Recorder, and the Judge Advocate was appointed to be the first Recorder; and there was a right of appeal from the Mayor's Court to the Court of Admiralty (Supreme Court of Judicature)⁶

The establishment of the Mayor's Court in Madras soon after that of the Admiralty Court calls for some explanation.⁷

The Court of Admiralty continued to function at Madras down to 1704 when, on the return of the Judge Advocate to England, it was decided that his office was to remain vacant.⁸ Admiralty jurisdiction came to be exercised since then by the Governor and Council under Royal Commission issued in conformity with the Piracy Act of 1698 (2nd William III, Sec. 7).

The Governor and Council at Madras had also constituted themselves as a Court of Appeal from both the Admiralty and the Mayor's Courts. This was presumably due to the instructions of

4. H. D. Love: *Vestiges of Old Madras*, Vol. I, p. 494.

5. *The Indian Antiquary*, Vol. XLVIII, p. 213.

6. Shaw, p. 89.

7. Fawcett: *The First Century of British Justice in India*, 1934, pp. 203-206.

8. Love: Vol. III, p. 30.

3. *The Indian Antiquary*, Vol. XLVIII for 1929, p. 212.

the Company to Thomas Pitt, Governor of Madras (1698-1709) that the President and Council should hear appeals in all cases of value of over 100 pagodas.⁹

In Bengal there existed no regular Court of Admiralty for the English Company down to 1728. A Commission was indeed given to the Admiral of the first expedition to the Bay, followed by two subsequent commissions in 1688 and 1693; but there is no evidence that a Court of Admiralty regularly sat at all. In fact the conditions in Bengal were not favourable for any such court functioning; and the Council of Calcutta was instructed to send all prisoners to Madras for trial, if necessary.¹⁰

It so happened that during the time of Governor Yale (1687-1692) the Mayor's Court at Madras declared that their own decisions were final. The Mayor and some of the Aldermen were members of the Council and they bitterly quarrelled with the Governor over the matter.¹¹ In 1692 the Supreme Court of Judicature was revived, as the Company sent out a new Judge Advocate. Later, he was removed from office and the Company decided that the post of Judge-Advocate should be filled by Members of the Council in rotation. The Supreme Court inflicted sentences of death, whipping, pillory, etc.

The instructions to Sir Charles Eyre the first Governor and President of Fort William, did not contain any direction to improve the courts of justice, such as had been given to the Governor of Madras in the previous year, i.e., 1698. In fact, the Company did not establish any regular Court of Justice at Calcutta, apart from the jurisdiction exercised by the Governor and Council, down to 1728 when the Mayor's Court was set up. The President of Fort William had always to resort to a Committee of three members of the Council for the decision of small controversies,¹² but its working was fitful and not continuous.

The famous Charter of George I of 1726 established (rather reconstituted) the Municipalities of Madras, Bombay and Calcutta and set up and remodelled the Mayor's and other Courts in each of the three Presidencies. The Mayor and Aldermen at each Presidency were to constitute a Mayor's Court with civil jurisdiction, which was, however, subject to an appeal to the President and

Council and a second appeal, in more important cases, to the King in Council.¹³ The Mayor's Court was also granted power of probate as well as the power to exercise testamentary jurisdiction. The Governor and five Senior Members of the Council were to be Justices of the Peace and Commissioners of Oyer and Terminer and Gaol Delivery, with "such powers, jurisdictions and authorities and under such regulations and restrictions as were in force in Madraspatam and were to hold Quarter Sessions four times in the year, with jurisdiction over all offences except high treason." At the same time, the Company were authorized, as in previous charters, to "appoint generals and other military officers with power to exercise the *inhabitants in arms*, to repel force by force and to exercise martial law in times of war."¹⁴ The President and Council were also to constitute a Court of Appeal from the jurisdiction of the Mayor's Court, while a Court of Requests or a Court of Conscience was instituted for the decision, by summary procedure, of pecuniary disputes of small amounts.

The Charter of 1726 organised the Municipalities and Mayor's Courts according to the wishes of the Directors as intimated in their letter to Bengal of the 17th February 1726, "with a view to the management of civil affairs as near as could be agreeable to the practice and methods of Mayor's Court at Fort St. George." With this despatch were transmitted "various books and instructions for the proceedings of the new court in all actions and suits, as well civil as criminal, and in proving of Wills and granting of Letters of Administration of Intestates' Estates together with the forms of the several oaths directed by the Charter to be taken, which books were compiled with great care and with the advice and assistance of the ablest lawyers in the several branches of business therein treated of."¹⁵ No copies of these books can be found in the India Office, though duplicates appear to have been sent out, on the 24th January 1753; and there is reason to believe that in one of them the doctrine was first laid down that by the Charter of 1726 all the Common and Statute Laws at that time extant in England, were introduced into the Indian Presidencies and all parliamentary enactments passed since that period excluded, unless expressly extended to India. This doctrine has long been applied; in the celebrated trial of Nand Kumar all the Judges appear to have considered it clear that the dividing line was drawn by the Charter

9. Instructions to Governor Pitt dated 5th January, 1698, *vide* William Hedges' Diary, edited by Sir Henry Yale, Vol. III, pp. 34-35 and also *Life of Thomas Pitt* by C. N. Dalton, p. 105.

10. Wilson: *Early Annals of the English in Bengal*, Vol. I, p. 141.

11. Love: Vol. I, p. 502.

12. Wilson: *Early Annals of the English in Bengal*, Vol. I, p. 197.

13. Shaw: p. 230 et seq.

14. C. P. Ilbert: *Government of India*, 3rd Edition, p. 32; and Shaw: p. 245.

15. Charters relating to the East India Company from 1600 to 1761 by John Shaw, Madras, 1887, Introduction, pp. XVI and XVII.

of 1753, the only doubt expressed being whether the condition and circumstances of the place and the persons admitted of the law being administered as in England.

Prof. D. N. Banerji says¹⁶ that the Mayor's Courts established by the Charter of 1726 were not vested with any criminal jurisdiction at all, their jurisdiction was confined to civil suits, actions and pleas, while it clearly provided for entirely separate Courts of Justice for the trial of all criminal offenders except high treason committed within the Presidency Settlements, within the Factories subordinate thereto and within ten miles of any of the same respectively. The Charter definitely says that, in compliance with the wishes of the Directors, as intimated in their letter to Bengal of 17th February 1726, the Mayor's Courts were to conduct the management of civil affairs "as near as could be agreeable to the practice and methods of the Mayor's Court at Fort St. George."

The Mayor's Court was to be a Court of Record; and the President and Council were constituted an Appellate Court from it; they were also commissioned Justices of the Peace and a Court of Oyer, Terminer and Gaol Delivery.

A full account of the working of the Mayor's Courts will naturally and readily show that it resulted in a distinct progress in the administration of justice according to the principles and practice of English courts. Each Mayor's Court was at pains to assert itself and to maintain its independence of the Governor and Council. The Mayor and Aldermen were generally members of the Grand Jury at Quarter Sessions; and they sometimes made presentments that were inconvenient to the Council and also objected to the method of procedure adopted.¹⁷

In 1733 the Directors expressed their disapproval¹⁸ of "that affected independency which, we are informed, has crept in among all the young Aldermen and Attorneys in the Mayor's Court." Again, in 1746, we find that the Directors commented on the Bengal Council on their exposing themselves to a sort of insult from the Mayor's Court. Copies of registers of the proceedings of these courts were regularly sent annually to the Directors and were subjected to a close scrutiny by the Counsel for the Company. This scrutiny was sometimes very elaborate, particularly in the first three years as reflected in the Despatches of the Company of the years

1729-31. The remarks were intended to impress on the Courts the fundamental principles of English laws that ensured fair trial and gave other useful instructions by way of advice and opinion. The scrutiny of the Proceedings of the Courts was left to the Company's Standing Counsel and Attorney. This supervision of the Company over the Mayor's Courts was, on the whole, beneficial, though it approximated the procedure to the English model and tended to cause much delay in the disposal of cases.

There was always a great deal of indefiniteness as to the limits of the jurisdiction of the Mayor's Court. Within the immediate limits of the Presidency and the subordinate factories, Indians were subject to English laws in all criminal matters. It was a long-standing practice, both in Madras and Calcutta, in cases where Indians were accused and were on trial for life, to empanel a jury, composed of half Englishmen, and half Indians.

The Grand Jury at the Quarter Sessions imitated their English analogue and made presentation of matters which they thought needed amendment or improvement, like the condition of the town gaol, the fixing of prices, wages, etc. They often claimed that these and other presentments of theirs should be read out and answered in open court. There are instances of the Grand Jury refusing to examine bills of indictment when the Justices refused to answer their presentments.

As in England, all indictments were referred in the first instance to the Grand Jury, and only those on which that Jury found a true bill, were tried by the Justices before a Petty Jury.

When a prisoner refused to plead, the trial could not legally go on and the Justices pronounced as in England the dreadful formula of the *peine forte et dure*.¹⁹

Juries assessed the value of stolen property at a very low figure in order to bring that category of crime outside the scope of felony and they might consequently inflict a milder sentence than death.

A person found guilty of man-slaughter was allowed to plead the Benefit of Clergy, so that his property might not be confiscated to the Crown. Branding was often done with cold iron. Hanging was done by means of chains, near the scene of the crime. Sometimes transportation was ordered to Sumatra. Thieves were whipped at the cart's tail.²⁰

16. Proceedings of the Indian Historical Records Commission, Vol. XVIII, 1942, p. 76 et seq.

17. Fawcett, p. 223.

18. Despatch to Bengal of 6th Feb. 1733.

19. H. Dodwell: The Nabobs of Madras, pp. 150-51.

20. Account of criminal procedure detailed in Madras Records Sundry Book Public 8.

One point which should be noted here and which is greatly significant of a particular aspect of the troubles that arose in Hastings' time was the fact that the Company insisted upon English Law being applied in the Courts, because it held that the Charter was "principally designed for the government and benefit of Europeans"; but the continued recognition of the peculiar customs of the natives was also encouraged. And the Charter of 1753, as will be presently seen, expressly excepted from the jurisdiction of the Mayor's Court all suits and actions between the Natives only which should be determined among themselves, unless both parties submitted to the determination of the Mayor's Court.

Fawcett has remarked that "the courts on the whole were greatly beneficial to the Natives and taken advantage of by them."²¹ The registers show, however, that Indians continued to resort to those courts to much the same extent as before. This consent to submit to their jurisdiction gives a clear indication that it was favourably regarded by the native inhabitants of the settlements. "Indian litigation in fact contributed the bulk of the court work from their start; and in 1731, the Company expressed surprise that the number of suits at Madras "should rival those of one of the principal courts at Westminster Hall."²² In the face of this evidence, the view that justice suffered because the Mayor's Court knew nothing and could know nothing of jurisprudence is not sustainable. Most of the litigation was of a simple character, such as claims for debts, and was dealt with in a prompt and satisfactory manner. "The Benches had no professional lawyer among them, they judged the causes before them with apparent fairness and in a sensible manner that was none the worse for its avoidance of legal technicalities."²³

A supplementary Charter was issued on 17th Nov. 1727 (1 George II) by which all fines inflicted by the courts established under the charter of 1726 were granted to the Company. In the next year another charter which was dated the 4th November 1728 (2 George II) empowered the Commissioners of the Admiralty to give power to the Captains of the ships belonging to the Company to seize foreign ships sailing from the Austrian Netherlands (Belgium) to the East Indies.

Madras was taken by the French in Sep. 1746, and was not restored to the English till Dec. 1749; but it did not again become

the seat of the Presidency till April 1752, Fort St. David meanwhile continuing to be the headquarters of the President and Council. The French occupation of Madras put an end to the Mayor's Court at that town, and so a new Charter was issued on 8th January 1753 (26 George II); as it had been found by experience that the Charter of 1726 was defective in some respects the new Charter was an improved one and was granted to all the three Presidencies.²⁴ It was provided by this Charter that there should be, at the Factory of Fort William in Bengal, "A Body Politick and Corporate by the name of the Mayor and Aldermen of Calcutta at Fort William in Bengal", that it should consist of a Mayor and nine Alderman, seven of whom, along with the Mayor, should be natural born subjects of the Crown; that two of the Aldermen might be foreign Protestants but should be subjects of the State in amity with the British Crown. The first Mayor and Aldermen under the Charter should be last Mayor and Aldermen under the previous Charter. The annual election of a new Mayor was provided for. The Mayor, on the termination of his office, was to continue as an Alderman and provision was made for filling up any vacancy or vacancies in the offices of Aldermen and Mayor. The President and Council were empowered by the Charter to remove, upon reasonable cause shown, on a complaint in writing, any Alderman from office; but the latter was given a reasonable time to make a statement in his defence and was to be summoned for that purpose if he was residing within the limits of Calcutta. He was also allowed to appeal to the Crown in Council against such removal.

There was a petition of the Castes at Madras demanding the recognition of their customs. In reply, the Company wrote as follows: ²⁵ "We say in the place that such differences that happen between the Natives, in which the King's subjects were not involved, these may and should be decided among themselves according to their own customs or by Justices or Referees to be appointed by themselves or otherwise as they think fit; but if they request and choose them to be decided by English Laws, those and those only must be pursued, and pursued too according to the directions in the Charter; and this likewise must be the case when differences happen between Natives and Subjects of England, where either party is obstinate and determined to go to law."

24. For the Charter, see Shaw: pp. 252-281.

25. Despatch to Madras dated 10th Nov. 1732. See also Fawcett, p. 224; and Keith, p. 48. Keith further says that this decision did not cause much change in the actual practice, because while in Madras there could be no effectual substitute for the Mayor's Court, in Calcutta these cases of Indians were disposed of by Zamindari Court of Cutcherry.

21. Fawcett: p. 225.

22. *Ibid.* quoting from the Directors' Despatch of 12th Feb. 1731, para 107.

23. Fawcett: p. 225.

The Governor or President and Council of Calcutta had by Charter, the appointment of Aldermen, who, after that nomination were to continue for life. But this continuation in office was strangely circumstanced; for the same Governor and Council were empowered to remove, without even the concurrence of the Corporation, any Alderman upon a reasonable cause, of which they were left the sole judges in India; their sentence or adjudication of removal was only subject to an appeal to His Majesty in Council in England.²⁶

The Sheriff was to be elected by the President and Council and was to take up the duties of his office from the 20th day of December. Any vacancy in his office was to be filled in by the Council.

The Mayor's Court was authorised to try, hear and determine all civil suits, actions and pleas within the town of Calcutta or within any factories subordinate to it. It was, however, provided that the jurisdiction of the Court should not extend to all suits and actions between Indian Natives and that these suits and actions might be determined among themselves unless both parties submitted to the determination of the Mayor's Court.²⁷

The rules of practice in Mayor's Court in civil actions were prescribed in the Charter. The cause of action was to exceed five pagodas and was not to lie between Indian Natives only.

The Mayor himself was not to act as judge in any action or suit commenced against himself. In a suit brought against the Company the Court was empowered to issue summons against the President and Council and also processes against the Company, its estates and effects. The Company could bring action or suit in the Mayor's Court against a private person.

An Accountant-General for the Court was to be appointed by the Court of Directors; and he was to carry into execution the orders of the Court relating to "suitors' moneys, effects and securities" and to keep the accounts thereof with the President and Council.

26. Bolt's *Considerations on Indian Affairs*, p. 78.

27. Morley in his *Digest* (Introduction) says that Bombay was an exception, because it does not appear that its native inhabitants were ever actually exempted from the jurisdiction of the Mayor's Court or any peculiar law was administered to them in that Court. In the Charter occur the words, "unless the same shall be between the Indian Natives only, or unless the cause of suit shall not exceed the value of five pagodas."

Cowell thinks that this exemption of civil suits between Natives from the jurisdiction of the Mayor's Court "appears to involve a renunciation of sovereign authority at that time over the Natives".

The Court was empowered to administer oaths and affirmations and to frame its own rules of practice and also to settle a table of fees.

The President and Council were to be constituted a Court of Record and to hear appeals from the Mayor's Court. Their judgment in appeal was to be final, if the value of the matter in dispute did not exceed 1,000 pagodas, but if it exceeded that sum, an appeal might lie to the King-in-Council. This appeal might be made direct from the Mayor's Court, although the matter in dispute did not exceed the value of one thousand pagodas, provided that the President and Council were unable to give judgment for want of sufficient number of disinterested judges of appeal amongst them.²⁸

The Charter also provided a Court of Requests for the town of Calcutta and the Factories belonging to it. Twelve Commissioners were appointed under the Charter with three or more sitting in rotation and deciding disputes not exceeding the value of five pagodas. The Charter also ordered that the Mayor's Court and the Court of Requests should follow the President and Council in the event of the removal of the seat of the Presidency from Calcutta. In such a contingency the Mayor and Aldermen and the Commissioner of the Court of Requests were to be chosen out of the inhabitants at the new seat of the Presidency. These Courts would continue to enjoy the same power as before. At the end, the Charter provided that (1) if the Company removed the seat of their Presidency from any of the said principal settlements to any subordinate place, the like jurisdiction, etc., was to be continued at such new seat of the Presidency and its dependencies, as had been before granted in respect to such principal settlements; (2) if the Company should for a time lose the possession of any principal settlement whereby the election of officers should be suspended, and such settlement should afterwards be restored to the Company the suspension of functioning was not to be construed a dissolution of any such corporation; and the Court of Directors might nominate officers to continue till such time as others could be appointed. This provision aimed to avoid difficulties similar to that created by the French capture of Madras in 1746 and the consequent legal annihilation of the Mayor's Court.

Procedure in the Mayor's Court was by bill and answer, analogous to the proceedings in the Chancery Court in England. But a quorum of three Aldermen could find damages without ever appointing a jury.

Thus, in Calcutta after the Charter of 1753, there were four distinct courts of judicature, "exercising jurisdiction derived from

the English Crown over British subjects, and over natives in their employment who voluntarily placed themselves under the courts."

—(1) The Court of the President and Council as Justices of the Peace and Commissioners of Oyer and Terminer and Gaol Delivery holding Quarter Sessions; (2) The President and Council acting as a Court Record and hearing appeals from the Mayor's Court; (3) The Mayor's Court; and (4) The Court of Requests. All these Courts administered the law of England as it stood at the introduction of each Charter. Thus, in the period 1727-53, it was the Laws of England as they stood in the year 1727, and from 1753 onwards it was the laws as they stood in 1753.

Instructions were issued as to how the new Court was to proceed against prisoners not understanding English, what crimes were misdemeanours, and what crimes were simple felonies; what punishments were to be inflicted, and in what particulars the sentence of transportation was to be imposed; and what the procedure was to be in each particular class of cases. These instructions gave precedents of indictment to each crime and the defined oaths to be administered by the interpreter when the prisoner did not understand English. Other details were also given that were to be followed in cases where any Portuguese, Gentoo or Native of India not born of British parents should be prosecuted for any capital offence and the instructions said that such "will probably often happen."²⁸

A proclamation issued by the Justices of Peace, for the town and district of Calcutta at their Quarter Sessions, held on 3rd June 1762 announced an intention of enforcing English criminal law in the town of Calcutta.²⁹

28. Sir E. Impey affirmed that "long before his time (1774-83) the laws of England both Statute and Common Law, had been indiscriminately put in force at Calcutta; that murders, highway robberies, burglaries, felonies of all kinds, had been tried in the same manner as at the Old Bailey, and convictions and executions had on them, as well against Hindus, Musulmans, Portuguese, and other foreign inhabitants as against those who were more especially called British subjects. Besides records, and the precedents they had established, he had been guided by the Charter, and by instructions sent out by the Court of Directors, showing the new Court how to proceed when any portuguese, Hindu or other native of India, not born of British parents, should happen to be prosecuted for any capital offence, which according to the instructions, would "probably often happen." (Memoirs of Sir Elijah Impey by Barwell E. Impey, p. 298).

29. A copy of this proclamation was discovered by Mr. C. W. Broughton Rous among his papers, but it is not to be found now in the India Office or in the Calcutta High Court. (Firminger: Introduction to the Fifth Report, p. LXXXVI and note 3).

