

their necks. Many natives still are afraid to go in Damurda boats. Dakoity reached its height in this neighbourhood and the Kishnaghur district, about 1807; the dakoits had the village watchmen under their influence and used to go with the greatest indifference to the gallows: their cruelties were most atrocious, slashing with sabres, scorching all the skin off with blazing grass, burning off the most tender parts of the body with oil and tow, violating girls, extorting confessions by rubbing hot irons over the body, &c.

On the opposite side of the river is SUKH SAGAR, placed in Rennel's Map at a considerable distance from the river, which has of late made fearful encroachments and has not left a vestige of the magnificent house of the Revenue Board that cost a lakh and a half originally. The Marquis of Cornwallis and suite, used often in the hot weather to retire to it, as it was the Government country seat before Barrakpúr. The house of Mr. Barretto and a Roman Catholic Chapel erected by him in 1789, at a cost of 9,000 Rs. have also been washed away. Mr. Barretto was suspected by the natives, from his being a rich man, to have known the art of turning metals into gold. These encroachments of the river, together with Pal Chaudri, a rich Zemindar, making a bazar in Chagdá, have led to the decay of Sukh Sagar, which owed much of its prosperity to Mr. Barretto, who made many roads there planted with *nim* trees on both sides, which remain to this day: he had a rum distillery in 1792, as also Sugar works; in his time the place was called Chotá Calcutta. On Clive passing Sukh Sagar, a small battery there gave him a salute; he, imagining it to be an enemy's entrenchment, ordered it to be dismantled. On the courts being removed from Múrhidabad to Calcutta in 1772, the Revenue Board was fixed there, as it was thought more suitable than Calcutta, from being in the country. Bissenpúr, Srinagar and Bhagdá near Sukh Sagar were noted formerly for dakoity. The Zemindary of Sukh Sagar belonged to Rajah R. C. Ray of Nudiya, who made a bazar in it: there are still remaining the ruins of several fine houses built in his time, he also erected a temple to Agru-Chandy in which human sacrifices were offered. Forster in 1782, gives the following description of Sukh Sagar:—"Sukh Sagar is a valuable and rising plantation, the property of Messrs. Crofts and Lennox; and these gentlemen have established at this place a fabric of white cloth, of which the Company provide an annual investment of two lakhs of rupees; they have also founded a raw silk manufactory, which as it bears the appearance of increase and improvement, will, I hope, reward the industrious, estimable labors of its pro-

prietors." A *pátshálá* was established by Government in 1845 ; a Zemindar gave as a school room a *chaubári*, formerly built by Mr. Baretto to enable the Hindus to read the Puranas and Mahabharat. An English pay shool was founded in 1844 by the Munsif under the patronage of the Vedantists ; in 1846, at the annual examination 150 respectable babus were present. *Pitambar Sing*, an eminent native Christian convert, and a Sanskrit scholar, was stationed as a catechist, in 1802, at Sukh Sagar, " a pretty large place and very populous neighbourhood ;" he was a match in argument for the pandits ; a tract was the instrument of his conversion. In 1804 he left the place, on account of sickness, as also because of " his house being out of town and surrounded with robbers." Bishop Heber writes in his Journal 1824, " I saw (near Sukh Sagar) a sign of a civilized country, a gibbet with two men in chains on it, who were executed two years ago for robbery and murder in this neighbourhood. The district bears a bad name ;" he remarks that Mr. Corrie saw near it the prints of tigers' feet ; at *Palpará*, near Sukh Sagar, lived Nandakúmar Vidyálankar, who was deeply versed in Nyaya and the Tantras, he published a book called *Kularnuba* : the river has washed away twelve bigahs and a great part of *Palpará* ; near it, is *Monasápota*, respecting which Ram Komul Sen relates the following legend :—" Bengal was once governed or possessed by *Asurs*, Demons, one of whom called *Sambarásura*, was King of lower Bengal : he was killed by Pradyumna, the son of Krishná, and his corpse was thrown into pits near Sukh Sagar, in *Monasápota*, which was thence named *Pradyumnahrad* or Pradyumna's pit."

North of Sukh Sagar is CHAGDA (notorious for ghat murders) fabled to derive its name from Bhagirath, because when bringing the Ganges from the Himalaya to Ganga Sagar to water his forefather's bones, he left the traces of his chariot wheel *chakra* there. Chagda as well as Bansbaria and Ganga Sagar were formerly noted for human sacrifices by drowning ; the aged and children were thrown into the river ; 1801 in November some pilots saw 11 persons at Sagar throw themselves to sharks ; and that month, 29 persons were devoured by them ; it is still a famous place for burning the dead and for bathing ; corpses are brought there from all parts of the country, often from great distances, when they become putrid ere they reach Chagda ; the persons carrying the corpse are not allowed to enter a house, must pay double ferry-fare, and must take fire with them as none will give it. Tavernier mentions seeing corpses brought to Chagda, from a place twenty days distance, all rotten and smelling dreadfully. It is singular that in former times, and particularly near Calcutta, persons

were burnt on the Western bank of the river, because the true channel was considered to be there, as the river was said to have made a *new* channel on the Eastern side, this seems to favour an opinion held by some, that the Ganges is gradually tending to a more easterly direction. Chagda is the route taken by people North of Calcutta for Dhaka, and Assam *via* Jessore; as the road is better and higher than that *via* Baraset. A road has been made from Bangaon to Chagda 20 miles, planted with trees on both sides, by Kali Prasad Padar of Jessore. As this Babu stands out conspicuously from his countrymen by his public spirit, we give the following notice of him. ‘He has indeed proved himself an example to many Roy and Chaudri Zemindars of greater opulence and higher respectability. Report of the Babu’s liberality having been made by the Judge and Collector of the district, the Governor of Bengal has presented him with the title of Roy, and a Khelat consisting of a pair of rich shawls, a Kaba, and a crested turban embroidered with gold and pearls. On Monday, the 30th of March last, (1846) the Judge of the district invited the most respectable European and native Gentlemen of the station, including Vakils and Múktiars and presented him with the honorary dress and a suitable address. On which the Babu felt himself much affected at the kindness of the British Government, and after returning his heartfelt thanks, gave four hundred Rupees to the Jessore Government school, one hundred Rupees to the Jessore charitable hospital, and three hundred Rupees to the beggars that crowded on the occasion. Afterwards, Mr. Seton Karr delivered an eloquent speech in eulogy of the Babu. He was followed by Roy Lokenath Bose and Babu Nilmadhub Ghose, who all spoke to the same effect, after which the meeting dispersed. The following is a statement of the several liberal acts of the worthy Babu:

- 1st. A staircase to the hill of Chuddernath.
- 2nd. A stone built Dhuramshala or alms-house at the Ghat Attara nullah.
- 3rd. A brick built Naght Munder in the temple of Dhakshuri.
- 4th. A brick built bridge over the Dytollah Khal.
- 5th. A brick built bridge over the Bhyrub Nadi at Nílgunge.
- 6th. A Dhuramshala and a house of charity at Nílgunge.
- 7th. A road from Bongah to Chukra Dha on the banks of the Ganges extending over nearly twenty miles, and planted on both sides with trees.
- 8th. A road from Chúra Maukati to Agradip extend-

ing over nearly 30 miles, and planted on both sides with trees.

9th. An iron bridge over the Kobotoka river at Jhikargucha with the joint assistance of Government.

10th. A brick built bridge over the Betna river at Jadubpur.

11th. A brick built bridge at Kaintpur.

12th. A brick built bridge at Naudanga Huridashpur."

Chagdá has been notorious for Ghat murders: there are various persons now living there, who have been taken to the river to die, but have recovered and are *outcasts*. Great numbers of people bathe here at the Bároni festival in March; many persons come as far as from Orissa. The *bariári puja* is celebrated with great pomp here; this pujá was established in 1790 by a number of Brahmans of Guptapara, who formed an association to celebrate a puja not noticed in the Shástras; it is named *bariári*, because they chose 12 men *bára* as a committee; they collected subscriptions in the neighbouring villages, but this not being sufficient, they sent men into various parts of the country, and having obtained 7000 Rs. they celebrated the worship of Jaggadátri Durga with such pomp, as to attract the rich to it from a distance of 100 miles around; they procured the best singers in Bengal; and spent the week in festivity: in consequence of the success of the first *bariári*, they determined to celebrate it annually; which is done in various parts of Bengal, and particularly in Ulá, Guptapára, Chagdá, Shripur; one-fifth of the money is devoted to the idol, the rest to singing and feasting. In 1845 an English school was established here, under the patronage of the Brahma Sabhá. Stavorinus, 1786, writes; "the village of Chogdá, which gives its name to the channel, stands a little inland, and there is a great weekly market or bazar here; the channel terminates about three Dutch miles inland, and on its right has many woods in which are tigers and other wild beasts; on entering the woods a little way, we soon met with the traces of tigers in plenty, and therefore we did not think it prudent to venture farther; we met in the way the remains of a Bengali who had been torn in pieces by a beast of prey." Walking near Chagdá when it was dark, Stavorinus was warned by the natives that there were many tigers who had their haunts near, and who in the evening were wont to repair to the river-side. In 1809, Hanif and eight other dakoits were hung here. In 1808, at 9 o'clock in the evening 45 dakoits attacked the house of a man in Chagdá, took his brother and burned him with lighted torches and straw taken from the thatch of the house which was in the bázár; they then

rolled a bambu across his breast, he died the next day; they were torturing him during 4 gharis: it was as light as day in the bazar from the blaze of the dakoits' musalchis and torches; they plundered eight houses besides in Chagdá: one witness stated on the trial, "the country is in the hands of the dakoits, they do not scruple to plunder in broad day-light." In 1809, one Gangá Rám Sirdár deposed before the magistrate, to having been a dakoit since his twelfth year and to having committed dakoitis to the number of thirty-six, east of Chagdá, in the Jessore and Burdwan districts and particularly at Bagdá; in 1815 the dakoits in Burdwan used to go in great pomp to the villages under pretence of a wedding procession and then plundered them. In 1845 an English school was opened here by an Indigo Planter of the neighbourhood: it is conducted by two students of the Chinsura College, and has about 40 boys in daily attendance. Chagdá has two Sanskrit Colleges, containing 20 pupils, they study Hindu Law, under the tuition of two Professors of Law. There are 40 Brahman families in Chagdá, in the Bazar there are about 200 shops.

The MATABANGA river lies north of Chagdá; it was formerly much deeper and was the channel of trade between the East of Bengál and Calcutta; its banks 40 years ago were infested by thieves and tigers. A survey was made of it in 1795, by Colonel Colebrooke, as government wished to keep it open all the year round: it is sometimes dangerous to cross on account of the torrents which suddenly come down. The Matabanga has many interesting associations in connection with one of the greatest men in Bengal, Rajah Krishna Chandra Ray of Nudiya; an interesting life of him has been published at the Serampur Press, in very pure Bengali. At *Anunda Dam*, near the mouth of the Matabanga, the Rajah had a fine Garden, and used often to go there to bathe; it is now over a mile inland. *Shibnibás*, some distance up the river, was the favorite residence of the Rajah; it was a princely pile and fortified, but is now surrounded with jungle; the Rajah designed to make Shibnibás equal to Kási, i. e. Benares, and as in Benares there is a great image of Shíva named Bisheshwar, so he put one in Sibnibás named Bhura Sib, hence those well known lines—

Sib Nibasi tulea Kasi
 Dhaneoa nadi Kankaná
 Dhaneoa Ragu Nandaná.

A very good account is given of Shibnibás in Heber's Journal, Vol. I. pp. 120; the Rajah built here 108 temples of Shiva and endowed them richly with land for the maintenance of the officiating priests. RANIGHAT, so called from the Ráni

of Krishna Chand, is the abode of many rich Zemindars and particularly of the Chaudris. Human sacrifices were offered here in the time of Krishna Chand: some of the Zemindars there have been very oppressive, and were in the habit of rubbing a hot iron over a man's body and making him then sign stamped papers. Chandi Bhattacharjya died here in 1841; he had 40 wives. Ragananda, the dewan of Krishna Chand, lived here, he was noted for his inhospitality, and the following lines were composed on him:—

Rájbari ghorí baja tantaná
Dui prahare atit gele,
Muktu máre chatkaná.

Dakoits swarmed here when Tytler was Magistrate in 1809. Not far from Ranighat, is ULA, so called from Uli a goddess, whose festival is held here, when many presents are made to her by thousands of people who come from various parts: there are a thousand families of Brahmans, many temples, and rich men living in it. As Guptaparà is noted for its monkeys, Halishar for its drunkards, so is Ula for fools, as one man is said to become a fool every year at the mela. The Baruari Puja is celebrated with great pomp; the headmen of the town have passed a bye-law that any man who on this occasion refuses to entertain guests shall be considered infamous and shall be excluded from society. Saran Siddhanta of Ula had two daughters, who studied Sanskrit grammar and became very learned: in 1834, the babus of Ula raised a large subscription and gave it to the authorities to make a pakka road through the town.

On the opposite side of the river is GUPTAPARA; the people of which are famous for their activity and wit and the purity of their Bengali: there are 15 tolas and many pandits who study the *Nyaya Shastrá*; it is also notorious for thieves and Brahmans. In 1770, Cherinjib Bhattacharjya of Guptapara composed in Sanskrit, the Vidyanmodu Tarangini: it treats of Hindu philosophy, and is in high repute among the natives, it was translated into English in 1832 by Rajah Kalikissen of Calcutta. There is a temple of Radha Ballub; the sons of the founder have an endowment for supplying travellers with food and drink. Guptapara is noted for its monkeys, which are very large and very mischievous, they sometimes break the women's kalsis; it has become a native proverb that, to ask persons whether they come from Guptapara, is equivalent to inquiring—are they monkeys? Rajah Krishna Chandra Ray is said to have procured monkeys from Guptapara and to have married them at Kishnaghur, and on the occasion to have invited pandits from Nudiya, Guptapara, Ula and Santipúr: the expenses of the nuptials cost about

half a lakh : though there are many monkeys on the east side of the river, there are no *hanumans*, or apes among them. The Rajah of Bishenpúr was formerly so annoyed with monkeys who used to come into his palace and steal his provisions, that he at last requested a body of sipahis to destroy them. Stavorinus mentions seeing a great number of monkeys in a wood at Guptapara. There is a celebrated mela here ; in 1845, in consequence of the boat swamping, 40 women were drowned as they were crossing over to the mela. At *Sumúru* village human sacrifices were offered in 1770—*Ballaghur* is the abode of many *kúlin*s, in the temple of Radhagovinda 12 Brahmans and 50 beggars are daily fed ; it has an English school :—*Jirát* is the residence of many Vaishnavas and Vaidyas ; there are two tolas in which law and logic are read : there are 30 families of Ghosains, who have a hospice there for the entertainment of all castes : Sudam, Radakanth and Swarup, notorious dakoits, lived there. *Gokal Ganj* is so called from Gokal Ghose, who 30 years ago made a bazar there ; in 1822 the government erected a bungalow for the occasional residence of their then superintendent of schools.

SANTIPUR has long been famous for its learning : it was the residence of Adwaitya, born 400 years ago, one of the friends of Chaitanya, a Hindu reformer. There are still over 30 tolas, though they are much fewer than in former times : one-third of the people are Vaishnavas, several of the descendants of Adwaitya live at Santipúr : there is a temple which cost two lakhs, erected by Chaudri Babu, it is called Shamachand. A *Kúlin*, Chandra Banerji, was killed here 30 years ago ; he was married to 100 wives and was murdered by the brother of one of them on account of his profligate conduct towards his sister ; eight of his wives performed *sati* on his funeral pyre. Satis were numerous here formerly : out of 56 Satis in 1816, in the district of Nudiya, 20 were performed at Santipúr. Human sacrifices were also frequent ; even as late as 1832, a Hindu, at Kali Ghat, Calcutta, sent for a Musalman barber to shave him : he asked him afterwards to hold a goat while he cut off its head as an offering to Kali, the barber did so, but the Hindu cut off the barber's head and offered it to Kali ; he was sentenced by the Nizamut to be hung. A few years ago a number of Brahmans assembled at Santipúr for puja and began to drink and carouse after it ; one proposed a sacrifice to Kali, they assented, but having nothing to sacrifice one cried out, where is the goat, on which another more drunk than the rest exclaimed, I will be the goat, and at once placed himself on his knees ; one of the company then cut off his head with the sacrificial knife, when they woke the next morning from their

drunken fit, they found the man with his head off, they had the corpse taken to the Ghat and burned and reported the man died of cholera. Suicides are on the increase, women think little of hanging themselves for any trifling domestic disturbance; Ghat murders are also of occasional occurrence: an old woman was found lately dead at the Ghat with her mouth stuffed with mud; a man came some time ago to the magistrate, he was 45 years old and requested leave to be burnt, as he said he was tired of life and burning would be a blessing; the magistrate offered him money which he refused, that night he was burned. The obscene rites of the Tantra Shastra are sometimes celebrated there; one of them is the worship of a shamefully exposed female. A Brahman of Santipúr in the time of Rajah Krishna Chand was accused of criminal intercourse with the daughter of a shoemaker; the rajah forbade the barber to shave him or the dhobi to wash for him, he applied to the rajah for pardon and afterwards to the Nawab, but in vain; subsequently the Rajah relented and allowed him to be shaved, but the family have not regained their caste to the present time. Bribery is very common; false witnesses charge two annas a day, for which they will swear to any thing. Santipúr has a great number of brick houses; it is noted for its ghosains, ("Gentoo bishops" as Holwell calls them,) tailors and weavers: fine clothes called *urini* are made; there is a Sugar Factory 2 miles from the town, 700 persons are employed in it, and 500 mds. of sugar refined daily. The river has made great changes: a century ago it flowed behind the Sugar Factory, 2 miles away from its present bed. Rennel's map marks Santipúr at a considerable distance from the river. In 1845 a grant of 20,000 Rs. was made by Government for the repair of the road leading to Kishnaghur.

The Commercial Residency of the East India Company was maintained here up to 1828; clothes to the value of 12 or 15 lakhs were purchased every year by the Company from the weavers: the commercial resident had a salary of 42,351 Rs. annually, and lived in a magnificent house with marble floors, built for him at the cost of a lakh; it was sold for 2,000 Rs. In 1822, the East India Company cloth manufactory gave employment to 5,000 persons: 1802, the Marquess of Wellesley spent two days at the Residency: and 1792, there were shipped for England from the Santipúr factory 14,000 mds. of sugar. Marjoribanks was the last resident and his plans failed. We have an account of Indigo Factories near it in 1790; in the vicinity of Santipúr are the Indigo Factories of Gangadarpúr, Kali Ghat, Nanda Ghat and Hurni Khal under the management of Europeans. Mr. May, the Superintendant of the Nudiya rivers, was

engaged in 1836 in surveying a line of a proposed still water canal from the Húgly near Santipúr to Mangra on the Naba-ganga river, which, if cut, would have afforded a certain communication with the great river at all times of the year. No place on the river was so infested with dakoits as Santipúr until the appointment of a Deputy Magistrate who is *resident* there: even Zemindars and respectable *babus* were in league with the dakoits; no native would formerly venture to pass Santipúr at night; guard boats are now employed, which sail swiftly and put a great check on river dakoity. There is an English School at Santipúr: 1822, Messrs. Hill, Warden and Trawin, of the London Missionary Society, preached in Santipúr; they remark that “the people have much simplicity and received the truth more earnestly than Bengalis generally.” They examined whether Santipúr would not make a suitable mission station: they reported that “Santipúr has 50,000 inhabitants at least and 20,000 houses, many of which were built of brick and exhibit evident marks of antiquity,”—that it had a vast population—was contiguous to other large and populous villages, being only $3\frac{1}{2}$ miles from Guptapara, which contains 10,000 people, about 4 miles from Ambika and Kalna, two adjacent villages, the aggregate of whose population is 45,000—“the favorable disposition of the moral feelings of the people, which we conceive has been cherished materially by the general instruction which has been diffused by the Company’s schools”—the opportunity of obtaining medical assistance from Kishnaghur, 12 miles distant—the situation of the place close to the river with every facility for intercourse with Calcutta—induced them to recommend it as a mission station. Here Holwell was landed as a prisoner on his way to Múrshidabad, after surviving the misery of the Black Hole: he was marched up to the Zemindar of Santipúr “in a scorching sun near noon, for more than a mile and a half, his legs running in a stream of blood from the irritation of the irons.” From thence he was sent in an open fishing boat to Múrshidabad, “exposed to a succession of heavy rain or intense sunshine.” He was lodged in an open stable; he experienced however every act of kindness from Messrs. Law and Vernet, the French and Dutch chiefs of Kasimbazar; as also from the Armenian merchants. He was led about the city in chains as a spectacle to the inhabitants, to show the condition the English were reduced to.

