



## SIR HARI SINGH GOUR

### HIS LIFE AND WORK.

#### I. BIRTH AND PARENTAGE.

**H**ARPRASAD Singh Gour, a name later abbreviated to Hari Singh Gour, is the youngest son of Takht Singh Gour. He was born at Saugor on the 26th November, 1870. His grand-father Thakur Man Singh popularly known as Bhura Singh—because of his fair complexion—had migrated to Saugor from the North, probably from Oudh. The family has been for three generations resident in Saugor which was before its transfer to the newly constituted Central Provinces in 1861 a district of the Agra and Oudh Province. Nothing authentic is known of the family beyond the scanty facts that it belonged to the Chamhar Gour clan of Kshatriyas of Bharadwaj Gotra and that some remote ancestor of the clan had earned the distinction of conquering Bengal and established its new capital which he named Gour after the patronymic of his clan. This sub-clan of Gours inhabit several villages in Oudh and its tradition accounts for the appellation of Chamhar from the fact that the founder of the clan had been given shelter by a *Chamhar*.

The origin and ancestry of the Gour clan only indirectly affects the subject of this biography. But it may be summarised as follows. Col. Tod in his *RAJASTHAN* speaks of the ancient Kings of Bengal

as belonging to this race. He goes further and considers that the Gours on their conversion to Islam became Ghors and returned to India as the Ghor Kings of Delhi.\* The Gours are of five "Shakhas" or branches and of the *Chamhar* Gours are held in high esteem. At this distance of time it cannot be ascertained why they are so called. Legend ascribes their name to the fact, as already stated, that one of the ladies of the clan, far advanced in pregnancy, took refuge in a *Chamhar* house, in gratitude for the hospitality she assumed the sobriquet of *Chamhar*.† This explanation is given by the Gours that their name comes from *Chaunhar* a Raja by that name.‡ Referring to this Col. Tod says, "Repeated mention of them is made in the wars of Prithvi Raj as leaders of considerable renown, one of whom founded a small State in the centre of North India. This survived through several centuries of Moghul domination, till at length it fell a prey indirectly to the success of the British over the Marathas, when Scindia in 1809 inherited the power of the Gour and took possession of his capital Supur."§ Col. Tod ranks the Gours amongst the 36 royal races &

\* *Annals of Rajasthan*, Vol. I p. 233; Vol. II p. 449. This is quoted in the 'Memoirs on the History, Folklore and distribution of the Races of the N. W. F. Province of India, by Sir Henry M. Elliot, Vol. I pt. 1 pp. 104, 105. (London. Trubner & Co, 1869).

† See to the same effect Russell & Hira Lal's *Tribes & Castes of the C. P.* Vol. IV pp. 448-449.

‡ *Rajasthan* Vol. I p. 105.

§ *Annals*, I p. 124 See also *Tribes & Castes of the N. W. F. P. and Oudh* by Crooke. Vol. II p. 399 (Government of

Sherring in his *TRIBES AND CASTES\** mentions the tract round Delhi as the home of this clan. He mentions that the tribe is very numerous in the districts of Agra and Cawnpore. Their own common traditions state, says Mr. A. O. Hume, "that they migrated from Sopar in the West, as early as 650 A. D. and took up their headquarters at Parsu reclaiming much of the surrounding country from the everlasting *meos* whom everybody was always conquering, without, it must be confessed, their appearing much the worse for it."

Of Man Singh nothing is known beyond the fact that he was a soldier who had earned distinction in several petty wars in which the Rajputs fought against the Moghuls and that when worn out by age he repaired to Saugor, acquired some land and settled down as a cultivator to earn his livelihood. He lived to a great age and the account of his death is a part of the family tradition. It is said that when Man Singh had reached the age of 84 he returned one morning unexpectedly from his field, and asked his young daughter-in-law Ladli Bahu to fetch him his turban chapkan and sword which he had put away after a lifelong struggle for his clan. He took a bath, anointed his body and forehead with sandal: put on his clothes and wore his sword as he used to do when arraying for battle. His only son Takht Singh was then aged 30. He was hastily summoned

from his work and when all the members of the family had assembled he collected them around him and told them that his time to depart had come. He commended his wife Chilpahari Bari (that is to say, the lady from Chilpahari—among Rajputs the married couple are forbidden to call each other by their names) to their care, and then laid down and died. Takht Singh was unable to continue the tillage of his paternal land. He could read and write and took service as a Chief Constable in the Police force. He became the father of four sons and two daughters, the eldest of whom Onkar Singh died early; the eldest surviving son, Adhar Singh rose to great distinction in his province. He died in 1914. The second son, Ganpat Singh, predeceased him. His two sisters Lila Bati and Mohan Bai, both girls possessed of great beauty, and the younger one a girl who had shown great promise were married early to two Malguzars of Mobari and Chilpahari respectively. The younger one died of cholera a few years after her marriage leaving no issue, while the elder sister died leaving two sons who now till their ancestral lands.

Of the family only the two brothers Adhar and Hari rose to distinction. They were both educated in the High School at Saugor. Adhar was one of the first of that school to pass his Matriculation examination and was placed in the first division. As his father had left the Police service, young Adhar took up a small clerical service in which he steadily rose to

be the principal Civil Judge of a district. He was then 50. His ambition was to complete his interrupted education, and so with the small savings of his life he proceeded to England on two years furlough in 1882, entered the Inner Temple and was admitted as Fellow Commoner in Downing College, Cambridge, where he prosecuted his legal studies till the expiry of his leave when he resumed his duties. Three years later he again secured a year's leave and completed his course, graduated with Honours in Law at Cambridge and was called to the Bar of Inner Temple in 1886. On his return home he was reappointed to his former post. He tried for promotion suited to his proved ability failing in which he threw up his commission declining to apply for a pension and started life at the Bar. He practiced at Hoshangabad and Saugor and was the author of a work on "The Law and History of Interest" for which he was awarded the degree of LL.D. by the University of Dublin. His death was as sudden as the death of his grandfather. One Sunday morning he had his usual breakfast after which he felt a palpitation in his heart. He hastily summoned his daughter-in-law (the widow of his predeceased son Murli Mandhar Singh who was himself a Barrister but died of accidental copper poisoning within a year of his call and return to India in 1894) told her to offer a cow to a Brahmin and then stretching himself on the mother earth, expired. Two sons and a daughter survive him. Hari Singh is now the sole representative of his family.

## II. EARLY EDUCATION.

Saugor was at one time the headquarters of a Commissionership and boasted of a college which was in 1874 transferred to Jabalpur. A Zila School was left where the College once stood and students from Saugor had then to proceed to Jabalpur for higher education. As such Hari passed his Middle School examination from this Zila School. He was placed in the first division and was awarded a Government scholarship. He proceeded to Jabalpur and joined the High School there. His father died about this time and in his grief he decided to shift to Nagpur, where he entered the Free Church Institution, now developed into and known as the Hislop College. From this institution he passed his Matriculation Examination standing first in the Province for which he was awarded a special prize and a scholarship which enabled him to enter college which he did in 1886. In 1886 he passed his First-in-Arts Examination with equal distinction. He was again awarded a special scholarship which enabled him to prosecute his further studies. Before, however, he could complete his collegiate education, his brother Adhar Singh made an offer which he gladly accepted. His own son Murli Mandhar had passed his Matriculation examination and the father was anxious to send him to England. He proposed to Hari to accompany him and promised to bear his expenses to the extent of Rs. 100 per mensem. The rupee then stood at S. 1/1. Young Hari had not the faintest idea of what the

offer meant. He was assured that if a young man economized, the allowance was sufficient to pay for his education. He consulted his Scotch Professors who were doubtful about the adequacy of the allowance, but thought that it might be sufficient. Hari was anxious to receive English education. His young spirit was fired by the ambition to excel the exploits of his brother. Besides what a glorious life it would be to receive the privilege of wearing a wig and gown! His mother, a shrewd clever woman from whom the two brothers had inherited their intellect, warned young Hari against the hazards of a sea voyage. She was of opinion that Hari should take his degree and enter Government service. Hari disregarded her advice and lest he should be persuaded by her presence, he avoided seeing her before he sailed for England with his charge in the April of 1889. The P. & O. s. s. *Bokhara* which carried him to England is now lying at the bottom of the Yellow Sea. But it is a ship of which young Gour has a vivid picture impressed in his mind, and it inspired the theme of his first poem "Stepping Westward" to which further reference will be made later on.

Young Gour was and continues to be a bad sailor. He loved the sight of the sea which he saw for the first time when he reached Bombay to embark for Europe. Saugor, his native city, takes its name from the lake which skirts the town. His idea of the sea was an enlarged lake with smooth surface with

only occasional ripples playing upon its glassy bosom. His brother had given him a description of the sea in storm with mountain waves and the shore lashed with surging surf. Hari reached Bombay and immediately took a jolly boat to feel what it was like to put to sea. Sea sickness overcame him immediately but his charge was free from it. Next day he embarked on his voyage to a distant shore in pursuit of knowledge. He had intended to sail all round by the sea but his *mal de mer* proved too much for him and he broke his voyage at Marseilles and cut across France to London, his nephew preferring to continue the sea route. His brother had provided him with several introductions to his own land-ladies both in London and Cambridge. He drove to the house of one of these but only to find that the house had changed hands and the name of the lady to whom he was commended was totally unknown to its present occupants.