Among the early Parliamentary papers relating to India printed in 1788, is an account of 45 persons prosecuted in the Court of Quarter Sessions in Calcutta from 1st Jan. 1762 to 1st October, 1774. The first case is dated August 22, 1762, and is therefore subsequent to the date of the above proclamation. In several of these cases capital sentence was inflicted.

The Aldermen of the Mayor's Court were usually the junior servants of the Company; and some of them were not very much above their teens. There was a great deal of doubt as to the amenability, the subpoena, of witnesses residing beyond "the Mahratta Ditch" in those cases in which debts had to be realised from the natives living outside the Company's settlements. In such cases other methods than by suing in the Mayor's Court had to be resorted to.

Verelst says that English laws could not be introduced into Bengal at all, as Indian customs were absolutely irreconcilable with English principles and that Indians had to be left to their own customs and laws; justice had to be administered to them in their own courts by Indian judges, while a court of English Judges assisted by worthy Indians should enjoy an appellate jurisdiction; and European judges should never be given original jurisdiction over Indians. He adds: "As well might we transplant the full grown oak to the banks of the Ganges as dream that any part of the code, matured by the patient labours of successive judges and legislators in the islands, can possibly coalesce with the customs of Bengal."³⁰ In illustration of his view, he cites many cases, among them being that of Radhacharan Meter who was condemned on a charge of forgery in 1768, on the basis of English law. He was pardoned as the principal inhabitants of Calcutta submitted to the Governor and Council a petition for mercy, in astonishment and alarm at such a sentence.³¹

William Bolts found serious defects in the working of these courts. First, whereas the Charter of 1726 gave the Mayor's Court the power of electing from among their members, to fill up vacancies in the office of Aldermen, by that of 1753 the right of electing the Aldermen was transferred to the President and Council who could thus "make and unmake the judges". The Mayor's Court was partly composed of the Company's servants and partly of Free Merchants. Aldermen of the latter category were generally

30. Verelst, *A View of the Rise, Progress and the Present State of the English Government in Bengal*, (1772), p. 134.

31. Verelst, p. 141 and Appendix; and Long's Selections, No. 840. J. 4

granted by the Governor *dastaks* for carrying private trade duty free.

Also since the Governor and Council, sitting as a Court of Appeal, had the power of finally decreeing in all causes under the value of 1,000 pagodas, in suits wherein the Company or the said Governor and Council were concerned, there was little chance of justice being had, except where the property in dispute exceeded that sum or when the aggrieved party could afford appeal to the sovereign and Council of England."³²

Where an Alderman was dismissed from his office in the Mayor's Court he could appeal to the King-in-Council as allowed by the Charter; but even if his appeal should be successful he could not go back to India without a license secured from the Company, and there was the further disability that if he should be absent from Calcutta for a space of twelve months his office became vacant.

The Court of Requests was the only Court in Calcutta, according to Bolts, that did "real and essential" service to the poor inhabitants and was not under the undue influence of the Governor and Council, as the members of that court filled up the vacancies by ballot among themselves.

The Governor and Members of Council in their capacity as Justices of the Peace, occasionally, or as Bolts says "frequently, refused to take cognizance of the complaints laid before them on oath; and even from their places on the Bench at Quarter Sessions they stopped the due course of proceedings on frivolous pretences and by adjournments."³³

Bolts departed from Bengal in 1768, because the Governor and Select Committee banished him from that province by an order

32. Bolts, p. 85. See for details "A Dutch Adventurer under John Company by N. L. Hallward (1920); and Buckland "Dictionary of Indian Biography, (1906), p. 48.

Bolts entered the service in the summer of 1760 and created plenty of trouble for himself and for the Governor and Council in the course of which he got himself frequently censured and was subsequently suspended from the service. He resigned in 1766, though he continued to reside and trade in the country for some years more. He quarrelled subsequently with the Bengal authorities, was arrested in 1768 and deported to England as an interloper.

One of the unaccountable and evidently discreditable features in the treatment of Bolts by the Calcutta Council was their nomination of him as an Alderman of the Mayor's Court at Calcutta when he was actually under a sentence of suspension from their service. The date of Bolt's nomination to the Aldermanship was 11th August 1766. As Alderman Bolts possessed a statutory right of sitting as Judge of the Mayor's Court for life and was not legally removable from his office except for specific offences.

33. Bolts, p. 86.

dated 28th April 1767, in accordance with a resolution of the Committee of the 18th April, but, as he held, in defiance of the guarantee that under the Charter of 1753 he was irremovable from the Mayor's Court and continued to be a Judge of that Court. In defiance of this guarantee of the Charter, the Governor and Council directed the Mayor's Court to remove him from his Aldermanship. On the 1st October 1767, the Board ordered that the Mayor's Court might apply for the nomination of an Alderman in his room, as they had directed Bolts to proceed to Europe by the next ship sailing from Bengal. Bolts addressed in reply a letter to the Mayor and Aldermen, in which he vigorously protested against the tyranny of the Governor and Council, saying "How deplorable would have been our situation if at the base desire of a Governor or even a Governor and his Council, the express orders of the Charter should be set aside and free British subject exposed to be deprived of his honour and liberty."³⁴ Bolts defied Verelst and his Council to legally disqualify him from the Mayor's Court and if that should happen, he threatened that he might be forced in his own defence, "to print and to publish to the world at home what may add to the national odium against the Company." He also addressed to the Court of Directors an appeal against the orders of the Calcutta Council. As if to complete the discomfiture of Governor Verelst, the Mayor's Court replied to the Council that, "if and when the seat of Bolts as an Alderman should become vacant, then only would the Court apply to the Council for the appointment of another gentlemen to the vacancy."

As the quarrel between Bolts and the Calcutta Council deepened and worsened, the latter passed a resolution on the 18th April 1768 that they would not take any notice of any letters that might proceed from Mr. Bolts, as he had forfeited all title to the Company's protection. The Governor had taken measures, in the meantime, to prevent Bolts from collecting his outstanding balances, and to seize and imprison his agents under the plea that such actions related to the country governments. Bolts, in his last letter dated also 18th April, 1769, had held out the threat that he was not to be trifled with and that he was expecting commissions from the High Court of Chancery, "which will not only put it out of any man's power to screen himself behind the garb assumed under the names of 'Nabobs' and country governments but also force into light the most secret proceedings of the Junta called the Select Committee in all things wherein the liberty, property or life of a British subject is concerned."

34. N. L. Hallward, p. 53.

In another matter Bolts contrived to quarrel with the Council. In paragraphs 18 and 19 of his petition to the Court of Directors, dated London 19th May 1769, which was referred by the Directors to their Joint Committee of Correspondence and Law Suits, Bolts charged the Members of the Calcutta Council, in their capacity as Judges of the general Court of Justice at Calcutta, with having prevented his witnesses from giving evidence before the Grand Jury, on his application to the latter body for protection, in May 1768.

The refusal of the Council to accede to Bolts' demand for the freeing of his agents from custody by the country powers, had a remarkable sequel. Three³⁵ of them followed him to London and gave great trouble to the Directors who directed the Council at Fort William to give them a faithful account of the whole matter. In their reply, dated 2nd April 1771, the Board justified their expulsion of the three Armenians concerned in this affair, on the ground that they were discovered to have been intriguing in the court of Shuja-ud-daula of Oudh and believed to have given Bolts copies of the correspondence of the Council with the Nawab Vazier and that it was necessary to stop such intrigues at all costs. Bolt had continually defied their orders prohibiting the residence of Gomastas and of Englishmen in the territories of Oudh and Benares; and they had vehemently held that their motives in issuing such orders were purely political and not personal.

A bill was submitted to Parliament for compelling persons dismissed from the service of the Company to depart immediately from the East Indies and for better regulating the conduct of the servants of the Company, but it failed to pass (March 1770). The power of the Company to deport persons remained obscure and ill-defined for a number of years afterwards.

The charges that Bolts brought against the Calcutta Courts were that the Mayor's Court had become rather a scourge in the hands of the Governor and Council *than an instrument of relief* and that the Governor in Council had not only the natives, but also the Grand and Petty Juries, at their mercy; while the right of appeal to England was more showy than real. Again, though the legal jurisdiction of the Company's Courts in Calcutta was limited by the Charter and Acts of Parliament to the City of Calcutta and to some subordinate factories, yet in practice and reality their jurisdiction was stretched to cover the whole of the Nawab's dominions.

35. Cojah Gregory, Cojah Mal and Cojah Johannes Padre Raphael. For details about them, see M. J. Seth: "The Armenians in India."

"Within the English Settlement of Calcutta the members of the Council, from acting at one and the same time in so many different capacities, have among the natives, who are in general ignorant of the English laws, the power of assuming that official character which best serves their purpose. Thus, whenever they choose it, they can and do with great convenience transfer the native complaint from the Counsellor to the Justice of the Peace, from the Justice to the Zamindars' Cutcheries, and from Zamindar to the Secret Committee, where each member is bound to the other under oaths of secrecy, not to divulge what passes. If the complaint be not totally quashed by these means, and those gentlemen are apprehensive that it may be revived within the settlement in some shape or other, through the assistance of some daring person they have this last resource, of transferring the complaint, under any pretence, from the Secret Committee to the Nabob, where they can do what they please with him; and this mode of proceeding has been actually practised."³⁶

Mr. Richard Whittall who was a Free Merchant at Calcutta from 1764-70 and also an attorney in the Mayor's Court, complained of the following defects in the working of that Court functioning in Calcutta under the Charter of 1753.

(1) The jurisdiction of this Court was extended beyond the bounds of Calcutta or its subordinate factories and processes issued to one of the Company's servants by special orders of the Governor and Council.³⁷

(2) The criminal jurisdiction of the Quarter Sessions which was intended to have only the same limits of jurisdiction as the Mayor's Court had comprehended natives from every part of the country.

(3) It was apprehended that any European might be brought in the same manner from any part of the country, except from other European Factories.

(4) Three cases were instanced wherein the Mayor's Court refused to admit an appeal, the Superior Court of the Governor and Council refused to take cognizance on that plea.

(5) Attorneys were reprimanded in the Mayor's Court for appealing against its proceedings. There were only four Attorneys practising in it and the Judges who were junior servants were not educated in law.

(6) The Mayor's Court held that they had a right to refuse to take cognizance of cases arising in their jurisdiction. In 1768

36. Bolts: pp. 90-91.

37. Parliamentary Seventh Report, Appendix I, p. 332.

some of the Judges in that court held the Court had nothing to do with the laws of England or words to the effect.

(7) The Governor and the several of the Aldermen had threatened the Attorneys for attempting to bring actions against the Company's servants.

There were other complaints by other persons against the Courts.

Mr. Russell held that though the Mayor's Court could not exercise jurisdiction over the natives unless by their consent, the Court of Oyer and Terminer could try all persons, both natives and Europeans.³⁸

Mr. Becher held that only such natives as lived under the British flag were subject to this jurisdiction and that where death sentence was pronounced against natives the practice was to get the consent of the Nawab's government before execution.³⁹

Mr. Nuttall, Solicitor to the Company, informed the Parliamentary Committee of 1772 that there were only two instances known to him of complaints made to the Court of Directors against the judges of the Mayor's Court, viz., the complaint of Whittal and the complaint of Jephson. Jephson's petition dated London, 2nd March, 1771, declared that Godwin the Mayor, in the course of his proceedings on the Bench, frequently said that "they (the Judges of the Mayor's Court) had nothing to do with the laws of England there (e.g. in the Mayor's Court); that the Laws of England were never made for them and that he would not hear them named while he sat on the Bench, Jephson was denied an appeal from the Mayor's Court to the President and Council, on the ground that the Proceedings of that Court were only interlocutory and not mandatory.

The Court of Directors, in their letter to Bengal, dated 3rd May 1771, reproved the President and Council at Calcutta in refusing the appeal of Jephson and for basing the refusal on the ground of the interlocutory nature of the proceedings. They ordered the President and Council to receive the appeal and to do justice. Consequently, in their Consultation of the 3rd Jan. 1772, the President and Council inquired into the charge of Jephson against the Mayor, examined three of the Aldermen present at the time, an Attorney who was concerned in some of the Proceedings against Jephson, and other witnesses who said that they heard Mr. Godwin only declare that the Mayor's Court was not a Court of Law but only of Equity. Consequently the Council resolved, on the evidence, that they had no reason to consider Godwin in any degree culpable.

38. Parliamentary Committee Report, Appendix 1, pp. 338-40.

39. *Ibid.*, p. 332.

In the matter of Mr. Whittal's charges the Court of Directors ordered, in their General Letter to Bengal, dated 3rd May 1771, that the Council should admit his appeal.

The Parliamentary Committee thus enunciated their recommendations:—

(1) The Mayor's Court was also to try cases in which the Company itself was a party and the Court of Oyer and Terminer to punish offences by any of its principal servants. Yet because the judges of these courts were removable by the President and Council therefore the sentences could not be reviewed except by an appeal to the King in Council. Therefore these courts could not be free and independent in any case where the Company was a party or where a member of Council was charged with a criminal offence.

(2) With respect to Europeans who were bound to be judged according to the laws of England, the Judges of these courts were junior servants not versed in the law. These judges and the President and Council had frequently appealed to the Directors for help on difficult points, especially in the matter of cognizance of murders, robberies and crimes committed by the Europeans not immediately under the Company's flag.

(3) The third defect was that since the jurisdiction of the Court of Oyer and Terminer was confined to the precincts of Calcutta and the subordinate factories, the consequence was many of His Majesty's subjects residing in Bengal escaped that jurisdiction.

It may be noted that the Charter of 1726 did not help to remove the doubt that existed as to the validity of Articles of War and their use for the purposes of Military discipline in times of peace, though the Company's despatches sent along with the Charters hoped that this difficulty would be remedied. There had long been a complaint about the refractoriness of the Company's soldiers, who used to desert and run over to the enemy and kill one another in their drunken quarrels. Such offences should have been adequately met by the Courts Martial in the usual way. The doubt should have arisen with regard to the validity of the Articles of War being enforceable in times of peace. The Charter of 1726 authorised the use of Martial Law in time of war. The Mutiny Act of 1754 authorised the application to the Company's forces of provisions corresponding to those embodied in the annual Mutiny Acts of England. This Act imposed penalties for mutiny, desertion and similar offences on the part of officers and soldiers in the Company's service. It also empowered the Court of Directors to give authority to their

President and Council.⁴⁰ Commanders-in-Chief were to hold Courts Martial for the trial and punishment of the military offences. The King was also empowered to issue articles of war for the better government of the Company's Forces. This Act of 1754 contained a provision which made acts of oppressions committed by the Company's President or Councils cognizable and punishable in England.

According to the authority of Col. Wilson⁴¹ the Madras Government made certain Selections in 1747 from the Articles of War then enforced in England. Similar articles had been in use in Bombay in 1729. In 1748 regulations were framed by the Company for their military forces in India and directions were expressly given that military offences should be tried "according to the Rules, Articles and Customs of War in His Majesty's service."⁴²

Lastly it may be pointed out that the Mayor's Court was also expected to deal with cases of seizure of property by the Council without proper judicial authority, since the Directors wanted to obviate the troubles they were put to by being called to account in Chancery in respect of such seizures and counsel for the parties always held such seizures to be arbitrary and illegal. In their despatch to Bengal of 6th February 1733, (Para 80) the Company remarked to the Council that the Charter was calculated to secure their property as well as that of every man and many instances of such illegal proceedings constituted one main reason of their applying the remedy of the Charter. Fawcett also remarks on this point.⁴³ "One of the main reasons was to avoid civil litigation against it (the Company) in England due to executive intermeddling with private property. For this purpose it was requisite not only to have courts with civil and testamentary jurisdiction to take cognizance of such cases, but also to establish them under authority that would be recognised by the English Courts."

40. Fawcett, p. 215; Ilbert, pp. 35-36.

41. History of the Madras Army, Vol. I, p. 48.

⁴¹ The Madras Government owing to inconvenience arising of a military code made at the end of April 1747 Selections from the Articles of War then in force in England and directed that they should be applied to their own troops. Wilson gives on p. 48 to 51, Articles 1, 7 to 14 and 18 and 19 of the same. These detail the punishments that could be inflicted by General Court Martial, etc.

42. Fawcett: p. 11 (Note).

43. Fawcett: pp. 216-17.

The Case of Mr. J. S. Buckingham, the Editor of the "Calcutta Journal"

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The history of Anglo-Indian journalism, which has yet to be fully investigated, reflects an important, though little-known aspect of the Company's administration, and, as such, it deserves the close attention of the historians of British India. The part that the early European journalists in India played in the struggle for the freedom of the press is indeed memorable, for it is to their labour, enterprise and sufferings that the Indian press largely owed its emancipation during the regime of Sir Charles Metcalfe.

From the time of Mr. J. A. Hicky, the first Englishman to start a newspaper in Calcutta, the European journalists were usually independent and frequently in conflict with the authorities. More than one English editor was expelled from India by the local government, and among them, the case of Mr. James Silk Buckingham is specially noticeable. Mr. Buckingham was the editor of the "Calcutta Journal", but his writings proved so disgusting to the acting Governor-General, Mr. Adams, that his licence to reside in India was cancelled in 1823, and he was forcibly shipped off from Bengal. His offence consisted merely in the publication of a paragraph, ridiculing the appointment of Dr. Bryce, a Scottish chaplain, to the post of a clerk in the committee of stationery. It is needless to emphasise the fact that this offence was not grave enough to warrant the severe punishment of deportation from India.

Mr. Buckingham raised the question in England, and started a relentless agitation against the highhandedness of the Calcutta authorities. He was eventually elected a member of Parliament, and an entire Parliamentary Blue-Book (No. 601 of 1834) was devoted to his historic case. In the end, the Company was obliged to pay him an annuity of £200 by way of compensation for his financial loss. But, in the beginning, the Court of Proprietors had paid no heed to his complaints, and had in fact rejected his claims for reparation in one of their adjourned meetings¹ held on January 18, 1826.

1. Vide Proceedings of a General Court of Proprietors of East India stock held on January 18, 1826, pursuant to an adjournment from the 21st of December last.

This meeting was held on a requisition² sent by two proprietors, and its proceedings³ are of special interest to the students of modern Indian history and merit a detailed recapitulation from the original records of the Court of Proprietors of the East India Company.

The Hon. Douglas Kinnaird, one of the signatories to the requisition, opened the debate, and delivered an impressive speech in support of the claims of Mr. Buckingham. His arguments were as follows:—"Whether those measures⁴ have been wise or unwise, I will not now stop to enquire; but I will prove that they have been the cause of unnecessary, unmerited, and severe injury to a most deserving individual. I am not now debating the question, whether other measures might not have been adopted, which would have effected the object Government had in view; but I will call the attention of the Court to this single fact that great injury has been inflicted on him—injury that I think could not be contemplated by the Government; I say this, because I have never heard that Mr. Buckingham has been accused at any time, or by any person, either publicly or privately, as having been guilty of any act which would render him unworthy of the respect and confidence which he has long enjoyed amongst all those to whom he is known. I will confine myself to the simple proposition that a most serious injury has been done to an individual,—an injury growing out of certain measures which the Government in India deemed it necessary to adopt with reference to a control over the press in that country; and I beg leave to state most explicitly, that I do not mean to hint anything whatever, as to whether the Government were right or wrong in placing the press under censorship, or in adopting the system of license, considering those subjects as quite distinct from that under deliberation at present.

"Mr. Buckingham has long suffered under calumny, but he has at length completely triumphed over the alleged improprieties

2. *Vide* Requisition from Douglas Kinnaird, and Joseph Hume, dated December 3, 1825, "We the undersigned Proprietors of the East India Stock request you will be pleased to let the ensuing Quarterly General Court of Proprietors be made further special, for the purpose of taking into consideration the following propositions;—That these be laid before this Court copies of all correspondence between the Court of Directors and Mr. J. S. Buckingham respecting his claims for reparation of the injury sustained by him in his property in Calcutta, in consequence of the measures of the Bengal Government."

3. The debate was held at the East India House in Leadenhall Street.

4. The reference is to the regulations relating to the censorship of the Press, adopted by the Bengal Government.

which had been laid to his charge; and proved, beyond the possibility of doubt, that there had been nothing in his public or private conduct that in the slightest degree deserved reproach or blame. I will now point out the reason of the outcry raised against Mr. Buckingham.