KALNA (Culna) lies on the opposite side and is noted for its great trade, being the port of the Burdwan district, the bazar has 1000 shops, the houses are chiefly of brick. Great quantities of rice bought from merchants of Rangpur, Dewan-

ganj, Jaffirganj, are here stored up, grain, silk and cotton also form a large staple. Kalna must have been a place of some importance in Musalman times, as the ruins of a large fort are still to be seen near the Mission House, which commanded the river: great numbers of snakes are brought to it from various parts of the country, the village of Ambika is situated near it, so called from Ambika, the goddess Durga. Kalna is said to have 60,000 inhabitants, the chief part of whom come from different parts of the country to carry on trade here, "they have not the simplicity which villagers generally have, but are more deceitful." The Raja of Burdwan has a magnificent mansion here, in which is a Dhatrita or alms-house, where several hundred beggars are daily fed on flour, ghi, rice and dhal; there is an atitshala for travellers; close to it is a place called a Somaj Bati, where a bone of every deceased member of the Rajah's family is deposited, while a bone of the last Rajah is exposed wrapt up in cloth; the Rajah belongs to the Khetrya tribe, who bury the ashes of the dead: inside of the Rajari are 108 temples of Shiva, ranged in two circles, one within the other, above 50 priests are employed to serve them: the buildings must have cost a large sum of money, but it is to be observed that the zemindary of Burdwan is the only great estate which has suffered no diminution since the English Government was established, while the estates of Kishnaghur, Rajsháhi, Dinajpúr, and Vishnupúr, formerly equal to the patrimony of princes, have been broken up and sold for arrears of revenue. In 1832 the old Rajah of Burdwan died at Ambika: the succession was afterwards disputed, and one Pratab Chand came forward to claim the property, stating that he was the real Rajah and had not been really burnt; the trial lasted a long time and was sent down to the Sadar, the decision filling 100 reams of foolscap,—as if the Sadar judges could have either leisure or inclination to wade through such a mass of documents,—in order to come at the truth! The editor of the *Darpan* remarked of the trial, "such a scene of villainy has been brought to the light by this trial, as has never, we believe, been exhibited in Bengal before. If the prisoner be the real Pratab Chand, the villainy by which the present Rajah has been seated on the gadi to the injury of the rightful heir is most surprising. If on the contrary, the real Pratab Chand did actually die and his body was burnt, the pretender will stand unrivalled for roguery." 10,000 persons assembled on the first day of his trial at Húgly: the popular feeling was in favor of Pratab Chand.

The river formerly flowed behind Kalna, where old Kalna

now is; it passed by Pyagachi, the remains of deep and large Jils are still to be met with there. Old Kalna is deserted as a place of trade, but is the residence of many respectable natives. Tieffenthaler states that at Kalna the Ganges forms a bay. At Baydapúr near Kalna about 1820 there were two Rathes kept at a short distance from the town, near an unfrequented road; many persons were murdered by robbers who concealing themselves there, sprang out, killed the travellers and hid their bodies among the wheels of the Rath; the people suffered much, but could not find out the murderers, at length some said the Rath was the cause: they burned it to the ground and then *the murders ceased*. Some of Sleeman's approvers told him that *pungus* or river thugs lived near Kalna and also near Katwa. Many persons were formerly killed at Kamardanga Khal near Kalna, so that it was unsafe to pass through it even by day. West of Kalna is a tank occupying eight bigahs, where a mela is held: near it are two fine ruins of mosques, one of which has layers of stone running through the building, ornamented with tracery; it contains the tomb of the founder. A good road was made between Kalna and Burdwan in 1831, with bungalows, stables, and tanks every 8 miles, by the Rajah of Burdwan, chiefly with the design of enabling him to bathe in the Ganges. Kankar is found near this road; the country to the west of Kalna is high ground, richly wooded. In 1837 property to the value of a lakh was consumed in the bazar, the fire lasted three days. In 1822 Messrs. Hill, Warden and Trawin visited Kalna and found that numbers of the boys could read. Kalna now forms a station of the Free Church Mission, and has an English school there containing 120 boys. A mela called Gachemi is held in March, attended by numbers of Musalmans and Hindus. A Musalman Zemindar here holds a grant of 160 bigahs made to him by Sultan Suja 200 years ago, and continued by the Rajah of Burdwan; at the village of Chaga is an image of Shiva, which is fabled to produce images of itself and is immersed in water for ten months every year:—*Kulti* is said to produce roots which cure spleen, as *Mukutpúr* has roots which are said to cure the bites of dogs.—Holwell states that in his time (about 1760) there was at Amboah near Kalna a College of Brahmans supported by the people for the purpose also of maintaining the monkeys in the adjacent groves.

MIRZAPUR KHAL lies north of Kalna, and was designed to be the terminus of a canal to lead from the Húgly at Kalna to Rajmahal. The Military Board in 1844 reported that no permanent improvement can be made in the channels

of the Nudiya rivers owing to the shifting of the channels : they recommended a canal from Kalna to Rajmahal 130 miles long, 50 feet broad, and 5 deep, which would cost at the lowest 3,847,437 rupees ; boats going to the Ganges from Calcutta would save a round of 326 miles by it, they calculated on a profit of $14\frac{1}{2}$ per cent. by it : the Government had a surplus of 3,235,950 rupees from the tolls on the Bhagirathi, Circular and Tolly's canals and the Nadya rivers. The DHOBA factory owes its origin to the enterprising spirit of Mr. Blake, who risked his fortune in it ; Colonel Sleeman very justly proposed that the Agricultural Society should give him a gold medal for advancing the Sugar manufacture in India, he established it under the most unfavorable circumstances, and on his arrival in England he was offered four lakhs for the concern, but he formed a joint Stock Company, which purchased the works from him for $4\frac{1}{2}$ lakhs, and he retained 300 shares for himself ; in 1836 they manufactured 800 tons of sugar. There are four Europeans and 250 natives employed. It has a number of factories as Tremoni in Jessore on the Kabbadak ; Kissapúr, Jessore ; Chandpur near Chaugachha ; Rari Khali ; Narikalbari ; Sudpúr ; Bonmari ; Kanchanagar ; Surui ; Santipúr. We find that in 1801 a Mr. Carden lived at Santipúr as Superintendent of rum and sugar works belonging to the E. I. C. He then introduced the China cane which he describes as not liable to the ravages of white ants and jackals ; the E. I. C. had a sugar plantation farm at Santipúr. Mirzapúr is described by a traveller of 1822 thus, " this village is situated on a beautiful arm of the river, and presents some of the most rural enchanting scenery which we have seen in India."

We next come to the far famed NUDIYA, Nabadwip ; all its early history however, like that of Gaur, is buried in the wreck of time : we need not be surprised that we have few records of Nudiya, when we find that we have scarcely any of Gaur, though as late as 1556 Gaur was a flourishing city three leagues long : though the streets were wide, yet the people were so numerous that they were sometimes trodden to death : it was 20 miles in circumference and the rich people used to eat their food from golden plates. The earliest fact we know about Nudiya is that in 1203 it was the capital of Bengal and was surrounded with a wall, that Lakhman Sen, its last sovereign, was at dinner when news reached him that Bhaktiyar Khilji, the Musalman general, was marching into the city, on which he made his escape to Vikrampúr in a small boat ; his nobility apprehending a Mahomedan invasion, had some time before deserted the city. Nudiya was plundered and sacked by Bhaktiyar and the seat of empire

was transferred to Gaur. In Lakhman's time Bengal became independent of the Magadh empire, to which it was subject before.* As to how long Nudiya was the capital, or what Kings lived in it, or why that place was selected, not a single ray of light is furnished either from tradition or Mss. "*sic transit gloria mundi*"—the condition of the people at that time was probably semi-barbarous, as they very likely used the Bengali language, which was then a very poor idiom, as it has had no grammar until within the last sixty years; the upper classes and priesthood spoke and wrote in Sanskrit. Even the Bengal Brahmans were so illiterate in the days of Adisur that he procured the services of certain Brahmans of Kanauj who had gone to Ganga Sagar to bathe. Bhaktiyar was the first Musalman invader of Bengal.† The caprices of the river have not left a fragment of any old buildings; in Lakhman's time it flowed at the west of the present town near Jehannagar; and old Nudiya, which was swept away by the river, lay to the north of the existing Nudiya. The old town was on the Kishnaghur side of the river, hence when Bengal was divided into zillahs, the district of Kishnaghur was called the district of Nudiya; Government lately intended to attach Nudiya to the Burdwan district on account of its being on the other side of the river; in 1840, a gentleman of Kishnaghur dug up the remains of fish 12 feet beneath the ground in Nudiya.

Nudiya derives much of its celebrity from its having been the birth place of Chaitanya, the great Hindu heresiarch; hence the Chaitanya Bhagavat writes, "No village is equal to Nudiya in even earth or hell, because Chaitanya was there incarnated, no one can tell the wealth of Nudiya, if people read in Nudiya they find the ras of learning, and the number of students is innumerable." Chaitanya was born at Nudiya A. D. 1346, his father was

* *Lakhman's* mother was of the royal family of the Sovereigns of India; his birth cost the life of his mother, who by unnatural means postponed her accouchement until after a particular hour specified by the astrologers. He was so attached to Nudiya, that, notwithstanding the warnings of Brahmans and astrologers, and tho' the nobles and chief inhabitants, apprehensive of the invasion, sent away their families and property to Jagannath or the countries North East of the Ganges—yet he would not quit it until he was surprised at dinner by the cries of his royal attendants, who were being slaughtered by Bhaktiyar and seventeen of his troops, (he had concealed the rest of his troops in a wood near the city and had passed the guards, disguised as an enemy). The Musalmans killed a great number of the Hindus. Bhaktiyar allowed the city to be sacked, reserving only the public stores and elephants for himself, the troops also plundered all the neighbouring villages. The old Rajah went to Jagannath and died in the vicinity of the temple soon after.

† He was an Affghan, of disgusting appearance, so that his deformity caused his rejection as a volunteer by Mahommed Ghory and Kutub-ud-din, yet in spite of his "vile body," the qualities of his mind shone out, and he was appointed to head the invasion of Bahar and Bengal: After sacking Nudiya, he took possession of Gaur, he died of grief at Deocote, in consequence of the total failure of his expedition to Assam and Tibet.

a Baidik Brahman: at 44 years of age he was persuaded by Adwaitya to become a mendicant, to forsake his wife and go to Benares; he then formed a sect, teaching them to renounce a secular life, to eat with all those who are Vaishnavas, he allowed widows to marry; the Ghosains are his successors; one-fifth of the population of Bengal are followers of Chaitanya: his disciples are on the increase. Todd thinks the worship of Krishna succeeded that of the simple form of Hindu worship, viz. of the Jains, who adore *jin* or spirit. Nityananda, a coadjutor of Chaitanya, resided in the midst of Nudiya; his image is there still and is worshipped. The era of Chaitanya, formed the commencement of Bengal literature.

The settlement of Chaitanya and his followers at Nudiya (Chaitanya died A. D. 1396,) together with the Court of Bengal having been held there, were probably the chief causes of its having become a seat of learning: tradition however states that a learned devotee settled there, when it was a dense jangal, who attracted a number of learned men to the place: probably Nudiya derived its original supply of Pandits from Tirhút. The *Ayin Akbary* mentions that in the time of Lakhman "Nudiya was the capital of Bengal and abounded with wisdom;" in 1819 there was a handsome temple of Krishna finely ornamented.

Human sacrifices used to be offered in the temple of Durga at Brahmanitala near Nudiya: in 1799 at Bagna Para 37 widows were burnt with their husbands, the fire was burning 3 days; on the first day, 3 were burnt, on the second, 15, and on the third day, 19; the deceased had over 100 wives:—in 1807, the *Tapta Mukti* or ordeal by hot clarified butter was tried before 7000 spectators on a young woman accused by her husband of adultery:—a meeting of Brahmans was held in 1760 at Kishnaghur before Clive and Verelst, who wished to have a Brahman restored to his caste, which he had lost by being compelled to swallow a drop of cow's soup; the Brahmans declared it was impossible to restore him (though Ragunandan has decided in the *Prayaschitta Tatwa* that an atonement can be made when one loses cast by violence) and the man died soon after of a broken heart. Nudiya was then the head quarters of Hindu orthodoxy, the place of Hindu retreat; Gunga Govind Singh, the dewan of Warren Hastings, after having acquired immense wealth, retired to Nudiya with two or three hundred Vairagis, leaving all his money to his grandson Lalla Babu, who withdrew to Brindaban, where he expended 6 lakhs on temples, tanks, &c.:—Gunga Govind Singh erected a temple over 60 feet high, which was washed away 25 years ago by the river; it was at

Ramchandrapúr and supplied food to many fakírs and pilgrims of the Vaishnavas: he himself was a Sudra. At Bullal Digy, north of Nudiya, the house of the famous Bullal Sen stood, there were formerly many temples, but the river has swept them also away: Lord Valentia writes in 1805, of "a very handsome Musalman College at Nudiya, which was for three hours in sight and bore from us at every point of the compass during this time." The bore came up to Nudiya in Sir W. Jones' time; beyond it cocoa trees do not flourish. In 1835 a Dharma Sabha was established, called that of the Ten Thakúrs, they punished offenders by excluding them from caste, by sending them, when they transgressed the Regulations, to the magistrate of Kishnaghur, or by prohibiting midwives attending their wives in confinement. An Almanac has been published in Nudiya long before the time of Rajah Krishna, it is superior to that of Bali or that of Maula near Murshidabad: this almanac regulates the principal festivals. In May 1817, the *cholera* began in Nudiya, in 1818 it spread through India, then in 1820 to China, 1821 to Arabia and Persia, 1823 to Russia, Prussia, and in 1832 to London. The neighbourhood of Nudiya until recently was in a wild state, 80 years ago people were obliged when travelling to sound instruments to scare the tigers away; about 1802 gentlemen used to go to Kishnaghur to hunt tigers, and in 1826 a tiger was killed at Dhogachea, 6 miles west of Nudiya. Dr. Leyden wrote in 1809 to Sir S. Raffles that he was for several month's magistrate in Nadya, where he was engaged "bush fighting in the *jungles*." Jahanagar (the same as Brahmanitala) west of Nudiya has a great mela in July, the tradition is that Jahna Muni there swallowed up the Ganges. A cow called Ramdenu is worshipped in Nudiya. Another Ramdenu is worshipped in Benares; it must be one of an age to give milk, which yet has never been capacitated to do so; when one dies another is selected: she is chiefly worshipped by the person in whose house she is. There are over 30 temples in Nudiya and about 100 tolas, it is a finishing school for those pandits who wish to know logic thoroughly as Rarhi or Burdwan is for Grammar students, and Kanakhya Kishnaghur for law students; there are students here 45 years old, many come to study from the distance of Assam, so that the remark of Dr. Carey, who visited Nudiya 1794, is perfectly just, "Several of the most learned pandits and Brahmans much wished us to settle there: and as this is the great place of Eastern learning we seemed inclined, especially as it is the bulwark of heathenism, which, if once carried, all the rest of the country must be laid open to us." Lord Minto wrote

a very able minute, recommending that two Sanskrit Colleges should be established, one at Tirhut, the other at Nudiya; he encouraged learning there, giving two chief pandits 100 Rs. monthly each, prizes were awarded to the best native scholars, in the first class 800 Rs., in the 2nd 400, 3rd 200, 4th 100, besides a *khelat* to the one most proficient. The C. M. S. have had an English school here during the last eight years. The Rev. Mr. Deer, of the C. M. S., founded schools 16 years ago in Nudiya.

AGRADIP is called by Wilford, Aganagara, and is famous for the Mela called baroni held in April, established for three centuries; these melas *also* answer commercial purposes like the fairs of Germany (*feriæ*;) at Ganga Sagar mela in 1838, goods to the value of 12 lakhs were sold. In 1823 Agradip mela was attended by 100,000 persons; in 1813 two women cast their children into the river, but the fathers took them out again and paid a certain sum to the Brahmans for their ransom! People from Dacca and Jessore used to throw their children to the Ganges there. At Katwa two mothers did the same, one of the children was taken up, but the mother seized it again, broke its neck, and cast it into the river. The great attraction here is the image of Gopinath or Krishna; its history is the following—Ghosh Thakûr was sent as a disciple of Chaitanya and Nityananda to Agradip, to take a certain stone and make out of it an image of Gopinath to set up there as an object of worship: Ghosh Thakûr did so, it became famous; after his death the image fell into the hands of the Rajah of Kishnaghur, who sent a Brahman to perform the ceremony before the image and receive the offerings: the offerings to the image yield an annual profit to the owner, the Rajah of Kishnaghur, of about 25,000 Rs.; Rajah Nabakissen seized it 30 years ago on account of a debt due to him, the lawful owner however regained it by a law suit, not however before a counterfeit one had been made exactly resembling it: the image is fabled to reveal many secrets; different castes eat together at this mela: Gopinath means Lord of the caves, as Krishna was worshipped formerly in caves chiefly at Gaya, and Jalindra near the Indus. The temple in which Gopinath is placed was endowed by Rajah Krishna Chand with lands to the annual value of 7,000 Rs.; in 1828 the old temple was washed away by the river and the present temple is erected one mile from the river, built in the European style of architecture. Forty years ago there was a cloth manufactory here. In Rennel's time Agradip was situated on the left bank of the river, it is now on the right; it was on the left bank when Henry

Martyn visited it in 1806; he saw there a wild boar of very large size walking on the side of the river: we find that in 1769 the Bengal Government paid 1,918 rs. to Bildars and Kulis for cutting down "the tiger jungle" at Pattehab in Agradip; in 1771 the charge was 873 rs.—A storm occurred here in 1832 which sunk the boats of a regiment of soldiers.

Dewanqanj Indigo factory established 53 years ago, lies north of Agradip, it gives employment to a number of *buneas*, a class of aborigines like the Bagdi, Poda, Harin, Dhangas, who came from Gaur and retired to the hills. Pliny mentions Indigo being brought from India; it was formerly called in Germany "the Devil's dye" and the use of it was prohibited: the Elector of Saxony in Queen Elizabeth's time describes it as "a corrosive substance, not fit food for man or devil." In 1783 the attention of the East India Company was directed to the cultivation of it in Bengal. There are twenty-nine Indigo Factories between Nudiya and Múrshidabad. At one of these, Dr. A. Rogers tried experiments on the flax cultivation, having brought out a Belgian for that purpose. Chamberlain, a celebrated Missionary of Katwa, used often to visit this place, and placing himself beneath the shade of a large tamarind tree, "preach to successive congregations from sun-rise to sun-set."

KATWA (Cutwa,) called by Arrian Katadupa, raises up a host of associations connected with stirring scenes in Bengal history: here Clive arrived in 1756 on his route to Plasi, expecting to meet Mír Jaffir, but on his not arriving, he saw that the fate of the English hung on a hair—should he wait two or three days at Katwa, the French under Law would by that time arrive and join the Nawab's 50,000 troops;—should he fight, the river was only fordable in one place, and if defeated, "not one man would have returned alive to tell the tale:" in this crisis he called a Council of War, in which every member voted against coming to an immediate action, except two Captains; Clive afterwards remarked this was the *only* Council of War he ever held, and that if he had abided by that Council, it would have been the ruin of the East India Company; after twenty-four hours' consideration, Clive took on himself the responsibility of breaking the decision of the Council, and ordered the army to cross the river. Coote was in favour of immediate action, on the ground that delay discourages soldiers, and that the arrival of Monsieur Law, (to whom the Nawab allowed 10,000 Rs. monthly,) would give vigour to the counsels of the Nawab, that many French and English soldiers would desert to Law, besides "the distance from Calcutta was so great that all com-

munication from thence would certainly be cut off." Katwa was formerly regarded as the military key of Múrshidabad, within six miles round it there is a population of 100,000. Pere Tieffenthaler describes it as a place where "they make much fine stuffs of cotton and silk," it is still the great port for the Birbhum district. In the Gola Ganj there are several hundred shops which sell sugar, cloth, iron; in 1836 the Rajah of Kewgang in Birbhum offered to make a pakka road from Súri to Katwa, a distance of forty miles, provided he should be allowed the service of convicts on the road; the Judge of Burdwan remarked in 1802, "commerce has been much extended by the opening of the three grand roads leading to Húgly, Kalna and Katwa, which have been lately put into a state of repair by the labour of the convicts, and nothing can more forward the commerce of this district which has not the advantage of inland navigation, or more conduce to the general convenience of the inhabitants than good roads." There is a temple of Maha Probhu frequented by numbers of bairagis and travellers, they are fed there at the cost of the shopkeepers who contribute one pice out of every 100 rs. to defray the expense. In 1812 a leper was burnt alive here, he threw himself into a pit 10 cubits deep, there being fire at the bottom; the leper rolled himself into it, but on feeling the fire, he begged to be taken out and struggled to get free; his mother however and sister thrust him in again and he was burnt to death; he believed by so doing he should be transmigrated into a finer body: in Calcutta a few years ago there were 531 lepers, of whom 118 were beggars: lepers have burnt themselves alive in Katwa as recent as 1825. About 1810 the headless corpse of a man was found in the temple of a certain goddess at the village of Serampur near Katwa, it had been offered as a human sacrifice. Múrshid Kúli Khan erected at Katwa guard-houses for the protection of travellers; one of his officers had charge of it, and whenever he caught a thief, used to have his body split in two and hung upon trees on the high road. Katwa was the scene of various battles between the Musalmans and Mahrattas, those hardy warriors, "who deserted the plough for the sword, and the goatherd made a lance of his crook:" various parts of Bengal verify the remark of Todd, "the Mahrattas were associations of vampires, who drained the very life blood wherever the scent of spoil carried them; where the Mahrattas encamped annihilation was ensured; twenty-four hours sufficed to give to the most flourishing spot the spectacle of a desert;" these very Mahrattas scrupled to kill the most noxious animals, while they eagerly employed their tulwars in the destruction of man! Ali

Verdy Khan retreated in 1742 before the Mahrattas from Midnapúr to Katwa during 7 days, through a miry country, and incessant showers of rain, with no bed for the soldiers but the bare earth and no food but grass and leaves of trees—one of the most enterprising achievements in history, exhibiting a power of endurance which somewhat reminds us of the celebrated retreat of the ten thousand Greeks. The Mahrattas invaded Burdwan as late as 1760. Chaitanya paid a visit to Katwa about 1370 to see Kesab, a sanniasi, who lived there.