He took his lodgings for the week elsewhere awaiting the arrival of his charge with whom he proceeded to Cambridge. The boy was found to be unfit for admission to a college and was entered into the local grammar school while Hari became an undergraduate at Downing College from where his brother had graduated.

### III. CAMBRIDGE DAYS

Cambridge examinations then as now begin in May. The University goes into festivities known as the "May Week." The young undergraduates invite their mothers, sisters, *fiancées* and friends to take

part in the concluding festivities of their University days. Boat races, dances, picnics, cricket and football matches are the order of the day. The festivities conclude with the Convocation when the undergraduates take their degrees and their photographs in their lambskin hoods and gowns and then depart, some to take the Holy Orders, others to rule India, while yet others to join the Bar or journalism and other numerous professions, and so enter life.

Young Gour was a mute spectator of all this. In his college days he was considered a good debator. He was an ardent student of English and he had read with avidity all the Classic poets and the fine essays of Macaulay. From his childhood his parents had lived upon the scanty allowance which his brother had made to them. He was brought up in the school of adversity. His own education had been supported by Government scholarships. He had come to realize the necessity of passing all his examinations in time and with credit. He could not divert his thoughts to anything but scholarly pursuits. Dire necessity had made him a hard student. In his college days he was known to study the books of his class and those of the classes above him. He felt that if he could cut short the duration of his academic studies he would be able to earn a livelihood to support his aged parents. His diligence had rewarded him by placing him at the head of his class. His teachers discerned in him a gifted youth whose

application to his books had made him a byword for brown study amongst his fellows. His Professors had advised him occasional remission from his work. He was told to join the sports societies of his college. But he had to overcome his inclinations to play. He could take no chances with his examinations, which were to him all in all. What he could not understand he must memorize, and memorize he did with a vengeance. His natural aptitude led him to study the English poets. He was good at mathematics and other exact sciences, but he detested Sanskrit. But Sanskrit was a necessity in those days for boys who appeared for the First Examination in Arts. An accomplished Maratha Brahmin, now Mahamahopadhyaya Sadashiv Jayaram was his professor. He knew his weakness in the sacred language of the Hindus. Nevertheless he carried off the prize he had given to the best student in the Languages. In his examination papers he scored the maximum marks both in English, which he knew, and in Sanskrit, which he did not. Such is the value of examinations.

At Cambridge young Gour desired to supplement his scanty allowance by securing a college scholarship. Examinations for these were held a few days before the commencement of the Michaelmas session. He competed with three others for the Mathematics Scholarship of the value of 50 £. His college tutor assured him that he had scored the highest number of marks. He felt certain that his college career was assured. The announcement of the result of the

examination was anxiously awaited. The three English boys who had competed had declared that the scholarship had gone to a foreigner. But the foreigner had only to wait in anxiety for a week when one fine morning a notice was affixed to the college notice board—"No Scholarship awarded." Young Gour was astounded. He could not believe his eyes. He hastened to the rooms of his tutor to enquire into the reason why, but the tutor could give him no information. He proceeded to see the Master of his College but he too was reticent. It was some years afterwards when he was entertained to dinner by the College Dons upon his taking the degree of LL. D. that the secret was revealed to him that the college prizes were not intended to be given to foreigners.

But the success at the college examination had increased young Gour's enthusiasm. He felt that he would compete for the Chancellor's prize for English verse. The subject chosen for that year was "The Emigrant Ship." He felt that he was himself an emigrant and felt all the poetic afflatus to compete for the prize. He composed in blank verse his poem "Stepping Westward" and submitted it to the University for the prize. There were several competitors. The Judges met and summoned Gour, asked him to recite his poem. They agreed that it was the best poem offered for competition. They however, dispersed without making any recommendation and later on a notice was pasted on the

Notice Board of the Senate House, "No prize awarded." Hari Singh Gour felt that his claims had been slighted. He submitted his poem to Lord Tennyson then the Poet-Laureate of England and to Mr. W. E. Gladstone to whom the literary aspirants of the day were in the habit of submitting their effusions. It was the practice of that distinguished Premier to acknowledge all such letters by means of post cards and one such post card Gour received couched in appreciative terms. Lord Tennyson also replied stating that the poem was quite creditable to the writer but it showed defects of style which practice would no doubt remove. The literary journals of the day such as THE ATHÆNEUM, THE ACADEMY and other journals noticed it as a promising contribution. Encouraged by these encomiums Gour applied his leisure to the composition of other poems, which however, he did not publish. In the spring of 1890 appeared from Oxford a volume styled "PRIMAVERA, AND OTHER POEMS" by four authors and this gave young Cambridgians a stimulus to produce a volume of Cambridge verse. Mr. H. K. Stephen then the Don and coach in History of King's College published his memorable "Lapsus Calamai" and Gour published his collected verse under the name of STEPPING WESTWARD AND OTHER POEMS. This small book was favourably noticed by the Press and the SCOTSMAN in its annual Literary review of English verse, a feature of that great northern daily, reviewed it editorially in the following terms :

Mr. Hari Singh Gour's small volume, *Stepping Westward and Other Poems* will be read with interest by lovers of poetry not less on account of the intrinsic merit of the pieces than because their author, a native of India, has achieved an uncommon thing in writing so well in English. Some exception might here and there be taken to the use of particular words ; but nowhere is there such a deviation from ordinary language as might not be justified by a poet's license and poetic effect. The two pieces in blank verse show the luxuriant imagination of a young mind made glad by the bright aspects of Nature. Something of a peculiar Oriental gravity is in the verses. "On the Tomb of Tamerlaine." The lyrics and the few sonnets that conclude the volume are meditative to dreaminess. The book will please everyone who reads it, and arouse favourable anticipations as to its author's future work.

This volume of verse made young Gour well-known to the literary aspirants of the day.

Next year young Gour was elected a Fellow of the Royal Society of Literature and he became a member of the Authors' Club. But he was ambitious of securing a distinction in the University, and, over and above all, a place in the Union Society where his contributions to the debates were the subject of favourable comments. The Unions of Oxford and Cambridge have been known to be the playgrounds of the future Premiers of England, and once a year a full dress debate takes place in which the combined talent of the two Unions is exhibited. In the year 1891 Oxford had sent up a strong set of visitors to Cambridge and the latter selected Gour amongst four others to meet them in open debate. The result was declared in the CAMBRIDGE REVIEW as proving beyond a shadow of doubt that Hari Singh Gour, though an Indian, was far and away the best speaker of the lot. An invitation to the Oxford Union followed and

Gour was again chosen to represent the Cambridge Union and the OXFORD REVIEW echoed the view of its sister journal. A few months later, a great political meeting was to have taken place in the Guildhall when John Morley was to visit the University and town and make a fighting speech to rouse the local Liberals. The London newspapers sent down their reporters and the hall was full to overflowing. The local Liberal Club selected Gour to propose to the visitor the City's vote of thanks. He did so in a speech which the London papers acclaimed as an eloquent tribute to the statesman. THE PALL MALL GAZETTE appointed Gour to be its Cambridge correspondent, and other papers invited him to make contributions, while several Liberal Clubs invited him to deliver lectures. Gour spent his week ends in meeting those calls, and they freed him from his pecuniary embarrassments. The whole country was on the eve of a general election and lecturers were everywhere in demand. The late Dadabhoy Naoroji was then resident in the National Liberal Club of which Gour had become a member. He delivered a lecture there on the "Ideals of Liberalism." Dadabhoy heard it and promptly invited him to assist him in his electioneering campaign. He was a candidate for Central Finsbury. Gour had made his mark as a writer and speaker. A metropolitan constituency had adopted him as its Liberal candidate. In this dual capacity Gour spent three months nursing his own constituency and stumping the constituency of his country-

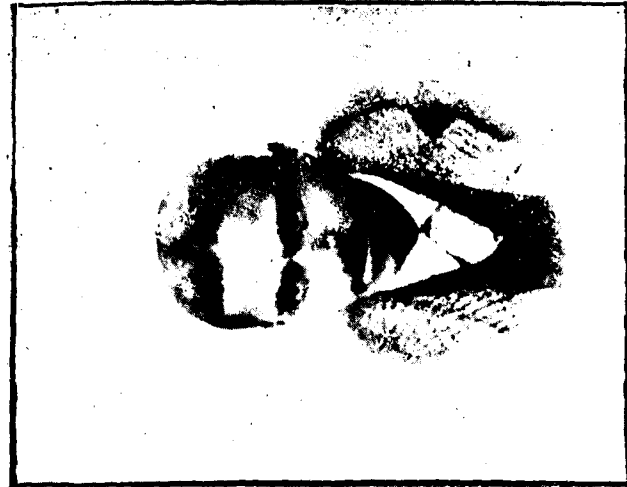
man. In the end he failed, his nomination being rejected on the ground of under age, but Dadabhoy Naoroji was returned.