"On his way to India, Mr. Buckingham met with a gentleman named Bankes, the present Member for the University of Cambridge, and, unfortunately for him, he remained some time in the company of that individual. Mr. Buckingham wrote two volumes, the result of his travels in the East. He arrived in India with views far different from that of publishing his travels; but having the opportunity of giving them to the world, he thought fit to avail himself of it, and sent forth a statement of the nature of his work, for which a respectable bookseller offered him a very large consideration. Not many months, however, had passed by, before a statement arrived⁵ in England, which struck directly at the root of Mr. Buckingham's reputation. That statement⁶ proclaimed Mr. Buckingham to be a literary thief. The charge having been circulated, not only did the book-seller⁷ refuse to publish the travels, but an article appeared,⁸ describing Mr. Buckingham as a most immoral character and a mere charlatan. The consequence necessarily was that a universal impression, unfavourable to Mr. Buckingham, spread itself all over India.

"These were the humiliating and disadvantageous circumstances under which Mr. Buckingham became the conductor of a daily newspaper.⁹ His paper attained a circulation, and produced a profit, far greater than was ever before known in India, and equal, perhaps, to any that was ever realized in this country by similar property. In the course of five years¹⁰ very large sums of money and a vast deal of labour were expended in establishing this journal. At the end of that time, it produced a net profit of £8,000 per annum; and when Mr. Buckingham had paid all his debts, he invested £20,000 in buildings, and in setting up the Columbian Press, which was the finest establishment of the kind in

5. In the first instance, it was made through Mr. Hobhouse.

6. Mr. William Bankes asserted that Mr. Buckingham's work had actually been stolen from him. *Vide* letter from Mr. William Bankes to Mr. Hobhouse.

7. Mr. Murray of Albemarle Street, London.

8. The author of the article was Mr. Bankes himself.

9. The Calcutta Journal started by him in 1818.

10. *i.e.*, from 1818 to 1823 when Mr. Buckingham was deported from India.

the British colonies. One quarter of the paper he sold to a hundred independent gentlemen for the sum of £10,000, which he received in hard cash. All this showed the well-founded prospect which existed of permanent success to this paper. This success was obtained in despite of all the imputations which had been cast on Mr. Buckingham. Those charges have since been brought to the test in this country, and the investigation has left the character of Mr. Buckingham pure and unspotted. Mr. Buckingham stood forward as an individual in the first class of society in India; he stood forward as a man of honour, a man of integrity, as a moral man. He discharged his public duty fairly and honestly, but certainly did not act the part of a man worldly wise. The political enemies of Mr. Buckingham, the editors of other newspapers, made the charges of Mr. Bankes the ground for abuse—for abuse the most horrible. The Government of Bengal, no doubt, still believes that he is a literary swindler. The feeling will, of course, remain, until the truth goes forth to India from the courts of justice here. Apologies have been made to him, and the charges are admitted to have been all false! The calumnies of Mr. Bankes are thus proved to have been utterly groundless; but the sufferings of his innocent victim have not been the less severe; for the end was, that Mr. Buckingham's ruin in India was accomplished.

"I do think that relief should be extended to him upon account of the very extraordinary and unnecessary measures resorted to by the Bengal Government *after* Mr. Buckingham's departure from the country. I defy contradiction to the fact, that those measures were unnecessary. Upon his leaving India, another editor was appointed; and, in a short time, the Government formed a determination to put the press under license. The editors were obliged to be responsible for every article which should appear in their papers; and if they fell into error, the Government could deprive them of their license for printing: thus, in point of fact, subjecting all property in the press to actual annihilation, by what is nominally a mere suspension of the license. This was the state of things when the then editor or one of the proprietors, wrote an article,¹¹ which, it seems, was displeasing to the Government, and the license was suspended. No renewal of the license was given;¹² The consequence is that Mr. Buckingham's property has been ruined.¹³

11. The article ridiculed a chaplain of the Scottish Church.

12. The Bengal Government refused a license to one Mr. Muston who had a wish to become editor of this Journal.

13. The books of Messrs. Alexander & Co., Agents for Mr. Buckingham, showed that Mr. Buckingham lost many thousand pounds.

"I am quite at a loss to account for the course which had been pursued, unless by supposing that the Government were desirous of striking terror into the minds of all those who were disposed to mention the name of Mr. Buckingham with respect. Can any gentleman rise and assert, that there was any connexion between Mr. Buckingham, as a proprietor of this journal, and the owner of those types, and his conduct at the period when he acted as Editor? The two things cannot, by any ingenuity, be mixed together. The Government, when the license was applied for, had in their hands the power of annihilating the press, if it offended them. What then ought they to have done? They ought to have said, "Let the paper go on. It concerns not us what proceeds it may return to Mr. Buckingham. We know, that if the concern be misconducted we can put it down at once." Mr. Buckingham might have disposed of that property in this country, unconscious of the events which were taking place in India. I maintain, Sir, that, in a court of law, the holder of this equitable security for money advanced, would have a strong case against the Bengal Government for destroying, on account of some old grudge, the property of Mr. Buckingham, on the supposed stability of which he had been induced to lend his money.

"My heart yearned within me when I heard the tale of his distresses. He has become the victim of circumstances, which it was not in his power to control. He has claims not only on the justice, on the humanity, but also on the liberality of the Company. I freely admit that Mr. Buckingham has uttered opinions decidedly opposed to the restrictions on the press in India; but how has he acted on this very subject? He has gone before the Privy Council to have, at his own expense, this great public question fairly decided according to law.¹⁴

"There can be no doubt that Mr. Buckingham is entitled to compensation for the losses he has sustained, and I trust that this Court will not hesitate respecting the means of granting that compensation. I do not ask you to give a sum of money to Mr. Buckingham on account of any suffering, bodily or mental, that he has endured. True it is, that he *has* suffered heavily; but my claim on his behalf is grounded on actual and positive loss of property. Mr. Buckingham will bring forward documents to show what price he could have obtained for his property, if justice had been done to it. I should greatly prefer that the production of those papers, on which a grant of £5,000 might be grounded, should be proposed by some member of the executive body,¹⁵ than by an ordinary individual Proprietor. A grant to Mr. Buckinghar

14. The decision of the Privy Council went against Mr. Buckingham.

would, in my opinion, do the highest honour to the East India Company, and would be only an act of common justice to that deeply-injured individual."

Mr. Poynder,¹⁶ a city attorney by profession, was one of the leading orators against Mr. Buckingham on this day. His arguments were as follows:—

"If Mr. Buckingham has been wrong, then the Government must have been right—and *vice versa*, if the the Government has been right, it must necessarily follow that Mr. Buckingham has been wrong. It is impossible that they can both be right. Now, let us hear what the Government has alleged. It is this—that Mr. Buckingham, as editor of a public journal, made a long series of the most unprovoked attacks against the Government, and those attacks were the substantive grounds of offence, upon which the Government subsequently proceeded. The Government said to Mr. Buckingham, 'You are endeavouring to sow the seeds of sedition and danger in this empire, and we cannot allow you to proceed.'¹⁷ Mr. Buckingham indeed endeavoured to persuade the people of India that they were not so well governed as they ought to be,¹⁸ and there is no doubt that his auditors were both numerous and attentive. In the first instance, however, the Government did not apply the strong arm with respect to him. They only made a remonstrance to him. Their remonstrance, however, was of no avail. The Government of India, while they had any regard to the interests they were bound to support, could not endure such charges and such reproach to pass without notice. Yet it was not until this system of abuse had gone on for a very considerable length of time, and in actual despite of entreaties, and of warnings, and of appeals, that Mr. Buckingham's license was withdrawn.¹⁹ Is it for conduct such as this that he is entitled to your support, to your influence, or your money? I do not mean to say anything against the moral character of Mr. Buckingham. This has not been questioned, and with it we have nothing to do. His deportation had nothing to do with it.²⁰

15. i.e., the Court of Directors.

16. He was a Proprietor of the East India Stock.

17. This accusation was highly exaggerated.

18. This is an accusation which may be raised against every man in every country that ever suggested any reform or improvement.

19. Mr. Poynder did not evidently know the real facts of the case, or he misstated them. There was no systematic abuse of the Government in the Calcutta Journal.

20. Mr. Poynder is again mistaken. The false accusation against Mr. Buckingham was the ultimate cause of his controversy with Dr. Bryce that led to his deportation.

"Mr. Buckingham was not sent from India on account of being a literary pirate, or because of any charge against his morality, but for his attacks upon the Government—for his perseverance in a line of politics which ought not to be endured in India, or in England, or anywhere.²¹ The subject here is an affair of business, and not of charity. Let the public at large subscribe for the relief of Mr. Buckingham, if his circumstances are so unfortunate as to need such a relief.

"It makes no difference whether Mr. Buckingham was owner of the whole, or only one-fourth part of the paper; so long as he had the power to continue the same course of politics, the Government had a right to continue the line of conduct they had adopted. And this, too, not only with respect to whoever might be editor, but also with regard to Mr. Buckingham, while they knew he had the power of disseminating through his paper, that seasoning of contempt and aversion for the constituted authorities, with which his publication had been so plentifully provided.²²

"There has been nothing proved against the Government. Until it is proved that the Government has behaved improperly, that in their conduct towards Mr. Buckingham they have been influenced by private instead of public motives, I certainly cannot regard him as a man either to be esteemed, to be rewarded, or to receive any money. I respect Mr. Buckingham as a man of talent, but talent has nothing to do with this question. We are to judge him as a politician. Is this, then, I ask, a case for compensation? I say, decidedly not."

After Mr. Poynder's speech, Mr. Lewin rose to support the mover of the proposition. His arguments may be thus indicated:—

(i) "The question is not whether Mr. Buckingham had acted right or wrong—not whether the Government of Bengal had acted right or wrong—but whether that gentleman was to be entirely proscribed."

(ii) "His property is destroyed, and he is not allowed, even by proxy, to attend to his business."

(iii) "Mr. Buckingham has been treated in the most unjust and oppressive manner that has been described. This Court must interfere for his relief, and for the purpose of preventing such practices in future. I demand of the Court whether they will permit Mr. Buckingham to be hunted through every corner and destroyed like a wild beast." "A double punishment has been inflicted on

21. Actually it was only for one act (and that the first) that Mr. Buckingham was deported.

22. This is an absurd supposition, for the Government had the power to change the Editor every day, or to put a censor over every sheet issued.

Mr. Buckingham. No Man is infallible—every man may fall into error; and if Mr. Buckingham has erred, let not his punishment be greater than his offence. I will admit, for argument's sake, that Mr. Buckingham was wrong; but, was not his banishment from India even a more than sufficient punishment?"

Mr. S. Dixon advanced the following arguments to oppose the motion:—

(i) "Mr. Buckingham has abused²³ the Government of India in the grossest manner."

(ii) "For most of his misfortunes, he has only to thank himself. He brought ruin upon his own head."²⁴

Sir C. Forbes thereupon supported the motion on the following grounds:—

(i) "It has always appeared to me that Mr. Buckingham was made a tool of by those who entertained the idea of establishing a free press in India. He was put forward as an instrument by those persons down to the latest period of his residence in India; and as soon as the Government visited him with that punishment which it considered itself justified in inflicting on him, he was deserted by them all, by those very men, with the exception perhaps of one or two, who had called themselves his friends, and who, by encouraging him in the course he was pursuing, had led to his destruction."

(ii) "That Mr. Buckingham was imprudent with respect to various articles inserted in his paper, I have no hesitation in admitting; but if I am called upon to say whether I think that any of these articles could be considered as tending to endanger the safety of India, I can lay my hand upon my heart, and declare, that I do not."

(iii) "Is it fair or proper that because a man has been warned nine times that he has fallen under the displeasure of the Government, he should on the tenth occasion be visited with such tremendous punishment as has been inflicted on Mr. Buckingham? As well might it be said, that because a man has been convicted nine times of a misdemeanour, he should, on the tenth occasion, be punished as for a felony."

23. This is again a misrepresentation of facts. But even if it were true, that the Indian Government was grossly abused, were there no Courts in Calcutta to punish the offenders? And if so, what other punishment than the law would inflict could be necessary? Mr. Buckingham did not put the safety of India in jeopardy by anything he ever wrote, more especially the laughing at a Presbyterian parson being made a stationer's clerk! What had the safety of India to do with this?

24. All this is unconvincing, of course.

The Hon. Leicester Stanhope who spoke next supported the motion with equal vehemence. His arguments were as follows:—

(i) "Among the hundred shareholders of the Calcutta Journal were some of the most eminent men in British India."

(ii) "I esteem Mr. Buckingham much, because I know him well; I know him to be a moral man, a religious man, a good father, a good husband, a firm friend, and a loyal citizen. Further, I will venture to say, that with the exception of Edmund Burke, Lord Cornwallis, Lord Hastings, and the great historian of British India, Mr. Mill, no man has conferred greater benefits on the people of India, or has done more honour to the Government, than this said persecuted Buckingham."²⁵

(iii) "The extra-judicial measures did not satisfy the angry spirit of the Indian Government. They determined to have recourse to that "*wild justice*", as Lord Bacon has denominated it, "*revenge*". By the conduct of Lord Amherst the paper was ruined; and the consequence was, that a property, which had cost Mr. Buckingham £20,000 in gold, and from which he received £8,000 a year, was actually sold for £1,500; and over and above the £4,000 which Mr. Buckingham left in his banker's hands at Calcutta, he has since been called upon to pay £5,000 more on account of an expenditure incurred in consequence of the vacillating conduct of Lord Amherst; making Mr. Buckingham's total loss £39,000. I agree with Mr. Buckingham that it would have been better for him when he left Calcutta to have set fire to his premises, and consumed the whole concern."

Mr. R. Jackson rose to oppose the motion, and said, among other things:—

(i) "My hon. Friend's speech was characterized by no small degree of asperity, in so far as it alluded to the Government of Bengal."

(ii) "Lord Amherst may have been right or wrong on this point—with that I have nothing to do. All I wish to establish is, that Lord Amherst objected only to Mr. Buckingham's retaining a governing influence over the paper and not to his being a proprietor."²⁶

25. This is obviously an exaggeration, yet it has an element of truth, for he did fight for the freedom of the Indian Press.

26. This is not quite correct, for the licence to set up a paper was not given to Dr. Muston until he had declared that it was *bona fide* his property, i.e., Mr. Buckingham had no interest in it. It would be strange, if the Government could entertain any apprehension of the paper being controlled by Mr. Buckingham from a distance of several thousand miles from Calcutta.

The second signatory to the requisition, Mr. Hume, thereupon supported the motion on the following grounds:—"I deny that Mr. Buckingham ever opposed the Government: he only endeavoured to expose the abuses which existed under the Government. Can it be the wish of any man who hears me that the sentence of banishment to which Mr. Buckingham was subjected should be followed up by the confiscation of the whole of his property? The destruction of his property²⁷ is an additional punishment, inflicted on him in the nature of a fine."²⁸

The motion was opposed by Sir John Sewell who spoke next. His arguments were, as follows:—

(i) "I cannot discover that there has been anything like confiscation. The word appears the more extraordinary, because Mr. Buckingham's friends admit²⁹ that the Government acted legally³⁰ in sending him from India, as a man whose conduct had rendered him unfit longer to reside in that country."

(ii) "But what was the use of sending the body of the man away, if they allowed the paper to be conducted with his mind and spirit?"³¹

(iii) "I take it that the value of the paper arose from that very cause, which made it appear bad in the eyes of the Indian Government, namely, the improper mode in which it was conducted."³²

Dr. Gilchrist quoted a few lines from Oriental poetry to stress the dangers of an unmitigated despotism in India. "I will not give you too much of the original lest it should perplex you," he said, "but I must give you four or five verses of it, if it be only to inure you to the sound of the language of your subjects."

27. This was modestly valued at £30,000.

28. When he was ordered home, he could have sold his share in the concern, but he did not do so in the hope of deriving an annual profit of about £4,000.

29. Mr. Buckingham's friends in fact never admitted this.

30. In a previous meeting of the Court of Proprietors in July, 1823, the legality of Mr. Buckingham's deportation had been fully debated. In that meeting, a number of Proprietors had maintained that Mr. Buckingham's deportation was illegal. The Court had, however, adopted a different view of the question. Referring to this decision, Mr. Hume stated in the course of his speech, "On the present occasion, I bow to that decision, however I may regret it."

31. This is a funny argument, indeed. How could Mr. Buckingham give his mind to the paper after his body was removed to England?

32. This is again unconvincing, and is no justification for the loss which Mr. Buckingham had to suffer.

The following lines were then repeated by the Hon. Proprietor:

*Khurabee zi be dad beenud juhan
Choo boostani khoodum zi badi khizan
Mudih rookhsuti zoolm dur hech hal
Ki khoors hurdi moolkut nu yabud kumal
Mukoon bur zueefani be charu zor
Beendesh akhir zi tungee egor!
Muhoon murdoom azaree ue toond rae
Ki nagueh rusud bur to ghuri khoodall.*

This he translated thus:—

"As storms destroy bright autumn's cheerful robe,
So foul injustice desolates the globe;
Such ruthless kings as by oppression reign,
Their empire's crescents prematurely wane.
Crush not the man, whose hopes on you depend,
Ah, think betimes how—where such deeds must end;
Nor goad the wretched on to fell despair,
Slight not their sighs as passing breaths of air,
Lest these collected may your prospects blast,
And whelm your thrones with thundering storms at last."

After a few more speeches which covered no new ground, Mr. Douglas Kinnaird, the mover of the original proposition before the house, was permitted to reply to the arguments of his opponents. His reply which was as impressive as his original speech was based on the following points: "I have met with no contradiction to the statement which I made regarding Mr. Buckingham's character. No one has stated that Mr. Buckingham has merited, by his conduct, the sufferings he has endured. The property of Mr. Buckingham was unnecessarily sacrificed either by the fears or jealousy of the Bengal Government. There was, at least, error in the conduct of the Bengal Government in seeking to disqualify Mr. Buckingham, as they did, from disposing of his property to the best advantage in Calcutta." He summed up his remarks by appealing to the court's justice and mercy. He said, "If ever there was a case in which you can display your humanity and mercy with honour to yourselves, and benefit to all who are connected with you, it is the present case. If you will not grant to Mr. Buckingham that remuneration which is asked of you as a debt of justice, grant it to him as a tribute to talent and to misfortune. The amount is to you trifling, to him of paramount importance."

The original motion of Mr. Douglas Kinnaird was then put and negatived; only twelve hands were raised in support of it.

Mr. Jackson's amendment³³ was also negatived; fourteen hands only having been held up in support of it.

* * * * *

That the decision of the Court of Proprietors was unfair needs no elaboration. The highhandedness of the Bengal Government is apparent, and even a superficial examination of the case of Mr. Buckingham would serve to show that the punishment which was meted out to him was as harsh as it was vindictive.

The vendetta of the Bengal Government against Mr. Buckingham started like this. Dr. Bryce, a chaplain of the Scottish Church, in a series of letters signed "A Friend to Mr. Bankes," held up Mr. Buckingham to odium, as undeserving the countenance of a man of integrity, and invited the Bengal Government to banish from their dominions one so tainted with the crime of literary theft. For his unusual zeal in thus discrediting the popular advocate of a free press in India, Dr. Bryce was rewarded with a place as clerk of stationery. Mr. Buckingham who had been defamed by this chaplain returned his bitterness with ridicule, and laughed at the Chaplain in his new capacity of paper, pounce, and pasteboard purveyor. It was for this ostensibly, and for this alone, that Mr. Buckingham was expelled from India. The accusations of this over-zealous priest, which led to Mr. Buckingham's deportation, were as false as they were malicious. The appointment of Dr. Bryce was so palpably unwarranted that eventually the Court of Directors cancelled it peremptorily.