The Aji river lies to the north of Katwa, it is said to have been formerly a deep stream, but to be now silted up; Wilford calls it the Ajamati or shining river, it is the Amystis of Megasthenes; Arrian mentions it; it is named the Ajaya in the *Galava Tantra*, which states that whoever bathes in it becomes unconquerable. Jaydeva, the great lyric poet of Bengal, was born on the banks of the Aji near Kenduli in the opinion of Lassen, and the Vishnuvites; though others assign his birth place to Tirhút or Orissa. The Gita Govinda was translated by Sir W. Jones into English, by Lassen into Latin, and by Ruckert into German. The great Akbar was an enthusiastic admirer of the mystic poetry of Jaydeva, so like the Sufism of the Persians, his poetry is studied very much at Nathdwara near Udyapur: Jaydeva lived according to Todd 3000 years ago; according to Lassen A. D. 1150, his tomb is at Kenduli near Ilambazar, and there is an annual festival held there resorted to by numbers of Vaishnabs, as Jaydeva strongly recommended in his writings the worship of Krishna, particularly in his Gita Govinda, which he composed at Katamkhandi, a village 12 miles north of Ilambazar, the place is still called Jaydevpara. L. Sen, a poet, lived on the banks of the Aji, 12 miles from Katwa, people travelling are fond of singing his poems, there is an account of him in the Dharma Puran, as also a description of Katwa. The Dhoba Company have Coal stores at Katwa, they bring their coals down the Aji, which is a very dangerous stream, as the boats are often swamped by sudden rushes of mountain torrents. The Aji and Babla sometimes flow down with such violence from the Birbhum hills as to cause the Bhagirathi to roll back its waters. To the north of the Aji is the FORT OF KATWA, which was half a mile in circumference, taken by Coote in 1757; it had 14 guns mounted then: in 1763 Captain Long took it from Kasim Ali: the walls were of mud, it commanded the river; Major Coote, with 200 European and 500 Native troops and 2 guns, came to the banks of the Aji and called on the garrison to surrender, the Sipahis crossed the river and fired on

the garrison under shelter of the bank, when the garrison saw the Europeans cross the river, they set fire to a shed of mats which had been made to protect the walls from the sun and escaped to the north ; within the fort and in several granaries in the neighbourhood the English found as much rice as would support ten thousand men for a year. At the close of the rains of 1742 Ali Verdy had 600 of his soldiers drowned on the breaking of a bridge of boats as he was crossing the Aji to attack Bhaskar Rao in Katwa : the Mahrattas had then possession of all the country west of Múrshidabad, so that the inhabitants of the city were obliged to remove their property across the Ganges, as the enemy in the dry season had plundered all the country about Plasi and Daudpúr.

Following the tedious and shifting windings of the river we come to the field of PLASI (Plassey) so called from Palasa, a tree counted very holy ; Sir W. Jones states that there was a grove of those trees at Plasi formerly, they were to be seen at Kishnaghur in Jones's time. Of the famous mango grove called Lakha Bag, from there having been a lakh of trees in it, (this tope was about a mile to the east of Ramnagar Factory,) all the trees have died or been swept away by the river, excepting *one* under which one of the Nawab's generals, who fell in the battle, is buried ; the place is called by the natives *Pirha Jágá*, and is held sacred by the Hindus and Musalmans, but particularly by the last. This grove was 800 yards long and 300 broad, it existed at the time of the battle, there is only one tree left ; the river has so changed its course as to have swept away every thing which was on the surface at the time the battle was fought ; as late as 1801 there were 3000 mango trees remaining and the place was notorious for dakoits who lurked in jungles there. An English traveller of 1801 thus writes about Plasi, " the river continually encroaching on its banks in this direction, has at length swept the battle field away, every trace is obliterated, and a few miserable huts literally overhanging the water, are the only remains of the celebrated Palasi," Murders and Dakoitis were formerly very common in the neighbourhood of Plasi, the jungly state of the country affording shelter to marauders of every description, it is now a cultivated plain. Important as the battle of Plasi was to the English interests, there was another equally so, the battle of Biderra near Chinsura, for as Holwell remarks, had the Dutch gained the victory they would have been joined by the Nawab, " and not an individual of the Colony would have escaped slaughter." Clive is said to have fallen asleep, amid the roar of the cannon in the battle, when he awoke he found the enemy retiring, but

he put Major Kirkpatrick under arrest for advancing without his orders—while he was asleep, one cause of the defeat of the Nawab's troops was that their matchlocks did not fire owing to the rain having wetted the powder. A life of Clive was published by an Italian in 4 vols. It was compiled by a deadly enemy of Clive, who wrote it with the intention of damaging his character. We mention the following few notices of him which are little known and are not recorded in Malcolm's Life of Clive—Clive was called by Pitt in the Senate "the heaven born general"—he learned dancing at Paris 1763, in order to please the French ladies—many of the French nobility, who despised all the mercantile class, condemned Clive for having been in a mercantile office—he forbade all the Company's servants in India the use of palankins, and the junior servants the use of even an umbrella—he rose early and then executed a good part of his business, afterwards breakfasted and then took exercise :—he was rather reserved in company—he was a great enemy to interlopers, when leaving India 1767 he issued orders that all free merchants should be recalled to Calcutta and should not quit it.

Clive knew nothing of the vernaculars—Clive the warrior of India and Orme his historian were appointed writers the same day—after the battle of Plassey he proposed to the authorities the conquest of China, in order to pay off the national debt!—Mír Jaffir (nicknamed Clive's ass) sent a message after the battle to offer Clive several hundred of Suraj-ud-daulah's women which were taken in the camp—an East India Director once asked Clive whether Sir Roger Dowler (Suraj-ud-daulah) was not a baronet—this is as good as Lord George Bentinck's stating that if the price of sugar be raised, the hundred million of Hindus will not be able to sweeten their tea—Clive's voyage from England to Calcutta 1765 cost the East India Company 73,489 Rs.—He used all his influence and power to get Benodoram, a native favorite of his restored to caste, but failed—when he went home he was exposed to various insults from civilians or military men whom he had offended in India, once he was obliged to disguise himself three times in one day to avoid the pursuit of some of his enemies. Clive suggested a plan to Pitt for establishing a mighty empire in India, extending from the Ganges to Kambay, he proposed in 10 years to pay off the national debt from the diamond mines, and to divide the country into ten provinces with deputy governors in each. The people of Múrshidabad expected to be plundered after the battle, and were therefore greatly surprised when no contribution was levied on them,—Clive remarked that when

he entered Múrshidabad at the head of 200 Europeans and 500 sipahis, the inhabitants, if inclined to destroy the Europeans, might have done it *with sticks and stones*. RAMNAGUR silk factory* is opposite the field of Plasi, the river formerly ran behind it. *Saktipur* near Ramnagar is noted for an annual mela of Shiva in March, when many visitors and shop-keepers repair to it from Calcutta and Múrshidabad, 30,000 people assemble : silk is produced chiefly on the west bank of the river, as the soil there is dark and more suitable for it. Near the village of *Munkirra* not far from Ramnagar, Ali Verdy treacherously assassinated Bhaskar Pandit with 19 of his officers. The troops of Suraj-ud-daula, when driven from Plasi, were pursued by the English to *Daudpúr* nine miles distant. The Nawabs of Múrshidabad then kept a stud of 300 of elephants there, they still keep them ; it was a hunting seat, there is a large *bil* called Kalantar near it, where abundance of Chera called dal is procurable for elephants ; from this place Mír Jaffir sent word to the English that he was come to join them, while the Nawab went to Múrshidabad and offered large sums of money to induce the soldiers to fight for him, but they would not ; at night he escaped from the palace windows with two or three attendants. Mangan Para lies north of Plasi, and is famous for the Kacheri of the Berhampúr Rajah.

RANGAMATI next presents its bluff cliffs, forty feet high, the only elevated ground in that neighbourhood, it being either a spur of the Birbhum hills or else rock decomposed *in situ*, the remains of the original level of the country : the earth is red, *ranga mati*, and of the same kind with that found near Rampúr Baulea and Midnapúr, the intervening soil of a similar description being probably washed away by a process of denudation ; Parasnath hill is 5,000 feet high, while all the surrounding country is a low table land ; red clay, like that of Rangamati, encompasses the Delta of Bengal and is found in Dinajpúr, Rajshahi, Dhaka, Goalpara ; Dr. McClelland observes, "this clay has long appeared to me like the remnant of the ancient continuous surface, through which the rivers have cut their channels for ages, so as nearly to have effaced it altogether." The legend respecting Rangamati is, that Bibisan, brother of Raban, being invited to a feast by a poor Brahman at Rangamati, as a token of gratitude rained gold on the ground, and hence the earth is red ; by others it is ascribed to Bhu Deb,

* Belonging to Mr. W. Rose, an ingenious and enterprising gentleman, to whom, for his producing the best samples of white and yellow silks, the Agricultural Society have awarded two gold medals.

who, through the power of his *tapasya*, rained gold. Wilford writes that Rangamati was formerly called Oresphonta, Hararpunt or Hararpana, i. e. ground *árpaná* consecrated to Hara or Shiva. "Here was formerly a place of worship dedicated to Mahadeva or Hara, with an extensive tract of ground appropriated to the worship of the God; but the Ganges having destroyed the place of worship, and the holy ground having been resumed during the invasions of the Musalmans, it is entirely neglected. It still exists however as a place of worship, only the image of the Phallus is removed to a great distance from the river," it is called by the poets Kusumapuri, an epithet applied to favorite towns of theirs as Patna, Burdwan, Rangamati. The remains of pottery, which have been dug up, show that there was a large population here once: in the Mogul times there was a Fauzdar; and in 1767 the Zemindar of Rangamati received a *Khelat* at the *puna* of Mutijil to the value of 7,278 Rs. Rangamati was one of the ten fauzdaris into which Bengal was divided; it is resorted to as a sanatorium, and is a favourite place for pic nic parties; the undulations of land and scenery remind one of England; it abounds with partridge and snipe, and shooting excursions are often made there. It was once selected, instead of Berhampur, for the erection of barracks, as being a high and healthy spot. In 1835 the Company's silk factory here was sold for 21,000 Rs. it had 1,500 bigas of land attached to it; the high land is not so well adapted for the growth of the Mulberry as that of the low alluvial soil in the neighbourhood: in 1784 Warren Hastings spent a few days here with Sir John Doyley—Hastings' name suggests various points—he was the first Governor-General who patronised Oriental and Statistical studies, as the inquiries on Tibet, Cochin China, and the Red Sea show; he supported, at his own expense, pandits in Calcutta to translate from the Sanskrit, poems and mythological works, and yet Burke could say of him "he never dines without creating a famine in the land!" His trial lasted seven years; two hundred Lords marched in procession on the opening of it to Westminster Hall. Hastings was *accessible to all natives*.

BERHAMPTON, so called from a Musalman officer Brampur, who was in one of the Nawab's armies, is noted for its fine barracks. Our military frontier is now at the *Sutlej*, 80 years ago *Berhampur* was the northern frontier station. In 1763 one detachment of the English troops occupied Birbhum, another Kishnaghur, while the body of the army was between Ghyyetty and Kasimbazar. The barracks cost in 1765-7 the sum of £302,270; articles for them cost three times as much as in Calcutta. In 1768 the Chief

in Council of Kasimbazar appointed a committee to investigate into the exorbitant charges made, they suspended three covenanted Government officers for overcharges, amounting to two lakhs, the difference between the cost and charges to the East India Company. It was proposed to surround the barracks with a ditch to prevent the soldiers going to Múrshidabad and getting drunk, but it was found it would have cost a lakh. The Seir Mutakherim in 1786 states, "the barracks of Berhampúr are the finest and healthiest any nation can boast of; there are two regiments of Europeans, seven or eight of sipahis and fifteen or sixteen cannon placed there, and yet I heard men say that the Musalmans were so numerous at Múrshidabad, that with *brick bats* in their hands they could knock the English down." In 1771 Berhampúr, Chittagang, Dinapúr and Allahabad were regarded as the four head-quarters in Bengal. The English in a letter to Suraj-ud-daula in 1768 stated they did not wish to have any troops beyond the Karamnassa. George Thomas, who came out to India from Ireland as a common sailor, and became afterwards a general in the service of the Begam Sumrú and master of the province of Hurriana, died here in 1802 on his way to Calcutta to embark for Europe, and is interred in the burial ground. Creighton of Gaur, one of the first who established native missionary schools in this country, is also buried here; he lived for twenty years with the late Charles Grant at Goamalty, "without a single instance of a painful difference:" he published a plan of the best mode of establishing native schools, and supported several at his own expense, *he connected schools with his factories and gave daily instruction to his factory servants.* He died at the age of forty-two, and his friend W. Grant, a kindred spirit, was buried the next month, in the same graveyard with him.

"Little Henry," the subject of Mrs. Sherwood's beautiful tale "Little Henry and his bearer," is also buried here. Mrs. Sherwood lived to the east of the burial ground. At the time of the great famine of 1771, travellers were found dead here with money bags in their hands, as they could not purchase corn with them. 1810, in consequence of an earthquake the water of the tank here turned a dark green colour, and an immense number of fish, many of them weighing from 10 to 18 seers, floated dead on the surface, they were taken away in carts by natives, some were buried and some used for manure. A gentleman lived at Berhampúr in 1813, who was very anxious to improve the country, and seeing the natives carrying the earth in baskets on their heads, he procured six wheel barrows instead, which the natives used constantly

before him, but one day congratulating himself on advancing their improvement, he saw them carrying the wheelbarrows on their heads. A theatre was established at Berhampúr in 1821. A Bible Association was established in 1830 and an Agricultural Society in 1837. To the south of Berhampúr is Gora Bazar inhabited by Musalmans or people from the North West, who speak Urdú: to the south east of Berhampúr two miles the *Cheltia Mela* is held in honor of Roganath, it is attended by about 20,000 people. Berhampúr was forty years ago the residence of General Stewart, who used to offer puja to idols and worship the Ganges—he lived to an advanced age, was well acquainted with the manners of the natives; his Museum in Chauringi was opened to the public; during the last years of his life he fed an hundred destitute beggars daily: he was called “Hindu Stewart.” Like Job Charnock he married a Hindu, and she made a Hindu of him. At *Vishnupúr* human sacrifices were formerly offered.

KASIMBAZAR is so named from Kasim Khan who founded it: it gives its name to the island of Kasimbazar, included between the Bhagirathi from Nudiya up and the Jellingi; tigers and boars abounded in the neighbourhood thirty years ago, as also birds of beautiful plumage; Lord Valentia however states that there were no tigers there in 1802, owing to the increase of population and the rewards of ten rs. per head for every tiger, offered by Government. At different periods, Government spent a lakh and a half in Bengal in rewards for killing tigers; it was a regular charge at the Kacheri of Hugly. Kasimbazar is now three miles from the river. The Decennial Settlement brought much land into cultivation: an Indian traveller of 1811 writes;—“Kasimbazar is noted for its silk, hosiery, coras, and inimitable ivory work, but as to the greater part of its surface, it is a wilderness inhabited only by beasts of prey, at twelve or eleven miles from Berhampúr, an almost impervious jungle extends for a considerable space denying entrance to all but tigers.” Bolts, a factor, at Kasimbazar, made nine lakhs by trade between 1760 and 1767. Bruton in 1632 writes of “the city of Kasimbazar where the Europeans have their factories, the country affords great quantities of silk and muslins.” Kasimbazar was a great mart, in former days, for trade. Reynal remarks, “Kasimbazar is grown rich by the ruin of Malda and Rajmahal: it is the general market of Bengal silk, a great quantity of silk and cotton stuffs are manufactured here, they are circulated through part of Asia; of the unwrought silk 3 or 400,000 lbs. weight is consumed in the European manufactories.” The cotton trade

is almost extinct there now, owing to the cheap importations from England, but 500,000 pieces of Kora are manufactured there at present, amounting in value to thirty lakhs. In 1677 Mr. Marshall employed in the factory here was the first European who learned Sanskrit, he made a translation of the Sri Bhagavat into English, which is preserved in the British Museum. A melancholy instance of Sati was witnessed here in 1742 by Holwell in the time of Sir F. Russel's chiefship, in the case of the widow of Ram Chand Pandit, a Mahratta; her friends, the merchants and Lady Russel, did all they could to dissuade her: but to show her contempt of pain, she put her finger in the fire and held it there a considerable time, she then with one hand put fire in the palm of the other, sprinkled incense on it and fumigated the Brahmans, and as soon as permission to burn arrived from Hoseyn Shah, Fauzdar of Mūrshidabad, she mounted the pyre with a firm step. In 1681 out of 230,000£ sent by the East India Company for investment to Bengal, 140,000£ of it was sent to Kasimbazar, that year Job Charnock was chief there. In 1620 the English had commercial agents at Patna, and in 1658, they had them at Kasimbazar, Hugly and Balasore: 1767, one of the members of Council was appointed to be chief of the trade at Kasimbazar. In 1753 Warren Hastings was a commercial assistant here and devoted much of his time to Persian; in 1757, on the place being taken by Suraj-ud-daula, who encamped with his whole army opposite to it, he was made prisoner and sent to Mūrshidabad: the English had a fort then here, which at the time of the battle of Plasi was more regular and tenable than that of Calcutta, it had four bastions; in that year Suraj-ud-daula came before the fort with his whole army, and Mr. Watts recommended that a fortification should be erected at Mūrshidabad: the Court of Directors in reply stated, that in subordinate settlements they could not bury the Company's capital in stone walls, that their servants were so thoroughly possessed of military ideas, as to forget that their employers were *merchants* and trade their principal object. The Commercial Resident here had a salary of 50,160 Rs.; the filatures and machinery of the East India Company were worth twenty lakhs; in 1768 it was recommended that European troops should not be brought nearer to Calcutta, than Kasimbazar, on account of the climate of Calcutta being so unfavourable to European health.

The FRENCH had a factory at Kasimbazar, as also at Malda: the one at Kasimbazar is now marked only by ruined walls and an old flagstaff, it is called Farasdanga, the native population have deserted it for the more profitable settlement of Khagra

and Gora Bazar. The French *still* own Farasdanga, though they make no use of it ; the site is occupied by native distilleries. They had a factory at Saidabad, where Dupleix lived a long time, he was the Louis Philippe of the French interests in Bengal, as his great aim was to raise French power through the influence of French commerce. Dupleix gained twenty lakhs in India and originated the French private trade therein : with all his attention to business he indulged in frivolity, he has been seen in the streets of Chandernagar with a fiddle in his hand and an umbrella over his head, running naked with some other young fellows and playing tricks at every door. SAIDABAD has an Armenian church built about 1757 and in Tieffenthaler's time, a great number of Armenian merchants lived in beautiful houses here and carried on trade.* From Saidabad Clive wrote the memorable letter to the Council the 6th of May 1766, apprising them of the conspiracy among the officers, and their determination to lay down their commissions since the Company had reduced their batta. From Saidabad embankments extend to Bhamenea ten miles distant, they used to cost annually for repairs over a lakh : 1767 Múrshidabad was near being washed away in consequence of the embankments breaking down. In 1838 a meeting of natives was held at the house of the Hon'ble W. Melville, Governor-General's Agent, to establish an English School, they subscribed 6000 Rs. ; the school flourished for a year ; English, Bengali, Persian, Arabic, and Sanskrit were taught ; but when those Europeans who took an interest in it left the station, it dwindled away.