The frequent tours in the country necessitated his frequent absence from Cambridge. The University course extends to a period of three Academic years from the date of Matriculation. Gour had Matriculated in October 1889. In the ordinary course he would have completed his terms to make him eligible for examination in 1892. He had decided to read for double Honours in Mental and Moral Science,—then as now the most exacting tripos in the University—and in Law. His Professors in Philosophy and Economics were Henry Sidgwick and Alfred Marshall. They were so impressed by his learning that they combined to recommend to the University that he should be permitted to appear at the examination without completing his terms and the Senate by a special Grace permitted him to do so. He appeared for his Honours in Philosophy and Economics which he passed in June 1891 and obtained his degree in Law in the following year. Gour was then anxious to secure Honours in English Literature but the University in those days had no Tripos in this subject. His prolific pen had, however, worked incessantly during his Cambridge days and the monthly Magazines and the Daily Press alike bore witness to his literary activity. An influential friend advised him to see Tennyson and the premier poet received the young aspirant, kindly heard him recite one of his own poems, read to him

in return a few lines from the *Passing of Arthur*, encouraged him by speaking approvingly of his literary style, but warned him against the neglect of his *broadstudien*. Gour returned to Cambridge, was exultant about his visit to the poet, collected his friends and acting upon the advice of the Poet Laureate started a Literary Reading Club, which he named the "Mermaid Club." Admission to this club was open alike to undergraduates of both sexes. The number was limited to twenty. It became extremely popular and admissions to its ranks were coveted by many who could not be admitted to its privileges. Many poets and literateur were its guests and the Saturday afternoons were spent in pleasant and congenial company and in the reading and discussion of Classic poets.

The Mermaid Club continued its existence for many years and several members of it became life-long partners. A play written by its founder was enacted in a London Theatre and it attracted sufficient audience to enable the Mermaids to rent two commodious rooms in which the Club began to meet and where refreshments were served out of its savings.

The sum total of his three years' residence at Cambridge had broken all records. He had obtained double Honours in less than three years. He had made a name as a minor poet, became accredited to first class journals, was adopted a candidate for Parliament and was known throughout the country as a young and rising hope of new Liberalism. His stay in



GOUR AT THE AGE OF 20



YOUNG GOUR AGED 14



GOUR AT THE AGE OF 35,



GOUR AT THE AGE OF 22

the country gave him confidence that he could hold his own against any of his contemporaries. This was a great asset which stood him in good stead and has contributed to his later successes in life.

#### CALL TO THE BAR

In 1892 Gour became entitled for call to the Bar but had no money to pay for the fees which amounted to about £150. One of his Indian friends offered to lend him this amount but he refused the offer as he was not sure that he would be able to repay it. His life as a Bohemian Literateur had taught him the futility of literature as a means to keep the wolf from the door. His scanty allowance, he early found to be even inadequate to pay for his college bills. He tried to economize by leaving the college and becoming a non-collegiate student. This course was highly humiliating to the undergraduate honour but it could not be helped. His earnings from his pen never exceeded £50 a year. He was offered a remuneration for canvassing for Mr. Dadabhoi Naoroji but this he proudly refused to take. In June 1892 when he took his degree, his academical career had ended, but his pecuniary position could not have been more precarious, and what was more, he had no means to receive his call or to return home to make a living. Out of his savings he had purchased a number of books which he had picked up out of boxes in secondhand booksellers' stalls, marked two pence or three pence each. This collection did not exceed 300 books, but it contained some first editions and some books which had

long since gone out of print and the stray copies of which would fetch at Southbys three figures. He dearly loved this treasure gathered after years of book hunting. Should he sell it and raise funds to obtain the wherewithal for his call. The only other valuable article he possessed was his gold watch and chain which his admirers had presented him on the eve of his departure.

Cambridge Indians had formed themselves into a Social Club called the *Indian Majlis*. This peripatetic club met every Sunday evening in a member's room by rotation. The evenings were spent in debate in which Gour had already proved himself *facile princeps*. John Morley had praised his eloquence, the inimitable H. K. S. had compared him to Pitt, and Lord Tennyson himself had sent him an autograph commendation on his verses. He was elected president of the Majlis and on his return he was given a rousing reception and a gold watch and chain the former with a flattering inscription. One other prize, a gold medal, for elocution contest was also worth a few pounds of intrinsic value. In his great elation and as a proof of his success in his new role he had sent this on to his brother to see, but the brother had failed to return it. This was then the situation of Gour at graduation. There was no means to return Home except to pawn his golden present or to sell his collection of books. He decided to raise a loan on both and on its faith booked his passage. The next morning he discovered that

the gentleman to whom the articles were handed failed to appear and Gour was left penniless with all his belongings gone and the steamer to sail at 11. He explained his predicament to the captain of the Boat who trusted him and permitted him to travel as far as Port Said where he had to disembark. An Indian Curio merchant from Cutch offered him his hospitality. He stayed there for a fortnight perforce and was then able to complete his voyage to Bombay.

#### RETURN HOME

He landed in Bombay at the end of July 1892. He did not know where to go. His home at Saugor had been broken up. His mother had died pining for his return. His younger sister had fallen a victim to cholera when she was scarcely 16. His brother had stopped his allowance on the pretext that he had neglected his charge who had made no progress and was reported by the school authorities to be still unfit to enter the University. There was no hope of his securing an immediate billet, but he would try. He wrote out an application to Sir Antony Macdonnel, afterwards Lord Macdonnel, then the Chief Commissioner of the Central Provinces. He sent him an account of his achievements at Cambridge and a copy of his book of verse. Macdonnel's reply was immediate and decisive. He invited him to see him at Jabalpur. He held a long talk at the end of which he summoned his Secretary and ordered him to find a place for Gour in the C. P. Commission. The

Secretary protested that there were no vacancies and there were several hundred applicants awaiting the fall of a vacancy. But Macdonnel was adamant. A vacancy must be made for the young man. He was a brilliant little fellow and would do well in the Commission. He had written quite a charming book of verse and was moreover a Cambridge graduate with double Honours. "Let me see the Civil List," said Macdonnel "I will see for myself if I can't give him a job." The List was brought and on glancing through it, he spotted an old sickly officer who had never gone on leave. He ordered that he should be placed on medical leave and Gour appointed in his place. He was posted to Bhandara where the sickly officer had long been stationed.

#### IN SERVICE AS AN E. A. C.

Young Gour hastened to repair to Bhandara. He reported himself as on duty on the 26th October 1892. He took his lodgings in the local Dak Bungalow. He went to see the Deputy Commissioner, an Englishman who expressed a surprise as he read the letter of appointment in the handwriting of the Chief himself. It bore no number and no seal. He exclaimed, "I can't act upon this letter." "Do I take it then that you do not accept my credentials." "Yes," quoth the Deputy Commissioner who grunted something to the effect that he had never been consulted and that a *chokra* had been appointed to take charge of work which had broken down the health of a seasoned Revenue Officer. Gour wrote to

Macdonnel the result of his interview with the Deputy Commissioner and the latter received a wire that the authority of the letter would be immediately followed up by an official notification in the GAZETTE. Gour was then given charge of the duties of the Station Court and Revenue Officer and his monthly salary was announced to be Rs. 229-2-8. He had over 300 complicated cases on his file besides as many disputed revenue cases. Moreover, a young officer was expected to do sundry odd jobs such as the making of crops experiments, supervision of the Municipality and the District Council. But by the end of the year all the arrears had been cleared and in the District Administration Report of the year the Deputy Commissioner who had resented his young Assistant's intrusion unawares had the generosity to record that cases which had been pending for several years had been all disposed of and that the accumulated arrears cleared to his extreme satisfaction. He commended the ability and promptitude of the young recruit to the favourable notice of the administration. The news of Gour's quick despatch, his masterly grasp of the facts and his astonishing acquaintance with the law, in a lethargic backwash of a backward province created a stir in the entire district. His wonderful ability and quick intelligence was upon every lips. It reached the ears of four prisoners who had been incarcerated on a charge of double murder and were awaiting the arrival of the circuit sessions Judge to hold their trial. This trial

was fixed to commence on the 26th January 1893. The Judge was the late Mr. (afterwards Sir) Stanley Ismay.