The first stage in the case was the prosecution of Mr. Buckingham by the six Secretaries of the Government, and his acquittal by a jury. And what was the nature of this jury? Two-thirds of the jury were directly or indirectly connected with the Government; notwithstanding this, Mr. Buckingham was acquitted. When the authorities found that Mr. Buckingham was innocent in the eye of the law, they decided to have recourse to extra-judicial measures, and eventually expelled him from India. It is noteworthy that although Mr. Buckingham was banished for having commented in a humorous manner, on the appointment of

33. In the course of his speech mentioned above, Mr. R. Jackson had proposed the following amendment. "That the Court of Proprietors request the Court of Directors to take into consideration the losses sustained by Mr. Buckingham since his departure from India; and the Court of Proprietors beg leave to assure them, that if they find Mr. Buckingham's situation such as to induce their sympathy and pecuniary aid, they will meet with the cordial support of this Court." This amendment was based on the assumption that the original motion was too comprehensive!

Dr. Bryce, the Company disapproved of the conduct of the Bengal Government in having made the appointment, and that the Scottish clergy also, generally, disapproved of the appointment. It is also to be borne in mind that before Mr. Buckingham was banished from India there were no regulations for the press that had the force of law, and that they were only enacted after Mr. Buckingham was sent away. If they existed, and had the force of law before, their re-enaction was meaningless. If they did not exist (which their subsequent enactment shows) then Mr. Buckingham was punished for offending against a supposed law, which had no legal entity.

Furthermore the ruin of Mr. Buckingham's property did not arise actually from his deportation itself. It was due to official vindictiveness towards him long after his expulsion. On leaving India, instead of immediately selling his property, he left it behind him, believing it to be safe. It cannot be denied that he could have realised at least £20,000 by the sale of his establishment while leaving India. But, subsequently, the Bengal Government did not allow a fair sale of his property in the open market. The consequence was the utter ruin of the property in question. The capriciousness of Lord Amherst's government is particularly glaring. On the remonstrance of the share-holders of the 'Calcutta Journal' that because one person had offended, a hundred should not suffer, Lord Amherst at first agreed that the paper should be published. Then, he would not allow it to be published, unless it was edited by a Company's servant; then he would not allow it to be published under the title of the 'Calcutta Journal'; then he would allow it to be published under the name, the 'British Lion'; then he would not allow it to be called the 'British Lion', then he would not allow it to be published so long as Mr. Buckingham and the hundred share-holders had any interest in the concern; at last he did allow it to be published under the title of the "Scotsman in the East" under a strict censorship. By this conduct of the Bengal Government, which was as arbitrary as it was tyrannical, the 'Calcutta Journal' was ruined.

Mr. Buckingham's conduct as editor of the 'Calcutta Journal' was certainly not entirely satisfactory. That he was at times imprudent with respect to various articles published in his paper is true. That he himself sometimes criticised the Government's measures rather severely is also true. That he appeared on some occasions to have set the Government at defiance is also undeniable. But, it should be remembered that there were no regulations for the conduct of the press, and that the rules which Mr. Buckingham was considered by the official censors to have violated had

never been formally announced to the press. Thus, what appeared to some perfectly harmless, might not be regarded in that light by others. Under such circumstances, Mr. Buckingham might quite unknowingly, give cause for offence. But to hold that his writings endangered the safety of the Indian Empire is quite meaningless. For one thing, the state of British India was never so tranquil as while Mr. Buckingham's paper existed. And, if his paper criticised some of the glaring injustices of the Government, he could not be regarded as an enemy of the Government. But, the real fact is that the Bengal Government disliked a free expression of opinion adverse to itself and sought to suppress it with a high hand. So far as the case of Mr. Buckingham was concerned, the question was not whether a free press was to be permitted in India, but whether, in checking a certain license of expression assumed by the 'Calcutta Journal', a most unwarranted and needless loss was not inflicted on Mr. Buckingham, and on a hundred innocent shareholders of the paper. The banishment of Mr. Buckingham and his successor, Mr. Arnot, was sufficient or rather drastic punishment for their supposed offences. The total stoppage of the paper, when the revival of the censorship could easily have obviated a recurrence of the offences, was a vindictive and malicious measure of which there was no justification.

The sufferings of Mr. Buckingham evoked almost universal sympathy in England, and the supporters of free discussion took up his cause in right earnest. Mr. Buckingham came to be looked upon as a noble martyr, and he was warmly supported in his bold stand against oppression. The matter finally came before Parliament, and, as has already been stated at the outset, the Company was obliged to grant him an annuity by way of reparation for his losses. The case of Mr. Buckingham was, in short, a historic interlude in the struggle for a free press in India, which deserves much greater attention than it has so far received from the historians.

Annals of Old Madras

BY

K. NARASIMHACHARI, M.A.

THE BRAMINY (Continued)

In the earlier stages of Nature—religion, people swore by the head of a bear as in Siberia and on the head or skin of a tiger as among the Santals and other indigenous tribes of India. The prevalence of river-worship is seen in the extent to which in the old and modern world oaths by rivers are most sacred. In the earlier ages man swore inviolably by the Styx or Tiber and to this day an oath on the water of the Ganges is to the Hindu the most binding of pledges and has as such been recommended in recent years to be substituted in the place of the present oaths administered in Courts.

In 1750 a curious book was published at Halle. It consisted of a series of dialogues bearing on the mode of life of Europeans and Natives at Madras. It was originally written in Telugu for the Danish Mission and subsequently translated into both German and English. The sixth and twentieth dialogue therein relates to a suit at Law in the Maiors Court between a Demandant and his Debtor. Rangappa, the complainant, states that his father lent money to the Defendant Arumugam. Rangappa, whose father is now dead, holds the receipt, which Arumugam repudiates as forgery denying the debt. After much prevarication by the Principals and their witnesses the Judge orders Arumugam to take the oath. Arumugam breaks down at the word "cows" and acknowledges the debt.

The form of the oath was as follows :—

Almighty God in Heaven, if I have taken Money upon Usury of Rangappan's Father's Hands and do now deny this, thou wilt certainly kill all my cows, cut them in little slices and make me and my wife and children to eat them without salt or any other spices till we die.

In 1774 the Hindu witnesses in Calcutta objected to swear even by the Ganga Jul (water of the Ganges). The objections are couched in the witnesses' own language :

If I put my hand into the Ganga Jul, I put my hand into the fire of Hell ; or

Should I happen to say one word which is not true I shall be tormented during an hundred transmigrations ; or

I shall sink my ancestors into places of torment ; or

This is a very solemn mode of swearing.

When the Recorder's Court was established at Madras in 1798 the Braminy continued on the establishment of that Court under the same designation, and with the same salary and functions. This Court was superseded by the Supreme Court established in 1801. The Braminy continued in that Court as well. He administered the oath to the witness. After that the witness was to swallow sacred water and Toolsee leaf brought from the large temple in the Black Town—the Chennakesava Perumal Temple in China Bazaar Road, now Nethaji Subash Chandra Bose Road, George Town. Gradually the Braminy came to be connoted by his duties and the name of the functionary was imperceptibly changed into the Swearing Bramin. The salary continued to be one pagoda per mensem—but for a slight increase by 7 fanams. On the recommendation of Sir T. A. Strange, Chief Justice and Sir J. H. Newbolt, Puisne Judge (afterwards Chief Justice) the salary was increased to 3 Pags. per mensem in 1816.

The oaths to be taken before the Company's Courts—The Sudder and Foujdari Adawluts—were embodied in the Regulations. Sec. 7 of Reg. II of 1802 not only adopts the previous enactments but also lays down a declaration to be adopted by the Judge in the case of witnesses of rank or caste whom it would be improper to compel to take the oath :

Declaration to be subscribed by a Hindoo witness exempted from taking an oath :

I will true and perfect answer make to all such questions as shall be put to me touching the matter now before the Court betwixt the parties A and B which shall be the truth, the whole truth and nothing but the truth ; if I declare anything not warranted by the truth or conceal any part thereof, I shall be deserving of punishment from Almighty God and if I break this declaration, I acknowledge myself to be as guilty as if I had killed a Bramin or slain a cow on the Banks of the Ganges at Causee (Benares).

Declaration to be signed by a Mahomedan witness exempted from taking an oath :

I solemnly affirm and declare in the presence of Almighty God that I will true and perfect answer make to all questions as shall be put to me touching the matter now before the Court betwixt the

parties A and B which shall be the Truth, the whole Truth and nothing but the Truth.

After the witness has given his deposition he is to subscribe the following declaration :

I solemnly declare in the presence of Almighty God that I have told the Truth, the whole Truth and nothing but the Truth touching the matter now before the Court betwixt the parties A and B.

In 1824 a Hindu witness in the Supreme Court at Calcutta refused to be sworn on the ground that he was the only son of his father.

In Reid vs. Mears on the file of the Supreme Court at Madras (a case of criminal conversation) Mr. Teed, Counsel for defendant, objected to a maty, a native witness, giving evidence on the ground that he did not know the nature of an oath. Questioned about it, the witness said that if he spoke an untruth he expected to be punished by the Court and perhaps flogged. Sir E. J. Gambier, the presiding Judge, formerly defence counsel for Tolpuddle Martyrs famous in the History of the Labour Movement in England, asked the witness if he knew to whom he appealed and who he expected would punish him. He answered "I appeal to God and the Court will punish me." Sir Edward Gamber remarked that it did not appear that he (the witness) feared divine vengeance. Witness was then asked whether he thought God would be pleased or displeased with him, if he spoke false, and whether he feared any displeasure from heaven. To which the witness replied "God is present ; I will get evil, if I speak falsehood, but I don't know what evil God will send me." Mr. Teed objected that he was not a competent witness, but the court ruled that he was.

The Oaths Act of 1838 (I & II Vic. C. 105) further extended this branch of the Law. It provided that in all cases, in which an oath may lawfully be and shall have been administered to a witness in any proceeding, such person is bound by the oath administered in such form and with such ceremonies as such person may declare to be binding. Under this Act the Hindus were sworn on the Vedas or by touching the Brahman's foot, the Mahomedans on the Koran, the Parsees on the Zenda Avesta or by binding a holy cord round their body, the Buddhists by the Three Holy Existences, Buddha, Dhamma and Prosangha and The Devotees of the Twenty-two firmaments, and the Chinese by breaking a saucer into fragments after saying these words :

I tell the Truth, the whole Truth—if not, as that saucer is broken, may my soul be broken like it.

Sec. 1 of Act 1840 substituted an affirmation in lieu of the older forms of oath. It runs :

Whereas obstruction to justice and other inconveniences have arisen in consequence of persons of the Hindoo or Mahomedan persuasion being compelled to swear by the water of the Ganges or upon the Koran or according to other forms, which are repugnant to their consciences or feelings :

1. It is hereby enacted that, except as hereinafter provided, instead of any oath or declaration, now authorized or required by law, every individual of the classes aforesaid within the Territories of the East India Company shall make affirmation to the following effect :—

I solemnly affirm in the presence of Almighty God that what I shall state shall be the Truth, the whole Truth and nothing but the Truth.

When the present High Court was established under the Letters patent issued in 1862 amalgamating the Supreme Court—The King's Court—and The Sudder and Foujdaree Adawlut—The Company's Courts—there was an attempt at consolidation of the law relating to this branch. Sec. 9 of Act XVIII of 1863 modified Sec. 4 of Act V of 1840 and extended the application of that Act to Her Majesty's Courts of Justice and added the following to Clause 1 of that Act :

And when verifying an Affidavit a solemn affirmation shall be made to the following effect:

I solemnly affirm in the presence of Almighty God that the signature to this is my name and handwriting and that the contents of this affidavit are true.

It was Dickens, who described the Commissioner of Oaths as the man in spectacles hard at work swearing affidavits produced by a number of clerks, the oath being invariably administered without any effort at punctuation and usually in the following terms :

Take the book in your right hand this is your name and handwriting You swear the contents of this your affidavit are true so help you God a shilling you must get change I haven't got it.

The author had apparently in mind the times when the Commissioner for oaths was paid by fees collected from the parties to the action by him direct. And that was no inconsiderable sum. The perfunctory manner in which the oath is administered and the abridged form adopted in many of our courts has been the subject of adverse comment in *The Madras Mail* 1934.

Act VI of 1872 introduced two further important changes. One was that every witness who had an objection to take the oath might make a simple affirmation. The other was that notwithstanding any irregularity in the taking of an oath or affirmation or of evidence, the proceedings should be valid.

Sec. 6 of Act X of 1873 extended the substitution of the solemn affirmation instead of the oath in the case of witnesses, other than Hindus and Mahomedans, who had an objection to take the oath. Sec. 7 enjoins that all oaths and affirmations shall be administered according to such forms as the High Court may from time to time prescribe. They are found in the rules made by our High Court both on its Appellate and Original Side and also in the Civil Rules of Practice.

In 1933 there was some difficulty over the oath to be taken by a Hindu prosecutor at the Brighton Police Court. A beach Inspector pressed into the role of an interpreter explained that Hindus swear facing the Ganges and with hands up-raised. As apparently no one present knew towards which point of the compass he should turn, the prosecutor finally promised "to tell no lies while facing the Ganges."

On one occasion a Chinese witness at the Liverpool County Court having concluded his national oath in due form with these words : "And if I do not speak the truth, may my soul be dashed into a thousand pieces even as this saucer," hurled the saucer to the ground. However it, being of over-substantial manufacture, rebounded intact. Twice more it was dashed down and still it remained whole until at last the witness had to kneel down and hammer it heavily on the floor.

Odd things sometimes happen over these picturesque ceremonies.

Gradually there has developed a tendency both in England and India too often to regard the taking of an oath as a mere form. The late Lord Phillimore, while a judge of the King's Bench Division, had occasion to protest more than once with some vehemence sternly rebuking those present who continued to carry on conversation while the oath was being taken by a witness. In how many instances has this not been true even of our own Courts? Apart from this, the witnesses themselves have receded farther away from the realisation of consciousness of the presence of Almighty God witnessing every one of their actions and though the words "in the presence of Almighty God" form part and parcel of the oath or affirmation taken by them still little attention is paid to them. Perhaps the

mental attitude of the average witness is best illustrated in the engagingly sophisticated answer of a little girl in a court, who was being examined on her knowledge of the nature of an oath :

What will happen to you if you tell a lie in your evidence ?

She replied " I suppose, Sir, I couldn't get my expenses."

An oath is an asseveration or promise made considering God to be present. Writers viewing the subject among civilised nations only have sometimes defined it as an appeal to a deity. " By the term oath", says Bentham in his Jurisprudence, " taken in its broadest sense, is universally understood a ceremony composed of words and gestures, by which the Almighty is engaged eventually to inflict on the taker of the oath, or swearer as he is called, punishment in quantity and quality, liquidated or more commonly unliquidated, in the event of his doing something which he, the swearer, at the same time and thereby engages not to do or omitting to do something which he in like manner engages to do." In effect the Lord God is called to witness in an effort to make the human beings keep to the straight and narrow path of truth-speaking and promise-keeping. It is often wondered whether the presence of God need be invoked at all when most of the witnesses now-a-days do not care for God or for such oaths and whether, in view of the provision made for perjury in Indian Penal Code, the ceremony of calling on the Lord God cannot be dispensed with. This indeed is a question too difficult to be answered when it is borne in mind that even the framers of the present constitution of the Indian Union have made a provision for invoking the name of God for those who believe in Him in contradistinction to those for whom their own conscience is enough. To this day oaths and solemn affirmations are regarded by the law as guarantees against perjury and as a means of securing ascertainment of truth.

Note on Talagunda Inscription 'of Kakusthavarman'

BY

G. S. GAL,

Ootacamund

This famous inscription, engraved as it is on a pillar, is a veritable pillar on which rest the origin and growth of the early kings of the Kadamba dynasty—handed down to us. But to which king does this record belong? Kielhorn, who has published the inscription in the pages of *Epigraphia Indica*,¹ has given the nomenclature to his paper 'Talagunda Inscription of Kakusthavarman'² and this title, no doubt, suggests that it belongs to the reign or time of Kākusthavarman. That this was Kielhorn's view is indicated also by the following: His translation of the third verse, in praise of Kākusthavarman, 'And next (victorious is)³ Kākusthavarman, whose form is² like that of the lord of the gods (and) whose intelligence is² vast; the king who is² the moon in the firmament of the great lineage of the Kadamba leaders of armies'. In verse 33 we have '... that king Kākusthavarman has² caused to be made this great tank ...'. In the introductory portion he remarks 'The occasion is taken by the poet to celebrate the origin and advancement of the Kadamba family to which Kākusthavarman belonged, and to give the names of his ancestors'. But we may also note the translation of the verses, 27, 30 and 32: 'His brother was² the translation of the verses, 27, 30 and 32: 'His brother was² Bhagīratha's son Kākustha...; and in his house, ... the lady Fortune delighted to stay stead-fast, for very long', etc. According to Sewell this inscription belongs to the reign of Kākusthavarman.⁴ Rapson has also ascribed the record to Kākusthavarman.⁵

Bühler, who was the first scholar to publish a preliminary notice of this inscription⁶ says "The best preserved among the three documents⁷ is a long metrical Sanskrit Praśasti or Eulogy on the

1. Vol., VIII, pp. 24-36.

2. *Italics* ours.

3. **Thick** type ours.

4. *Hist. Inscr. S. Ind.*, p. 18.

5. *Coins of the Andhra Dynasties, etc.*, p. lv.

6. *Ind. Ant.*, Vol., XXV, p. 27.

7. Refers to the discoveries of Rice.

excavation of a tank near an ancient Śaiva temple at Sthāna-Kundūra, begun by the Kadamba king Kākusthavarman, and completed in the reign of his son Śāntivarman... and Kākustha's successor was his son Śāntivarman, during whose reign Kubja composed his poem...". From this it is clear that Bühler was of the opinion that the inscription belonged to the reign of Śāntivarman and not to that of his father Kākusthavarman. His statement that the excavation of the tank was begun by Kākusthavarman and completed in the reign of his son is not supported by the text. For, the record explicitly states that Kākusthavarman completed his task (*kārayāmāsa*) and does not give any indication that the work was left unfinished to be completed by his son Śāntivarman. Fleet also was of the opinion that the record belonged to the reign of Śāntivarman.⁸ And Rice, to whom goes the credit of discovering this important inscription and who edited it earlier than Kielhorn, ascribes it to Śāntivarman's reign.⁹ Thus we see scholars holding different views on the point. Of recent writers, Messrs. N. Lakshminarayan Rao and R. S. Panchamukhi, in their Kannada article on the early Kadambas,¹⁰ hold that the Tālagunda record belongs to the reign of Kākusthavarman. Prof. Nilakanta Sastri writes: "This king¹¹ made a large fresh water tank within the precincts of the celebrated Śiva temple at Talagunda, and the fact was recorded on a pillar by his son and successor Śāntivarman..."¹² Dr. M. H. Krishna calls it a record of Śāntivarman.¹³ Dr. D. C. Sircar has drawn, perhaps for the first time, pointed attention to this question and he has tried to show that king Kākusthavarman was dead¹⁴ at the time when the inscription was engraved.¹⁵

Coming to the record itself, we find that the first verse is in praise of Sthāṇu (i.e. god Śiva), the second one, of the gods on earth (i.e. Brāhmaṇas) and the third verse praises Kākusthavarman. The poet then proceeds to describe the origin and advancement of the family to which Kākusthavarman belonged. It is natural to expect, immediately after the name of Kākusthavarman, if not in his place, a verse in praise of Śāntivarman if he were the ruling monarch at the time. But we do not have it. Again, an examination of the inscription would show that Śāntivarman does

not find a place in the proper genealogical account. In fact, he is referred to at the very end of the inscription in connection with issuing orders to the poet Kubja to compose and put the record on stone. The inscription is plainly a *praśasti* on the qualities and deeds of Kākusthavarman—who contracted matrimonial alliances with the Gupta and other kings by giving his daughters in marriage¹⁶ and under whom the Kadamba kingdom was happy and prosperous. In contrast with this, nothing is said by the poet Kubja about the reign of Śāntivarman. We must also note that the immediate object of the record is to notify the construction of the tank by Kākusthavarman.