MURSHIDABAD is of earlier date than the time of Múrshid Kúli-Khan, its reputed founder, but rather embellisher ; he made it the capital in 1714 as being a central place. Akbar, writes Tieffenthaler, founded Múrshidabad and sent a body of troops to a place East of it, called Akbarpúr. Every part of Múrshidabad suggests ideas connected with a fallen Musalman dynasty ;

* " The Armenians gradually came from Gujarat and Surat, to Benares and Bahar : about one hundred and fifty years ago they formed a settlement at Saidabad in consequence of a Phirmaund from the Mogul. When the Dutch settled at Chinsura in 1625, they were followed by the Armenians." As opulent merchants, they exercised great influence over the Moguls. When Holwell landed in 1757 as prisoner at Murshidabad, having his body covered with boils and loaded with fetters, he was received kindly by the Armenian merchants. Tavernier in 1665 met four Armenian merchants, who traded with Butan and *supplied the people there with idols* ! Yet in building their Church in 1695 at Chinsura, no Hindus or Musalmans were employed at it, but only Armenians. Akbar had an Armenian servant of whom he entertained a high opinion—Coja Gregory, an Armenian, was the chief man at the court of Mir Kasim, he trained all the Nawab's infantry and cavalry in the English manner and commanded the artillery ; in 1772 he presented a petition to the House of Commons, complaining of the treatment he and his nation received from the Company's servants both in person and property ; they were *rival* traders

in 1759 it was 5 miles long and $2\frac{1}{2}$ broad. Since the removal of the revenue courts and capital from it to Calcutta in 1772, Múrshidabad has been in a state of rapid decline. The reason of the removal was—that appeals were thus made to Calcutta direct, and only one establishment kept up—the records and treasure were insecure in Múrshidabad, which “a few dakoits might enter and plunder with ease.”—Hastings also assigned a reason that thereby Calcutta would be increased in wealth and inhabitants, which would cause an increase of English manufactures and give the natives a better knowledge of English customs. The palmy days of Múrshidabad have passed away—the times when the Koran was the only code, when the Nazim decided in all capital cases, and when a court held on Sunday was the only appeal from the provinces;—when the despotic principles of Moslem Governments rendered the courts rather instruments of power than of justice—when all eyes were turned to Múrshidabad as the centre of Government and source of favour. The splendor of a court has faded away and also the outlay of money connected with it; we find that on the marriage of Suraj-ud-daula, Ali Verdy kept a continued feasting for a month in his palace at Múrshidabad: all comers were welcome, every family in the city rich and poor partook of his hospitality, by receiving several times tables of dressed victuals called turahs, none of which cost less than 25 Rs. and thousands of them were distributed in Múrshidabad.

On the golden principle of “the greatest good of the *greatest number* for the greatest length of time,” we think the English rule preferable to the Moslem in Bengal, though we do not attach so much value to the tranquillity, which is the result of English sway, for, as an author remarks, “We have given the Hindus tranquillity—but it is the tranquillity of *stagnation*, agitated by no living spring, ruffled by no salutary breeze.” It cannot be questioned that even an imperfect native government may be much better for a country on the whole than a foreign one, though the latter be theoretically better constituted: we do not however apply this remark to India; the Hindus have by the English Government been delivered from the caprice of such monsters as Suraj-ud-daula, who did not scruple to bury one of his mistresses alive between walls at Múrshidabad, and was so profligate that no woman’s virtue was safe. Golam Hussein gives a faithful and lively picture of the licentiousness and despotism that prevailed at Múrshidabad. Múrshid Kúli used to compel defaulting Zemindars to put on loose trousers, into which were introduced live cats. Suraj-ud-daula murdered persons in open day in the streets of Múrshidabad.

There are however some bright features in this dark picture, and which it would be well were the English Government to imitate. The Musalman sway in Múrshidabad reminds us that among the results were—wealth was scattered over the country: the courts of the Rajahs formed the centre of influence within their respective domains: the Musalmans made India their *home*, they forgot the country whence they came, and made themselves *part of the people*; though they plundered the people, they did not send away the money to *foreign* lands; their wealth chiefly circulated in India, in which they invited their countrymen to settle and increase the population: the Nawabs mixed with the people and allowed them *access*. The Seir Mutakherim (written 1786) remarked—"of all the English that have carried away princely fortunes from this country, not one of them has ever thought of showing his *gratitude* to it, by sinking a well, digging a pond, planting a public grove, raising a caravanserai or building a bridge." The revenue collected from the people circulated among them: large jagirs were granted to nobles, on which they *settled*; armies of horse were maintained for show; the buildings in Bengal now are not equal to the old ones in magnificence, "the remains of stupendous causeways, ruins of bridges, and of magnificent stairs on the banks of rivers, not replaced by similar undertakings of modern date, suggest melancholy reflections on the decline of the country;" these observations are not so applicable *now* however. Numbers of learned Arabic scholars came from Persia and received endowments and patronage. Forster in his travels remarks on this subject, "the native princes and chiefs of various descriptions, the retainers of numerous dependants, offered constant employment to a vast number of ingenious manufactures, which supplied their masters with gold and silver stuffs curiously flowered, plain muslins, a diversity of beautiful silks and other articles of Asiatic luxury." In 1742 the court was removed from Rajmahal to Múrshidabad by Ali Verdy Khan, in order to watch the English better as also to be enabled to contend to more advantage with the Mahrattas.

The great FAMINE of 1770 caused dreadful havoc at Múrshidabad; in April 1770 desolation spread through the provinces: multitudes fled to Múrshidabad; 7000 people were fed there daily for several months; but the mortality increased so fast that it became necessary to keep a set of persons constantly employed in removing the dead from the streets and roads. At length those persons also died and for a time dogs, jackals and vultures were the only scavengers. The dead were placed on rafts and floated down the river, the bearers died from the

effluvia, whole villages expired, even children in some parts fed on their dead parents, the mother on her child. Government has been blamed by a certain existing Society as the cause of this famine: how could they prevent the effects of the rains of heaven and the overflowing of the rivers which caused a deficiency of crops? It is vividly described by Macaulay, "the whole valley of the Ganges was filled with misery and death. The Hoogly every day rolled thousands of corpse close to the porticos and gardens of their English conquerors;" Múrshidabad is memorable as the residence of the SEATS, the bankers of the Bengal Government; respecting whom Burke remarked in the House of Commons "that their transactions were as extensive as those of the Bank of England." The emperor of Delhi conferred on one of them the title of Jagat Seat, i. e. the banker of the world; Jagat Seat kept all the revenue of Bengal in his treasury at Múrshidabad; he was the Rothschild of India, and though plundered of two millions of money by the Mahrattas, when they *luted* Múrshidabad, the loss seemed scarcely to be felt by him; we find in 1680 the Seats were a great family and employed in supplying piece goods to the English Merchants. Jagat Seat helped Múrshid Kúli Khan to purchase the continuance of his office as Nawab of Bengal after the death of Arangzeb. Clive proposed Jagat Seat as arbiter of the dispute between him and the Nawab: he was one of the Council of three to the Nawab in Clive's time, and had charge of the receipts and disbursements of the Government. The Seats were great friends to the English, in whose integrity in commercial transactions they had the strictest confidence; there is a tradition that they in common with many other natives were so indignant with Suraj-ud-daula for his cruelties, ripping open pregnant women through curiosity and drowning persons in order to see their dying struggles—that they lent money to the English to enable them to carry on the war with the Nawab, and through their money and influence they contributed very much to the transfer of the supreme power from Suraj-ud-daula to Mir Jaffir. They used to lend Government a crore at a time. In 1717 there was a family of the Seats in Calcutta, who were very instrumental in bringing it into the form of a town: but the transfer of the seat of Government from Múrshidabad to Calcutta led to their decay; a descendant of Jagat Seat lives at Múrshidabad, he occupies the residence of his ancestors which is in a dilapidated state; for some time the members of the family subsisted by the sale of the family jewels, but lately Government has granted the representative of the family a pension of 1200 Rs. monthly; all the family

papers were destroyed some time ago by a fire. The Seats were Jains and built several Jain temples in Múrshidabad. Todd states, "more than half the mercantile wealth of India passes through the hands of the Jain laity; the majority of the bankers are the Jains from Lahore to the Ocean."

There are now few ancient edifices in Múrshidabad, though a tax of 8,000 Rs. annually was levied for permitting bricks to be brought from Gaur for buildings in Múrshidabad. These bricks were enamelled, and *the natives of Bengal now cannot make bricks* equal to those that were manufactured at Gaur. The greater part of the nobles have gone to Delhi or have returned to Persia, there is not a nobleman there now who is not connected by blood or marriage with the Nawab Nizam, excepting Mohamed Reza Khan, who is independent and possesses a respectable competency: he is a descendant of the famous Muzafir Jang, who lived in the time of Warren Hastings. There was a mint here, where silver was coined in the name of the Emperor; it yielded a revenue of three lakhs annually, and was erected by Múrshid Kúli Khan in 1704. "The East India Company in 1746 paid Múrshid Kúli 25,000 Rs. for permission to establish a factory at Kasimbazar, for the convenience of having the bullion, which they sent from Europe, coined into rupees at the mint," which reminds us of what Zelim Sing said to Colonel Todd, "the time will come when there will be but one sikka throughout India." On the right bank of the river in former times there were many houses, the Nawab's palace stood there. The Sadak Bag was famous in 1800 for the Nawab's garden and the College of Fakírs near it called Akara Munsaram. The palace of Mír Jaffir stood on the right bank of the river, and had accommodation enough for three European monarchs. That of Suraj-ud-daula was on the left; both were fortified with cannon. There are many Karta Bhojas to the east of Múrshidabad. Forster in 1807 remarks that at the entrance to the town was a large and magnificent gateway and a parapet pierced with embrasures for cannon, it was probably the remains of a fortification erected in 1742 against the Mahrattas, who in Ali Verdy's time plundered the suburbs of Múrshidabad. In 1839 when a meeting was held at Berhampúr in favour of steam communication between England and India, twenty members of the Nawab's family were present, and the first resolution passed was—that every Mahomedan was interested in its success, as shortening the period of going to, and returning from Mecca,—and yet when the first river steamer passed Múrshidabad the natives thought it was a *bhút* or goblin breathing out flames, that was come to devour their children.

MUTIJIL or the lake of pearl (a favorite name applied to a lake in Kashmír and another in Lahore), is a lovely spot south of Múrshidabad; there are only a few arches now left of the magnificent palace erected here of black marble brought from Gaur; it was built by Suraj-ud-daula at an enormous expense in order "to indulge his vicious pleasures beyond the reach of control;" he quitted this palace in order to fight the battle of Plasi; and from the same place 1766 Clive wrote a letter making over five lakhs bequeathed to him by Mír Jafir, to a fund since called Clive's fund. Hamilton states the Mutijil was "one of the windings of the former channel of the Kasimbazar river:" others however think it was commenced for the purpose of making bricks for the houses, which at one time covered the piece of land surrounded by the Mutijil: some years ago the Nawab was induced at the recommendation of the Hon. W. Melville, the resident, to establish an experimental agricultural garden there. Tieffenthaler writes, "The Governor of Bengal resides at Coleria and one mile from it is a great and magnificent palace, called Mutijil from the clearness of its waters." When the building was nearly ready, Suraj-ud-daula invited Ali Verdy to see it, he locked up Ali Verdy in a room and refused to release him unless the Zemindars there paid a fine from their lands; Ali Verdy was obliged to grant it as also to give Suraj-ud-daula the privilege of erecting a granary, which the inhabitants called Munsurganj or the granary of the victorious, i. e. of Suraj-ud-daula who outwitted his grand father. The piece of land, surrounded by the Mutijil in the form of a horse shoe, was formerly covered with houses. In its neighbourhood Lord Teinmouth once lived, he devoted his days there to civil business and his evenings to solitude, studying Urdú, Persian, Arabic and Bengali, after dinner when reposing, an intelligent native used to entertain him with stories in Urdú: he carried on an extensive intercourse with the natives and superintended a small farm: he writes of it, "here I enjoy cooing doves, whistling black birds and purling streams, I am quite solitary, and, except once a week, see no one of Christian complexion." He amused himself in improving the Nawab's grounds and enjoying the recreation of music during the years 1771, 2, 3. The PUNA was the annual settlement of the revenue of Bengal, when the principal Zemindars and all the chief people of the country assembled at Mutijil in April and May: it was abolished in 1772, because it was found that the amils or contractors rack rented: the Zemindars used to come to the Puna with the state of amrahs, it was viewed as an act of fealty or homage to the Nawab of

Múrshidabad and the annual rent roll of the provinces was then settled; Khelats were distributed each year; in 1767 the Khelat disbursement amounted to 46,750 Rs. for Clive and his Council: 38,800 Rs. for the Nizamat: 22,634 Rs. for the people of the treasury: 7,352 Rs. to the Zemindar of Nudiya: to the Raja of Birbhum 1,200 Rs.: of Bishenpúr 734 Rs.: the sum expended on Khelats that year amounted to 216,870 Rs. The practice of distributing these Khelats was of long standing, as they were given to the Zemindars on renewal of their sunnuds and as a confirmation of their appointment; to the officers of the Nizamat they were an honorary distinction; the people held the Puna in great esteem, and Clive, regarding it as an ancient institution, raised a special revenue collection to defray the expenses of it; but in 1769 the Court of Directors prohibited the giving presents at the Puna. In 1767 at the Puna the Nawab was seated on the Musnud, Verelst, the Governor-General, was on his right, and recommended in the strongest manner to all the ministers and land-holders, to give all possible encouragement to the clearing and cultivating of lands for the mulberry. It must have been a splendid sight when amid all the pomp of oriental magnificence Khelats were presented to the Rajahs or Nawabs of Dhaka, Dinajpúr, Húgly, Púrnea, Tippera, Silhet, Rangpúr, Birbhúm, Bishenpur, Pachete, Rajmahal, and Bhaglipúr; a form like the Puna is still kept up at each Zemindar's Kacheri. Newish Mahomed, nephew of Ali Verdy, is buried at Mutijil in a mosque built by him; at his funeral there was great lamentation of the people, as he was very charitable, he could not bear to be on bad terms with any one. Ecramed Daula, the brother of Suraj-ud-daula, is also buried here, "on his death the city of Múrshidabad looked like an immense hell filled with people in mourning." The East India Company's Political Residents lived at Mutijil and several of them made large fortunes there; one of them returned to Europe in 1767, having, as is said, during his three years Residency, accumulated property to the amount of nine million of stivers.

On the right bank of the river opposite Mutijil is the burial place of the Nawabs; here Suraj-ud-daula and Ali Verdy are buried side by side. Forster in 1781 mentions that mullahs were employed here to offer prayers for the dead, and that the widow of Suraj-ud-daula used often to come to the tomb and perform certain ceremonies of mourning in memory of her deceased husband: the expenses of the burial ground are defrayed by Government; the river, two miles south of Mutijil, formerly took the shape of a

horse-shoe, until the neck was cut through at considerable expense. To the North East of Mutijil is the *Kuttera* described by Hodges, a traveller of 1780, as "a grand seminary of Musalman learning, 70 feet square, adorned by a mosque which rises high above all the surrounding building;" near it is the *Topikhaná* where the Nawab's artillery was kept, it formed one of the entrances to Múrshidabad, a cannon was placed between two young trees, they have grown up, and their branches have lifted the cannon from the ground. It has two splendid minarets 70 feet high, Jafir Khan was an humble man, and is buried at the foot of the stairs leading up, so as to be trampled on by people going up:" this mosque was constructed after the model of the great mosque at Mecca.*

At *Kalkapúr*, a long straggling village to the south of Mutijil, are the few remains of what was once the Dutch factory, and the scene of gaiety. In 1757 Vynett was the chief of it, he was very kind to the English when the factory of Kasimbazar was taken by the Musalmans: the burial ground still remains. The river formerly flowed by *Kalkapúr*, now it is at a considerable distance, it also ran behind *Berhampúr*, the Dutch had a mint there. A visitor to it 1825 writes, "*Kalkapúr* is now in a neglected state, the court yard is overrun with jungle, and the barking of the paria dogs were our only greeting on entering a place which for many years was a scene of gaiety in the evening and of incessant application to business during the hours of every returning day." Stavorinus describes the Dutch in 1770 as rising at 5, then breakfast, then business until noon, after which dinner, and the afternoon *siesta* or nap until 4 o'clock, from that to six business again, from six to nine relaxa-

* In a Persian Mss. is the following short account of this Mosque: "Jafir Khan, sometimes also called Múrshid Kúli Khan, having a presentiment that his death was approaching, commissioned Mirad, the son of Ismaíl, a Furrash, (a servant whose business it is to spread carpets) to erect a tomb, a Musjid, and Kuthrub to be called after him, and directed that it should be completed in six months. This man on receiving the commission, requested that he should not be called to account for any acts that he might think necessary to adopt in the execution of his work. On his request being granted, he immediately called upon the Zemindars to supply him with artisans and labourers to raise the building. He fixed for the site a piece of ground which belonged to the Nawab to the East of the city. For the materials for the work he pulled down all the Hindu temples that he heard of in or near the city, and seized all the boats in the river. The Hindu Zemindars wished to preserve their temples and offered to furnish all the materials at their own cost, but this Mirad refused, and it is said that not a Hindu temple was left standing within four or five days' journey round the city. He also exercised oppression in other ways, and even pressed respectable Hindus while travelling in these suwarees to work at the building. By this means the work was finished in twelve months. It consisted of a Kuthrub, a Musjid, and Minars, a Houir and Boali and Well—and Jafir Khan endowed it in such a manner as to ensure its being preserved after his death."

tion, when supper was taken and they went to bed at 11. Tavernier, in 1666, visited Kasimbazar and was well received by Van Wachtlendont, Director of the Dutch factories in Bengal; the Nawab then lived at Múrshidabad: the present Nawab's family is of Arab origin. The Dutch had intercourse with Bengal at an early period; Warwick, the founder of the Dutch East India Company, made an alliance with several Rajahs of Bengal in the beginning of the 15th century: they settled in Bengal about 1625. In Tavernier's time the Dutch kept up to 800 natives employed in their factory at Kalkapúr.

Tieffenthaler, 1770, describes Múrshidabad as having an immense number of brick stucco houses, adorned with a great number of gardens and fine buildings, and that the Ganges there had an astonishing number of barks and boats on it. Even as late as 1808 Mr. Ward thus writes of it, "Múrshidabad is full of Moors, very populous, very dusty, except a few large brick houses and a few mosques, the rest of the town consists of small brick houses or huts into which an European creeps; for near two miles the river was lined with trading vessels." Now all is in rapid decay and the chief object to attract the traveller is the New Palace, which is 425 feet long, 200 wide, 80 high; it has a splendid marble floor, the banqueting hall is 290 feet long, with sliding doors encased in mirrors. Colonel Macleod was the architect of it, and the *only European* engaged, the *natives* executed the work. The trade of Múrshidabad was formerly very great; the Pachautra or Custom office books state, that, as late as Ali Verdy's time, 875,000 lbs. worth of raw silk were entered there, exclusive of the European investments, which were not entered there, as being either duty free or paying duty at Húgly. Múrshidabad is now famous for the manufacture of ivory toys and chessmen; in 1838, an English Newspaper was begun there called the *Múrshidabad News*, it met with a good circulation, the Court of Directors subscribed for 10 copies of it, but afterwards it became scurrilous and indulged in personal abuse, the consequence of which was that it became extinct in 1839.

Múrshidabad was noted in former times for the profligacy of its court, we dare not pollute these pages with a description of the vile impurities of Serferez Khan. The Seir Mutakherim describes the court of Múrshidabad as a kind of Sodom; the women of the court talked *publicly* of subjects which should never pass the door of the lips. A regard to the feelings of survivors prevents us from referring to the orgies of late

occupants of the Musnud. We trust the present Nawab will set a different example ; the length of his title " Mantizum Ul Malak Moshen Ud Daula Faridau Jan Syad Munsur Ali Khan Bahadur Narset Jang," fully rivals Spanish titles. May he imitate the example of a former Nawab, Suja Khan, " who supported at Múrshidabad all travellers of intellectual and moral worth, and encouraged merit in every way." Ali Verdy also is a worthy object of imitation in the attention he paid to developing the resources of Bengal.

The present court has about 50 eunuchs attached to the Nazim and the female relatives living within the Kela or the enclosure ; inside which the authority of the civil officers of Government does not extend ; these eunuchs come from different places in Abyssinia, from Tigra, Dancali, Nubia and the Galla country.

Suraj-ud-daula kept in his seraglio a female guard composed of Tartar, Georgian, and Abyssinian women, armed with sabres and targets. Múrshidabad is noted on account of the festival of the *Beira* which was introduced by Suraj-ud-daula, who used to have boats large enough to hold 100 men, filled with earth and flowers, and floated down the river with lamps, while the shores were illuminated.—Little could be expected of him, his mother was a notorious adulteress, and himself, when governor of Katak, plundered the rich and shocked all decency, so that a conspiracy was formed against him.

TERETKONA lies on the right side of the river facing Múrshidabad ; it has an image of Cintua, a goddess worshipped there in the temple of Kriteswari or Durga ; it has declined after the withdrawal of Government patronage ; it is mentioned in the Bhabishyat Purana. *Debpára* opposite to Murshidabad had a Mosque and Mausoleum erected by Shuja Adin, in which he was buried, A. D. 1739. He was a man of general philanthropy and unbounded liberality. He made a beautiful garden at Debpara, which he called *Ferreh Bag* (the garden of happiness) to which he retired in the summer with his seraglio in order to indulge in every luxury.

AZIMGANJ is also opposite Múrshidabad, the city formerly extended on the west bank of the river from this to Suraj-ud-daulah's tomb. Du Perron describes the river as dividing the city into two parts. There are several fine *Jain* temples here : the Jains are a most enterprising mercantile race and many of them here emigrated from Jaudpúr, Marwar, and Hariana ; some have settled as far east as Assam : the north of Múrshidabad is occupied chiefly by Jain merchants, who speak Hindi ;

the middle is occupied by Musalmans, and the south by Bengalis.