#### HIS FIRST CASE

Young Gour had before his appointment to the Commission taken a loan of the sum necessary to pay for his call to the Bar. He applied for his call *in absentia* as he was about to enter public service. The Benchers of the Inner Temple treated this as an exceptional case and called him *in absentia*. Mr. Stanley Ismay had been made acquainted with all the circumstances of Gour's failure to secure a call before his return to India. Being himself a Barrister though a member of the Civil Service, he knew how impossible it was for a person to be called to the Bar *in absentia*. The principal prisoner, Madho Banjara, a rich owner of pack bullocks sent his mother to Gour to ask if he was a Barrister and if he would defend her son. Gour went through the proceedings and detected a clear flaw in the case. He said in a semi-serious tone that if it were made worth his while he would throw up his Commission and take to the Bar. The old woman said "I will pay you one bagful of rupees and keep another bag handy if you win the case." The bag was stated to hold Rs. 2,000. It was an alluring bait and one which promised immediate discharge of the debt which had been incurred to raise the fund to secure the Call. The small pay with which Gour started life would not enable him to pay off the debt within two years as he had promised. The prospect

of appearing in a gown and arguing the knotty points of law before one who was reported at once to be a pedant and a bully was far too alluring to be given up for the prosaic life of a junior civilian. He went up to his Deputy Commissioner and laid his plans before him. The Deputy Commissioner said that from the knowledge that he had gained of his intelligence and ability he was surprised that he ever took to service. This clinched his decision. He immediately wrote out his resignation and delivered it to the Deputy Commissioner to be forwarded in due course adding that it must be accepted to enable him to defend the Sessions case which was fixed to begin on January 16th. Days passed but there was no reply. The Chief Commissioner was then encamping in Hoshangabad where Adhar Singh then practised. He invited him and told him how angry he felt that the boy whom he had so specially patronized had so ungraciously thrown up his Commission, adding that he had marked him out for the special post of the Registrar of the local High Court where his literary ability would find fuller display. These persuasions were, however, of no avail. The die was cast and Gour had accepted a brief which he could not throw up. After much reluctance Macdonnel accepted the resignation. Gour got enrolled as an Advocate of the local High Court and on the morning of the 26th January 1892 when the case was called he made his debut as Counsel for the defence. The judge rubbed

his eyes, wiped his goggles and put them on. He took them off, wiped them again and then put them on again, and then giving a stare at the young begowned figure ejaculated: "How can you appear before me: you have never been called"? "Yes, I have been and am, moreover, an enrolled Advocate of the Judicial Commissioner's Court." "Let me see your certificates." "Here they are." He looked at them upside down, then the obverse, then the reverse, then through the light, and then again and again across and through them, and when he was tired of examining them, he said; "It is impossible. How could you have been called *in absentia*. It is never allowed." "There are more things in Heaven and Earth than are dreamt of in your honour's Philosophy" said Gour. "Yes, there are; and this is one of them," drily added Ismay and a note was duly made of the Counsel's appearance and the case for the prosecution opened. The case lasted about a week and on the conclusion of the case all the accused were convicted. Mr. Gour lost no time in lodging an appeal which resulted in their acquittal. The second bag laid by was duly delivered. It laid the foundation of a lucrative practise which he continued for a couple of years when a Zamindar from Raipur engaged him in a long case necessitating his transfer to that city. He practised there till 1908.

#### AS LEGAL WRITER

It was during this period that his monumental work on the LAW OF TRANSFER was published.

Many writers had written on this subject. High Court Judges, Law Professors and Vakils had brought to bear upon the elucidation of this most difficult of all subjects their erudite and experienced pen. Gour's work was first published in 1902. It was the result of intensive study and was acclaimed as the greatest work on the subject and one which had cast into the shade all its competitors. Editions after editions of this work have been published and absorbed with ever increasing avidity by the legal profession. Gour's TRANSFER is now in a class apart. It is acknowledged to be the greatest work on the subject. The clearness and charm of its style, the perspicacity of expression, the profundity of thought and above all its unequalled exhaustiveness has made it a work for the lawyers to swear by. This great work established the authority of Gour as a legal writer of unexcelled ability. It brought him clients from all parts of India and his practice soon outgrew the narrow confines of his province. And wherever he has once gone he has gone again and again. But we are speaking here of him as a writer and not as an Advocate. In 1908 he was engaged in an important case in the Calcutta High Court. It necessitated his prolonged stay in Calcutta. In fact he had to shift to the metropolitan Bar where he practised for three years when the damp heat of Calcutta began to prey upon his health. He hurriedly left for his native Province and started practice in Nagpur where he had spent most of his early life. During this interval, however,

his pen was as active as ever. In 1909 appeared his colossal commentary on the Indian Penal Code. The work was published in two large volumes of about 1500 pages each and in point of size and matter Gour's PENAL LAW was *facile princeps*, the largest law book on the subject in the English language. And yet it was the most concisely written work, admirable as ever in diction, accurate to punctiliousness, orderly in its arrangement, deep as the ocean in its wisdom and the profundity of its thought and over and above all exhaustive to a fault.

This work took the legal world by storm. A great legal luminary had arisen in the firmament. Its matchless brilliance had eclipsed all the lesser stars. Gour's TRANSFER and Gour's PENAL LAW set a new standard for legal authorship. It had never been equalled in India, it can never be excelled anywhere. These two great works are perfect gems in their respective subjects. Not only their matter but their get up has placed the Indian printer and binder in a class which even the Europeans might well envy. Gour's lifelong ideal has been perfection. He writes nothing in which he does not outdistance others and he scrupulously supervises the printing and the binding of his books. All the covers are of his own design, and so are the materials and colour of his selection. As a lover of beauty he imparts beauty to all his handiwork.

These two works would be regarded as a life-

work doing credit to the memory of any man. But the fertility of Gour's brain was unexhausted. He touches nothing which he cannot adorn. His pen possesses the facility which reminds one of the modern automatic machines while the inexhaustible energy and unapproachable research which he brings to bear upon any subject to which he directs his pen reminds one of the psychic influence of a superior soul which seems to guide his pen. His sentences fall in rhythmic precision, the orderliness of his thoughts produces indelible mental images of the subject he tries to elucidate. His style is ornate but direct, precise though picturesque, rhetorical but concise and the sequence of thought moves not in a staccato style but in an easy rise and fall. Where the tense thought is too difficult of easy expression he throws it in the form of an epigram. His writings are bestrewed with all the flowers of rhetoric and the driest subject in his hand becomes enlivened and tense with emotion and life. His two voluminous works on such diverse subjects as the law of Property and Penalty are in themselves an antithesis and evidence of the versatility of his intellect. But these are not his sole achievements in the legal-cum-literary field. The year 1919 was marked by the publication of yet another epoch making work on Hindu Law.

The Codification of Hindu Law had been attempted since the reign of Aurangzeb. It was the unfulfilled ambition of Sir William Jones, Macaulay

and Maine. Four Royal Commissions had been appointed to reduce the chaos of Hindu law into an intelligible code but they all gave up the task as hopeless and, indeed, impossible. Gour felt that he should try to test the declared impossibility of codification. He applied himself to the study of Hindu Law and began to examine it from its roots. He consulted the original texts which with his scanty knowledge of Sanskrit were unintelligible to him. He had regarded Sanskrit as a barren study. He now felt that it has its usefulness. He could not write a work on Hindu Law without a further study of the classical tongue in which that law was folded. He, therefore, recommenced his study of Sanskrit and with the help of translations he mastered all the available texts which promised to furnish him any material for his Code. He analysed the several codes which had been essayed. He felt that they were nothing beyond the collection of texts which left the law as obscure as ever it had been before. He thought that a Code must be the result of a critical examination of the texts and its form must eschew the diffuse language of the sacred texts. He felt the truth of the following criticism upon the works of his predecessors.

Sir William Jones, and others, recognized the demand for a Code of Indian Law; but unhappily thought of no better expedient than that of employing some of the natives themselves; as if one of the most difficult tasks to which the human mind can be applied, a work to which the highest measure of European intelligence is not more than equal, could be expected to be tolerably performed by the unenlightened and perverted intellects of a few Indian pundits. With no sanction of reason could anything better be expected than that which was in rea-

lity produced; a disorderly compilation of loose, vague stupid or unintelligible quotations and maxims, selected arbitrarily from books of law, books of devotion, and books of poetry; attended with a commentary, which only adds to the mass of absurdity and darkness; a farrago, by which nothing is defined, nothing established; and from which, in the distribution of justice, no assistance beyond the materials of a gross inference, can for any purpose be derived.\*

After three years of intensive study he drew the first outlines of his Code. This was revised and re-revised till the whole work passed his critical eye. His Code was ready but it was incomplete, without a commentary. The existing commentaries followed the historical sequence. He felt that it was the very antithesis of a practical law book. All his works were designed to serve the needs of a student, practitioner and savant. They were so arranged that all the three could find therein just what they wanted and that too readily without having to rummage through the work. It was the perfection of the arrangement of matter which no other work had ever attempted. It has been since often imitated but no one has yet succeeded in presenting the trifacial picture without making it look bizarre. It is only his pen and his intellect that can give those inimitable master strokes which no one can copy.

In the spring of 1919 Messrs. Butterworth & Co., placed on the market his Hindu Code, a volume comprising about 1,500 pages of closely printed matter condensing the study of over 1,500 texts and 7,000 cases. The work had to compete with the well-known classics

\* 5 Mill's History of India pp. 512-514.

of Trevelyn and Maine. But these works were planned on a different line and Gour's Code at once became the standard work on Hindu Law. The large edition was all sold out within a few months of its appearance and the demand for it remained unsatisfied. He was advised to sanction the issue of a reprint but his mind was ever busy upon the improvement of what he had written. He threw the entire work into a melting pot and his second edition appeared with an improved Code and a commentary which remains the incomparable guide of the lawyer in his tortuous course through the mazes of Hindu Law.

The success of this great work was phenomenal. It was an attempt to present mediæval law in modern attire. The steam engine of Stephenson was to be translated into the modern American Express. It needed only the genius of a Gour to accomplish this transformation. The layman and the lawyer alike acclaimed it as the work of a genius. The legislators admitted that the impossible was now possible. The orthodox trembled at the prospect of their Shastras being thrown into the dust heap. The lawyer breathed that he had now seen the light. The Pandit sighed that their occupation was gone. The courts moved away their heterogeneous collection of texts and text books and made room for the code in their handy shelves. It became the inspirer of the Judges, the argument of the Counsel, the hope of the legislator. And even the orthodox felt that the times had changed. In the autumn session of

the Council of State, the Hon'ble Pandit Ganganath Jha now Vice-Chancellor of the Allahabad University moved a resolution for the codification of Hindu Law. He said he was not a lawyer but advocated codification because it was the only means of ensuring certainty, uniformity and despatch in the administration of law.