These facts lead one to believe that the Tālagunda inscription belongs to the reign of Kākusthavarman and that his son might have issued the orders for recording the facts on the stone, as a governor during the reign of his father. But, we must admit, there are difficulties, and genuine too, for accepting this view. Śāntivarman is called *nṛpati* or 'king' and is described as wearing three crowns—*paṭṭatray-ārpaṇa-virājita-chāru-mūrttiḥ*. These ruling titles, and the passages, as pointed out by Dr. Sircar,¹⁷ *grihēshu yasya Lakshmy-aṅganā dhṛitimatī suchiram cha rēmē, yaṁ ... sāmanta-chūḍāmaṇayaḥ praṇēmuh*,¹⁸ applied to Kākusthavarman may show that Kākusthavarman was not actually ruling at the time. We may, therefore, suppose that, after the benevolent act of building the tank at Tālagunda, Kākusthavarman did not continue his rule for long, but seems to have handed over the reins of government to his son Śāntivarman. And the latter undertook to record his father's work, as if Kākusthavarman himself would do it, only adding his name at the end in connection with giving instructions to inscribe the facts. This state of affairs would satisfactorily explain the wording of the text of the inscription. Therefore, it appears that Kākusthavarman was not dead at the time of

16. Verse 31.

17. *Suc. Sat.*, pp. 257-58. Dr. Sircar takes *śāsana* in = *vara-śāsanasthaḥ* in the sense of 'rule' and observes that the record speaks of the rule of Śāntivarman. But Kielhorn is quite correct in interpreting *nṛpatēr* = *vvara-śāsanasthaḥ* which qualifies the following word *Kubjaḥ*, as 'Abiding by the excellent commands of...'. There is, therefore, no question of any reference to the 'rule' of Śāntivarman as supposed by Dr. Sircar. Bühler's interpretation (*op. cit.*)—'while residing in an excellent village (*vara-śāsana*) granted by that king' may also be noted.

18. Cf. also *tam* = *bhūpāh* = *khalu mēnirē* and *bāndhavās* = *s-ānubandhāh* (*nirvṛtim*) *prāpuḥ* in verses 28 and 29. It must, however, be said that in several records even the reigning king is described in a similar way.

8. *Dynasties of the Kanarese Districts*, p. 286.

9. *Ep. Car.*, Vol. VII, Sk. 176, pp. 200 ff.

10. *Prabuddha-Karnāṭaka*, Vol., XX, No. 1, pp. 121, 134; No. 2, p. 105.

11. i.e. Kākusthavarman.

12. *A New History of the Indian People*, Vol. VI, p. 240.

13. *Mysore Archaeological Report*, 1936, p. 75.

14. *Italics* ours.

15. *Successors of the Satavahanas*, pp. 257-58.

the record, but alive,¹⁹ though not actually ruling, while his son Śāntivarman issues the orders, as if in the presence of his old father, to compose and inscribe the record. If this reading of the situation is accepted, then the proper title of the record would be : 'TALAGUNDA INSCRIPTION OF THE TIME OF KĀKUSTHA-VARMAN AND ŚĀNTIVARMAN'.

Before concluding, we may offer a few remarks on the name of the poet and scribe, Kubja. Though we do not get any glimpse into the physical features of this person, the name, no doubt, sounds rather strange. A similar one we get in the person of Kubja-Vishnuvardhana, younger brother of the Western Chālukya emperor Pulikēśin II, who started the line of the Eastern Chālukyas under the aegis of his elder brother. The word *kubja* literally means 'hump-backed' and it is very unlikely that important personages of the court would call themselves by such an awkward name. But the name is significant if we read it in the light of the verse—

*pañchām-parē Vāmankō Jaghanyah Kubjō = thavā Maṇ-
dalakō = tha Sāchī |*
*pūrv=ōkta-bhūp=ānucharā bhavanti saṅkīrṇa-saṅjñāḥ śṛṇu
lakṣaṇais=tān ||*

given by Varāhamihira in his *Bṛhatsaṃhitā*.²⁰ This shows that Kubja, like Vāmanaka,²¹ is an attendant or one in the service of the royal person of the king himself. There is, therefore, nothing abnormal in Śāntivarman's court-poet assuming the name of Kubja.²²

19. Does the phrase = *ath = āsana-stham* (even) 'while sitting quiet', indicate anything in this direction?

20. Ch. 68, verse 31 (Benares edition, 1897).

21. For the explanation of the Vāmana attendant on Gupta coins, see, *Journal of the Numismatic Society of India*, Vol. VI, p. 31.

22. The word *kubja* in Kubja-Vishnuvardhana, referred to above, may be explained in a similar way.

Libraries in Ancient India

BY

BERNARD ANDERSON

Various theories have been advanced about the origin of the art of writing in India. Some scholars are of opinion that this art was introduced into India from the West, and they ascribe to it, some a Greek origin, other a Semitic origin, and still others a Phoenician origin, holding that the Phoenicians during the course of their trade relations with the Panis of Western India introduced the alphabet into this country. Others maintain that it is an indigenous art. The excavations at Mohenjo Daro, Chanhu Daro and other Indus Valley sites have brought to light numerous seals with pictographic inscriptions on them, and scholars are now more definite than ever that the art of writing was known in India from very early times. Nay, it may be stated that the Mohenjo Daro pictographs were the parent script and the origin of Sumerian script.¹

But although the people of ancient India were acquainted with this fine art, and though they possessed a rich and abundant literature, yet many years elapsed before the literary genius of the country found expression in the form of books. The original purpose for which writing was used in India seems to have been for commercial use, for private and official correspondence, also for recording royal proclamations, for legal transactions, for religious donations to temples and monasteries, and finally for inscribing short religious formulas. Moreover the education of the youth of the country was mainly oral. Knowledge was preserved solely on the memory tablets of the human mind. Very great importance was attached to the Vedas being kept intact. The Veda was to be recited not only with proper modulation of the voice to convey the accents, but the accents were indicated also by the movements of the fingers. All these intricate ritual could only be acquired by oral instruction which offered an adequate guarantee for the preservation of the sacred texts. At first so much store was set by oral instruction that the *Pāṇinīyaśikṣā*² condemns one who imbibes

1. Vide Heras, "The Origin of Sumerian Writing", *Journal of the University of Bombay*, VII, Part I, pp. 3-28; Hall, *The Ancient History of the Near East*, p. 174.

2. v. 32.

knowledge from a manuscript as among the worst of learners. Vrddha-Gautama condemns to hell those who sell the Vedas, who condemn the Vedas and those who write them down.³ Besides, there was the want of suitable material for writing. It is evident that under these circumstances there could not have been an abundance of written literature to warrant the existence of large libraries to compare favourably with the magnificent libraries of the Assyrian king Assur-bani-pal or of the Ptolemies of Egypt, or of the Phoenicians of Ras Shamra.

But we should not hastily conclude that there was an absolute dearth of written literature at that time. Kautilya speaking about the qualifications of a writer says: "One who is possessed of ministerial qualifications, acquainted with all kinds of customs, smart in composition, good in legible writing, and sharp in reading shall be appointed as a writer (*lekha*).⁴ He also lays down rules for writing a book and Royal writs. Vātsyāyana speaking about the accomplishments of a gentleman says: "There are concerts to be attended, ballets and theatrical spectacles to be visited, he had a lute besides so that he may make music when he will, and a book to read at leisure".⁵ These remarks of Vātsyāyana and Kautilya do but corroborate our statement above. Moreover, the Chinese scholars Fa-Hian, Hsien-Tsiang and I-Tsing found enough manuscripts and books to carry home with them when they came to India, i.e., between the 4th century A.D. and 7th century A.D. Fa-Hian, the first Chinese scholar to visit India in search of Buddhist literature, found many manuscripts in the Mahāyāna monastery in Central India (Patna). In consequence of this success, he stayed there for three years, learning Sanskrit books and Sanskrit speech and writing out the Vinaya rules.⁶ Hsien-Tsiang returned to China from his Indian travels with one hundred and twenty-four works (sutras) of the Great Vehicle and other works, amounting on the whole to 520 fasciculi.⁷ I-Tsing studied at Nālandā for a considerable time and collected some 400 Sanskrit texts, amounting to 5,00,000 slokas.⁸ Speaking about the arranging of the affairs of deceased Bhikshus, I-tsing informs us that the scriptures and their commentaries belonging to the deceased Bikshu had to be kept in a library to be read by the members of the Order, while

3. Kane, *History of Dharmasastra*, II, Part I, p. 349.

4. *Arthasastra*, Translated by Shamsastry, Mysore, 1929, p. 71.

5. *Kamasutra*, Adhikarana I, Adhyaya 4.

6. Legge, *A Record of Buddhist Kingdoms*, pp. 98-99.

7. Beal, *Buddhist Records of the Western World*, I, p. XX.

8. I-Tsing, *A Record of Buddhist Religion*, p. XVII.

non-Buddhist works were sold and the money acquired was distributed among the priests then resident.⁹ Here is sufficient evidence to deduce that the reproduction of manuscripts and the creation of libraries can be traced back a few centuries before the Christian era. Besides, there can be no reasonable ground for doubting the correctness of the ancient tradition preserved in the well-known verse of the Ceylon Chronicles, which, when speaking of the time of Vatta Gāmani who began to reign in 88 B.C. says:

The text of the Three Pitakas, and the Commentary too
thereon,
The wise Bhikkus, perceiving how all beings do decay,
Meeting together, wrote them in books, that the Dhamma
might last long.¹⁰

Though the fact of the existence of written literature since very early times stands proved, yet the working of the institution of libraries seems to take place only simultaneously with the emergence of the educational institutions and university centres. The famous Buddhist centre of education, the University of Nālandā, maintained a splendid library for the benefit of the hundreds of teachers and thousands of students who flocked to its portals, there to study the various sciences. The copying of manuscripts was one of the chief activities of the students of the University.¹¹ The library quarter of this University was known as Dharmagañja, "Piety Mart". It was located in three splendid buildings called Ratnasagara, Ratnodadhi and Ratnarañjaka. In the Ratnodadhi, which was a nine storeyed building, there were the sacred scripts called *Prajñā-pāramita-sūtra*, and Tantrik works such as *Samājaguhya*, etc.¹²

The declining period of the University of Nālandā coincides with the erection of two other famous educational institutions one at Odantapuri (Bihar) by a certain Gopala who is said to have ascended the throne of Bengal about 730 A.D.,^{12a} and the other, the Royal University of Vikramisila, founded by king Dhamapala in the 8th century A.D. Both these institutions possessed rich and extensive libraries which excited the admiration of foreign invaders: "Muhammad-i-Bakht-yār, by the force of his intrepidity, threw

9. *Ibid.*, p. 192.

10. *Dipavamsa*, XX, 20, 21.

11. Sankalia, *The University of Nalanda*, p. 147.

12. Vidyabhusana, *A History of Indian Logic*, p. 516.

himself into the postern of the gateway of the place, and they captured the fortress, and acquired great booty. . . . There were a great number of books there, and when all these books came under the observation of the Musalmans, they summoned a number of Hindus that they might give them information respecting the import of those books. . . . On being acquainted (with the contents of those books), it was found that the whole of that fortress and city was a college, and in the Hindi tongue, they call a college Bihar (Vihar).¹³ Another famous centre of education was Valabhi, Kathiawar, of which I-Tsing gives us an account. Like Nalanda, Valabhi also attracted students from far and near and also maintained a library, as proved by a grant of one of the Maitraka kings, Guhasena I, which makes provision, among other things, for the purchase of books for this institution.¹⁴

There were, besides, several small libraries attached to temples all over the country. The Bhaviṣyapurāṇa states that books may be placed in a *maṭha* for the use of all people and that he who arranges for the reading of books in the temples of Siva, Viṣṇu or the Sun reaps the merit of the gifts of cows, land and gold.¹⁵ In ancient India the temple served the dual purpose of a place of worship and a centre of learning, and it is in fact from such temple schools that great centres of education have sprung up. Even the Nalanda University had a similar origin.

State and private libraries also existed. We are told that the poet Bana kept a reader for his own private purpose, and hence we may surmise that he possessed a library of his own.¹⁶ Hiuen Tsiang informs us that King Kanishka had the sacred writings of the Buddhists engraved on red copper-plates.¹⁷

For the maintenance of the libraries attached to educational institutions, monasteries and temples, the authorities relied on the generosity of the Kings, Princes and other nobles of the country and their appeals did not fall on deaf ears, for these persons actuated by the sayings from the Smṛtis and Purāṇas which recommended the donations of books, donated generously. One of the purposes for which Avighakara, a merchant from Bengal, made a grant to the Kanheri Monastery in Western India was the purchase of

13. *Tabakat-I-Nasiri*, I, p. 552. Translated by Raverty.

14. *Indian Antiquary*, VII, p. 67 ff.

15. Cfr. Kane, *op. cit.*, II, pt. II, p. 883.

16. Winternitz, *A History of Indian Literature*, I, pp. 39-40.

17. Beal, *op. cit.*, I, p. 156.

books.¹⁸ A fragmentary grant of Guhasena I, dated 559 A.D. makes provision, *inter alia*, for the "acquisition of books of the holy faith (*Saddharmasya pustakopacayartham*. . . .)"¹⁹ Balaputradeva, a king of Java and Sumatra, being attracted by the fame of the University of Nālandā built a monastery there and induced his friend and ally King Devapala of Bengal to grant five villages for the upkeep of his monastery. Part of this endowment was reserved for the purpose of copying books for the University Library.²⁰

From the above short account it is evident that, although literature and learning and the art of writing are of very great antiquity, at least at present, we have no definite data to assert that organized libraries were a special feature of the country from very early times. The only best organized libraries we had before the Muslim period were those connected with the ancient universities.

18. *Indian Antiquary*, XIII, p. 134.

19. *Ibid.*, VII, p. 67.

20. *Epigraphia Indica*, XVII, p. 311.

Mauryan and Pre-Mauryan Chronology According to the Purāṇas

BY

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The chronology of the period that followed the birth of Gautama Buddha has been engaging the attention of scholars for a pretty long time. The identification of Sandracottus with Chandragupta by Sir William Jones was the first step in the direction of solving this problem. The study of the Purāṇas and the Buddhist works of India and Ceylon has since added much to our knowledge, but the diversity and contradictory nature of these sources has been a stumbling block in the way of arriving at definite conclusions. It is therefore, reasonable to determine first the relative value of these sources.

The Buddhists, as also the Jains, were naturally most interested in events which had a bearing on the spread of their faith, and the dates which they assign to these events may naturally be trusted, unless we find any real arguments against any one of them. These dates are given in terms of the years of the passing away of their prophets. We may therefore pause to consider the probable dates of the passing away of Buddha and Mahāvīra.

“There is now a general agreement among scholars that Buddha died within a few years of 480 B.C.”¹ If so, there is no reason to doubt the correctness of the Cantonese dated record, according to which Buddha died in 486 B.C. The traditional date of the death of Mahāvīra is 527 B.C., and it very well agrees with the evidence of the Buddhist Dīgha Nikāya and Majjhima Nikāya, according to which Mahāvīra died before Buddha.

When, however, we come to other things such as the list and reign-periods of the kings of Magadha, we find that the Buddhist accounts cannot claim any preference over the Purāṇas. So far as the list of kings that ruled in Magadha between the birth of Buddha and the rise of Chandragupta, is concerned, some scholars

1. Cambridge History of India, Vol. I, p. 156.

have shown excessive scepticism about the Purāṇas. But though the list is certainly not without mistakes, if we closely scrutinise the three authoritative Purāṇas, viz. the Vāyu, the Brahmāṇḍa and the Matsya, we find that the mistakes are not so numerous as we are apt to think. Thus it is said that the Purāṇas have regarded the Pradyotas of Avanti as belonging to Magadha. As a matter of fact they have neither called the Pradyotas as kings of Magadha nor shown any connection whatever between them and Magadha. What they have done is this. After giving the account of the Bārhadratha dynasty of Magadha, they proceed to give an account of the two most important dynasties of India that ruled contemporaneously and struggled for the suzerainty of India after the fall of the Bārhadrathas, viz. the Pradyotas of Avanti and the Bimbisāras of Magadha. They first deal with the Pradyotas whom they definitely associate with Avanti,² and while giving the cause of their fall they have to mention Śiśunāga and his son Kākavarṇa of Magadha who destroyed them. Then they deal with the dynasty of Bimbisāra, whose grandfather Kshemavarman (or Kshemadharman) was the first king of this dynasty. It must be remembered that Kshemavarman is in no way connected with Kākavarṇa by these three Purāṇas.³ It is only after the account of Kshemavarman's dynasty ends that we come across a mistake which is found in all the Purāṇas. Some editor, thinking that the eight kings of Kshemavarman's dynasty came after the two Śiśunāgas, has connected them all as the ten kings of Śiśunāga's dynasty, and has further regarded Nanda also as a scion of this dynasty.⁴ Lest this mistake of the Purāṇas should lead us to prefer wholly the accounts of the late Buddhist chronicles of distant Ceylon, it must be mentioned that the latter are not certainly above suspicion.⁵ As a matter of fact, so far as the list of kings is concerned, whenever there is an independent evidence, it supports the Purāṇas and not the Ceylonese chronicles. To explain this we may divide Bimbisāra and his descendants into two groups, the first headed by Bimbisāra and

2. Brihadratheshv atīteshu Vītihoreshv Avantishu

Pulakah svāminam hatvā svaputram abhishekshyati.

i.e. After the passing away of the Brihadrathas (of Magadha) and the Vītihoreshv (of Central India), Pulaka, having killed his master will anoint his son as king in the country of Avanti (Avantishu). Matsya 272, 1. Vāyu and Brahmāṇḍa correct the word Avantishu to Avartishu.

3. Vide, Matsya 272, 7. Vāyu 99, 316. Brahmāṇḍa III, 74, 129.

4. There is no doubt that this is the mistake of some late editor. Tackling of two dynasties mentioned one after the other was a common mistake of these editors.

5. Cambridge History of India, Vol. I, p. 312.

the second by Udāyin. In the first group the Buddhists mention only two kings, Bimbisāra and Ajātaśatru, but the Purāṇas add one more king named Darśaka. In the second group the Purāṇas mention only three kings, viz. Udāyin and his son and grandson (called Nandivardhana and Mahānandi by Purāṇas and Anuruddha and Muṇḍa by Buddhists), but the Mahāvamsa adds a fourth king named Nāgadāsaka. But whereas not only the name of Darśaka but even the place assigned to him in the list of kings by the Purāṇas is corroborated by the Svapnavāsavadattam of the ancient poet Bhāsa,⁶ the name of Nāgadāsaka is unknown outside the Ceylonese accounts. Similarly in the Śiśunāga group whereas the Purāṇas mention only two generations, viz. Śiśunāga and his son Kākavarṇa, the Ceylonese chronicles and a third, viz. the ten sons of Kālāśoka, another name of Kākavarṇa. Here also the available evidence supports the Purāṇas. Thus according to Curtius,⁷ the first Nanda murdered his sovereign, and then, under the pretence of acting as guardian to the royal children, usurped the supreme authority, and afterwards put the young princes also to death. It is clear that the murdered sovereign was Kālāśoka,⁸ and his sons remained for sometime under the guardianship of Nanda until they were also killed. This period of guardianship, however, could not have been of more than a few months, for having killed their father, Nanda could not have spared them for 22 long years, the period for which they are alleged to have ruled by the Chroniclers of Ceylon. It is thus clear that the Purāṇic list of Magadhan kings, in spite of its mistakes, is more reliable than that preserved in the Ceylonese chronicles. What we have to do is simply to put Śiśunāga and his son Kākavarṇa between the last descendant of Bimbisāra and Nanda, and the Purāṇic list becomes free from mistake as far as can be seen.

Coming next to the chronological aspect of the Purāṇic list of Magadhan kings, we find that if we correct but one verse whose faulty metre makes it definitely suspicious, the whole chronology agrees very well with the various facts preserved in Buddhist, Jain and Greek writings. This verse, which gives the reign-period of

6. According to this drama Udayana married the sister of Darśaka. Udayana was a contemporary of Ajātaśatru according to Buddhists. Darśaka, therefore, could have been a contemporary of Udayana only by being the son of Ajātaśatru as the Purāṇas treat him. Bhāsa certainly lived before the Christian era, probably in the time of Chandragupta Maurya, as indicated by his description of India in the Bharatavākya of Svapnavāsavadatta.