BHAGWANGOLA is divided into old Bhagwangola and new Bhagwangola, twelve miles distant from each other; the former was the port of Múrshidabad in Ali Verdy's time, and supplied the city with provisions from the districts to the east of the Ganges. The Ganges anciently flowed to the west of it; now it is five miles west of the river. In 1760 Clive sailed down the Ganges to Bhagwangola and then crossed to Múrshidabad. Oats, gram, and rice are brought to it from Rangpúr, Dinajpúr, &c. &c. Surup Dút, the ghat mangi here, was for many years the leader of the thugs of Dhaka, Furidpúr, &c. &c. he used to embark travellers in the boats of his comrades and then have them murdered. In former times the neighbourhood of Bhagwangola must have been exceedingly populous, as there are evident remains of a very extensive town or a series of large villages, now overgrown with forests, and dotted with numerous tanks and other signs of population. Several English officers were buried here, but their tombs have been swept away by the river.

JANGIPUR or Jehangipúr, because founded by Jehangir the Emperor, was long a seat of the silk manufacture of the East India Company: the Company's factory was sold to a Mr. Laruletto in 1835 for 51,000 Rs. the silk filatures were erected, in 1773. The first attempt of the East India Company was at Budge Budge, which did not succeed. Grant in his Essay on India adduces the silk manufacture as an instance that the Hindus are not *unchangeable*; the East India Company introduced the Italian mode of winding silk, and the natives have altogether dropt *their own* method: in 1757 the East India Company sent out to Bengal, a Mr. Wilder, well acquainted with the silk manufacture, to examine into the different qualities of the Bengal silk; he resided at Kasimbazar, then the Company's chief silk manufactory, where he died in 1761: in 1765 Mr. Ponchow was appointed to Kasimbazar to carry on the improvements begun by Mr. Wilder: Italians were sent out first. Lord Valentia, in 1802, describes Jangipúr as the greatest silk station of the East India Company and employing 3,000 persons. The west bank of the river is best for the mulberry cultivation, as it requires a black soil. The East India Company's filatures did not extend beyond 26° N. Lat., as in a more northerly direction the soil and air become too dry for the mulberry and silk worms. Napoleon's Berlin Decrees, prohibiting the exportation of silk from Italy to England, gave a great stimulus to the cul-

tivation of the Silk Trade in Bengal : a meeting was immediately held in London and a request was made to the East India Company to supply England with silk direct from India. Mr. Williams was resident here and died in 1822, he was a great friend to education. Jangipúr was formerly famous for "its pretty English garden;" in 1808 the river near it was dried up so that gharis crossed it, owing to a chur at the mouth of the Bhagirathi, which caused the Ganges to flow into the Jellinghi, the lowest depth of water here in the dry season is about two feet : in the Jellinghi, in 1832, a *thousand* boats were waiting at the mouth to be lightened before they could proceed on account of the shallowness of the water—and yet Government levy a tax of 150,000 Rs. per annum on boats passing up this river in order to keep it clear, the same sum on the Matabanga and Jellinghi, while little trouble is taken by Government officers to keep the river clear. Allowing 3 Rs. as the average toll for each boat, this shews that on an average above 50,000 boats pass Jangipúr annually.

SÚTI is memorable for the battle of Gheria fought near it, 1740, in which Ali Verdy defeated Serferez Khan at the head of 30,000 cavalry and infantry and a numerous train of artillery; and for a battle in 1763, which lasted 4 hours, and in which Mír Kasim was defeated, though at the head of 12 battalions of sipahis, 15,000 horse and 12 cannon; had the English lost this battle they would have been driven out of Bengal, as Mír Kasim's troops were drilled according to European discipline. Three thags were arrested here in 1836 by Capt. Louis, two were father and son, one man confessed, that in one expedition he and his gang had committed fifty murders between Múrshidabad and Bar. Near SÚTI an excavation has been made to join the Ganges and Bhagirathi; when first made it was only a few yards wide, but the stream was no sooner admitted than it quickly expanded to as many hundred yards: in the year after its completion not a trace of its existence remained, the middle of one of the principal streams of the Ganges is now pointed out as the spot where the excavation was made; between SÚTI and Kalgang forty square miles of land have been washed away by the river in a few years. Suraj-ud-daula alarmed at the capture of Chandernagar and afraid that the English would bring their ships up the Padma and into the Bhagirathi, sunk vessels near SÚTI to prevent it. In 1839 it was proposed to Government to form a new zillah, of which SÚTI was to be the capital, six thannahs from Múrshidabad and eight from Bhagalpúr were to form it. Tavernier, the

celebrated traveller, who visited Kasimbazar in 1665, mentions that there was a sand bank before Sûti, which rendered it impassable in January, so that Bernier was obliged to travel by land from Rajmahal to Hûgly. In Du Perron's time Sûti was famous for the tomb of a Fakîr, Morte Zeddin.

The extent to which this article has reached forbids us to take notice now of *Gaur* with all its interesting associations connected with the history of 2000 years. The banks of the Bhagirathi in 1846 present widely different scenes from what they did in 1746. Since that period the crescent has waned and Moslem pride has been laid low—the Sati fires have been extinguished and Ganga's stream is no longer polluted with infanticide—the fame of Nudiya and its Sanskrit Colleges is passing away and yielding the palm to the superior influence of western science and literature—there are no longer Kazis to sentence men to death for abusing fakîrs, or governors like Mûrshid Kûli Khan to send Korans of their own writing with valuable offerings to Mecca and Medina—travellers now pass the banks of the Bhagirathi by night and defenceless women may travel from Calcutta to Delhi without fear of molestation. The future opens out a bright scene on the banks of the Bhagirathi,—when Brahmanism will be in Bengal, as Buddhism is now, “a thing of the past,”—when Gospel light and its handmaid the English language and literature shall be diffused far and wide,—when Municipal Institutions, Colleges, Agricultural Societies, Zillah and Town Libraries shall have dispersed the torpor of Mofussil life,—when railroads intersecting the country shall have helped to scatter to the winds all local prejudices—and when the banks of the Bhagirathi, like the banks of the Rhine or the Thames, shall be ornamented with villas, country seats, and all the indications of a highly civilized state of society,—when the upper classes of English Society in Calcutta—instead of being crowded together in their aristocratic mansions in Chowringi, the hot bed of Anglican prejudice and the focus of all those who cherish their irrational exclusiveness towards the natives of this land—shall enjoy the quiet and retirement of their dwellings along the course of the sacred stream, living thirty or fifty miles from Calcutta, but coming daily to it to do business through the wonderful facilities of travelling which will then be afforded.

ART. IV.—1. *Report of the Committee on Prison Discipline, to the Governor General of India in Council, dated the 8th January 1838; to which is prefixed a Resolution recorded by the Government of India, on the 8th of October 1838, after taking the Report into consideration. Calcutta, 1838.*

2. *Appendix to the above. Calcutta, 1838.*

3. *On the Penitentiary System in the United States and its application in France. By G. de Beaumont and A. de Tocqueville, with an introduction and Notes and Additions, by Francis Lieber. Philadelphia, 1833.*

4. *Third Report of the Inspectors of Prisons for the Home District. London, 1838.*

5. *Report on the Construction, Ventilation, and Details of Pentonville Prison. London, 1844.*

6. *First, Second, and Third Reports of the Commissioners for the Government of the Pentonville Prison. London, 1843, 1844, 1845.*

THE subject of Prison Discipline is one, which, at the present day, has attracted much interest not only in England but in all the civilized countries of Europe and America; and we feel a pride, we confess, in the thought that to our native land is due the credit of having first aroused the attention of the world to this great and interesting theme.

We have most of us had the advantage of studying the general principles which are involved in all improvements in Prison Discipline, as laid down by Howard, Bentham, Livingstone, de Tocqueville, and others, and the great object now is, to obtain a mass of statistical facts relating to the subject. There is probably no civilized country on the face of the globe, however, in which it is more difficult to obtain such facts than India: it may be truly said, that here we have hardly any Statistical knowledge upon any subject whatsoever, and the reason is, that there is no person whose exclusive business it is to procure such knowledge. In other countries there is a department, with energetic and able officers presiding over it, whose sole duty is to collect Statistics and facts of all kinds upon which improvements are based. In England there is a separate Statistical department connected with the Board of Trade, to collect and arrange all the documents of an interesting nature which can be obtained through any department of Government. It has been most truly said that “the civilization of a country ‘ may almost be measured by the completeness of its statistics. ‘ However rude the Government of a country may be, it cannot

‘ attempt to make laws, without having acquired the means of forming a judgment, however imperfect, as to the matters brought under its consideration, and in this sense statistics may be said to be coeval with legislation.” Here, there is no attempt to procure statistical knowledge; we have nothing to go upon; we are compelled, generally, to grope in the dark. The Government officers who have it in their power to give the information we require, have other important and essential duties to which they are obliged to attend—and they are unable, consequently, to devote the time and labor which would be necessary for the object in view. For instance, although ancient usage and obvious utility might direct us to “go forth and number the people” (an injunction which is followed in all civilized countries but India,) we have no idea what the true population of this country is—we are told that it amounts to so many millions of souls; but all this is mere guess work; it is not founded upon any accurate returns. Again, we know not the number of Births or Deaths in any part of the country—we know not the healthy or unhealthy districts of India—we have a sort of vague notion, which has been transmitted to us from our fathers, that the Sunderbunds are pestilential, and that Behar is a preferable climate to Bengal, we are told that Chowringhi Road, as forming the “lungs of Calcutta,” is a more healthy locality than Ballygunge or Garden Reach—and so on; but on all these points which might be ascertained with unerring precision there are generally two opinions. It was only the other day that Mr. Simms and Captains Boileau and Western, in reporting to the Home Government upon the practicability of establishing railroads in this country, said, that “from an entire want of statistical information,” they were unable to give any opinion upon several, and some of them the most important points, to which their attention had been called. It is really due to the interests of the country that the Government should alter this state of things; we trust that the Railway Committee’s Report may have the effect of attracting the attention of those who have it in their power to apply a remedy. The Prison Discipline Committee which was appointed by Lord Auckland in 1838, certainly managed to collect a considerable mass of information upon the subject to which their attention was directed, and which it is our purpose, in the following article, to examine; but then, it must be remembered, that they were nominated for this special purpose.*

* It is a curious coincidence that since this article has been in type, the Local Newspapers have published a Despatch from the Court of Directors to the Government of India, bearing date some time in June last upon this very point. The

It is only within the last half century that the economy of prisons and the welfare of their inmates, have in any way attracted the attention of thinking men. Year by year persons have been consigned to these abodes, not for the purpose of reformation or of real punishment; but in order to be educated in vice, and strengthened in iniquity. Indeed, as late as 1821, Sydney Smith, writing on the subject in the *Edinburgh Review*, says, that in every county in England there are "large public ' schools for the encouragement of profligacy and vice, and for ' providing a proper succession of house breakers, profligates, ' and thieves." We can all recal to recollection the scenes of depravity and profligacy which are related in the adventures of Jonathan Wild, Jack Shepherd and other worthies of the same class; and which, though probably highly colored and in a measure exaggerated to suit the taste of general readers, have still a ground-work of truth running through the whole of them. The author of "Jonathan Wild" was himself a magistrate at the time when the office was frequently the source of an iniquitous traffic in justice, and we believe, notwithstanding Horace Walpole's disparaging account of him, that Fielding was an excellent Justice, and contrasted favorably with the generality of persons of the same grade, of which class, we fear, Justice Thrasher in "Amelia" was too frequently a type. In his work entitled "causes of the ' increase of Robbers, &c. with proposals for remedying the ' existing evil," Fielding says, that the punishment provided by Parliament for Robbers, &c. is "commitment to Bridewell either for more or less time;" and he adds, in his caustic and racy style, "a very severe punishment this is, if being *confirmed* in habits of idleness, and in every other vicious habit, may be esteemed so."

"The erection of these houses," he continues, "as is usual ' with new institutions, did at first greatly answer the good ' purposes for which they were designed, insomuch that my

Home Government write thus:—"The great practical importance of Statistical enquiries, and the attention which they now receive from the most enlightened ' European Governments, have induced us to take measures for investigating the ' Statistics of the countries under our administration, and for arranging and preserving in a form convenient for reference, the information which may be attainable.

"2.—With a view of accomplishing these ends, we have formed a Statistical Department in our Home establishment, in which the requisite enquiries will be conducted, and the materials thereby obtained classified and compared."

What will be done upon this? will the Government of India appoint persons to collect Statistical information in this country, or will they leave things as they are, and quietly *shelve* the Despatch in question? We sincerely hope that this will not be its fate; we fondly trust that it will not be left to moulder in some Secretary's office—a prey to white ants and cockroaches.

‘ Lord Coke observes ‘ that upon the making of the statute
 ‘ 39 Eliz: for the erection of houses of correction, and a
 ‘ good space after, whilst Justices of Peace and other officers
 ‘ were diligent and industrious, there was not a rogue to be
 ‘ seen in any part of England,’ and again he prophesies that
 ‘ from the erection of these houses we shall have neither
 ‘ beggar nor idle person in the Commonwealth.’ But this
 ‘ great man was a much better lawyer than he was a prophet,
 ‘ for whatever these houses were designed to be, or whatever
 ‘ they were at first, the fact is, that they are at present,
 ‘ in general, no other than schools of vice, seminaries of idleness
 ‘ and common sewers of nastiness and disease. What
 ‘ good consequence there can arise from sending idle and disorderly
 ‘ persons to a place where they are neither to be corrected nor employed;
 ‘ and where, with the conversation of many as bad, and sometimes worse
 ‘ than themselves, they are sure to be improved in the knowledge, and confirmed
 ‘ in the practice of iniquity? can it be conceived that such persons will
 ‘ not come out of these houses much more idle and disorderly than they went in?
 ‘ where then is the remedy? To reform the present conduct of the several
 ‘ Bridewells? This would, I believe, be as difficult a work as the cleansing
 ‘ the Augean Stable of old.”

Not many years after this was penned, the Hercules arose who was destined to cleanse Fielding’s “Augean Stable;” or at least, to lead the way in the good work. John Howard was the name of the remarkable man, who has raised for himself “monumentum ære perennius” by stepping forth to assist the miserable and degraded convict, and who thought that his life and fortune were not too much to sacrifice for such an object. He was a man in every way suited to the work; one whom no toil could subdue, no personal sacrifice daunt, no danger scare, from what he considered his sacred mission. Of low origin, the son of a London Tradesman, he found himself on the death of his Father the owner of a tolerably handsome competence. In 1756, about the time that Justice Fielding wrote the work from which we have quoted, Howard was a passenger on board a packet ship bound for Lisbon, when he was taken a prisoner by a Privateer, and conveyed to France; the miseries which he suffered, awakened, it is said, his sympathies, and made him determine to devote his fortune and his life to the endeavour to render prisons less pernicious to health and morality. From this time till 1773, when he was nominated to the office of Sheriff of Bedfordshire, and when the subject was, consequently, brought more immediately under his notice,

he never lost sight of the one object to which he had devoted himself; after travelling about to different neighbouring gaols he placed a mass of information before the House of Commons, which induced that body to pass two Acts for bettering the condition of Prisoners, and for doing away with certain fees, without the payment of which, no innocent person, who had been tried and acquitted, could obtain his release. From this time till his death in 1790, he devoted himself, heart and soul, to the one object of ameliorating the condition of those of his fellow-subjects whose wretched lot had heretofore failed to attract the attention of those whose duty it was to care for them; and in fact, he lost his life whilst engaged in one of his philanthropic Tours in the Crimea. He published his *Travels* in 1770, in two volumes, which contain an immense mass of information and suggestions of improvements of various kinds. Of this work his biographer Aiken says "as soon as it appeared the world was astonished at the mass of valuable materials accumulated by a private unaided individual, through a course of prodigious labor, and at the constant hazard of life in consequence of the infectious diseases prevalent in the scenes of his inquiries. The cool good sense and moderation of his narrative, contrasted with that enthusiastic ardour which must have impelled him to his undertaking, were not less admired, and he was immediately regarded as one of the extraordinary characters of the age, and as the leader in all plans of meliorating the condition of that wretched part of the community for whom he interested himself." It has been objected, however, and we think with cause, that though containing a rich fund of materials, his works show no leading principles; no order; no connection. Bentham, who is of this opinion, says, that Howard was much better employed however, than in arranging words and sentences. "Instead of doing what so many could do if they would, what he did for the service of mankind, was what scarce any man could have done, and no man would do but himself. In the scale of moral desert, the labors of the legislator and the writer are as far below his, as earth is below heaven. His was the truly Christian choice—the lot, in which is to be found the least of that which selfish nature covets, and the most of what it shrinks from. His kingdom was of a better world: he died a martyr, after living an apostle." Burke's splendid eulogium on the character and achievements of Howard, has been so often quoted that it must be familiar to the minds of all our readers.

Such was the character of the man who first effectually turned the attention of the world to improvements in prison discipline;

who first laid bare in all its hideousness the existing state of the gaols in England and other lands. We do not propose to enter upon the subject of Howard's works or to notice any further the abuses which then prevailed; their day is gone by, and many of them no longer exist; besides, the subject of our present notice is connected with Prison Discipline in India, before entering upon which, however, we propose to examine, cursorily, what steps have been taken in other countries to reform the condition of prisoners and convicts.

We have claimed for old England, in the person of John Howard, the credit of having taken the first step in the march of reform; but though an Englishman was the first to awaken general attention to the subject, and to set on foot certain inquiries which resulted in improvements and alterations in the existing practice, English America was, we are inclined to think, the first to put in practice the *extensive* reforms which have taken place within the last half century; and the other states of Europe, which have paid any attention to the subject, have followed in the precepts laid down by her, and been guided by the experience gained from her experiments. Monsr. Duchatel, who was in 1842 the French minister of the interior, has in a work recently published entitled "Instruction et Programme pour la construction des 'maisons d'Arret et de justice,'" questioned the right of America to the distinction of having been the first to put in practice the improved system of discipline; he says that the first house of correction which was ever built, was constructed in 1703, by Pope Clement XI. at Rome, and that "si l'on en'tre dans 'l'examen détaillé du systeme et même de la disposition 'architectural de cette prison, on reconnaîtra que les 'Américains ne sont que les imitateurs des Italiens; non seulement sous le point de vue du regime disciplinaire, mais 'aussi sous celui de la construction."

The credit however is generally, and we believe correctly, given to the Americans. It is supposed that that which induced the inhabitants of the West to turn their minds and attention to the subject at first, was, the abhorrence which the early Colonists, principally Quakers, entertained to the shedding of man's blood. It has been said that the Gallows and the Prison are signs of civilization and the march of improvement; the remark is, in a measure, correct, as showing the steps which civilization takes to protect herself against those who violate the bonds which hold society together; but a still further step in advance is the discarding of the Gallows; and it was this reflection which made the descendants of William Penn petition the legislature of their country in the year 1786, to abolish

the punishment of death, except in one or two cases, and to substitute for it, Solitary Confinement. This was a great and bold step for an infant colony ; at a time too, when the laws of the mother country, according to Sir Wm. Blackstone, attached the punishment of death to one hundred and sixty offences ; and far be it from us to attempt to rob the Pilgrim Fathers of the credit which is undoubtedly due to them, for this successful and most merciful innovation. Prisoners had heretofore been looked upon as little better than animals, whom nothing but brute force could restrain, or keep in order. It was considered Utopian to imagine that such persons were susceptible of reform, or of redemption of any sort ; and the American experiment to treat them as beings subject to the same principles of action as their fellow creatures, though with vitiated tastes and uneducated minds, was generally looked upon as chimerical. The punishment, however, which was substituted at the same time, for other offences than those which had previously been punished by death, was unfortunate ; it was precisely that which may be said to be universal in India ; namely, hard labor in public. This was found to be most injurious and detrimental not only to the prisoners themselves, but to the inhabitants of the Towns in general, who were witnesses to this public and degrading punishment ; crime increased in consequence instead of decreasing.

In 1797, the state of New York followed the example of Pennsylvania, by sanctioning a reform of the Penal Laws ; but the system introduced was found expensive, and at the same time inefficient, nor did it attempt any reform of the criminals ; the consequence was, the frequent recommitments of persons. The Auburn prison was built in 1816, but it was found that the principle which was adopted in it of building small cells to contain *two* persons each, was the most unfortunate which could have been chosen ; as Mons. De Tocqueville says, "it would have been better to throw together fifty criminals, than to separate them two by two." In 1817, the Penitentiary at Pittsburg, and in 1817, that of Cherry Hill in the city of Philadelphia, were built ; and in these the system was adopted of absolute solitary confinement ; the miserable criminal was not to be permitted to leave his prison, day or night ; and all and every kind of occupation or labor was denied him.