Another resolution to the same effect was moved in the Assembly and the mover took for his text Gour's accomplished Code which he held up as a pattern for codification.\* The Government promised to elicit public opinions which they did, but the opinions were naturally conservative and feared to advocate the secularization of law which they feared would detract from the sanctity of the Shastra. The Government was naturally chary of embarking on an innovation against which the barrier of orthodoxy stood so firm. But Gour's Code received a powerful support from quite an unexpected source. In January 1924 the Government of India had appointed a strong Committee to recommend means for shortening the duration of civil litigation. It presented its report and *inter alia* recommended the codification of Hindu Law, which they held should not be dismissed as impracticable. Meanwhile Gour had already taken up this question in the Legislative Assembly but this subject had better be reserved for reference in connection with his legislative activity. We have now sketched the public life of Gour as student, Advocate and

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\* (1921) Assembly Debates p. 1586.

author. But posterity will gratefully remember him as a courageous social reformer who has single handed fought against tremendous odds and succeeded in placing on the Statute book a number of reforming measures which had baffled his predecessors. This opens a new chapter in his life which cannot be understood without some knowledge of his character.

#### HIS PERSONAL CHARACTER

It is not permissible to speak without restraint of a man's character while he is happily still alive. But a public man's character is public property and without offending against the decorum of society we may be permitted to refer to it.

As we have previously said, Hari comes of a fine stock of Rajputs but his ancestors were poor, and his grandfather discarded his sword for the scythe which he appears to have used with little success. He died in penury and so did his father who had given up service early to live upon the charity of his son. The early life of young Gour was thus brought up in surroundings in which penury and want were his constant companions. His education from childhood was aided by one scholarship or other. His brother was not in receipt of a large salary though he wielded heavy responsibility. He was himself ambitious and put by every pice he could save. The Gours have no relations in the Central Provinces. Those in the Oudh had been cut off by the regroupment of the two provinces. The town of Saugor had then not a

single Rajput family of note. It is not quite clear why Man Singh had migrated to Saugor where he had been so effectually cut off from his kith and kin. The fact remains that from his very childhood Hari had felt the pangs of want. The bread-winner of the family was even when he was born, his eldest surviving brother. The ages of the two were separated by 30 years so that his eldest son Murli was only a couple of years older than Hari. The latter had always known Adhar as a grey bearded old man. Adhar's hair had turned prematurely grey. As Hari grew in years Adhar's children also multiplied. He was the father of five sons and two daughters. Even when a lad of 12 Hari obtained a school scholarship. It was, however, wholly insufficient to keep the wolf from the door. But the struggle though hard served as a fine school for the formation of his character. It taught him the need for perseverance, unremitting industry and close application to his studies. His father, a fine man, idled away his time in sedantary pastimes. His mother who hailed from the adjoining village of Semarkheda was elder of the two sisters both possessed of remarkable beauty, fair hair and grey eyes which is not rare among Rajput girls, born in the Vindhya plateau. The younger sister had been well married to a Raja's noble in Tikamgurh. He had children of his own who were comparatively speaking born in the purple. The families of the two sisters presented a contrast but it did not daunt the ambition of the noble woman who gave all her sons and

daughters such education as her scanty means could afford. She was a thrifty housewife and would make an anna go further than a rupee in other hands. She loved education though she had herself been used to husbandry. The family was thoroughly orthodox and the mother's orthodoxy grew as she became separated from her own family. She inculcated upon her young son the practices of religion. Her youngest daughter Mohan Bai was, as before remarked, a beautiful little girl who was the ditto of her mother. She was quick at figures and won a scholarship awarded to the best girl of her class. She could recite the Ramayan and solve the mathematical problems which had baffled her brother, her senior by several years. The brother and the sister grew up under the same roof till the sister was married at the age of 12 and a year later carried off to her new home. She returned home two years after, skin and bones, an easy prey to the attack of pestilence. Her married life had been one of ineffable misery. Married to an ignorant Malguzar's son she was turned to the rustic life in a house with a score or more of members male and female all of whom appeared to have conspired to break the educated girl to the life of primeval rusticity. The girl died and young Gour vowed a vow that he would consecrate his life to the amelioration of the condition of Indian womanhood. It accounts for the lifelong struggle which he has put up to better the condition of the womanhood of India. This resolve became a fixed purpose of his life when

his elder sister equally succumbed to the hard life of the village.

#### ENTRY INTO POLITICS

We may now return to the entry of Gour into politics. He had twice unsuccessfully contested a seat in the late Imperial Council. The reforms of 1919 abolished that Council and brought in its place the reformed Legislature. Hari was now the most outstanding figure in the legal and political world of his province. He had settled down in Nagpur and from there called to defend many *cause celebre* in places as far as Lahore and Lucknow. His fame as an intellectual giant, lawyer, politician, and publicist was undisputed. His legal works had made his name a household word not only in India but generally in the East. A large consignment of his work had crossed the Atlantic. His practice had made him independent of the vicissitudes of fortune. He had joined the Congress and made his mark on the very first day he spoke. A born orator, an accomplished student with a mind as versatile as it was original, the hero of many a battle forensic and otherwise, the Congressmen whispered: "Is he the Gour of the Transfer of Property fame." They had hitherto believed that the Gour of the Bar, young, aggressive, versatile though he was, could not have been the author of the work which they had in their imagination depicted must have been the product of an English savant, a hoary headed professor of Law ensconced in the sanctum of one of the older Universities. To them

the juvenile face of young Gour was a revelation. And many even whispered that he had plagiarized the work of some one who was content to mask his anonymity for the sake of his learning. But the appearance of works after works bearing his name had given the lie to the myth invented by his compeers. His brother who had watched his youngster's career with grim satisfaction exhibited his pent up feelings in a letter in which he demanded a moiety of his earnings. He valued the claim at eight lakhs of rupees and launched a suit for the partition of his estate, in the District Court at Saugor. He was a man of ripe experience but had somehow failed to strike the imagination of his clientele. He admitted that his parents had left no nucleus but he had presented his law books to young Hari and these the latter had used to produce his famous books. The District Judge, an old friend of the plaintiff's took a favourable view of his case and decreed his claim for Rs. 40,000 being the value of his books and the cost of his assistance to educate Hari.

Hari argued his own case in appeal when the claim was dismissed. Adhar died before the final judgment. Hari was now left the sole survivor of his family. He had interpreted the law. His mind yearned to master the arcana of law making. His studies had revealed to him many holes in the legal frame work which he longed to darn. And his first election to the Council became unopposed because of the flaw he detected in the nomination papers

of his two rival candidates. He was now an M.L.A.; and he prepared for himself an ambitious programme.

#### HIS FIRST ROLE AS LEGISLATOR

In October 1920 Gour was declared duly elected to the Indian Legislative Assembly. From October to the February following he applied his time in reading up the history of the new Constitution. As usual with him he wrote out a book in which he set out its history, and the rules of the new Assembly, with the result that when the first Assembly met on the 3rd February, 1921 he was probably as conversant with its rules and procedure as any member in the House. His appearance in the House was an object which caused some stir amongst the legal lights which adorned that Assembly. And it was not long before he made his mark in that body. His very first speech convinced the House that it had in it a towering personality as at home in his special domain of law as in that of politics. Gour's contributions to the discussions of the Assembly would fill a large volume. Only the briefest reference can be made here. When the first Assembly met the members were unorganized and did not know how to act in concert. He saw that if the Assembly was to pull its weight it had to be organized. With that object in view he proposed to weld the members of the two Houses into a compact body with a view to meet and discuss the numerous and varied questions which were presented to it for discussion. He issued a

circular to that effect and over 30 members responded to his invitation to concert a plan enabling them to take collective action.

These members formed themselves into a Parliamentary Association. Their object was to discuss freely all the questions and measures upon which they were agreed. Several members of the Council of State expressed a desire to be admitted to its discussions and they were accordingly admitted. Officials and nominated members were equally welcome. The divergent views disclosed in the discussions, however, soon rendered the possibility of concerted action futile in many cases in which a sharp cleavage presented itself between the view point of the elected and the nominated members. The Association continued to exist for a year and as often as it met this difference became more and more accentuated and apparent. He, therefore, collected those who generally agreed with him and started an independent organization which he named the "Democratic Party". It was confined to the elected members of the Assembly and of these only to those who belonged to the advanced wing of political thought. Some 45 members joined this group and the history of the achievements of the first Assembly is the history of the Democratic Party.

Gour was appointed its chief member and placed in charge of the Home Department, that is to say, the subjects which that department dealt with. He counselled the party to appoint no

leader but rather departmental leaders. This had the effect of conciliating rivalries and it gave several of its leading members a personal interest in its success. These departmental heads collectively constituted the Executive Council of the Party. It was an army with divisional commanders leading their forces at different fronts subject to the direction of the collective Council. For two years this body remained cohesive and compact. Its nods made and unmade decisions. Alarmed at its activity a counter movement was set up and a small group of some 10 members announced themselves as constituting the 'National Party.' The Democrats were the progressives and the Nationals the conservatives, of the House. But they often coalesced upon issues of obvious national importance. Another counter wave began to gain strength to ensure the disbandment of this powerful group and in the third year of the Assembly the party yielded to intrigue, altered its constitution, there were secessions, its number dwindled, its influence waned till the next general election swept it away.