7. McCrindle—The invasion of India by Alexander p. 222.

8. Raychaudhury—Political History of Ancient India, p. 187.

Udāyin's son and grandson, who are called Nandivardhana and Mahānandī by the Purāṇas, is as follows :—

Dvāchatvāriṃśat samā bhāvya rājā vai Nandivardhanaḥ.
Chatvāriṃśat trayaṃ chaiva Mahānandī bhaviṣyati.⁹

The son and grandson of Udāyin undoubtedly could not have ruled for such long periods, as they are absolutely shadowy figures. Evidently chatvāriṃśat in both the lines of this verse is a mistaken reading, and hence the number of syllables is greater than the metre requires. The correct reading appears to have been something as follows :—

Dve cha varshe tato bhāvya rājā vai Nandivardhanaḥ
Tatputrastu trayaṃ chaiva Mahānandī bhaviṣyati.

With this single correction the Purāṇic list of Magadhan kings with their reign-periods stands as follows :—

Kshemavarman	..	20 or 36 years.
Kshemajit (Kshatraujas)	..	24 or 40 years.
Bimbisāra	..	38 or 28 years.
Ajātaśatru	..	25 or 27 years.
Darśaka	..	24 or 25 years.
Udāyin	..	33 years.
Nandivardhana	..	2 years.
Mahānandī	..	3 years.
Śiśunāga	..	24 or 40 years.
Kākavarṇa	..	26 or 36 years.
Mahāpadma	..	28 or 88 years.
His sons	..	12 years.
Chandragupta	..	24 years.
Bindusāra	..	25 years.
Aśoka	..	36 years.

Unfortunately because of the ease with which figures whose names are similar (such as 20 and 30, or 24 and 40) might be confused, the figures for the reign-periods of some kings are not the same in all the Purāṇas. But, as pointed out by Pargiter, this is not a serious hindrance, and in such cases either of the two figures may be read as other data may indicate, irrespective of the weight of the manuscripts. We have, therefore, given the more probable figures first.

9. Va 99, 320. The Brahmāṇḍa and Matsya correct the metre by omitting Dvā. This is evidently an after-thought.

When we construct the chronology of Magadhan kings on the basis of these figures, we find that it wonderfully agrees with the various facts mentioned by Buddhist, Jain and Greek writers. According to the Buddhists, Buddha died eight years after the accession of Ajātaśatru. This means that Ajātaśatru came to the throne in $486 + 8 = 494$ B.C. Bimbisāra, who ruled for 38 years, must have come to the throne in 532 B.C., and his father and grandfather in 556 B.C. and 576 B.C. respectively. The chronology may be tabulated as follows :—

Kshemavarman	..	576 — 556 B.C.
Kshemajit	..	556 — 532 B.C.
Bimbisāra	..	532 — 494 B.C.
Ajātaśatru	..	494 — 469 B.C.
Darśaka	..	469 — 445 B.C.
Udāyin	..	445 — 412 B.C.
Nandivardhana	..	412 — 410 B.C.
Mahānandī	..	410 — 407 B.C.
Śiśunāga	..	407 — 383 B.C.
Kākavarṇa	..	383 — 357 B.C.
Mahāpadma	..	357 — 329 B.C.
His sons	..	329 — 317 B.C.
Chandragupta	..	317 — 293 B.C.
Bindusāra	..	293 — 268 B.C.
Aśoka	..	268 — 232 B.C.

Let us now examine this chronology in the light of various facts preserved by the Buddhist, Jain and Greek writers. According to Buddhist accounts, a hundred and odd years after the Nirvāṇa of Buddha, the second Buddhist council was held in the reign of Kālāśoka. According to the Purāṇic chronology, Kākavarṇa (Kālāśoka) began to rule 103 years after the death of Buddha, and this agrees perfectly with the date of the second Buddhist council. Again, the Jain *Parīśishtaparvan* implies that a period of 95 years elapsed between the death of Udāyin and the accession of Chandragupta.¹⁰ This is exactly the period that elapsed between the two events according to the Purāṇic chronology. Further, according to Jains, Chandragupta began to reign

10. According to this work Udāyin died 60 years after the death of Mahāvīra, and Chandragupta became king 155 years after the same event, thus implying an interval of 95 years. It appears that Hemachandra, the author of *Parīśishtaparvan*, has confused the date of the death of some later Jain saint with that of the passing away of Mahāvīra, for according to ancient and reliable Buddhist evidence Mahāvīra died before Buddha.

255 years before the Vikrama era, or in 312 B.C. This date practically agrees with the date that we arrive at by accepting the Purāṇic chronology, the difference of five years being immaterial. But there is another very strong argument which favours the exact year of Chandragupta's accession according to the Purāṇic chronology. The Jains and the Buddhists agree that Chandragupta conquered Magadha after subduing the north-western frontiers of India.¹¹ The presence of Eudemos in the Punjab till 317 B.C., however, shows that Chandragupta could hardly have conquered the Punjab till that date. As a matter of fact the quitting of Punjab by Eudemos must have been the result of the conquests of Chandragupta, who thus must have acceded to the throne neither earlier nor much later than 317 B.C. The Purāṇic date thus admirably suits facts concerning Chandragupta and his career. Lastly, let us consider the date of Asoka. According to Buddhist tradition, Asoka's coronation took place 218 years after the Nirvāṇa of Buddha, i.e., in 486-218 = 268 B.C. This is exactly the date that the Purāṇic chronology gives. The assertion of the Mahāvamsa that Asoka had become king four years before his formal inauguration is clearly wrong, because it is not only not supported by any other evidence but is actually opposed by the statements of Asoka himself in his edicts. Thus Asoka always counts the length of his reign from his coronation, which certainly means that as usual his coronation and accession were not separated by any considerable length of time. Had there been a difference of four years between the two events, Asoka would not have measured the length of his reign from the later event. To say that Asoka's mention of his coronation means that he wanted to distinguish it from his accession is totally unjustified. In fact the word *abhisheka* usually signifies the beginning of a king's reign, and had Asoka's *abhisheka* not synchronised with his accession, he would not have used this word in measuring the length of his reign.

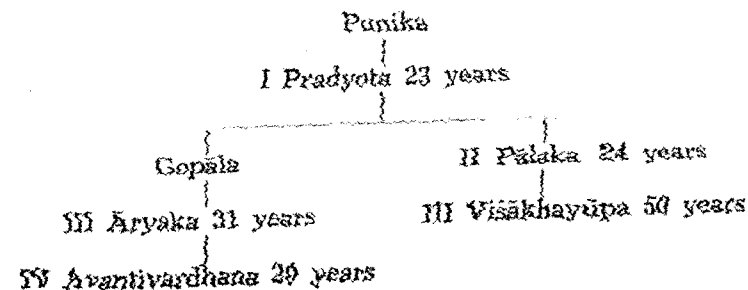
This date of Asoka also perfectly agrees with the dates of the Greek kings mentioned in his edicts. The dates of the Greek kings were as follows:—

Antiochus Theos of Syria	..	261-246 B.C.
Ptolemy Philadelphos of Egypt	..	285-247 B.C.
Antigonos Gonatus of Macedonia	..	276-239 B.C.
Magas of Cyrene	..	300-250 B.C.
Alexander of Epirus	..	272-255 B.C.

11. See the story of Chandragupta and the old woman found both in *Parīśiṣṭaparvan* and *Mahāvamsa-vāṭka*.

R. E. XIII, in which the names of these kings are mentioned, was, according to the internal evidence of the rock edicts, engraved in the 14th year of Asoka's reign. Its date according to our chronology would thus be 255 B.C., and at this date all the kings were alive.

Next let us take the chronology of the Pradyotas of Avanti. The first king of this dynasty was Pradyota who ruled for 23 years. He was succeeded by his son Pālaka who ruled for 24 years. The evidence of the ancient drama *Mṛichchhakatika* proves conclusively that Pālaka's tyranny led to the formation of a strong party in Ujjain, which supported the claim of Āryaka, the son of Gopāla¹² who was the elder brother of Pālaka according to the *Kathāsarit-saagra* as well as the dramas of Bhāsa. The Purāṇas mention two kings after Pālaka named Viśakhayūpa and Āryaka (written corruptly as Ajaka and Sūryaka), but they are not said to have come one after the other.¹³ This, therefore, means that there was a division of the Avanti kingdom after the death of Pālaka. The supporters of Gopāla's son Āryaka seem to have placed him on the throne as king of Ujjain, while Viśakhayūpa, who was probably a son of Pālaka, seems to have occupied some outlying part of the Avanti kingdom. Āryaka was succeeded by his son Avantivardhana, who was the last king of the Pradyota dynasty. The reign-period of Viśākha was 50 years and that of Āryaka and Avantivardhana 31 and 20 years respectively. This means that the reigns of Viśākha and Avantivardhana terminated almost simultaneously, as a result of the conquests of Śiśunāga, who is regarded by the Purāṇas as the overthrower of the Pradyota dynasty. This can be best illustrated by a table as follows:—



12. The author of this drama has mistakenly regarded the word Gopāla as a common noun meaning cowherd.

13. Vide *Vāyu* 99, 312-13.

Now Śiśunāga began to rule in 407 B.C. Assuming that he overthrew the Pradyota dynasty in the very first year of his reign the chronology of Pradyotas would be as follows :—

Pradyota	..	505-482 B.C.
Pālaka	..	482-458 B.C.
Āryaka	..	458-427 B.C.
Avantivardhana	..	327-407 B.C.

This chronology also agrees with the facts recorded in non-Brahmanical works. Thus Pradyota was a contemporary of Buddha and survived him, for, according to the Majjhima Nikaya, shortly after the Buddha's death Ajātaśatru is said to have been fortifying his capital Rājagriha in anticipation of an attack by Pradyota. The Purāṇic chronology is in full accord with this fact, for according to it also Pradyota died about 482 B.C., i.e. four years later than Buddha.

We thus see that the chronology of the Pradyotas, Bimbisāras, Śiśunāgas, Nandas and Mauryas, as preserved in the Purāṇas, accords with all the facts mentioned in various Brahmanical and non-Brahmanical works.

A Travancore Inscription in Greek Script

BY

T. K. JOSEPH

Trivandrum

Some 25 years ago, on 14-12-1923, I received for decipherment a graphite rubbing (see fascimile) of an embossed inscription on one of the bells in the Catholic church at Kuravallangād in North Travancore. (Each letter is about 1 inch in height.) As the epigraph was in no script (Vatteluttu, Pahlavi, Hebrew, Kufic, Syriac, Arabic, Latin, &c.) previously found in Malabar inscriptions, I sent copies of it to several experts in India and Europe, and published its fascimile, with notes, in *The Young Men of India* (Calcutta, May and June, 1926), *The Indian Antiquary* (London, July, 1927), &c.

The following are some of the opinions expressed by experts in their letters to me.

1. *Rev. Fr. H. Heras, S. J., Bombay*: "All the types of the inscription are Greek types. As regards the reading, the difficulty is greater, for it seems that all are abbreviations, viz., the first letter only of each word was used.... It seems to be a religious invocation."—(His reply dated 17th August, 1925).

2. *Sir John Marshall, Simla*: "All I can tell from the eye copy is that the inscription is not Greek"—(Reply dated 5th August, 1925. He means that the words are not Greek).

3. *Ernst Herzfeld, Germany*: "The bell inscription is a great puzzle.... At first, one ought to know everything about the bell itself, to get an idea of its general period and style of art. The inscription itself is so ambiguous, θ is a letter which looks Greek, and one is inclined to read θΕΘΕ as theos, "God". But it seems impossible, because other letters, like G, V, P, S are distinctly un-Greek. So, the greatest probability is that the language might be old-fashioned Portuguese.... It seems that the inscription is full of abbreviations, and that some letters stand for whole words.

There is the famous inscription on bells: Mortuus plango, &c., but no similarity with the existing letters.

It might be, on the other hand, the signature of the master, or a date."—(15th September, 1925).

4. *John Van Manen, London*: "It may well be that it represents nothing more than the barbaric result of an attempt to reproduce something like TE DEUM LAUS. ANNO. MDL, in which the year number is the most unsatisfactory part."—(17th June, 1926).

5. *Sir J. J. Modi, Bombay*: It is not Pahlavi.

6. *Dr. Zwemer, Cairo*: It is not Kufic.

The characters are evidently European as we may infer from the opinions of the first four authorities cited above. Since the letters were made of wax threads, and pressed on to the original wax bell before casting, there must be deformities in them. It is possible also that the ignorant bell-founder misplaced the letters, or even inverted them in the process of sticking them on to the wax bell, and the educated priest or layman who had fashioned the wax letters and arranged them on a strip of palm-leaf, paper, or board in the proper order was absent while the bell-founder was putting them on to the wax bell.

The inscription remained enigmatic until 30th May, 1948, on which date Rev. Fr. Joseph Ēṇēkkād of Travancore, published in a Malayalam article in the *Deepika Weekly* (of Kottayam in Travancore), p. 12, his family tradition to the effect that one of the bells in the Kuruvalangād church was presented by his ancestors, and that the name—

"Vattakkantam (Nellittānam) Kōramman" (= *the man Kōramman of the place called Vattakkantam, or Nellittanam*)

was on the bell. With that clue I began at once to puzzle out the inscription, and found that it began with—

NEliuN + eT-h e

in Greek characters (capital and small mingled), although the first N, which is capital Nu, and capital Theta (T-h) before the last e have been turned by the founder thus:—

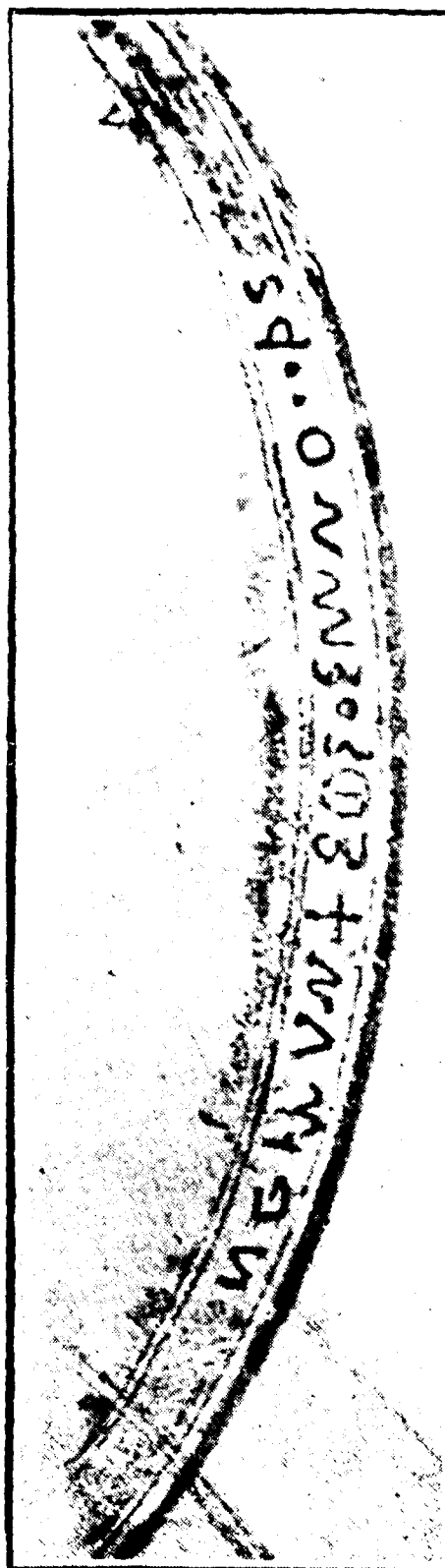
N turned into |/| (Greek capital N is the same as English N)

θ turned into ⊕ (Theta is a circle with a horizontal diameter).

The middle bar of capital *Epsilon* (E) has dropped to the tip of the bottom bar. *Upsilon* before the second N is like English V, and therefore not quite similar to small *Upsilon*. It may, therefore, be regarded as inverted capital *Alpha*, A with the wax cross-bar lost in manipulation. Capital Greek *Alpha* is the same as English A.

Thus we get —

NEliAN + eT-h e



Scale one-fifth.

T. K. JOSEPH

NE λ τ AN + ε θ ε ο ε μ No . . Ps
K

(Correct forms of the Greek letters)

TRAVANCORE INSCRIPTION IN GREEK SCRIPT 181

The small letters *Lambda* and *Iota* stick to each other, and there seems to be a small *Tau* (English *t*) also in the medley. So we finally have —

NElitAN + eT-h e (Greek NE λ ι τ AN ε θ ε)

which is the locative form of the Malayalam place-name Nellittānam found in the tradition. The cross in the name is an intruder from the second name Kōramman, as we shall see presently.

That name is a corrupt form of —

Kōra Tomman

[=Koresk (Persian Cyrus) Thomas, or (Dios-)corus Thomas], and the Greek letters—

o e m No . . Ps

form part of Kōra Tomman in Greek script, irregularly. K is missing as it has been refashioned by the bell-founder into a cross, and misplaced in the first word after the wax K had been accidentally broken into its three components thus:

| -- (made into +)

The two dots after No are the two feet of Greek *Omega* (Ω) detached from its arch-like body, which was converted into a small circle and placed before e.

It can legitimately be inferred that the strip of palm-leaf, paper, or board on which the Greek-knowing man arranged the wax letters in the proper order, was accidentally upset, and several of them dropped to the ground or got dismembered, and there was no time to wait for the learned transliterator's return. Had the epigraph been in Syriac (as in the case of the Syriac bell inscription¹ of 1584 A.D. in the same church) there would have been no such confusion, as priests and others versed in Syriac were not very rare in those days.

The existing letters of the second part, rearranged, with K (the cross) recovered from the first part, will give us —

KOPsomeN (Greek K Ω P σ μ ε N)

in which P is not English P, but Greek capital *Rho*, with the sound of R. So

KOPsomeN is

KORsomeN, a shortened form of

1. An English translation of the Syriac inscription of 1584 was published by me in June, 1926.

K O R a s o m e N, which stands for

K Ō R a t o m e N, t being converted into s, as in certain instances like —

1. Mutaliār — Musaliār (a title)
2. Patavāram — Pasāram (= tithe)
3. Thalab-Misri (Arabic) — Sālā-
— Misri (= Salep of Misr = Egypt)
4. Mūttatu — Mūssatu (a caste)
5. Taṭattam — Taṭassam (= hindrance)
6. Varkkattu (Arabic) — Varggissu (= circumcision).

We cannot guess why Greek capitals (uncials) are interspersed with small letters, or why Greek s (*Sigma*) usually placed only at the end of a word appears in the middle, where usually another form of *Sigma* is employed. It may be that the author of the inscription wanted to indicate that s is a purposely altered form of t occurring in tomen (= Tomman, Thomas).

It may be supposed that the shortened form Kōrsoumen, with s replacing the legitimate t, was used by the author of the inscription on purpose to indicate its date. According to the Malabar system employed in chronograms —

Kōr-so-men = 571

of one of the following eras current in Travancore:—

1. A.D. 571 (impossible, because A.D. was introduced into Travancore by the Portuguese in the 16th century only).
2. A.D. 1571 (possible; another bell in the church is of 1584).
3. Kali 3571 (= A.D. 469).
4. Kali 4571 (= A.D. 1469).
5. Quilon Era 571 (= A.D. 1395).
6. Jewish Era 4571 (= A.D. 810).
7. Jewish Era 5571 (= A.D. 1810).
8. Greek Era 571 (= A.D. 260).
9. Greek Era 1571 (= A.D. 1260).

The Pudu-Vaippu, Thali, Iravipuram, Parasuramic, Saptarshi, and other eras found used in Travancore and Cochin inscriptions and other records are left out of consideration in this connection. Tradition does not mention the date of the bell, and palaeography² seems to give some indication of age. According to

2. Small Epsilon ε occurs thrice in the inscription. Is its form ancient or modern? It seems to be modern, perhaps of 1571 A.D.

The Catholic Directory, Madras, 1924, the Kuravalangad church dates from 335 A.D. But Fr. Bernard assigns it to the 4th or the beginning of the 5th century, in his *History* (of the St. Thomas Christians, Malayalam, Vol. I, 1916, p. 309). But neither author cites authority. Probably both rely on mere tradition.³

It is Theta and Omega that characterise the script as Greek. About 1183 B.C., during the Trojan war, Palamedes introduced Theta, and Simonides Omega into Greek. Vide Dr. David Diringer's *The Alphabet*, p. 455 (Philosophical Library, N. Y., 1948).