This experiment was made upon only eighty prisoners ; its results were fearfully fatal ; and, without doubt, gave rise to the opinion which is prevalent even amongst the better informed at the present day, that the American Penitentiary

System, taken as a whole, is a cruel and barbarous one ; which should be shunned instead of imitated ; which should be a beacon and warning, instead of a loadstar. But there are, in fact, two American systems, if we may call them so, existing at the present day ; and it was neither of these, but a third and totally different one, which no longer exists, that gave rise to the feeling of distrust and horror to which we have alluded. It was neither the " Separate," nor the " Silent," but the " Solitary " system, which gave such fatal results ; and persons who ought to have known better, have not been able to distinguish the one from the other. Dickens in his *American notes* falls into this error. He says, " very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers ; there is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature." And yet, without observing the inconsistency of which he is guilty, Dickens immediately himself " fathoms" the " terrible endurance" of the prisoners, by shewing how one was amusing himself by painting the walls of his cell ; another by making a clock ; a third by writing poetry ; a fourth by gardening, &c. &c. There is much mistaken humanity in all this : the Separate plan of Imprisonment, as it is practised at Pentonville near London in the Model Goal which has lately been erected there, and the progress of which we propose presently to notice, is a most humane system ; open to no objections on the score of cruelty, but, if any thing, rather the contrary ; and the same remark holds good regarding the Silent System ; save that, it being necessary, not unfrequently to have resort to corporal punishment, it is more open to objection, and more exception may be taken to it on this account, than to the other. The lot of the wretched man however who was sentenced to absolute and unintermitting solitude without labor, was far different. A hopeless outcast, with nothing to think of but his crimes, nothing to brood over but his former evil deeds, he too frequently sunk under the infliction ; or became a miserable drivelling idiot, unrecognizable by his nearest relatives.

De Tocqueville says, " absolute solitude, if nothing interrupts it, is beyond the strength of man ; it destroys the criminal without intermission and without pity ; it does not reform, it kills."

Not only was this system fatal to the health of the miserable creatures upon whom it was tried, but it was also, strange to

say, inefficient in producing the reform of those who were liberated. It appears that the Governor of the State of New York, having exercised the prerogative with which he was vested, pardoned twenty-six of those upon whom the experiment was tried, and permitted the rest to leave their cells during the day, and work in the common workshops of the prison; and that out of these twenty-six, fourteen returned in a short time to the prison convicted of other offences! This result will not however appear surprising to those who remember, that the punishment of absolute solitary confinement was much opposed to public opinion, even at that time. It is a principle of Penal Legislation, that all punishments which are opposed to public opinion, are inefficacious and consequently improper: we should be particularly careful therefore in all Prison Improvements not to adopt any measure which is calculated to shock the feelings, or excite the pity and disgust, of the public. It was this same feeling which prevailed in England with reference to offences punishable, by the former sanguinary code of Britain, with death. Sheep and Horse stealing were more frequent formerly than at the present day, when the penal code has been mitigated: the same principle is commonly alleged to extend to the trials of Duellists, as no Jury, it is supposed, will convict the man who fights a duel because they know that the same punishment can, legally, be inflicted upon him, as upon the ordinary murderer.* A sheep stealer knew he had many more chances of escape fifty years ago, than now; he argued that the Jury, thinking the punishment too severe, would not convict; the witnesses would perjure themselves rather than be instrumental in causing the death of a fellow creature for merely stealing a sheep; and this same reason doubtless weighed with the twenty-six inmates of the New York Gaol who were pardoned; they said, the Jury, knowing what a dreadful punishment we shall have to endure, will probably acquit us; and they hesitated not to commit a second offence. We forget who relates the story of the Lawyer, who, on entering the Old Bailey with his friend, said, "Do you see that Juryman in the Canary colored waistcoat?" "Yes," "Well, there will be no conviction of death to-day:" and the fact was as predicted.

Notwithstanding the failure of the totally Solitary system, the

* It may, however, be allowed that Juries would often convict if there were evidence. When there is no evidence, as when all present are parties, they cannot convict. When crown officers are in earnest to convict, there will no doubt be convictions; for sometimes sufficient evidence may be had. And there is no friend of humanity, but must rejoice in the success of any measure which would put an end to a practice so highly criminal as Duelling.

Americans did not give up the principle with which they had started, that the solitude which obliges the prisoner to reflect upon his condition, instead of enabling him to compare notes of iniquity with his compeers in crime, must exercise a beneficial influence: and the only problem remaining was, to strike out some plan, by which the bad effects of total solitude might be avoided, and, at the same time, its manifest benefits taken advantage of. It was then determined to leave the prisoners to their solitude and reflections during the night, and to allow them to work all together in the workshops of the Gaol during the day, but in absolute silence; that silence being enforced rigorously by the application, when necessary, of the whip.

Such is the system of the famous Auburn Prison, and although the credit of having first suggested it, is claimed by several different persons, we believe we are only stating what is the fact, when we say, that the author was a Captain in the Army of the United States of the name of Elam Lynds. As there were only 550 cells in the Auburn Prison, the Legislature in 1825 sanctioned the erection of a new Prison. Mr. Lynds was then the Superintendent of Auburn, and he undertook to build the new prison with the assistance of the prisoners themselves. He took a hundred of these men to the spot, encamped them there without a place to receive them, and without walls to lock them up, "having no other means," says De Tocqueville, "to keep ' them in obedience, than the firmness of his character and the ' energy of his will. During several years, the convicts, whose ' numbers were gradually increased, were at work in building ' their own prison, and at present the Penitentiary at Sing-Sing contains one Thousand Cells, all of which have been ' built by their criminal inmates." This appears almost incredible, but we believe, there can be no question as to its truth. An anecdote is related of this Captain Lynds, which we cannot resist the temptation of inserting; it is related by M. de Tocqueville, thus: "an individual, imprisoned in that Penitentiary, had said that he would kill Mr. Lynds, the Superintendent of Sing-Sing, upon the first opportunity. The latter, ' informed of the prisoner's resolution, sends for him, makes him ' come into his bed room, and, without appearing to perceive ' his agitation, makes him *shave him*! He then dismisses him ' with these words; I knew you intended to kill me; but I despise you too much to believe that you would ever be bold ' enough to execute your design. Single and unarmed, I am ' always stronger than you are." This anecdote is related to show that Mr. Lynds practises what he preaches; for when asked what was, in his opinion, the most desirable quality in a

person destined to be a director of Prisons, he said, "He must be thoroughly convinced, as I have always been, that a dishonest man is ever a coward. This conviction, which the prisoners will soon perceive, gives him an irresistible ascendancy, and will make a number of things very easy, which, at first glance, may appear hazardous."

In April 1829, the state of Pennsylvania, adopted, in the Prison at Cherry Hill, a combination as it were of the Pittsburg and Auburn systems; the solitude, day and night, of the Pittsburg Prison was retained, and into the solitary cell the labour of Auburn was introduced. "This revolution in the Prison Discipline of Pennsylvania was immediately followed by a general reform of the Criminal laws: all punishments were made milder, as the severity of solitary imprisonment permitted an abridgement of its duration: capital punishment was abolished in all cases except that of premeditated murder."—*De Tocqueville*.

In France, prisoners before trial are kept quite distinct from those who have been convicted. Prisoners sentenced to hard labor are sent to the *Bagnes*, the same as our Hulks: those sentenced to imprisonment for more than one year, are confined in the *Maisons Centrales*; and those, whose term is less than a year, in the *Maisons Départementales*. There is hardly any attempt, we believe, at classification; and the Pictures drawn by Vidocq, and admitted to be correct by Mons. de Tocqueville, of the vice and general corruption in these institutions, is perfectly appalling. In the *Maisons Départementales* it is worst of all. Mons. Leon Faueter, in his *Description de Fort du Hal*, which is quoted by Mr. Christopher, Inspector General of Prisons on the Seine, says, there is "point de distinction de crime, ni de peine, de sexe, ni d'age; tout cela vit ensemble comme une famille accablée au vice."

The subject has however attracted much attention in France, and a model Prison on the separate system has been built at Versailles. M. M. de Beaumont and de Tocqueville were deputed by the French Government to visit and report upon the American Gaols; and their report in 1831, a most able document, is now before us. M. M. De Metz and De Blouet were sent upon a similar mission in 1836, and a Law was passed in 1844 for the introduction of the Separate system into France. It would appear to be the general opinion in France that the Philadelphia system is too severe.

In Hungary the separate system has been introduced into a few places, and it is supposed that before long, it will be very generally adopted throughout the country. In Prussia, four prisons upon the Separate plan are in course

of erection by Dr. Julius, who was sent over to America, in 1834, to report upon the working of the system there. In Geneva and Lausanne, the silent system has, for years, been at work; and it is said that silence is preserved amongst the prisoners without much use of the whip. In Holland, Belgium, Hamburg, Sweden, Norway, Denmark, the system has its advocates; and enquiries, previous to the introduction of the system, have been commenced in all these countries.

So long ago as the year 1790, the Separate system was tried in England, in the Gloucester Jail; for many years it was continued, and worked admirably, the number of recommitments being very few; but after nearly 20 years, the increased population rendering further prison accommodation necessary, it was abandoned in order to make room for more prisoners. In 1811, a Committee of the House of Commons recommended a trial of Bentham's Panopticon; and in 1813, the Penitentiary at Milbank was commenced; it was not finished till 1821, when it was filled with 1200 convicts; but Separate confinement was not carried out in it for some years. In his evidence before the House of Commons in 1811, Bentham stated, that it was his intention to confine at least six prisoners in each cell; "but," he added, "that would not preclude me from putting 'seven in one, or eight in another—for aught I know, some 'work might be carried on during the night as in manufactures. I reserve to myself full liberty to take all those advantages." The trial was unfortunate, the mortality being very great; but there is no doubt that this was caused, more by the unhealthiness of the spot chosen, than by the system itself;—the disappointments and heart-burnings to which the great and humane philosopher Bentham was subjected on this occasion, are matters of history, and are probably known to all our readers. There is a model Penitentiary upon the Separate system at full work at Pentonville near London; and there are many others, some at work, others only projected, in different parts of England: at Shrewsbury, Bath, Leeds, Hereford, Clarksenwell, Buxton and other places. The great prison of Newgate,* and some others in the Metropolis and elsewhere, are still, as they always were, schools of vice, and a disgrace to our country.

In Scotland there is a prison on the Separate system, at

* It is, however, but justice to the late Mrs. Fry and Lady Pirie (lady of Alderman Sir John Pirie, Bart.) to say that their private unobtrusive labours, assiduously persevered in for years, did tend greatly to ameliorate the general internal system of Newgate, and did, in point of fact, succeed in reforming many of its unhappy inmates.

Glasgow, which is most excellently managed. This Bridewell is divided into two portions, the last of which is fitted up with 160 cells in which the system of Separate confinement is strictly carried out. The Governor of the place mentions, in an account which we have seen, that he has no difficulty in procuring situations for prisoners on their leaving the prison, when he is able to express a favorable opinion of their conduct and habits. In Ireland we believe there are no prisons on the modern plan, though the management of the Irish prisons, in other ways, has been much improved within the last ten or fifteen years.

We have said that at Pentonville near London, the Separate system is now under trial; the very interesting reports named at the commencement of our article give the results of the experiment up to the end of the year 1844, but has not yet been finally pronounced upon; indeed, in his address to the electors of the city of London on taking office, only the other day, Lord John Russell mentions, amongst other useful reforms which will require his attention, that the "treatment of criminals is a problem yet undecided." The Pentonville prison was opened in 1842; it is considered a *model* of the Separate system of imprisonment. In it are confined male convicts of not less than eighteen, or more than thirty-five, years of age; the prisoners are confined in separate cells, thirteen feet by seven, and nine feet in height, for a period of eighteen months; after which they are transported to New South Wales, and have there to undergo whatever period remains of their sentence. Sir James Graham, in his letter to the Commissioners of the Prison, dated the 16th of December 1842, and published in the Report of Major Jebb, the Surveyor General of Prisons, says, that only those who have committed an offence for the first time, and who have been sentenced to be transported, will be sent to the model prison. No person is to be admitted into Pentonville without their knowledge, Sir James declares, "that it 'is the portal to the penal colony, and without the certainty that he bids adieu to his connections in England, and that he must look forward to a life of labour in another hemisphere." At the same time, it is distinctly and clearly explained to the prisoner, that his fate hereafter, that is, the terms upon which he will have to pass his future existence, depend very greatly upon himself. He must be made to feel, that, from the day he enters the model prison at Pentonville, he enters upon a new career. "He should be told that 'his imprisonment is a period of probation; that it will 'not be prolonged above eighteen months; that an opportunity

‘ of learning those arts which will enable him to earn his bread
 ‘ will be afforded, under the best instructors; that moral and
 ‘ religious knowledge will be imparted to him as a guide for
 ‘ his future life; that at the end of eighteen months, when a
 ‘ just estimate can be formed of the effect produced by the
 ‘ discipline on his character, he will be sent to Van Dieman’s
 ‘ Land; there, if he behave well, at once to receive a ticket of
 ‘ leave, which is equivalent to freedom, with the certainty of
 ‘ abundant maintenance, the fruit of industry; if he behave
 ‘ indifferently, he will be transported to Van Dieman’s Land,
 ‘ there to receive a probationary pass, which will secure to him
 ‘ only a limited portion of his own earnings; and which will
 ‘ impose certain galling restraints on his personal liberty; if
 ‘ he behave ill, and if the discipline of the prison be ineffectual,
 ‘ he will be transported to Tasman’s Peninsula, there to work
 ‘ in a probationary gang, without wages, deprived of liberty,
 ‘ an abject convict.”—*Report of the Surveyor General of Prisons*,
 p. 50.

The system pursued at Pentonville is the most complete that can be imagined; those of our readers who are interested in the subject, should lose no time in possessing themselves of the Reports of the Commissioners, as well as of the separate work published by Major Jebb, of the Royal Engineers, and called “Notes on the Construction and Ventilation of prisons;” the plans and designs in this work are most beautifully executed, and show, in the clearest and simplest manner, the whole mechanism of the model prison; giving, not only the Ground plans and Elevations of the Buildings, but, descending to the most minute and trifling particulars, all of which however, it is of importance to be acquainted with—even the sections, profiles, and plans, of the locks and handles of the doors and the sashes of the windows, &c. &c. The area occupied by the prison is 6 acres and 10 perches—and there is a garden of two acres in the rear, and a terrace and road seventy-five feet broad in front. The total cost of the prison, from the commencement to the period of occupation, is given at Eighty-four thousand One hundred and Sixty-eight Pounds; which, considering that it contains 520 cells, allows £161 for each cell. It is said, however, that, in consequence of the inequality of the levels on the surface of the site and other causes, this is more than the cost of a Prison under ordinary circumstances would be. From the Second Report of the Commissioners we learn, that in 1844, the earnings of the prisoners was £1062-13-11 over and above the cost of materials; this was during the first year of trial. Each prisoner is taught his trade in his separate cell, and he

generally is allowed to choose it himself; it is a curious fact, which we learn from a table given in the Appendix, showing the present trades upon which prisoners are employed in the prison and their occupation previously, that out of 525 prisoners, only 36 took to trades of which they had had any knowledge upon their entry into the prison; so that nearly 500 persons learned new trades. Care is taken that the regular manufacturer is not under-sold, the prices upon the goods being fixed at the regular market value of similar articles; and instances have occurred, in which large sales have been refused at prices, which would have given a very fair profit, because the prices offered were below the regular market value. This teaching of trades is in every point of view a most important feature of the new system of Prison Discipline. The Calcutta Prison Discipline Committee, we shall presently see, object to teaching trades; there can be no doubt however that the practice forms a habit, and in many cases a permanent habit of industry amongst the prisoners; it enables them, when they reach the colony, in which their future destiny is fixed, to earn an honest livelihood of their own, and to become, perhaps, useful colonists. This result the Commissioners attribute "to ' that system of separate confinement and moral discipline ' to which each prisoner is subjected. His mind is brought ' into exercise as well as his body; his attention is undivided; ' he is interested in his occupations; he feels the present as ' well as the future value of the trade he is learning; he ' pursues it with eagerness; and he finds it a solace and a ' resource, as well as a duty."—*Second Report*, p. 8.

The expense of the prison during 1843 was £13,849—and that for completing the buildings, furniture, books, machinery, tools, &c. are £5,301—total £19,151. The *diet* of each prisoner cost £9-0-10—and the years' clothing was £2-4 per head. The general instruction of the prisoners is carried on, by a Principal and three Assistant school-masters. The prisoners, when they attend the instruction classes, leave their cells and march in single files, 15 feet apart, to the large room; here they sit in separate stalls, from which they can all see the master without seeing one another; they can hear each other read, and answer questions, but they have no means of communication with one another, as there is an empty stall between each occupied one;—on their way to and from the school room, Chapel, or whenever in fact they are out of their cells, they wear a peculiar description of Cap with a long peak in front, which prevents their looking about and recognizing one another.

On the 10th of March 1845 the Commissioners made a Third

Report upon the state of the Pentonville Prison; this is also before us, and gives some most remarkable and most gratifying results. It would seem, that of 382 prisoners who had concluded their eighteen months in Pentonville, 288 had been placed in the first class; that is, this large majority had received, as Sir James Graham described it, "a ticket of leave, which is equivalent to freedom, with the certainty of abundant maintenance, the fruit of industry;" 78 had been placed in the second class as probation pass holders; 13 had been placed in the third class, as having behaved ill; and three only had been removed, as incorrigible, during the whole year: of 741 prisoners in confinement during the year, only 69 were punished for offences; of whom ten only were punished twice, and only two more than twice; so that 672 prisoners were never subjected to any punishment at all. The Commissioners consider therefore that "punishment for prison offences can scarcely be considered an element in this system of discipline."—*Third Report, p. 4.*

As a remarkable contrast to this we copy the following statement from the third Report of the Inspectors of Prisons for the Home District, written in 1838:—

"Selecting the two prisons in which the Silent system is most carefully and strictly carried out, we find that there were, in the course of the last year, in

	Prisoners.	Punishments.
' Coldbath Fields House of Correction	9,750	13,812
' Wakefield House of Correction...	3,438	12,445
	13,188	26,257
' In all the Prisons of England and Wales.....	109,495	54,825

' Whilst therefore these two prisons contain rather less than one-eighth of the whole number of Prisoners, there were inflicted within them nearly one-half of the whole number of punishments."

Comparing this with the Pentonville return, we find, that, whereas under the Silent system at Coldbath Fields, and Wakefield, *each prisoner was, on an average, punished twice*, under the Separate system of Pentonville, *not one prisoner in ten was ever punished at all!*

Of the 366 prisoners, who, having completed their probationary imprisonment in Pentonville, were sent abroad in course of last year, the following analysis is given; it is so curious, that we cannot resist the temptation of inserting it entire:—

ON ADMISSION.

ON REMOVAL.

Of 83 who were <i>totally ignorant</i>	28	
„ ..	29	
„ ..	26	
	— 83	
Of 82 who could <i>read only imperfectly</i> and had 36		
<i>no knowledge of arithmetic or writing</i>	46	
	— 82	
Of 62 who could <i>read and write only imperfectly</i> , and had <i>no knowledge of arithmetic</i> ..	6	
	56	
	— 62	
Of 23 who could <i>read well</i> , but had <i>no knowledge of writing and arithmetic</i>		} 28
And 5 who could <i>read and write well</i> , but had <i>no knowledge of arithmetic</i>		
Of 42 who had only an <i>imperfect knowledge of reading, writing and arithmetic</i>	8	
	34	
	— 42	
Of 49 who had a <i>good knowledge of reading, writing and arithmetic</i>	49	
Of 20 who were <i>well-educated</i> ..	20	
	— 366	

Had acquired a knowledge of reading, writing and arithmetic.
 Could read, write and cipher well.
 Were in the higher rules of arithmetic, and 70 of the total number had acquired considerable general knowledge.

Could read, write, and cipher well.

Were in the higher rules of arithmetic: and the entire number had obtained considerable general knowledge.

Could read, write, and cipher well.

Were in the higher rules of arithmetic; and all had acquired much general knowledge.

The whole could read and write well; cipher in the higher rules; and had obtained a very considerable portion of general knowledge.

Could read, write and cipher well.

Were in the higher rules; and all had obtained very considerable general knowledge.

The whole had attained to the higher rules; and mensuration and become highly intelligent men.

The whole had become very much improved; and had turned their attention to various useful and rational studies.

Of these 366 persons, 201 had learned a trade who had never known one previously; and there were 141, who, having a

knowledge of one trade had been taught another; thus qualifying themselves to exercise two different trades. In 1844, the average earning of each prisoner was £4-4-10½ over and above the cost of materials; and it must be borne in mind that the men were instructed in reading, writing, &c. two days in the week, so that only four days remain for working at trades. The comparative cost of each prisoner was much less in the second year of the existence of the Model Prison than in the first—as will be seen by the following table:—

	1843.	1844.	Remarks.
Average cost of each man	£49 5 0	£33 6 8	Decrease of £15 18 4 p. head.
Diet.....	£ 7 0 10	£7 11 2	Increase ..£ 0 10 4 „
Clothing	£ 2 4 0	£1 3 1	Decrease ..£ 1 0 11 „

No cases of insanity occurred, and only three deaths.

We have given this long and detailed account of the Pentonville Prison, because, as we said before, it is the Model in England of the Separate system of prison discipline. Upon its success, or failure, much will depend; and we think we may safely predict that success must, and will, crown the benevolent efforts which are now being made in England, though alas not in India, to ameliorate the condition of prisoners.