The second general election brought into existence the Swaraj Party. This Party professed to comprise the Non-Co-operators of the Indian National Congress, who, however, disapproved of the boycott of the Councils which had been the policy of the Congress in the elections of 1920, but who would carry the torch of Non-Co-operation within the Councils and thus bring the entire machinery set up by the reformed Constitution to a stand still. Their argument pre-

vailed with the Congress who accorded its tolerance of the Swaraj Party which the personality and influence of the late Mr. C. R. Das, a Barrister who had abandoned the allurements of a lucrative calling for the life of a political ascetic appealed to the masses, and the swing of the political pendulum brought the Swarajists into the Assembly, in large numbers. Their strength was computed at about 53. In the combined provinces of the Central Provinces and Berar where the Swarajist wave rose highest, all members returned to the Central Legislature were borne on the Swarajist ticket, the only exception being Gour who was returned as an Independent—and he was returned at the top of the poll. His work for the people continued though his following had greatly diminished in number. But the force of his personality is felt in the House as it is felt everywhere.

#### HIS SWADESHISM

Sir Hari Singh Gour's Swadeshism is economic not political. It is practical and personal. He believes in the development of domestic industries modernising their method of work and output. He is not in favour of a closed door to foreign competition but he favours discriminating protection. He has given practical turn to his views. He found the specialized paper printing industry in this country entirely neglected. All our supplies of stamps—postage, judicial and non-judicial—were obtained from Europe. He studied the question in all its details. He made a collection of stamps produced in the country and

then opened his attack upon Government. Receiving no favourable response he induced several members of the Assembly to give notices of small cuts which in the parliamentary procedure amounts to a vote of censure on the department concerned. Two such motions came up for discussion on the 17th March 1923. The first motion was opposed by Government and never pressed. His was the next identical motion which he was prepared to press to a division. He said that if the House only listened to him they would sing a different tune. He then made a speech which had an instantaneous effect upon the House. The motion which in another hand had only a few minutes before been lost without a division was carried without a division. It resulted in the action which the Government felt bound to take to stop the importation of stamps from overseas, and a stamp printing factory has been established at Nasik to produce all stamps locally. This is but a single instance of his powerful personality which has carried again and again many a motion lost in other hands. Even such forlorn hopes as the Civil Marriage Act, and his latest, the Children's Protection Act have found their way on the Statute Book thanks to his earnestness, perseverance and eloquence.

#### WHEN HOMER NODS

There is no man in the Legislature more acute and more wide awake to detect and correct in time the errors of Government, which but for his timely intervention, might have escaped unnoticed.

Only three instances of his legal acumen would be attempted here. The Chamber of Princes had, it appears, urged upon Government the necessity of making some provision for the punishment by native Courts of witnesses committing the offence of perjury in the course of their examination in British India on commission issued by them. The Government accordingly introduced a Bill in the Council of State to make such offenders triable in native states. The Bill was passed in that Chamber without comment and without dissent. By a practice now treated as a convention only non-controversial Bills are first introduced in that Chamber. This Bill was treated as a non-controversial Bill and therefore introduced in the Council of State. The Bill was reported to the Assembly and the Home Member formally moved to obtain the Assembly's concurrence. Copies of the Bill had just been circulated to the members who hurriedly glanced through it. But a single glance sufficed to put Dr. Gour upon his feet. He said that in spite of his cursory examination of the Bill he thought it was unconstitutional and *ultra vires* of the Indian Legislature. He pointed out that witnesses examined on commission in British India were subject to the Indian Oaths Act, and bound to speak the truth, and if they did not they were liable for punishment under the Indian Penal Code. How could a native Court try a perjurer for an offence committed in British India, any more than a British Court can punish the native of an Indian

State for an offence against the laws of that State. Reciprocity in this respect required identity of laws and legislative power. The Home Member saw the point, said that it raised an important question of law which he would refer to a select committee. The Committee vindicated Dr. Gour's objection and the Bill had to be dropped.

A similar fate befell another Bill which came supported by the International Committee of the League of Nations. It was sent down to this country by the Secretary of State and its purpose was to ensure the execution of the decrees of the superior Courts in England and the colonies in this country and *vice versa*. Dr. Gour pointed out that while reciprocity was a fine ethical principle it was not workable in this country in that while in England and its colonies Civil suits were tried by the High Court the bulk of litigation in this country was disposed of by the subordinate Courts. The Committee found his view correct and reported that the Bill be not proceeded with. It was accordingly dropped.

The third instance must be still fresh in the minds of those who would be affected by the contempt of Court Bill, a Bill intended to arm the higher judiciary with express power to summarily punish for committing contempt of the Courts subordinate to them. On a motion to refer the Bill for circulation Dr. Gour was the only spokesman and his speech was as erudite as it was closely critical of the Bill.

This speech became the text for non-official public opinion who echoed his objections. The Bill went moribund to the select Committee who mangled it out of form. It is not likely that the Bill will survive the *coup de grace* which it received from the hands of the great jurist.

#### HIS CHARACTERISTICS

An impartial observer, an European official member of the Indian Civil Service of the Assembly, since retired, reviewing the personalities in the House thus wrote of Gour. "In the opposite camp . . . is Dr. Gour. A Rajput by extraction, he has many of the characteristics of his caste. Napoleonic in appearance, blunt in manner, forceful in his aggressiveness, indefatigable in planning a campaign, his influence is considerable in the democratic or advanced party. In his Civil Marriage policy and in his support of a Bill to codify Hindu Law, he is in conflict with the more orthodox elements of the House."\*

We cannot speak of Gour as a single personality, since his activities are manifold and as diverse as they are revolutionary in their effect. To social reformers he is a prince of social reformers but his pace is not a crawl but a giant stride; and the several Bills which now repose on the Statute Book have so completely revolutionized society that neither the friends of social reform nor its adversaries can see the staggering changes wrought by his measures. All these reforms had been thought out before and several attempts

\* Indian Review, Vol. XXIII (1922) p. 171.

were made to give effect to them. But it required a man with his dogged pertinacity to carry them through. This is one of his characteristics. Whatever he takes up he pushes through in spite of opposition. Like the Marshal of France he never surrenders. He may retreat, but his retreat is strategic. He never loses sight of his objective. He has inexhaustible perseverance and patience. He possesses an indomitable will. His energy is phenomenal, while his application to the most microscopic detail unceasing and has indeed become his second nature. Those who marvel at the quality and volume of his legal output will scarcely think it possible without these qualities. A walking cyclopædia of facts and figures his is a brain at which one marvels how he can carry into it all he knows.

His personal appearance has been well hit off by the writer above quoted. Short and stout, set with a neck and frame more suited to a boxer, his bodily frame affords some index to his mental characteristic. "I always find my ubiquitous friend, Dr. Gour, who jumps with lightning rapidity and great ability from cases of midwifery to sites of capitals," said Sir Sidney Crookshank in the House, "very interesting, earnest and downright."\* 'He is not content' wrote the PIONEER Correspondent, 'to crush his opponents. He pulverizes them and stamps upon them till his very friends begin to sympathise with his opponent.' "He is the most telling speaker in the House" is the

\* Assembly debates (1921) Vol. 2, p. 497.

verdict of the TIMES OF INDIA representative. An American writer who visited the Assembly thus describes him: 'Amongst the front benchers sat one short, stout figure whose sparkling gaze, and radiant look immediately arrested my attention. I consulted the nominal index placed on the sill and found that that restless and vigilant figure bore the name of Dr. H. S. Gour. I was anxious to hear him and I was not disappointed. He has a loud clarion voice, his enunciation and accentuation are clear, sonorous and harmonious in its cadences; his delivery fluent and impressive; his words flow in torrential profusion. But in spite of these aids to volubility his sentences are terse, direct, epigrammatic and witty. Though his oratory is spontaneous, his words are well chosen. He never falters or fails for a word—and it is always the word. His manner is pleasant though at times aggressive and unnecessarily so. He pleads and persuades, but there is an undertone in his manner that if his audience do not agree with him he cannot mend their minds.....Taking all in all he is the most impelling personality in the House.' Another writer adds: "And he is probably the most versatile. His speeches show that there is no subject, whether it be cotton duties or finance, stamps or Railways, Post Office or Mint in which he cannot hold his own against all comers." Rumour has it that he has been long accustomed to burning midnight oil and that whether he reads, writes or studies his time is not wasted. He has little

love for social amenities and while he endures society he does not welcome it. His instincts are non-gregarious though he feels most happy when he is alone with his chosen friends. But those who are privileged to enjoy his society feel as impressed by his wit as by the geniality of his temper. He has no conceit. He is thoroughly democratic in his way and it accounts for his great popularity. A born book worm he cannot be otherwise than a teetotaler. He is abstemious in his diet, regular in his ways, and sedantary in his habit. He takes little or no exercise and yet he never had a single day's illness. In spite of his colossal reading the perfection of his sight is a marvel to others. Asked what are his recreations he replied, "Reading the poets." He detests novels though he has himself written several, but he prefers history to fiction and if it must be fiction, then it must be poetry.