The earliest known (9th-6th cent. B.C.) form of Theta is a circle with both a horizontal and a vertical diameter, or with a dot alone in the centre; and that of Omega too is a circle with a dot in the centre. A circle with a vertical diameter, as in our embossed inscription, was Psi in the 7th cent. B.C. See plates in *ibid.* pp. 457, 454, 450.

The earliest (9th-7th cent. B.C.) uncial Epsilon was E-shaped, angular, like the modern one. From the 4th-9th cent. A.D., and later too, we find uncial Epsilons similar to the one in our inscription, i.e., with no angularities. But that fact alone cannot carry the inscription back to one of those centuries. It (C-like Epsilon) can very well be one of the two very late (12th-14th cent., and later) forms of cursive or miniscule Epsilon, magnified, or writ large. The other form (ε) of small Epsilon appears in our inscription thrice. That form dates from at least the 2nd cent. A.D., and survives in *modern* current hand as well as in print. There is therefore no reason for regarding our inscription as *decidedly* ancient.

There is a fountain at Kuravalangād, called Younākkulī, which name is usually interpreted as Jonah's Pool. Though there is the annual Jonah's festival in the church, the name may be interpreted as Yavanā-kkuli, i.e., the Greek's (Ionian's) Pool.⁴

Fra. Paulinus (18th cent.) says: — — — "and *Muttiera* and *Corolongatta*, where there are two considerable congregations of the Christians of St. Thomas. At the latter place they have a very beautiful church dedicated to St. Mary, in which the service

3. One may entertain the hope that no tradition will hereafter arise to the effect that the church was built in 571 of the Greek Era, i.e., in 260 A.D. Vide, No. 8 in the above list of arbitrarily assumed dates.

4. In Malabar Syrian Christian parlance Greek is 'Yavanāya bhāsha', and the Greek Church is 'Yavanāya Sabha'. Yavanāya came into Malayalam from Syriac. The Latinite Malabar Christians use the word Greek itself in its Latin form *Graecus* corrupted into 'Grēkku'.

is performed by priests who are natives of the country. The Nestorians⁵ had formerly a monastery here, inhabited by people of their order from Persia and Chaldea, who were the spiritual guides of the Christians of St. Thomas. There were monasteries also of the like [p. 124] kind at Edapalli, Angamali," (both in North Travancore) "and at Mailapuri" (Mylapore) "on the coast of Coromandel; but they all fell into decline after the Portuguese had established themselves on the coast of Malabar."—(A Voyage to the East Indies, 1776 to 1789, London, MDCCC, pp. 123, 124). Some of the Nestorian monks in the above four Travancore monasteries, not far from one another, may have been versed in Greek in addition to Syriac and Persian or Pahlavi. The representation of double ll, tt, and mm of the two Malayalam words Nellittānathu and (Kōra) Tomman in the inscription⁶ by single l, t, and m suggests that the transliterator was a foreigner—European, or West Asiatic.

5. Bp. Medlycott says: "By the year 530" (Cosmas' days) "the Christians in Male, Malabar, had been captured in the Nestorian net."—(India and... Thomas, 1905, p. 199, note 1). "There can be little doubt" says Dr. Burkitt, Cambridge, in his letter to me dated 14th Feb. 1927, "that there was a time (say 9th or 10th century) when the Nestorian fully-developed rite was observed by the Christians of South India." The Malabar Liturgy which Menezes ordered to be "corrected" or "purged of certain errors", was the Liturgy of Addai and Mari, says Dom Conolly.

6. Some dated Travancore bell inscriptions:

1. Syriac inscription of 1584 A.D., June (Kuravalangad).
2. Portuguese inscription of 1647 (Kadutturutti).
3. Vatteluttu „ of 1606 March (Mailakkompu). (Fr. Bernard wrongly read it as 686).
4. Do. „ of 768 Q.E. (1592 A.D., Mānmalassēri). (Deciphered by me on 5-2-1949).

Reviews

DELHI AND ITS MONUMENTS, by Surendranath Sen. A. Mukherjee & Co., Calcutta, 1948, pages iv and 42, and illustrations.

Dr. S. N. Sen has given in this very readable brochure a most accurate and clearly linked descriptive account of the Monuments of Delhi, which, while receiving individual notice, are yet strung together on a garland of historical facts, that enhance, in most cases, the readers' appreciation of the monuments. He begins with an account of the traditional site of Indrapasta and of the Iron Pillar of Mehrauli. In his reference to Prince Ananga Pal he suggests that the village of Anekapur was very likely named after that Tomar ruler. The Quwwat-ul-Islam is held to be a living symbol of the mighty force which pushed the Turks and Afghans forward into the plains of India. It is pointed out that the present remains of the great Mosque were tampered with by Major Smith who had an unenviable reputation for indiscriminate reconstruction. The vicissitudes of the Qutub Minar, including the theories as to its builders, are followed by an account of the city built by the Khaljis and of Tughlaqabad, the fortress capital of Ghiyasu'-din Tughlaq.

Muhammad-bin-Tughlaq transferred his capital to Adilabad on the hills opposite Tughlaqabad, but deserted it before long. Firuzabad raised by Firuz Tughlaq seems to have been a fairly large town and included the large part of the later city of Shahjahanabad. The removal of the two Asoka pillars from Topra and from Meerut by Firuz to Delhi is narrated in detail; and therein incidentally we learn that the pillars and the inscriptions thereon occasioned wild speculation among the Pandits of the time.

The shrine of Hazrat Nizamuddin is pictured in its origin and growth through all the reverent additions made to the original nucleus by successive pious generations of adorers.

Passing on through the 15th century to the days of the early Mughals we are taken to Humayun's *Dinapanah* which probably extended as far south as his own extensive garden-tomb. It contained a number of gardens adorned with runnels of water, jet-fountains and cascades. The Tomb of Humayun itself is deemed by Dr. Sen to be superior in some respects even to the Taj Mahal. "The architect has successfully avoided the conventional severity

of the later Pathans and the overornamentation of the voluptuous Khaljis, while courageously refusing to yield to the romantic sensuousness which marks Mughal works of a later age. The marble dome combines strength and dignity and compares favourably with the bulbous superstructure below in which rest Shah Jahan and his Queen."

Shah Jahan's Delhi receives a detailed treatment of its various contents, including notes on the wall built by the Emperor round his city, and on the Jantar Mantar of Swai Jai Singh. The associations of Col. Skinner with Delhi, the later doings of the Mutiny veterans like Nicholson, the recent INA Trial and the New Delhi planned by Sir Edward Lutyens on a most extravagant scale, these are all traced, with an apt concluding remark that though the city is the vast cemetery of vanished dynasties and rulers, still, under Free India, the spirit of the old monuments symbolic of racial harmony and cultural fusion, may be preserved and enabled to flourish in new institutes of cultural progress. The appendix matter contains a useful chronological table and a select bibliography of works dealing with the History and Archaeology of the City. The illustrations have been well chosen and represent the various stages in the fortunes of the City.

— C. S. S.

HOW GREEK SCIENCE PASSED TO THE ARABS, by De Lacy O'Leary, D.D., Lecturer in Bristol University. Routledge and Kegan Paul, Limited, London—1948, pages vi and 181.

The way in which Greek Literature passed to the Arabs and the Persians and then to the Turks can be traced in fairly definite outline, though it should be noted that only Greek, and not Latin, writers were known to the Arabs and other Orientals; and among these only writers on medicine, astronomy, mathematics and philosophy, and not poets, historians and orators, were known. Alexandria was the centre of the Hellenistic world from which Greek thought spread outward to the countries eastward. Christian Syriac writers first communicated this thought. Mathematical and astronomical works which had reached India from Alexandria were also transmitted as shaped by Indian writers. There was a third line of communication from Bactria and Central Asia to Iran and Mesopotamia through the city of Marw, probably a Buddhist medium. The main distributing centre of thought in the Arab world in the Abbassid days was Bagdad. It may be noted that the Arabs co-ordinated the works of Greek and Indian scientists in astronomy and mathematics and thereby made a very real

advance in algebra and in both plane and spherical trigonometry; and they clearly perceived also the weakness of the Ptolemaic Cosmology. The Arabs were careful observers in medicine of clinical data, invented some new instruments and advanced medical knowledge in all branches except surgery. But Arab scientists depended upon powerful patrons and appealed little to the average man.

Our author traces the process of Hellenisation of Syria from the time of the Seleucids and also the vicissitudes of the frontier provinces of the Roman Empire; he then outlines the legacy of Greece and the many-sided cultural activities of the new cosmopolitan Greek-life that developed at Alexandria. He also notes the growth in the knowledge of Philosophy understood in its most comprehensive form, including Neo-Platonism. He stresses the fact that the early Christian Church was essentially a Hellenising force, using the Greek tongue and its appeal was largely to races who were Greek in speech and culture. Among the Jews, particularly after the Dispersion, there began a rivalry between the strict traditional party and the lax Hellenistic Jews. The process is explained by which, while Judaeism reverted to the ritualism of the past and to national exclusiveness, Christianity swam in a more open atmosphere and inclined towards the left.

The structure of the Christian Church followed the Roman imperial civil organisation, though the areas of its different provinces, dioceses and eparichies were not in all cases identical with the civil divisions of the Empire. The philosophy utilised by the Church was the Aristotelian one which also guided the movements of the Arians, Nestorians, etc. To the Nestorian Church Dr. O'Leary devotes a full chapter, wherein he indicates how when Bagdad was founded in 762, Nestorian physicians and teachers were drawn to it and the Nestorian heritage of Greek scholarship passed to the Khalif's city. In this transmission, Jafar Ibn Barmak, the able minister of Harun ar-Rashid, was the leading agent whose pro-Greek attitude was due largely to his hereditary association with Marw.

The Monophysites of Syria, Persia and Egypt were generally efficient in missionary work; and though their monasteries were not in intimate touch with the surrounding Arabs they also communicated pro-Greek influences.

It is interesting to read of Indian influence on the Arabs exercised through both land and sea. Brahmagupta's *Brahmasiddhanta* became known to the Arabs even before the reign of Harun ar-Rashid and formed the foundation of the work known as *Sindhind* which was perhaps based on an immediate Persian version. Both

Brahmagupta and Varaha Mihira (mis-spelt Varaha Mihisa on page 105) revealed in their works the influence of Alexandrian scholarship. Arya Bhata may be cited as an example of the method usually adopted by Indian scholars who assimilated the substance of the actual Greek works and restated and reinterpreted them. Thus these Indian scientists improved upon what they got from the Greeks and the material was rendered more definite and flexible by their additions like the use of a decimal notation and a large number of symbols. Al-Biruni notes the existence of two Arya Bhatas. The older of them produced several works on astronomy and mathematics including a treatise on arithmetic and another on the geometry of the sphere.

Our author concludes that Arab astronomy was enabled to develop only by the use of Indian mathematical data and used Greek signs as conveyed through the Indian medium. Bactria was a Hellenistic centre from the age of Alexander and its Hellenic culture was not destroyed by the conquest of the Sakas. A strong cluster of Buddhist elements survived in Eastern Persia and in Bamiyan (to the south of Balkh); and possibly Buddhism served as a fruitful additional medium for the communication of Indian ideas and knowledge of Western Asia.

Elsewhere in the West, Greek philosophical teaching was passed on to the Arabs through what may be called the legal medium, in that, theories of Roman Law based on Stoic concepts entered into the earliest speculations of Muslim jurists. Greek traces are discoverable in Muslim Theology, e.g., in problems like the freedom of the will and in the qualities of God, which might have come both from Syria and Mesopotamia or might have spread from one area to the other. We learn that in Mutazilite thought there was plain evidence of the solvent effect of Greek philosophical speculation on Arab theology. The Barmakids whose ancestors were the hereditary abbots of a Buddhist monastery in Balkh, had later conformed to the Mazdean religion and had finally embraced Islam, were keenly interested in Greek science that was intensively cultivated at Marw; even before Harun ar-Rashid's time, Greek physicians and astrologers had been employed at the Khalif's Court; and Harun actively encouraged the study and translation of Greek scientific works. Medical knowledge came to the Arabs first through a Syriac medium and then by direct translation of the Greek works. Mathematics and Astronomy came through Indian writers who had taken much of their material from Greek teaching; and translation of scientific works from Greek into Syriac and Arabic only developed later. The last chapters

of the book under review deal with translations of Greek works to the Arabic and with the achievements of the early and later translators. These translations include the works *Kalilag wa Dimnag* and the *Khudai-Nama* which formed the basis of Firdawai's *Shah Nama*, among others. The translation of scientific material began regularly under Harun ar-Rashid; while that of medical works started a little later, and was first associated with Zibrail II; but outside court circles, the scientific movement made but little appeal, as already noted. Hunayn ibn Ishaq translated in the 9th century into Syriac a large number of books on medicine. The fame of Aristotle spread among the Muslims as soon as they turned their attention to Greek scientific materials. Aristotelian studies began with Al-Kindi who definitely accepted the great Greek as the *Philosopher, par excellence* while, Al-Farabi maintained that Philosophy was equally true, along with the Holy Quran.

The narrative of the subject matter is interspersed with historical details of the various powers through a whole millennium and more, and through the entire range of countries from Syria and Egypt to India and Bactria. The treatment is instructive, but somewhat wearisome to plod through. There are occasional errors in spelling like *brakti*, instead of *bhakti* (p. 125).

— C. S. S.

HUMAYUN IN PERSIA, by Sukumar Ray, M.A., Royal Asiatic Society of Bengal, Monograph Series — Vol. VI. (1948) pp. XVI and 113.

As Sir Jadunath Sarkar remarks, Humayun's doings in Persia, have been slurred over by the Mughal court historians, or at the best left clouded in rhetoric. Mr. Ray claims to have consulted numerous and hitherto unutilised sources, bearing on both the Moghul and the Safavid points of view. Not only does he discuss thoroughly the question whether Humayun accepted the Shiah faith, but he has given the correspondence of the royal fugitive with Shah Tahmasp, "utilised and published on the first time." Detailed attention is devoted to the Sieges of Qandahar which continued for long afterwards to be the bone of contention between Persia and India.

Thus the length of Humayun's stay at Herat, the correctness of the date of Humayun's inscription on the tomb of Ahmad-al-Jamir (14 Shawwal 951), Bairam Beg's visit to the court of the Shah (for which the author relies on Jauhar's narrative), and Humayun's reception by the Shah, these are detailed in Chapters

III and IV. Jauhar gives more details than other writers regarding the three periods of Humayun's stay with the Shah, but "his account is, as is quite natural, unsystematic and deficient in chronology." The Shah first attended to convert his guest to his faith, then ceased to have any intercourse with him on account of hostility, and only in the last period, changed his attitude and prepared to help him to recover his dominions. Family jealousies and dynastic rivalries coloured the Shah's attitude, among other factors.

Mr. Ray discusses, in a footnote, the fortunes of the diamond that Babur got from Rajah Bikramajit of Gwalior and that Humayun now presented to the Shah and believes that it was most probably the celebrated Koh-i-Nur. It was due to the persuasions of his sister and of his Diwan that the Shah desisted from his purpose of finishing off his fugitive guest. The opinion is expressed that Humayun accepted formally the Shi'ah faith in the presence of the Shah; but it is not certain whether he as formally abandoned that creed and died a Sunni, and that Bairam Beg (he was honoured with the title of Khan by the Shah) who advised his master to seek shelter in Īrān, was uniformly loyal, though he was tempted with high office in Persia; and consequently his encomium from the pen of Abul Fazl that he "throughout waited on the stirrup of His Majesty... as if he were his good Fortune" is "not altogether unjust."

An appendix discusses the chronology of Humayun's stay at the Safavid court.

His first siege and capture of Qandahar from Mirza Askari, with Persian help (September 1545) and the reasons for his seizing the fort from Persian hands shortly afterwards are detailed in Chapter IV.

It is concluded that while Humayun sacrificed his personal religion in Īrān, he did not sacrifice his political independence; and even the former was done only as a political move. Also the Shah's use of the word *Nawwab* for Humayun, did not mean any vassalage or subordination as that title had been used in application to himself in several places. The Shah's congratulations to Akbar on the latter's accession to the throne clearly indicate that he fully recognised the absolute independence of the Chaghatai dynasty in India. Humayun's securing of Qandahar for himself was no military triumph, but only a *coup de main*. The view is also expressed that Humayun's contact with Persia led to a general immigration of Persians soldiers, artists and writers, who enriched the Indo-Moslem civilisation in the Mughal epoch.

The bibliography discusses in full the value of both the Indian chronicles and those written from the Safavid point of view; and the appendix matter contains the text and translation of the letters which passed between the *two monarchs*.

— C. S. S.

INDIAN CONSTITUTIONAL DOCUMENTS, 1757-1939, edited by Dr. A. C. Banerjee, in three volumes. Volume III, A. Mukerjee and Co., Calcutta (1949), pp. XXI and 480.

This edition takes in that portion of the documents of Volume II of the first edition falling in the years 1917-39, and many new ones besides, like the Montford Report on Devolution to Provincial Governments; the Government of India Act, 1919; the Simon Commission on Central and Provincial Subjects under the 1919 Act; and extracts from the Government of India Act, 1935 and from resolutions and speeches delivered at the National Congress, and from the speeches of Gandhiji and Jinnah.

The Introduction, as usual with our author, is very informative and readable and tells, in clear terms, that the 1919 Reforms synchronised with the transformation of the Congress from a constitutional body into a revolutionary organisation. The defects of Dyarchy under the Mont-Ford Act and of Provincial Autonomy under the Act of 1935, the sterilisation of the Federation scheme and the dry academic character of the discussion of treaty rights by the Nehru Committee and the Butler Committee, are all well detailed here. The documents will illustrate the views expressed in the Introduction that unity could have been preserved by congress co-operation with Government in the prosecution of the war, but instead of that co-operation, Congress got a challenge and accepted it, with *certainly of ultimate triumph* but not then anticipating the repudiation of unity rendered inevitable by the intransigence of Mr. Jinnah and his League.

— C. S. S.

ANANDARANGA VIJAYA CAMPU OF SRINIVASA KAVI. Edited with critical Introduction, Notes and Sanskrit Commentary by Dr. V. Raghavan, M.A., Ph.D., University of Madras, with a Foreword by H. E. C. F. Baron, Governor of French India: 1948: Tiruchchirapalli, Palaniappa Brothers, pp. XV, 75 and 199. Price Rs. 4/-.

This Historical Kavya edited with sumptuous annotatory equipment marked by an astonishing mastery of historical detail, is an

addition to the indigenous historical and quasi-historical literature available for the first half of the 18th century. A secondary literary piece relating to the Pondicherry Diarist is *Anandarangarat-chandamu*, a Telugu work on prosody dedicated to Anandarangam Pillai and written by Kasturi Rangayya Kavi. It contains an account of the genealogy and family of Ranga Pillai and was published in 1922 by Messrs. V. Ramaswami Sastrulu and Sons, Madras.

Dr. Raghavan has based his text of the *Campu* on two manuscripts and has supplied notes and rejected readings. To these he has prefixed an Introduction containing a biographical sketch of the contents of the *Campu*.

The former of these affords instructive reading about the private life and qualities of the Diarist. The rivalry subsisting between the Hindu family of Pillai and the Christian family of Lazare de Motta and Pedro Kanakaraya Mudali can be studied intensively on the basis of Pillai's *Diary* as well as of the papers regarding the doings of Lazare, Pedro and others of their family who were closely linked up with the fortunes of Pondicherry from its very foundation by Martin, to the decade after the fall of Pondicherry before Coote in 1761. The latter papers have been partly acquired by the reviewer from M. Gnana Diagou, the present representative of that family and a transcript of the material in Tamil furnished by him has been acquired by the National Archives, New Delhi. A comparative estimate of the *Diary* and these materials will enable the evaluation on a very impartial basis of the doings of the two families, and in particular of Ananda Ranga Pillai and of Pedro Kanakaraya Mudali, his contemporary, in the fateful years of the governorships of Dumas and Dupleix. It will also explain one source of the power wielded by the Catholic priests and of the pressure they were able to exercise both on the administration and on the Hindu section of the population.