We fear that many of our readers will question the truth of the statements which we have given above; and they are, in many respects, so startling and extraordinary, that we can hardly be surprised at their incredulity. We do not find any mention, however, in the reports before us as to how the persons who are placed at Pentonville, are chosen; whether particular individuals, upon whom the system is likely to have a good effect, are picked out; or whether all the prisoners who may be convicted, for the first time, and sentenced to transportation, at any particular Assizes, are despatched, good, bad, and indifferent, to Pentonville. We fear that the former must be the case; for we can hardly imagine, that all, or even a fair proportion of the 382 persons who were transported during 1843, could have been bred up in the Sykes and Fagin School. We can imagine the Pentonville discipline having a very excellent effect upon men such as Barber and Fletcher; who, our readers will remember, were transported for being concern-

ed in a case of Forgery; such men, naturally acute and sensible and brought up with as great an abhorrence of murderers and Highway Robbers as ourselves, would, no doubt, see the advantages of good behaviour at Pentonville; and would feel thankful for the kindness which placed them in a solitary cell, instead of compelling them to herd with cut-throats. But that these feelings should actuate "Artful Dodgers" and such like, and convert them, on the instant, to moral and religious men, quiet and steady, upright citizens, and useful colonists, is, to say the very least, most difficult to be credited. And yet there can be no doubt, we think, that, wonderful as it may seem, it is absolutely as reported. We confess however we should be glad to hear how the Pentonville stock is replenished. We are aware that only those who are convicted of a first offence are sent there; but keeping this in view, the good behaviour of the prisoners seems to us little short of a moral miracle.

We now come to the subject more immediately before us; namely, the improvement of the discipline in our Indian Gaols. We believe that a strong, and, in the interior of the country especially, very general opinion exists, against accepting the reasonings and the conclusions of what is somewhat contemptuously called, a Calcutta Committee. The Government of India, naturally enough, likes to get its work done as cheaply as it can; and when this feeling does not interfere with utility, there can be no question that they are right. We are inclined to think, however, that it not unfrequently happens that the benefit, which may reasonably be expected from an inquiry, is much circumscribed by this habit of taking what is at hand, good though it may be, instead of searching for the best instruments to be had, wherever and howsoever to be obtained. It is in this way that Calcutta Committees are formed; it is for this reason they are, let it be reverently spoken, in bad repute; and it is, perhaps, for this reason, that we so seldom find any practical results from their labours. If the Government desires information and suggestions of improvement with reference to the Post Office system of the Country—upon the Police—upon Municipal matters—upon Slavery or any thing else,—why, we ask, do they not get this information and these opinions, from the best sources they possess? why limit themselves to those persons only who have situations or employment at the Metropolis? or to those persons only who are in the immediate service of Government? The reply will suggest itself to our readers. To procure the best information, money must be paid; and it is here that the shoe pinches. It requires a good deal of agitation on the part of the

Press to induce the Government to take up a subject involving expenditure at all: once moved, a Committee is appointed and a sop is thrown to the Cerberus of public opinion. The Committee send in their Report, after, generally, one or two years; it is passed round in certain red Boxes to each member of Council, and then shelved in the Secretary's office; and who will say that, in many cases, this is not the best thing that could be done with it? The fault of all this lies in the beginning of the undertaking; if a thing is to be done at all, it should be done well; and to be done well, a more extended field for choice should be allowed than that which is furnished by Calcutta. If you have to pay for it, what then? the laborer is worthy of his hire; and if you get good work, you *must* pay for it.

During the last 10 years we have had, we forget, how many Police Committees; a Municipal Committee; a Prison Discipline Committee; a Post Office Committee; a Slavery Committee; a Finance Committee, and others which it would answer no purpose at present to enumerate. To all of these Committees, we have had the ablest men in Calcutta appointed—men, whose opinions are worth asking, and, what is more, worth taking. But, though good men, though excellent men, there were as good, perhaps some better, to be found *out* of Calcutta; as well as others, both in and out of Calcutta, but not in the Service at all: to get these, however, the Government must probably have paid for them, while officers, who had appointments at the Presidency, might be nominated without costing the Government a fraction. We believe that, with the exception of the late Captain Tayler, the excellent Secretary to the Post Office Committee, no single member who was appointed upon any of the Committees above named received one shilling for his services. The single exception to the above rule has been, we think, in the case of the Commission appointed under the Charter to draw up a uniform code of Laws and a code of Procedure. It may be that the ratio between the cost and the utility of this Commission have been such as to give the Government a distaste to appointing paid Committees, except when compelled to do so by Act of Parliament. We confess if our surmise be well grounded, we cannot find it in our hearts any longer to blame the Government very severely for their penurious policy.

The Prison Discipline Committee consisted of, perhaps, more able men, than almost any Committee which was ever nominated by the Government; and although an infusion of country, in contradistinction to Metropolitan, talent, might have rendered their recommendations more practical, and therefore more useful, we are not in any way disposed to quarrel with the forma-

tion of this Committee. It contained, so to speak, a galaxy of talent ; as all will confess who have had the pleasure of numbering amongst their friends, such men as Ryan, Macaulay, John Grant (pere et fils), Cameron, Macleod, Millett, Macnaghten, Trevelyan, and others. This Committee was appointed on the 2nd of January 1836 ; and their Report is dated the 8th of January 1838 ; during these two years they collected together a vast mass of information regarding the actual state of the Gaols of India, and the opinions of the officers in charge of them ; and submitted them to the Government, with some practical, and some theoretical, recommendations of their own. Since then what has been done upon the subject ? Echo answers, of course, what ? The report went the usual *trajet* in a red box ; and now, doubtless, reclines on a Record Rack in some Secretary's office, in the midst of "consultations" and "Proceedings" of all kinds, enveloped in cobwebs and dust—a mass of filthiness as unpleasant to the eye and nostrils as loathsome to the touch.

The recommendations of the Committee may, we think, be said to resolve themselves into two great and organic changes : namely, the abolition of out door labor, and a partial recognition of the separate system of confinement within doors. Out of these two radical changes emanated, however, many other recommendations.

We will quote the Committee's own words for their two great recommendations :—

First. "We are strongly of opinion that the demoralizing effects of imprisonment cannot be avoided until the system of putting Convicts to out-door labor be abolished."—*P.* 233.

Second. "There can be no doubt that solitary confinement is generally the most dreaded of all descriptions of confinement, and that, therefore, the great end of punishment is generally most effectually attained by solitude."—*P.* 258. "It may, however, be a matter of great nicety to apply this system to the Indian climate, and the Indian character, physical and moral, but there is no reason to despair of success from a modified plan of this sort."—*P.* 263. "We think it will be better to authorize the Judges to sentence to certain terms of solitude, with or without certain terms of imprisonment of any other description ; and not, *a priori*, to restrict the use of solitude by any definite law till experiment shall have shown, with what qualification, solitary confinement can most beneficially be inflicted ; and how much of it, so qualified, can be borne wholesomely."

The minor recommendations, or rather—for they are perhaps

as important as the two we have just mentioned—the recommendations which were consequent upon the carrying out of those two above quoted, are:—

1st. A better classification of prisoners than at present.

2nd. The introduction of labor upon Treadwheels.

3rd. The introduction of rations of food, instead of a money allowance.

4th. The abolition of the practice of permitting each convict to cook his own meals.

5th. The building of great central Penitentiaries.

6th. The appointment of an Inspector of Prisons for the provinces under the Jurisdiction of each Local Government.

There were other matters also, such as the better treatment of untried persons, the abolition of heavy fetters, the exclusion of all Friends or Visitors from the Prison, &c. &c., which formed a part of the Report, and are subjects of discussion.

The first points, namely, the employment of Prisoners out of their gaols, is, to our apprehension, the most important of all, and should have been, we think, the first to have attracted attention, and to have called for reform. As long as the present system of employing prisoners on the roads is persisted in, it will be futile, we are satisfied, to hope for any improvement in Prison Discipline by the adoption of other minor changes. This is the key of the arch; and upon it, the whole question of improvement rests. The abolition of outdoor labor would strike at the root of the existing defective and rotten system. Our readers will remember our mentioning before, that when the Legislature of Pennsylvania, in 1786, reformed their Code, they legalized the punishment of forced labour in public. The Inspectors of Prisons in Great Britain, in noticing this, say, “the result was frightful. Debasement, corruption, and an immediate repetition of crime, were the consequences of this mistake.” And yet not only does this system form the chief occupation of nine-tenths of the prisoners in India, but, we fear, that those who have the power to correct the evil, do not look upon it as one—that they by no means agree with the English Inspectors of Prisons in thinking it a “mistake.” Is it supposed that working on the roads is looked upon as a punishment by those upon whom it is inflicted? to nineteen out of every twenty, we believe it is nothing of the sort; it may be a punishment to a man of station or property, who has never been accustomed to it before; but such a man has the means, probably, of purchasing exemption from it; and this he always does. Examine a working gang of prisoners and you will find, that almost all of them have been accustomed

to agricultural pursuits during the entire term of their lives—when at liberty, they have to work for their bread; their labor has perhaps been embittered by the reflection that their wives and families, the inmates of the miserable hovel which they call a home, have nothing to eat; but, once in Gaol, and all concern for their own personal comfort is ended; they know, that dig and delve as little as they please, they have an excellent meal waiting for them in their new and comfortable abode, without even the trouble of cooking it. We would ask any one who has seen a gang of convicts at work on the roads, whether he ever saw a happier set of laborers any where? one-half of them are, probably, smoking, and the other pretending to work; singing, laughing, joking, and only waiting their turn to exchange the Spade for the Húkah. This is a scene which must be familiar to most persons; and those who have never seen any thing of the sort, have only to cross the Alipore bridge, on any day in the week they please during the day time, and we will guarantee them an exhibition such as we have described.

The first step, therefore, which must be taken towards a reform, is, at once to put a stop, as the Prison Discipline Committee have recommended, to all out-door work. That there are difficulties in the way of this, and that it cannot be done till labor in the interior of the gaols is provided, we admit; but what great question, and we look upon this as one, was ever without its difficulties? One of the first objections which will strike a resident in the country, will be this: at inland stations where the roads are made and kept in repair, entirely by convict labor, it will be asked, “what are we to do for our ‘drives? the Government will never allow us to hire labor; and without one or the other, the roads will become impassable; the expense of hired labor would be so great, it would be useless applying to Government on the subject.” Hear what our Committee say to this—hear what they demonstrate—hear what they prove unanswerably:—“We have,” say they, “no doubt, notwithstanding the apparent anomaly, that the working of Prisoners on the Roads, does actually entail a dead loss upon the state.”—*P.* 125.—And they prove their case with figures, and in a manner which the most ingenious sceptic may scoff at and doubt, but which he cannot disprove, argue he ever so wisely. We recollect hearing, at the time the Committee’s Report was first published, that Col. Irvine of the Engineers, then a member of the Military Board, declared the figures and statements of the Committee to be all wrong. He was invited to prove this, but we never heard that

he was able to do so ; on the contrary, we heard that he gave up the task as a hopeless one. Facts are, as we all know, stubborn things ; and the following facts cannot, we believe, be got over, or their accuracy be impugned.

The annual average cost of Prisoners working under charge of an Executive officer in Bengal, was found, from returns prepared by the Civil Auditor, to be *Sicca* Rupees 46-4-6 : in the North West Provinces the same description of Prisoners cost Rs. 58-11-1 each. These men were employed exclusively in making roads ; that is, in labor with the Mattock, or Kodali, such as is common in all parts of the country ; in work, in fact, of the commonest kind. The average annual cost to the state of those Prisoners who were left in Gaol, perfectly idle, was found to be Rs. 24-2-0 per annum ; and allowing for sickness, Native Holidays, Sundays, &c. it was ascertained, that a convict does not actually work more than equal to twenty-one days of a paid labourer's work, in each month. The road gang prisoner therefore in Bengal, costs Rs. 46-4-6, for twenty-one days work every month ; and the *idle* Prisoner costs Rs. 24 ; the working Prisoner, therefore, costs Rs. 22 more, per annum, than the idle one ; and this, at the rate of twenty-one working days in the month, gives about one anna and a half per diem, which is more than the wages of a hired laborer !

Our readers will like to know in connection with this strange and paradoxical fact, what causes the great increase in the expense of the out-door Prisoner. The chief difference is in the guards ; a thousand men within the Jail may be guarded by half a dozen, or less, persons stationed upon the walls ; but these thousand convicts, if employed in a road gang, will require, at the rate of one Burkindaz to four Prisoners, 250 men to guard them ; which, at three rupees each per month, will alone amount to Rs. 750 per mensem or Rs. 9,000 per annum. Then, again, if working at a distance from the Gaol, as many of the Prisoners to whom these statistical facts relate were doing, namely on the Great Benares Trunk Road, they require Tents, Doctors, Medicines, &c. &c. It must be remembered also that, in addition to this, the free labourer with a desire, perhaps, to please his master, or himself, will do much more work than the convict with no such incentive, and with irons on his limbs ; and it is stated, in the report before us, that the cost of employing convicts upon road-work is at least *double* the cost of working by contract. With these facts proved to demonstration, by a collection of gentlemen whose ability forbids the possibility of a suspicion that their credulity had been practised upon, it is difficult to comprehend why nothing

is done to amend such a state of things. We have already admitted that it would not be possible to confine Prisoners within their respective Gaols, night and day, in the state in which those Gaols are at present; the first thing to do is, to alter our existing Gaols, or else to build new ones; the next, to employ the inmates of each Gaol within its four walls. The building new Gaols through the country is, practically, out of the question; the outlay would be enormous, but the present buildings might very easily be made something of. Where the Area is too confined, an additional space might be enclosed, adjoining one or other of the walls of the existing Prison; this might be done, at a very trifling cost, by the convicts themselves, and when once this Area was enclosed, the objectionable practice of working the men in public, might be discontinued. When also the present buildings allow of it, by the size of the yards, workshops might be built in them in order that the entire Gaol might be divided, as it were, into a series of small Gaols. If, in this way, each ward had a yard and workshop attached to it, the persons confined in that ward might never be permitted to leave it, day or night.

Have our readers ever been within an Indian Jail? If not, we recommend those who are desirous of ascertaining for themselves, what sort of a life a Burglar, or a Dakoit leads, when under confinement in this country, to take an early opportunity of visiting the nearest one at hand; they are all much the same; the only difference is, that one is perhaps worse than another; the same system, if system that can be called which has none, exists in all. The visitor will find the lean Bengali, who came into the Gaol, only a few months before, more like a scare-crow to frighten birds, than a human being of flesh and blood, filled out in the ribs, his muscles developed, his head erect; and no care-worn marks in his countenance. He sees perhaps, one man stouter, plumper, and fatter than the rest; more like a Calcutta Babu, with his swelling rotundity, than the son of old Hunsraj the Barber; he inquires why he is there, and finds, that his history has been a remarkable one. He is told that, thinking the life a Barber beneath him, the object of his enquiry, from shaving the chin of some Magistrate, and showing himself a clever fellow by making himself prominent in other ways, got promoted to the post of a Police Burkundaz or guard—that, keeping his own interests, and the Magistrate's, in view, he turned spy and *peached* against some run away convict, who was formerly his friend, and had been concealed in his own father's house for a couple of years. The re-capture of this unfortunate man so delighted the Magistrate, and gained

him such praise with the Superintendent of Police, and the Court of Nizamut Adalat, that our friend met his reward in being nominated to the higher post of Jemadar of a Thannah. Again he recommended himself to the favor of the Magistrate by bringing him some intelligence regarding the lair of a notorious tiger. This gained our friend a Darogahship; for, as the Magistrate said, "that Hunsraj is a proper sharp fellow, and 'will make a capital Darogah I have no doubt.'" He was now at the top of the tree; from the son of an obscure Barber, he had risen to become a Darogah; and, better still, a favorite with his master. But this rise in the world was too much for the Barber's son; he gave rein now to his profligate nature and one fine day found himself convicted, at the Sessions Court, for a criminal assault, with torture, upon a poor unoffending girl, (the details of which are almost incredible for their brutality), and sentenced to fourteen years' imprisonment, with labor in irons. However, during his career, he had managed to accumulate a little "nest egg," and he now employed this money in procuring the setting aside of the latter portion of his sentence. How he managed this, matters not. Suffice it to say he *did* manage it, and there he was, enjoying his *otium*, literally, *cum dignitate*, for he was looked upon, by those who were confined in the ward with him, some 100 men, as a really great character, and one whose example should be followed. The above is, without exaggeration or amplitude, the history of the fattest and best conditioned Prisoner we ever saw; he toiled not—he grieved not—he rose when he liked—dressed when he liked—ate when he liked—did what he liked; he was a contented, and, apparently, happy man, and was on terms of intimacy with his Jailors. His victim had died shortly after his conviction, but without doubt in consequence of his brutality. What mattered that to him! he was merry enough—the only thing which he had to do, in the way of penance, was, to appear respectfully, with clasped hands, whenever the Magistrate or Judge inspected the Gaol, and to mutter, as they passed, something about the hardships of the Gaol, and the fact of his being a "Ghurib admí."

But we have lost sight of our subject. To return—we have shown that it was incontrovertibly, and unanswerably proved, eight years ago, that the working of Prisoners on the roads, "does actually entail a dead loss upon the state," and we now proceed to the second great recommendation of the Committee—that of separate confinement, the great and only practical objection to which is, the expense it will involve. One end of all punishment being to deter persons from committing crimes, the

knowledge that real punishment will certainly follow the commission of crime, is much more likely to have this effect, than the fear of a severe punishment afterwards. The question then arises, what punishment has the effect of deterring others in the greatest degree?—at present the punishment in India is, in the majority of cases, nothing else than the transfer of the culprits from incessant toil, and pinched and precarious livelihood, to easy work, and good wholesome food. Is there anything in this to deter him from committing offences, in future? or is the knowledge of this at all likely to deter others from following his example? Is there any thing here to make him dread the precincts of a Gaol, or inspire a wholesome horror of violating the Laws?

The Committee, in Para. 311 of their Report, say that there is no reason to believe that crime was decreased in Bengal. On the contrary, they declare, “after every consideration we can give the subject, it appears to us that the immense yearly increase of Prisoners can only be accounted for by an increase of crime, and that the increase of crime must mainly be attributed to a defective system of punishment.”

This was in 1838. We have a statement now before us, of the number of cases, arrests, acquittals, and convictions in Bengal which gives the following results for the two years of 1838 and 1844—and Mr. Dampier's last Police Report supplies us with that for the last year, 1845:—

	<i>Cases.</i>	<i>Arrested.</i>	<i>Acquitted.</i>	<i>Convicted.</i>
1838	36,893	43,787	12,191	26,669
1844	43,487	82,987	30,809	45,025
1845	117,001	86,623	32,831	50,235

We have not, because such a thing does not exist in non-statistical India, a statement giving the comparative Population at the two periods mentioned—but there can be no question, that the increase of Population has not been such as materially to affect, or adequately to account for this increase of crime. Neither can we find any commensurate cause in any alleged improvement in the vigilance of the Mofussil Police. The arrests and convictions are double, and the acquittals nearly three times, what they were only seven years before! but though increased Population, or any new regulations of Police, may not be sufficient to account for this, we have no doubt that increased comforts in Gaol have much to do with it.

We have said above, that the great and only practical objections to the introduction of the system of separate confinement in this country, is, the expense it will involve.

This expense, however, is only temporary; the outlay in the first instance will be heavy, but will not the return compensate for it? It cannot be denied that the building of Penitentiaries, and Houses of Correction would involve a very large outlay at first; but if the result of years shows, that the severity of the new system has lessened crime, and consequently the number of criminal mouths which the Government has daily to fill,—will not this (leaving out of sight the moral obligations of the Government) satisfy even those who take only a pound, shilling, and pence view of the case, and look solely to the number of rupees which it will cost, that their end too is gained, though in a different way from that which they themselves proposed? We have heard the proposals of this Committee laughed at and treated as chimerical by those who, we fear, have never read the Report with any attention. We have heard the projectors stigmatized as little short of madmen; but, surely if they prove not only that the reforms proposed by them are necessary and proper, but that they will eventually cause a saving to the state, the objectors must at least admit that there is “method in their madness.” The sentence of imprisonment in India we believe to be a sentence of increased enjoyment; it is as if the Judge were to address the prisoner and say,—taking the well known parody of Sydney Smith, and applying it to this country,—“Prisoner at the bar! you have ‘been found guilty of a grave and heinous offence, and it is ‘necessary that the sentence of the Court should be of such a ‘nature, as to prevent others from following your wicked ‘example. You have urged in your defence, and I believe ‘truly, that you have been driven to the commission of crime, ‘by the want of the common necessities of life; and that ‘you have only committed a theft, and burglary, in order ‘to supply yourself with food and raiment—but this is no ‘legitimate excuse; and I must pass upon you such a ‘sentence, as will deter others in your sphere of life from ‘following your bad example. The sentence of this Court ‘is, that you be removed from the roofless mud hut in ‘which you have been accustomed all your life to reside, to ‘a well ventilated brick building in this town called the Gaol: ‘that you be subjected to such moderate work as will keep ‘you in good health and spirits: and that, instead of having to ‘roam about seeking what you may devour, two well cooked ‘meals, such as you have never seen before, or even “dreamt ‘of in your philosophy,” be prepared for you: that after ‘partaking of these luxuries, you be presented with an allowance ‘of tobacco, and be permitted to smoke the “calumet of peace”

‘ till the evening: when you will be locked up in a comfortable brick building, with other vagabonds as happy as yourself.’