His love of the West is his consuming passion. He has embellished Hindu Law but it is written as a lawyer not as a lover. He believes that the so called spiritual claim of the East is a claim which has never been and never can be tested. This brings us to the question of what is his religion.

#### HIS RELIGION

By birth and breeding a Hindu, Gour remains a Hindu but his Hinduism is not the Hinduism of the market place. His personal beliefs incline to pure theism. His Professor Henry Sidgwick spoke of him as one of the acutest thinkers he had known. He has

no predilection in favour of any creed ; and in religious polemics he has no equal. His little book on " Rationalism and Religion " was reviewed as " logic without religion from cover to cover." But it is not all logic but true religion. In this book he analyses the meaning of such 'assumptions' as 'Paradise' 'Soul' and 'future life'. He places the most cherished notions of humanity on the table and shows their philosophic fallacies. But he still believes in the existence of God ; but regards man's relations with the Supreme Being as wholly different to social ethics which pass for religion. He is of opinion that if the world were freed of cant very few would be happy and not a few who would refuse to live in it. If the world were peopled with philosophers, he thinks, the world might well cease to exist. Social ethics, he therefore regards as necessary for the happiness of man. But he takes a utilitarian view of such ethics. He has himself summed up the result of his thought in the following lines from *In Memoriam*.

Behold we know not anything,  
We can but trust that good shall fall—  
At last far off at last to all ;  
And every winter change to spring.

Life is to him a 'winter' intended for hard work and hard study. If he can ameliorate the condition of his people, remove their social barriers, and sweeten life it is a service to humanity. As such he is a social servant and a social reformer.

#### HIS WORK FOR WOMEN

We have already mentioned the incident in his earlier life which determined his attitude towards

women. But it is only an incident. He has himself written of his attitude towards the fair sex in the following confession : " I confess " he once said, " my partiality for women—women of all countries particularly the women of my own land. For ages the strong arm of the man has held the woman in fee. Her bondage is worse than the bondage of a slave. Man forgets that woman is a better man. She has a finer sense of honour, a higher æsthetic eye and she is the man's mother." His activities in the Legislature have resulted in several notable enactments which have crowned his efforts towards the liberation of woman with success. These constitute his contributions to the subject of social reform to which we may now advert.

#### HIS SOCIAL REFORMS

When the History of India is written the place of honour in the chapter dealing with social reforms will undoubtedly be awarded to Gour. Before his advent to the Assembly the position of woman was as follows. She was liable to be imprisoned in execution of a decree for restitution of conjugal rights. His Bill passed into law as Act XXIX of 1923 has removed this disability. Women were ineligible to be enrolled as legal practitioners. Thanks to his efforts this disqualification has been removed by Act XXIII of 1923. Hindus are caste ridden and could not inter-marry except within the narrow confines of their sub-caste. Even then there were innumerable barriers of Gottra, consanguinity and horoscopic

affinity and the rest which made marriage by choice almost impossible. And when at last they did get married, wives and daughters had no rights, for had not the great law-giver *Manu* declared :

In childhood must a female be dependent on her father; in youth, on her husband; her lord being dead, on her sons; if she have no sons, on the near kinsmen of her husband; if he left no kinsmen, on those of her father; if she have no paternal kinsmen, on the sovereign; a woman must never seek independence.\*

Day and night must women be held by their protectors in a state of dependence; but in lawful and innocent recreations, though rather addicted to them, they may be left at their own disposal.

Their fathers protect them in childhood; their husbands protect them in youth; their sons protect them in age; a woman is never fit for independence.†

Several attempts were unsuccessfully made to mitigate these galling matrimonial customs but without success. He made himself responsible for purging Hindu society of this barbaric custom. And he succeeded. After overcoming the combined opposition of the Government and the orthodox he had the satisfaction of enacting Act XXX of 1923 which swept away all restrictions as to caste and communities from the path of marriage and legalized inter-marriages between all Hindus, Sikhs, Jains and Buddhists, and what is more—assured to the married couple freedom from the law of co-parcenary and ensured to them and their heirs, both male and female absolute right of property in accordance with the rules of English law embodied in the Indian Succession Act. When one considers the far-reaching effects of this

\* *Manu V verse 148*

† *Manu IX verses 2 & 3.*

measure one is aghast at the thought that the walls of Jericho have at last fallen. The Shastaric fetters upon woman and her daughters have been removed by one fell stroke of the Imperial Legislature. The law of caste has been wiped out by one stroke of his pen. Let all who may, marry under his Act and they shall be happy. Love matches have now become a reality. He had indeed attempted more. His Bill as originally conceived permitted a civil marriage between all classes, Hindus, Mahomedans, Parsees and the Jews. But the storm he had to face even on the day of the introduction of his Bill imperilling its very inception made him realize the danger of so drastic a change. By a dexterous manoeuvre he managed to save his Bill from a summary rejection. He fought his way through a well directed fire of opposition, and by the display of consummate tact and forensic skill he was able to rout his opponents and lead his cause to victory. A storm of congratulations rang through the Hall when the Governor-General's assent was announced. It was a historic day, a letter day in the annals of modern India. Let us be free. It had taken a long step forward towards freedom. The Civil Marriage Act or to give it its more correct description, the Inter-Caste Marriage Bill has emancipated Hinduism from the trammels of caste. But latter day Hinduism is fraught with so many customs that a single measure, however great cannot make any serious inroad upon the phlegmatic lives of the people.

Gour can claim credit for another measure of equal importance. Early in 1923 he introduced a Bill for raising what is popularly known as the age of consent. In the Indian Penal Code of 1860 the lowest age for permissible, consensual, sexual intercourse with a woman was fixed at 10. After a strenuous struggle this age was raised to 12 in 1891. For thirty years it remained unaltered. Physicians and statisticians have however declaimed early marriages and their consequent by-product early motherhood. It is pointed out that no less than 31 per cent. of children born in the country die before they are a year old. The age of puberty is more nearly 14 than 12 and puberty is no test of fitness for sexual intercourse. Gour took up this question in right earnest. His Bill proposed to raise the age of consent to 14. The Bill was strenuously opposed by members of orthodox views, but it was referred to a select committee and its main clauses were passed by a substantial majority. But at its final reading the Government strangled it alleging that it had gone too far. The Bill was thrown out, whereupon Gour immediately introduced another Bill raising the age of protection to 14 and 15 within and outside of marital relations, providing, however, for mitigated punishment for intercourse by the husband upon the wife below 14 and a stranger upon a girl between 13 and 15. This Bill inspired the Government to move a counter Bill raising the age for married persons to 13 and outside marital relations to 14. At the same time they promised to circulate Gour's

Bill for eliciting public opinion thereon. The *ad interim* Bill has become law as Act XXIX of 1925 but it has in no wise abated the controversy raised by Gour's Bill which, at the moment of writing, is still pending.

Two other measures of outstanding merit owing their origin to Gour protect minors against pollution before they attain a sufficiently mature age. The dedication of *devadasis* to the pagodas in Southern India has been an institution hallowed by the sanction both of religion and age. It was well-known that girls in their thousands were while of tender years assigned to the pagodas where they were consigned to lifelong prostitution. The Government, ever chary of interfering with the religious institutions of the people, had for long suffered this institution to continue unmolested till Gour took up the question and successfully moved a resolution in the Assembly to put an end to this evil practice. The motion was, as usual opposed by the orthodox members, but his passionate plea that morality was above all religion if it countenanced immorality prevailed, with the result that Secs. 372 & 373 of the Indian Penal Code were amended penalizing the dedication and entertainment of *Devadasis*.

The second reforming measure, to which, we have already alluded, is intended to purge society of the evils springing from early marriages and premature consummation. It is his Children's Protection Bill, popularly known as the Age of Consent

Bill, which after three years' persistent struggle with the Government and orthodoxy, the former at last accepted in a modified form resulting in the raising of the age of consent for sexual cohabitation as already stated. Gour had fixed these ages at 14 and 15 in his Bill which the Government have promised to circulate for sounding public opinion. The value of the limited protection given will be appraised if regard be had to the fact that public opinion had violently opposed the raising of the age from 10 to 12 in 1891. Gour pointed out in his speech supporting his Bill that Government must in such cases be guided less by what is the public opinion than what is the public good. Public opinion in a conservative country like India is always opposed to any change and when that change directly affects their domestic customs it is violently stirred by what is loosely called a "religious custom."

Other Bills tending to improve Hindu society also stand in the same stage of progress in the Assembly. One of these which has evoked acrimonious controversy and is likely, if passed, to have a far-reaching effect upon Hindu community as a whole, is his Hindu Religious and Charitable Trusts Bill, the principle of which has already been accepted by the House and the Bill is at the present moment awaiting consideration by a Select Committee.