Referring to Rangam Pillai's brother. Tiruvenkatam Pillai and our author's note on him (pp. 42-43) it may be remarked *enpassim* that the flight of merchants and weavers from Madras on its capture by the French made the work of any dubash difficult and the prospects very poor, and the inefficiency of Tiruvenkatam was due to external difficulties as well. Rangam Pillai himself has noted in his *Diary* thus: "We do not know where the Tamils were who left Madras and would not return in our time; but where their (English) flag was hoisted ten lakhs (an exaggeration) of Tamils, Muhammadans, Lubhays, Pattanawars, Collies, etc., crowded into the town as joyfully as though the Fort and town belonged to each

one of them." While Madras was ruined, Pondicherry was not correspondingly benefited, in spite of the best efforts of Dupleix to attract the merchants and weavers.

The note on p. 48 on the date of Nizamu'l Mulk's death on a day between May 22nd and June 2nd 1748, is, in reality only the date of his death fixed by scale on the basis of 4th Jummada II. A.H. 1161 equivalent to 22nd May 1748 (P. S.) and to 2nd June 1748 (N. S.), the latter being the one noted by the Diarist as new style dates were used by the French, while the English clung on to old style dates for some years longer.

The *Campu* says that Anandaranga Pillai not only protected the family of Chanda Sahib, but at its request sent the needed ransom amount to the Marathas. The families of Nawab Sapdar Ali and Chanda Sahib and others were sent to the European settlements on the coast for the sake of safety from the time of Raghuji. Bhonsle's Carnatic expedition of 1740-41; and the fortunes of Chanda Sahib during the years of his captivity and his subsequent release and activity in the Chitaldrug and Bednore country and alliance with Hidayat Mohiu'd-din Khan (Muzaffar Jang) have been described by Orme, Wilks, Cultriu and Dodwell. Muzaffar Jang's mother was the daughter of a Pathan noble who was the first wife of Nizamu'l Mulk. Both Nazir Jang and his elder brother Ghaziu'd dinkhan were the sons of Nizamul Mulk's second wife, and there is no truth in the scandal recorded by the Pondicherry diarist that Nasir Jang was the son of Nizamu'l Mulk by a low woman. The note (2) on p. 56 is very instructive and those on Nasir Jang's actions and movements in the succeeding pages are brimful of information. Regarding note 7 on p. 61, Nasir Jang's four younger brothers were according to Burhanu'd-din, Salabat Jang, Nizam Ali Khan, Basalat Jang and Mughal Ali Khan, in order of seniority.

The battle described on pp. 64-67 of the summary of contents was evidently the Cannonade of April 4 (N. S.) 1750 between Nasir Jang's forces and the French allies. The *Campu* reveals the intrigues and counter-intrigues going on between Dupleix and Nasir Jang's Sardars: and the account of the disposition of the army of Nasir Jang in the final struggle of October-December as given in the *Campu* can be compared with the disposition of the Nizam's camp in the *Rahat Afza* of Mir Najaf Ali Khan, a courtier of Nasir Jang and an eye-witness of the battle, who composed his work only seven years after the events which it describes (see *A History of Gingee and Its Rulers* by C. S. Srinivasachari (1943)—pp. 494-9, including foot-notes).

With regard to the end of Nasir Jang, while the *Campu* says that Himmat Bahadur Khan severed his head as the latter was moving on his elephant, the *Rahat Afza* distinctly mentions that the Khan, without a word and without replying to the salute of his master, shot the latter in the chest with a *Shirbacha* causing instantaneous death; and the *Tuzak-i-Walajahi* of Burhanu'd din says that the Khan shot Nasir Jang through the heart with a musket. One version says that he was then transfixed with a spear.

The theory put forward that the name Chennapatnam for Madras, was derived from Chennakesavapura, after the deity in the Chennakesavaperumal temple, is curious and interesting; and it may be pointed out that the name Chennapatnam was applied from the beginning to the Indian town that grew up to the North of Fort St. George, which was built on the site of Madras Patnam according to the first grant; and that Damarka Ayyappa Nayak, who, along with his brother Venkatapathi, helped the English in the acquisition of Madras, when writing to Francis Day at Armagaon in 1659, expressed a desire to found a town in the name of his father, Chennappa Nayak.

It may be also pointed out that the suggestion in Note 2 on p. 36 that our Diarist was possibly the Ranga Pillai against whose name 3 private houses in the Fort area at Madras, in 1800, (vide table on pp. 510-11 of H. D. Love's *Vestiges of Old Madras*, Vol. III) is not sustainable as the English authorities would not have allowed a French citizen to own house property in the Fort area into which, after the French capture of Madras and its subsequent rendition (1746, 49) even Jews and Armenians were not freely admitted. Moreover, the late date, 1800, militates against the suggestion as Ranga Pillai died in 1761.

The wealth of information culled by Dr. Raghavan in illustration of the data noted in the *Campu* is remarkable; and the skill with which the details are marshalled is praiseworthy. This review has been naturally confined to the Introduction and the Summary of Contents of the *Campu*.

— C. S. S.

NEWS LETTERS OF THE MUGHAL COURT. Edited by Prof. B. D. Verma, M.A., First Edition, Bombay. Price Rs. 14-13-0.

The News Letters of the Mughal Court printed in this volume refer to the reign of Ahmad Shah 1751-52 A.D. The importance of News Letters in general for the study of Indian History relating

to the Mughal period cannot be exaggerated. Most of the Persian News Letters were received by the Resident at Poona from time to time. The News Letters constitute important source material for the history of the period to a research student. No one can contradict the fact that the news furnished in these letters are accurate and correct. Much creditable research has been done so far as the history of the Mahrattas is concerned; but that history cannot be complete without a full reference to News Letters. Hence the Editor, Prof. Verma must be congratulated for placing before the public the News Letters which refer to the reign of Ahmad Shah. Some of these News letters have been rendered into English in the volume under review.

The News letters presented here are of unique interest both from the political and social point of view. The weak government which was obtaining at the Court and the assistance given to the Mughal Minister Safdar Jang by Holkar and Scindia of the time are furnished to us by the News Letters. We have in them also a detailed account of the criminal administration as also of the Court regulations. Much more interesting is the glimpse we get of the social customs and manners that then prevailed. We are told for example of the extravagant expenses and show at marriages and festivals. Two festivals especially find mention in these letters. One is the festival popularly known as Id. How on this occasion the Emperor visited the mosque for prayers is revealed to us by a letter. Another mentions the Divali festival of the Hindus when the Hindu nobles sent lavish presents to the sovereign and high officials. Some letters speak of the city of Delhi with all its monuments. On the whole the News letters contain much interesting information regarding the social and political conditions of the times in which they were written. We are thankful to Prof. Verma for having brought out this volume important to students of history interested in the reign of Ahmad Shah.

— V. R. R. Dikshitar

ANNAMALAI UNIVERSITY TAMIL SERIES No. 9—TOLKAPPIAM-PORULATIKARAM, Vol. I Part I—AKATTINAI IYAL Do. Part II—KARPIYAL and PORULIYAL, translated into English, by E. S. Varadaraja Iyer, B.A., Lecturer, Tamil Research Department—Published by the University—pp. XIV, 1-206, and 207-584.

As has been indicated in his Foreword by Mr. M. Ruthnaswamy the author has attempted to cull all the historical information from this great Tamil classic which is replete with infor-

mation on *poruḷ* pertaining to the life of the ancient Tamils. The four chapters of *Poruḷatim*. *Kāram* rendered into English in this volume well serve as the basis of a study of the sociology of the people. The translation enables the non-Tamil reader to understand the meaning and significance of the several verses cited as illustrations by the commentators—*Ḥampuraṇar* and *Nachinār-kiniyar*, both removed by a space of several centuries from the author—which have been placed next to the *sūtras* themselves; besides a close translation of about four hundred poems culled from the *Saṅgham* anthologies. There is a prefatory essay on the social life of the ancient Tamils explaining the scope of *Poruḷatikāram*. In portions of Part I, besides the *sūtras*, only translations of the commentaries and comments of the author are given.

Dealing with Kingship we read how the two great commentators differed as to the scope of *karuṇai* (*Sūtra* 31, *Akattinai Iyal*) with reference to learning; and we are told that *Nachinār-kiniyar* was firmly convinced that the *Vedas* were, or came to the Tamils, later than the date of their earliest works.

The prefatory note to *Kaḷaviṇṇal* is informative as containing a cogent description of the course of love and the various actions born of it; but in many places it is the ideal that is pictured. e.g. the trials of the maid to see whether her inference is correct and whether it coincides with the thought of the lovers. *Karpiṇṇal* describes the chaste life of the householder and the word *Karpu* is held to take its origin from the word *Karpittal* as the lady is taught her duties first by her parents and then by her husband as to her duties and behaviour. In *Sūtra* 142, *Karaṇam* connotes the ceremonial part of the wedding; and *Ḥampuraṇar* indicates, in his commentary, that the groom should be of a slightly higher strain than the bride, showing the operation of the *anulōma* principle. A succeeding *sūtra*, uses the term *Aiyar* who forged, the *Karaṇam*, *Aiyar* being equated with learned sages by our author giving a liberal interpretation to the term. Polygamy and concubinage prevailed and were freely permitted.

Parattayar Pirivu connotes the separation of the hero in quest of prostitutes, who, however, were of the better class like the *Hetairia* of Periclean Athens and the contemporary Greek world. *Tiruvalluvar* has also treated of *Udal* (*Pulavi*) as a contrivance for deriving maximum pleasure from conjugal unions. Tamil inscriptions mention more than 400 names of dancing maidens dedicated to the great *Rajarajesvara* shrine of Tanjore.

Poruḷiṇṇal chapter deals with matter not dealt with both in *Akam* and *Puram* (p. 426) like the anomaly relating to the maid in the clandestine stage. *Valakku* indicated the customs practised by the high and the noble; and in subjective treatises statements not in conformity with usage may be suitable. Many illustrations given for the *sūtras* disclose the very wide learning of the author and his fine power of translation. It is heartening that he has given us a promise of speedy publication of the other *Iyals* of *Tolkappiyam* with addenda and corrigenda in the concluding book. We wish that better types and paper had been used for such an important university publication.

—C. S. S.

BRAHMA VIDYA, Volume I, No. 1, Published by the Advaita Sabha, Kumbakonam. Annual Subscription—Rs. 5/-.

The Advaita Sabha of Kumbakonam was founded more than fifty years ago with the object of promoting the study of Advaita Vedanta, and could count among its earliest votaries men of distinction like Sir A. Seshayya Sastri, Professor M. Rangacharya and Justice Subramania Ayyar. The record of its progress shows a steady increase in membership from 20 to 200 and the extension of its activities from Kumbakonam to other places like Madras, Madura and Palghat. Conducting classes in Vedanta at Kumbakonam, arranging periodical popular lectures at different centres and instituting studentships for advanced studies in Advaita have been the main lines of activity of the Sabha ever since its inception. To these has now been added the quarterly publication of the *Journal Brahma Vidya*, whose chief aim is to publish the hitherto un-published works under the inspiration and guidance of Kamakoti Peethādhipati Sri Sankaracharya of Kumbakonam.

The first issue of the *Journal* bids fair to further this laudable object. It consists of three sections—Sanskrit, English and Tamil. The Sanskrit section publishes for the first time two rare manuscripts:—(1) *Jñānākuṣam*, whose authorship is not definitely known, with the *Vivarana* of Sri Sankara and (2) *Manishā Panchakam* of Sri Sankara with explanatory notes in Sanskrit. The English section includes two learned articles,—one by Sri K. S. Ramaswami Sastri and the other by Sri K. Balasubramania Ayyar. The former is on the Sri Sankaracharya Gospel of Bhakti and Mukti, and the latter on the Practical Value of Advaita. In the Tamil section the article on the immemorial antiquity of the Advaita Sampradāya is specially noteworthy.

Among the systems of Indian thought Advaita is no doubt the most widely known, for both the scholar and the layman, who could claim any acquaintance with Indian Philosophy, have some grasp of the fundamentals of Advaita. It cannot, therefore, be maintained that Advaita suffers from obscurity, as other systems of Vedanta do, but it is a fact that there is much in the literature of Advaita that still remains to be unearthed and published in print, and Journals like the *Brahma Vidya* are eminently suited to serve this purpose.

— K. SESHADRI.

Select Contents of Oriental Journals

- I. *Adyar Library Bulletin*, Vol. XIII, Part I, February 1949, Olcott No.
 1. *Olcott Meets His Master*—one night in the Master's astral body. He left on the table his embroidered head-cloth as "a tangible and enduring proof that I had not been 'overlooked', or psychically befooled."
 2. *The Future Role of Sanskrit*. By Dr. C. Kunhan Raja. "If Sanskrit is to grow, there must be a graft planted on the ground with facilities to take root and continue. This can be done only by developing a "Modern literature in Sanskrit."
 3. *Indian Cameralism*. By K. V. Rangaswami Aiyangar.
 4. *Influence of Indian Thought on French Literature*. By Prof. Louis Renou. "How could she (France) fail to acknowledge the splendour of Indian Culture, as she did previously, when the treasures of India's past first met her gaze?"
- II. *Adyar Library Bulletin*, Vol. XIII, Part 2, May 1949, Blavatsky No.
 1. *A Land of Mystery*. By H. P. Blavatsky. A plea for archaeological research in America, made 69 years ago (in April 1880). "That there must have been an intimate connection at some time between the old Aryans, the prehistoric inhabitants of America—whatever might have been their name—and the ancient Egyptians, is a matter more easily proved than contradicted."
 2. *Indo-Roman Transliteration*. By T. R. Venkatarama Sastri. "A permanent system of truly scientific symbols" (like "the international system—competently fixed more than fifty years ago", or that of the International Phonetic Association), "must be introduced for the benefit of the young learners," in preference to the "new unfamiliar, bizarre world of symbols and sounds" now being advocated to avoid diacritical marks.
 3. *The Future Role of Sanskrit (Contd.)*. By Dr. C. Kunhan Raja, and Dr. Louis Renou.
- III. *Andhra Historical Research Society (Journal of the —)*, Vol. XVI, Parts 1 to 4, July 1945 to April 1946. Rajahmundry, 1948.
 1. *Early Andhras before the Satavahanas*. By Prof. P. S. Sastri, M.A. From "Tān anu vyājahārāntān," in the Aitreya

Brahmana, and the customs and manners of the Andhras "we can conclude that the Andhras were originally Aryans" of the first wave of Aryan immigration (the Solar dynasty) which the eldest fifty sons of Visvamitra represent". He once cursed them, says the above Brahmana passage, and so they mixed freely with the non-Aryan tribes. "This intermixture has resulted in the rising up of the new races, called the Andhras", originally called Andhas, blind folk, "whose Vedic ancestor is Kanva". In 3077 B.C. (acc. to Matsya Purana, 271, 41 and 47 and Varaha Mihira's *Brihat Samhita*, 13.1) "the 27th Andhra king was ruling; and in 677 B.C. the Andhras began their empire-building."

"It is a prevalent custom only amongst the Andhras to marry the daughter of one's own mother's brother." No, it is in vogue in Kerala too, and doctors say that the infantile fatal eye disease called glioma, very prevalent in Kerala, is probably caused by such marriage among blood relations.

2. *A Study of Telugu Place-names*. By Prof. A. S. Thyagaraju, M.A.

3. *Indian Place-names—a plea for starting an Indian Place name Society*. By Sri K. Iswara Dutt, B.A.

4. *Dardic and Dravidian with a map to show the route of paisāca expansion from beyond the Hindukush*. By Dr. C. Narayana Rao, M.A., L.T., Ph.D.

5. *Paaladas of the Asokan Edicts*. By Diwan Bahadur Sri T. Bhujanga Rao, M.A., B.L. They are early Parthian (Pārada) settlers, with no beard, the later ones being the Pahlavas, wearing beards, since it became the rule in Parthia during the Sassanian period.

6. Several copper-plate inscriptions.

7. *Samprati* (Priyadarsin) was the grandson and immediate successor of Asoka, and not identical with him, concludes Sri T. L. Shah in his brochure *The Place of Samprati in the History of India*, from four types of evidence (dates, coins, inscriptions, and books). Vide also his *Ancient India*, Vol. II.

IV. *Ceylon Review* (University of—), Vol. VII, No. 2, April, 1949.

1. Shan-Chien-P'i-P'o-Sha, or the Chinese version of the Samantapāsādikā, the Pali Commentary on the *Vinaya*, translated by Sanghbadra (A.D. 489). By Prof. P. V. Bapat, Poona.

SELECT CONTENTS OF ORIENTAL JOURNALS 201

2. Some corrections of Geiger's Mahavamsa Translation. By Rev. A. T. Buddhadatta.

3. *Sutta Nipāta: The Khaggavisāṇa Sutta*. By Dr. N. A. Jayawickrama.

4. *Epigraphical Map of Ceylon, 3rd B.C. to 3rd A.C.* By Mr. C. W. Nicholas. "It may be that some of the earliest cave inscriptions are earlier than the time of Dēvānampiya Tissa in whose reign Buddhism was adopted as the State religion."

V. *Ganganatha Jha Research Institute (Journal of the—)*, Vol. Part 3, May 1948.

1. *A Note on the Jaina Prasna-Vyakarana Sutra*. By C. Law.

2. *Some More Points of Mr. Athavalis articles on Mahabharata Events*. By Sri Swami Bhumananda.

3. *Some Well-known Facts re. the Mahabharata*. By Sri Pandya V. S. Sastry.

VI. *Ganganatha Jha Research Institute (Journal of the—)*, Vol. V, Part 4, August 1948.

1. *Ganapathi—Worship, and the Upapuranas*. By Dr. R. C. Hazra, Dacca.

2. *Whitehead and Advaita Vedanta of Sankara* (Contd. from part 3 above). By Dr. P. Nagaraja Rao Visnagar.

VII. *India Quarterly*, Vol. V, No. 1, January-March 1949.

1. *The Draft Constitution* (contributed).

2. *India and the World: U. N. G. Assembly*.

3. *Communism in Asia*. By G. F. Hudson.

VIII. *Madras Oriental Research (Journal of the—)* Vol. XVI, Part IV, June, 1947, Pub. 1949.

1. *Vedic Studies: III. Gotram*. By Dr. A. Venkatasubbiah.

2. *Janardana Vyasa*. By K. Madhava Sarma and Dr. V. Raghavan.

IX. *Mysore University (Half-yearly Journal of the—)* Vol. IX, No. 2, March, 1949.

1. *Two Lectures on the Republic of Plato*, by N. A. Nikam.

X. *Numismatic Society of India (Journal of the—)*, Vol. X, Part I, June 1948, issued Feb. 1949.

1. *Notes on Punch-Marked Puranas.* By T. G. Aravamuthan, M.A. B.L., Madras.
2. *The Attribution of the Sri-Ja-Pratapa Coins.* By Dr. A. S. Altekar, Banaras.
3. *A Rare Punch-Marked, (Owl) Coin.* By V. P. Rode, M.A., Nagpur.

— T. K. Joseph.

Our Exchanges

1. *Annals of the Bhandarkar Oriental Research Institute*, Deccan Gymkhana P.O., Poona.
2. *Annual Bulletin of the Nagpur University Historical Society*, Nagpur.
3. *Bharata Itihasa Samshodaka Mandala Quarterly*, Poona.
4. *Brahma Vidya*, The Adyar Library Bulletin, Madras.
5. *Britain To-day*, London.
6. *Bulletin of the Archaeological Survey of India*, Delhi.
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9. *The Federated India*, Madras.
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11. *The Hindustan Review*, Patna.
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14. *India Digest*, Ahmedabad.
15. *The Journal of the Benares Hindu University*, Benares.
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17. *Journal of the Bombay Branch of the Royal Asiatic Society*, Bombay.
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21. *Journal of the United Provinces Historical Society*, Lucknow.
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25. *Political Science Quarterly*, New York.
26. *Quarterly Journal of the Andhra Historical Research Society*, Rajahmundry.
27. *The Quarterly Journal of the Mythic Society*, Bangalore.
28. *University of Ceylon Review*, Colombo.
29. *Journal of the Telugu Academy*, Cocanada.
30. *Quarterly Journal of the Kannada Literary Academy*, Bangalore.