This Bill if passed is intended to place all Hindu religious and charitable trusts on a National Register, the trustees being accountable for its income as used

for the purpose for which these trusts were created. It is a notorious fact that considerable properties of great value dedicated by pious founders to the use of the public have passed into private hands, the trustees have abused their trust and are using the income derived therefrom as if they were proprietors of the estates. A rough estimate computes the annual income of such trusts to exceed 25 crores of rupees per annum. Gour thinks that a considerable portion of this was dedicated to *Dharm* which in Hindu Law means any object of public good. If only a portion of this aggregate can be utilized for the improvement of education, health and sanitation of the people it would solve a great problem which awaits solution for want of adequate funds. Even if the income cannot be so used it would certainly prevent its abuse. It remains to be yet seen how far this measure is likely to receive the support of the Legislature.

Space will not permit mention of other measures which might equally be classed as social reforming measures. Those already mentioned will suffice to shew the bent of his mind and the indomitable courage with which he has carried out and is carrying out his ambitious programme of social reform. His own creed on this subject may be summed up in his own words: "I find my society based on social subjection. I am trying to convert it into a social brotherhood."

#### HIS SERVICE TO EDUCATION

It is a trite saying that no measure of social, and indeed, any, reform, is possible without mass educa-

tion. It has already been seen how this education suffers for want of funds. Primary education is, moreover, a transferred provincial subject under the Reform Constitution. As a member of the Central Legislature he seized hold of the opportunity of lending his assistance to such education as is within its competence. The Central Government had conceived the idea of establishing a University at Delhi. He readily lent his assistance to the Legislative Act which brought that body into existence. And his keen interest therein easily marked him out to be its first Vice-Chancellor. He was reappointed to that office on the expiry of his first term. During these four years he energetically applied himself to the task of its organization and development, and his services have again and again been thus acknowledged by H. E. the Viceroy as the statutory Chancellor of the University at its annual Convocations.

The power to create having been obtained, it next became necessary to construct the machinery and set it working. This important duty has been discharged with the greatest energy and resource by the Vice-Chancellor, Dr. Gour, and the machine stands to-day fully equipped for working in a state of high efficiency, with the engines oiled and throbbing to perform their functions. I congratulate him and all those who helped him in this important task.\*

I have listened to Dr. Gour's address with very great interest. It is a source of deep satisfaction to me as well as to many of the friends of the Delhi University that the difficulties which have confronted the first year of its life found Dr. Gour undaunted and have stimulated rather than sapped his energies in its interest. He has, I am glad to note, succeeded in communicating his enthusiasm and activity on behalf of the University to many others.†

\* First Convocation Address (1923.) para 1.

† Second Convocation Address (1924) para 1.

It is a great pleasure to me to have the opportunity once more of attending the Convocation of the Delhi University. I regarded with sympathy and interest the inauguration of the University, and as its first Chancellor I have watched with special satisfaction its sound beginnings and steady progress. In lucid and eloquent words your Vice-Chancellor has laid before us to-day a record of substantial achievement during the past year.\* \* \* Your Vice-Chancellor needs no words of mine to commend him. All who are associated with the University know the value of the work which he has performed from the very inception of the scheme, and I am sure all members join in congratulating this tried and enthusiastic supporter of the cause of the Delhi University on his new dignity and honour from his Majesty.\*

In recognition of his services to the University he was created a Knight on the New Year's day, 1925.

#### HIS SERVICES ON LOCAL BODIES

From the day he started practice he has been associated with one body or other. He was the Secretary of the District Council of Raipur for a period of ten years and on his removal to Nagpur he was elected President of the Municipality of that place in which his energetic administration set a new standard of efficiency of a local body. At Raipur he devoted his energies to the amelioration of the condition of the people. He acquired and opened a large Park which he named the People's Park for the use of the public, founded a Leper Asylum and for six months went about relieving distress in the two great famines of 1896 and 1899. The Chairman of the Central? Committee wrote that he had done yeoman service in relieving distress.

#### PROTECTION OF INDIAN EMIGRANTS

The lot of Indian emigrants overseas is one of

\* Third Convocation Address (1925) para 1.

constant suffering and persecution. Indians have migrated in large numbers into colonies such as South Africa, Fiji, Mauritius and British Guiana. To several of such places either they or their forefathers had been taken as indentured coolies while not a few were free emigrants who followed in the wake of indentured labourers and started life as pedlars, clerks, masons and carpenters. On the expiry of their indenture most of the emigrants settled down in the land of their exile, and not a few of them have prospered by the sheer dint of their sobriety, frugal habits and simpler mode of living. The Indian shopman began to undersell his European *confrere* with the result that the latter commenced a war of extermination upon his successful competitor. The position in South Africa soon grew acute because the Indian emigrants there number half a million. In the smaller colonies they were despised but not actively persecuted. The Government of India have tried to assist the Indian Colonists in their unequal struggle against the European settlers. Gour found that in spite of the efforts of the Government of India the lot of the Indian in Canada and South Africa gradually became more intolerable; and the recent decision of the United States Supreme Court denying the right of free citizenship to Indians has made their lot in America equally so. Diplomacy having failed to improve their lot Dr. Gour adopted the only course possible left to a self-respecting nation—i. e., retaliation. On the 27th July 1923 he

introduced his Reciprocity Bill in the Legislative Assembly which he vigorously urged was the only thing left in order to vindicate the rights of the Indian nationals overseas. The Bill was passed by the Assembly at a single sitting and as the Government did not actively oppose it in the Council of State it was agreed to by that Chamber and became law as Act III of 1924. The Government of India have not as yet made rules under it to put its provisions into operation but though the Act has by the action of Government remained a dead letter there can be no doubt that the action taken by Gour was the only one possible and expedient in the circumstances, and it will not be long before its enforcement will be treated as an imperative necessity in spite of the compunction which the Government of India might feel against enforcing the principle of reciprocity against recalcitrant States.

#### HIS WORK AND INDUSTRY

The visible result of Sir Hari's industry is those six monumental volumes on Indian Law which are the lay Bibles of the lawyer, without which no lawyer's library is complete and without which no judge decides cases dealing with the three most important subjects of the Law of Transfer, the Hindu Law and the Penal Law. These three works embody about five million words, a truly prodigious production. They refer to over twenty thousand cases and are by far and away the largest works written in the English language on the subjects. Take for example his work

on the Penal Code which enjoys international fame. It contains over 16,20,000 words as compared to Russel on Crimes with its 14,40,000 words. All critics agree that these works stand in a class of their own and are incomparably the completest works on the subject. And when one looks to their accuracy and clarity, enhanced by their literary finish, one wonders how one man could have written all this in his leisure hours after his stupendous and all India practice. The secret is, however, not far to seek. Sir Hari is a prodigious worker, scrupulously frugal in his diet and punctilious in his regularity. He has no pastimes beyond his work. From early life he has been a hard student, working fifteen or sixteen hours a day and he has kept up his unremitting industry up-to-date. He goes to bed late; burns the midnight oil in the composition of his works; but his regular hours of study and work would not have given him the pre-eminence he enjoys as the most voluminous author in India were it not for the fact that Nature has endowed him with a robust constitution, a facile pen and a phenomenally retentive memory. He reads through his cases and his quick mind digests and classifies them while his pen moves with a celerity which would baffle many an expert copyist.

The taking of physical exercise is to most men a prime necessity for continuous fitness. To him a regular mental exercise would seem to be sufficient. He has led a long and arduous life. His life is crowded with numerous events. He has perforce to desert his

study to answer the calls of his clients. But in spite of his distractions his literary output would do credit to a lifelong bookworm, a literary savant and a recluse. And Sir Hari Singh cannot be described as either a bookworm or a recluse. He is ever accessible to all men. His conversation is witty, eloquent and informing. His friends regard him as a walking cyclopædia. Observers wonder whether he excels as a raconteur, a speaker, or a writer, a lawyer or an advocate, a financier or an art critic, while all agree that his versatality is as unique as it is unobstructive.

#### HIS PETS

But in spite of his pre-occupations Sir Hari is not wholly without his hobbies. No man is. He is fond of gardening, loves flowers and is partial to domestic animals. He is a teetotaler from choice, but is not a temperance crank.

#### HIS FRIENDS

With his multitudinous duties and distractions, Sir Hari has really very few friends—indeed, it might well be doubted if he has any friend at all. He is a lifelong feminist and most of his friends belong to that sex amongst whom he counts his ardent admirers. One of such has vouchsafed the following note of him for publication:—"I have watched" she writes, "Sir Hari's career in the Legislative Assembly ever since that body was instituted. My first acquaintance with him began when on a dull day he got up to make a speech. It had an instantaneous effect upon the somnolent members and the galleries which felt

galvanized into life. We were all ears not so much to what he said, but how he said it. His voice was clear and clarion-like in its compass. His accent was audible to the galleries where few speakers are heard to advantage. His sentences rolled down in torrential sequence; one could discern an effort on his part to check this flow. His language was choice, ornate and spontaneous. He was neither terse in expression nor prolix in delivery. That very instant he became my beau ideal of a man." Being himself a literary giant Sir Hari is naturally fond of literary company. In India he says, literary men are few and far between. It is unfortunately only too true. He is a born dialectician and feels in his element if he gets one to argue with him. He is a man of strong likes and dislikes. He loves his friends to distraction. He is one of those few mortals who do not believe in half measures in friendship. But his ideal of a friend is high and almost unattainable. When the present writer asked him to inform him about his friends he said, "I have no friends but one and I doubt if that friend understands me."

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