Is it not natural in such a state of things that crimes should increase? and if crimes increase, the number of prisoners will increase, and consequently the number of persons who require to be fed at the public cost increases.—But then, the charges for dieting prisoners, even if they become more and more, year by year, form one of the usual and ordinary expenses, which in the vast mass of accounts of the Government would pass unobserved; whereas a lakh or two of rupees, under the head of “Penitentiaries,” would inevitably raise many questions, and consequently give much trouble. And is it by such subterfuges that a great Government should get rid of a great subject? Certainly not. Yet we cannot fairly blame the Government for niggardliness in their Police arrangements, of late years at least. Within the last twelve months they have raised the salaries of Police Darogahs to something approaching a competency; and they have created the new appointment, which is open to the best men to be found in the country, of Deputy Magistrates. All this shows a laudable desire to improve the Police; but would it not be simpler and better, instead of increasing the number of thief-catchers, to decrease the number of thieves, by holding out an inducement to be honest; or, at least, by *not* holding out an inducement to be *dishonest*? The object to be gained is, not so much to catch thieves and vagabonds, as to put an end to the inducement to pilfer and commit heinous offences; and the first step towards this object should surely be, to make Gaols a place of real punishment—a place to which a man who once knew its horrors, would not desire to return—a place of suffering—of toil—of very plain provender.

Solitary confinement, is a punishment, regarding which much has been written, both for and against; and upon which opinions amongst the ablest men even, differ strangely. All admit, none can deny, that it is a dreadful punishment; and the one which has been found, in European and American prisons, to be the most dreaded of all known punishments. It is said to tame, in an incredibly short time, the fiercest and the most fiery spirit; the person subjected to it, at once sees how hopeless all resistance is; he is immediately convinced of his own weakness, and of the futility of all opposition; there is no one present to encourage him in rebellion, no one to applaud him; from the solitary thoughts which it necessarily inspires, in the hardened as well as the most quiet, it is said to have such an innate reforming tendency, that recommitments are becoming unknown in places

in which it prevails. The Prison Discipline Committee think it would be a matter of "great nicety" to apply this system to India; although they say that there is no doubt that, in England and America, solitary confinement in a small but airy cell, if work be allowed, can be inflicted for a great length of time without risk to life or sanity. We believe it would not be so difficult as is supposed, to introduce this, the *only* effectual punishment, into our Indian Gaols.

Many and various are the objections which have been urged against separate confinement; and, there is no doubt, a very general impression exists, but we think only amongst them who have taken a cursory view of the subject, that it conduces to melancholy and madness. It is objected by some that it is an unequal punishment—inflicting more real suffering upon the man of cultivated mind, than upon others; but this inequality may be said to be the effect of all punishments; for a gentleman would, undoubtedly, feel more degradation in half an hour's tramp upon the treadmill, than a chimney sweep. One of the questions put by the Committee to the local authorities was—"In your opinion are there any objections to the introduction of the punishment of strictly solitary confinement for 'limited terms'?"

This query was replied to by more than fifty officers attached to the Bengal and Agra Presidencies, and the replies of all but three, were in favor of this mode of punishment. By this large body of intelligent and practical men, solitary confinement was pronounced, a much dreaded punishment—highly efficacious—calculated to tame the most sturdy and to curb the most unruly and turbulent. The Sheriff of Calcutta, the late Mr. R. H. Cockerell, declared, that it had "come under his observation, that Europeans of the most 'violent, overbearing character, picked from the army for ungovernable conduct, in the daily habit of breaking the prison 'rules while in Gaol, and striking the sentries, had been, by four 'days' solitary confinement, reduced to gentleness, civility, and 'a mildness of manner, scarcely to be credited by them who 'have not observed the effects.'" Of the three gentlemen, who objected to the punishment, one did so because, as he said, the natives "are naturally timid; and ignorance is their greatest 'fault.'" The second said, it would not be efficacious, as "a native 'would sleep through his time with great composure, and perhaps regret when the period arrived for his resuming his 'active labors on the roads;" and the third thought, that "the 'native mind is, generally speaking, so sunk in the darkest 'superstition and ignorance, that I should fear solitude would

‘ produce only terror that might end in madness and suicide.” We confess we cannot see the force of any of these objections. The first is quite beyond us ; the second gentleman thinks solitary confinement would induce a composed sleep of some months’ duration ; and the third that it would lead to madness and suicide !

The Committee themselves are favorable to solitude ; but, as we mentioned before, we think it would be a matter of much delicacy and nicety to apply the system to our Gaols in this country. They recommend, therefore, that judges should be authorized “ to sentence to certain terms of solitude, with or without certain terms of imprisonment of any other description ; and not, a priori, to restrict the use of solitude by any definite law, till experiment shall have shown with what qualifications solitary confinement can most beneficially be inflicted, and how much of it, so qualified, can be borne wholesomely. Then, but not before, the Law of prison discipline on this point can be framed with confidence ; but till experience can be our guide, we think it will be the safe course to declare, that a sentence of imprisonment in solitude for any term, shall mean no more, than that as much of that term shall be passed in solitude as may be found to consist with the health and reason of the sufferer.”—*Para. 267.*

We fear there is no probability of such a modification of our code being proposed. Here again the bugbear of expense opposes improvement. The Government shrinks from the heavy outlay which would be involved in the matter. As we mentioned when describing the Pentonville model Prison, each cell there cost £161 or upwards of 1,600 rupees ; and the Separate cells in the Calcutta House of Correction cost about 160 Rs. each. There certainly is something to stagger us in this. Taking the number of Prisoners in India at only 50,000,* to put each into a Separate cell, would cost eighty lakhs of rupees. This charge at the very outset, at the threshold of the undertaking, is enough to make a Governor-General hold back. Nor would we desire to press any thing of the sort upon his consideration ; but surely a partial separation might take place. There are very few Gaols in India which contain one solitary cell even ; and we have seen, when it was desired to subject a violent man to the solitude which inevitably subdues him, the condemned cell of the Prison used for the purpose. Surely it would not be difficult or expensive to build, with the assistance of Prisoners themselves, a few, say 50 or 100, Separate cells in each Gaol, and always to keep them full. We venture to say that even this very imperfect

* The Report of the Committee, page 9, gives it at 56,632, as far back as 1833.

Separate system, would soon have a marked effect in diminishing petty crimes. We would not confine men sentenced to long terms in these; but reserve them for the vagabonds and rogues who are sent to Gaol for three or six months; and we are satisfied few of them would desire to return to the Gaol, when once out of it. We believe that the introduction more generally into our Gaols of the punishment of solitude, would have a marked and striking effect; and that this would be more sudden and immediate than is generally supposed. Notwithstanding the many startling facts which are brought to our notice in the reports of the Pentonville Prison inspectors, and other works, we are not, we confess, amongst those who are very sanguine as to the *moral* effect of solitary confinement. It is difficult to think that the man who has perhaps been born in a brothel—nursed in a cellar—and educated amidst ruffians and profligates—the man who has considered it an object of his highest ambition to follow in the steps of Jack Shepherd,—who has been taught to scoff at religion and its ministers—can be reduced, by a month or two of confinement, and chiefly by want of companionship, into a really meek and moral convert. We may doubt the sincerity of many, at least, of the conversions which the excellent men, whose duty it is to look after and report such matters, speak of with pride, and describe to their superiors with honest exultation. It is, in fact, more easy to believe, that these sincere and good men are often deceived by the professions of their congregations, than that individuals, whose habits and pursuits have been diametrically opposed to every precept of Scripture, should, in the short space of a few months, throw off their degraded natures, and appear as holy and moral persons. The sudden transformation of persons so circumstanced, is always liable to more or less of suspicion. We believe firmly in the excellence of Separate confinement as a punishment—but we believe in its efficacy, for a very different reason from that which enthusiastic writers upon the subject, generally give. We are quite satisfied that the 288 persons who behaved well in the Pentonville Prison in 1845, and were placed in the first class, and got tickets of leave as we have detailed above, did actually and truly conduct themselves in an orderly and proper manner whilst at Pentonville. That is, that they created no disturbances in the Prison—that they did not abuse the officers when in their presence—that they did the work allotted to them—that they walked steadily to Chapel, and to the school classes, with the Regulation cap well over their eyes, &c. &c.—but we are much more inclined to believe that they conformed to all the requirements of the Prison, because they believed it was for their own interests to do

so, than because they were transformed from ruffians into really moral or religious men. A Prisoner in a Separate cell is a very different person, we have not the least doubt, to a Prisoner in a large Newgate Ward. The latter, when surrounded by hardened characters as bad as himself, dilates with glory and pride upon the several exploits which have distinguished his life; and tells his hearers, with an unhappy garnish of oaths, how many crimes he has committed in his eventful career, and how many more he intends to commit when his term of imprisonment is over; but put this man into a cell of seven feet by nine, and satisfy him that, if he behaves well, he will, in eighteen months' time, get what is "equivalent to freedom;" whilst, if he behaves ill, he will be sent to Tasman's Peninsula, "there 'to work in a probationary gang, without wages, deprived of 'liberty—an abject convict," and we doubt not he will see it is to his interest to behave steadily and quietly, and that he will eventually be transported under the denomination of a "useful colonist:" we may question however whether this change which has been wrought in him, has not been, in most cases, effected by the intuitive perception which he possesses of what is best for his own interests. The adventures of criminals, from the gentlemanly Paul Clifford to the ruffianly Bill Sykes, have always possessed much interest, and are read with the greatest avidity by all classes: if we recollect right, Courvoisier attributed the murder of Lord William Russell, to the reading of Ainsworth's novel of Jack Shepherd. But put Paul Clifford or Bill Sykes or Jack Shepherd into a solitary cell; and you may search long enough, we venture to say, before you will find a Bulwer, or a Dickens, or an Ainsworth, who would be at the trouble of chronicling their adventures. The "artful Dodger," if in Pentonville, would probably say to himself, that the best thing to be done was to remain quiet, in order that he might be a gentleman hereafter at Sydney; and we fear that the prayers and exhortations of the Revd. Chaplain at the Model Prison might not have as much to do with his apparent contrition, as that reverend gentleman would sincerely believe, and as he would fain convince others. It is not that we, for a moment, call in question the *possibility* of such sudden change, transformation, or even real conversion. Quite the contrary. With the Almighty all things are possible; and there is no limit to his goodness, mercy, and grace. We only desire to express a cautious and prudent doubt respecting the *nature* and *extent* of alleged sudden and great changes, under circumstances in which inferior secular motives *may* exercise a predominant practical influence.

In the report of the Inspectors of prisons in Great Britain, published in 1838, they quote an opinion of the "late Governor of the Sing-Sing Prison," without giving his name, which bears out our general view of this matter:—

"If I were to mention a prognostic, I would even say that the prisoner who conducts himself well, will probably return to his habits when set free. I have always observed that the worst subjects make excellent prisoners; they have generally more skill and intelligence than the others; they perceive much more quickly and much more thoroughly, that the only way to render their situation less oppressive, is to avoid painful and repeated punishments, which would be the infallible consequence of insubordination; they therefore behave well without being the better for it."

This applies to prisoners under the Silent system it is true; but the moving principle, we fear, is a good deal the same at Pentonville.

Still, however much we may be inclined to question the reason which induces many criminals to reform in Penitentiaries, there can be no doubt as to the fact. The Jonathan Wild is, somehow or other, transformed into a Joseph Andrews. Men may debate about the peculiar nature of the alchemy by which this change is wrought; we take it as we find it; and the first question appears to us to be, "Do others dread this punishment so much that it deters them from committing crimes?" The second question is, "Have we by this punishment made the prisoner a moral man and a useful Colonist?" This latter object is one which no Christian man can possibly undervalue; but a difference of judgment may arise as to whether it more properly belongs to the Clergyman or the Prison Discipline Reformist. It may be questioned whether the Pentonville system can ever be largely carried out even in England; and right thinking men may differ as to the policy, the propriety, or the practicability of introducing it, in its integrity, into this country. It may be, and in a measure is, the object of England to provide useful and moral colonists for the immense tracts of waste land in the New World of Australia; but while we have no such object here, we may, and ought to desire to see the Natives of India useful and moral citizens in their own country.

It is curious to see, from the Appendix to the Report, how very little the subject of classification is attended to in our Indian Goals. The reply of the officer in charge of the Russipuglah and Alipore Goal, to the question, "are the prisoners at all classified—and if so, to what extent," was simply, "there is no classification in either of the Goals under

' my charge ;" and the answers of the other officers consulted, may be summed up in the same words. Regulation IX. of 1793 requires, that the Prisoners in a Goal should be divided into five classes, according to the length of the term of imprisonment to which they are sentenced ; but even this, slight though it be, is not universally adopted. Females are always separated from the others, and debtors are confined in the Civil Goal, which is generally nothing else than a Ward in the Criminal Goal ; beyond this, however, there cannot be said to be any real classification in our Gaols. Accused persons are not always separated from those who have been convicted, neither are those who are not sentenced to labor, always kept away from those who are so sentenced. The Committee think that " Classification to be of any material use must be carried at least so far, as to separate absolutely, by day and by night, and whether in Goal, or in working parties out of Goal, the following description of Prisoners :"

" 1st. Accused persons suspected of being thugs."

" 2d. Males accused of the more heinous crimes against person or property ; such as Murder, Rape, Robbery, House-breaking, or attempts to commit such crimes."

" 3d. Males accused of simple theft, receiving stolen goods, perjury, forgery, fraud, and similar offences, or of conspiracy to commit offences of this nature."

" 4th. Males accused of affray, assault, and offences which are commonly described as ordinary misdemeanors."

" 5th to 8th. Males convicted of the above-mentioned offences respectively."

" 9th and 10th. Accused and convicted females."—*Para. 42.*

Debtors, the Committee say, should be confined in a distinct Gaol, and besides the ten separate classes mentioned above, the Committee add, that " every Gaol ought to have a sufficient number of small apartments in which persons accused or convicted of murder, and certain other atrocious offences, can be confined alone." To carry through the recommendations upon this point alone, therefore, it would be necessary to have twelve or fourteen distinct Wards in each Gaol, many of which would probably be unoccupied during a great part of the year ; for one-half of the separate Wards are for unconvicted persons, most of whom would generally be removed to a convicted ward within a few days, and the aggregate of whom is seldom more than one twentieth part of the whole number in the Prison. The Committee, sensible of this difficulty, say that they " find it impossible to offer any very definite and practical recommendation on the subject of classification ;" and that, in case it

be not determined to build Central Penitentiaries, they think the present Gaols should be improved as much as possible, by making as many Wards as are consistent with proper ventilation. That a certain degree of classification is desirable, nay absolutely necessary, is unquestionable; but we think that this is carried in the Report before us much too far; and the subject has given rise to Minutes from some of the members of the Committee, in which the point is argued with tedious minuteness. At no time is, what we may call, gregarious classification, in our opinion, a matter of vital importance; but when carried to the extreme, to which it is by some required, it becomes little less than absurd. The true classification is entire separation; one individual in each cell. The principle to be kept in view in classification is, to guard the morals of the Prisoner from being contaminated by others, or from contaminating others—the only way to carry this principle into thorough and complete effect, is to separate each individual from his neighbour; because, as Mr. Livingstone has truly said in the introduction to his code, “even when the class is reduced to two, one of ‘them will generally be found qualified to corrupt the ‘other; and if the rare case should occur, of two persons ‘who had arrived at the precise same point of depravity, and the rarer circumstance of the keeper’s discernment ‘being successfully employed in associating them, their approximation would increase the common stock of guilt.” A classification such as we have in India, that is, classification according to sentences, is, to speak the truth, of no use whatever—the crimes of two persons may be identical, but the morals of the one may be very far better than those of the other; the more immoral, therefore, is fully capable of corrupting his companion, and is almost certain to do so. The larger these classes, the more depravity necessarily exists; and the smaller they are, up to individual separation, the better; the limit being simply the expense.

The Government passes over this part of the subject in the resolution of October 1838, with the remark, that “His ‘Honor in Council does not think it necessary to canvass, at ‘present, either the views of the Committee, or the general ‘subject of classification, in detail”—but, it is added, that, “when the consent of the Court of Directors may be obtained, ‘the new Central Penitentiary will be constructed, and the ‘district gaols, within the circle to which the Penitentiary ‘shall belong, will be altered, in such a manner as to admit of ‘the utmost extent of classification, consistent with other ‘considerations, such as the general expense of the build-

'ing and its sufficient security and ventilation."—We need hardly tell our readers, that these improvements are still in the womb of Time.

The next proposal of the Committee relates to Treadwheels. If out-door labor is abolished, as it should be, the prisoners must be employed in the Goal, either in trades or in monotonous labor such as the Treadwheel, pounding *súrki*, or the like. The first would be the most economical, as it would probably pay for itself; but there is, they think, a reason, in this country against it, which does not apply to other places; it is the same reason which opposes itself to so many improvements in India, and may be given in one word—caste. At Pentonville, in America, Prussia, France, and all other countries, an inmate of a prison may be employed in working as a Tailor or Shoemaker or any other trade; but to compel a high caste Native of this country to work at a trade, would be to disgrace him for ever; to inflict, as the Committee say, a "dreadful punishment not only on himself, but on every member of his family." This is, we conceive, an unanswerable reason for not employing *all* convicts, indiscriminately, upon trades; but it is no reason, that we can see, why *some* or even *many* should not be so employed. The Committee, however, came to the opinion, that the "limited employment of Prisoners upon trades, is, in any case unadvisable." Their reasons are stated in Paras. 242 to 247 of their Report. They object, that, for a trade to be successful, you must interest the mind of the workman; to do this would be to afford him a pleasure, and consequently to diminish the pain of punishment. Again they argue, that if, following the practice of other countries, you give prisoners good instruction, and teach them trades, you enable them to surpass honest workmen; and in such a case, the only chance for the honest man would be, to turn rogue, in order that he might be instructed at the national cost. Thus, say they, "It would very soon be discovered that going to Goal would be the first step to fortune."

We confess we are unable to appreciate the reasons here given by the Committee. Here we find one of the paradoxes which disfigure this otherwise very able report, and which we fear must have rendered the suggestions contained in it of so little practical value. If we find an excellent way of employing prisoners, which shall not undersell the honest laborer, and which, at the same time, diminishes the cost of our prisons, are we to be deterred from carrying it out, because it "interests the mind of the Handicraftsman, and makes him feel, from one cause or another, pleasure in success?"

Are we to deny the State, the right of being reimbursed some part of the heavy expenses now incurred in keeping up prisons, and the convict himself the newly acquired means of gaining an honest livelihood when he leaves the Gaol, because of the remote contingency, that "some honest and industrious workmen, who have never committed any offence, may be completely surpassed by the liberated convicts." On the contrary, we think with M. M. de Beaumont and de Tocqueville, that "Labor is not only salutary because it is opposed to idleness, but it is also contemplated that the Convict whilst he is at work, shall have a business which shall support him when he leaves the prison." We must be allowed to differ altogether, therefore, from the arguments of the Committee on this point; but although we think it quite unobjectionable to employ convicts on Trades, we believe that much care should be taken that the honest workman is not undersold. It must be remembered that the free workman cannot get on without a *profit*, which the Prison workman does not require. The object of the first is to *gain* as much as he can, that of the last to *lose as little* as he can. Again, the Capital of the free workman is limited, that of the Prisoner is not. Great care, therefore, and much and constant enquiry is desirable on this point, and for this purpose, if for no other, there is much need for an Inspector of Prisons, a part of the subject upon which we shall have to remark hereafter. A good deal of judgment, and a considerable knowledge of the state of the markets, is required to check this; as long as the price of the article is high, as long as it leaves a good fair profit to the manufacturer, so long the competition of prison labor will not do harm, but, on the contrary, will do much good. It is to the interest of all nations that production should increase, because prices will fall and the consumer gains: but the moment prices have sunk to their lowest, the moment that the manufacture of any article ceases to afford the honest workman a fair profit, the pressure upon the market should be relieved by the withdrawal of the prison labor or by its transfer to some other branch of trade. It has frequently happened in England that Gaol manufactures have been stopped on this account, and recourse had to the Treadwheel, which, when required, gives work without producing,—and it is particularly stated in the accounts of the Pentonville Prison that instances have frequently occurred of large sales having been refused, at prices which would have given a very fair profit, because the prices offered were below the regular market value.

Labor on the treadwheel, the Committee say, is subject to

none of the objections which they find to Labor at trades. "Whenever it has been used in India it has produced the best effects, and demonstrated that there is nothing in the Indian constitution or climate, which makes its use in this country objectionable. It is extremely dreaded, and it produces no permanent ill consequence, moral or physical.

We are of opinion that both trades and Treadwheels should be adopted as extensively as possible in our Gaols. The latter, when in use, should be of the simplest and plainest construction, without any complicated machinery at first; when they have been in use for some time and when the prisoners have got accustomed to them, additional wheels and cranks might be added, so as to turn the work to some use; such as grinding corn, pressing oil, &c. : but at first, if the machinery is at all liable to be deranged, the prisoners will find out how this is to be managed, and will injure it purposely. A Treadwheel has been in use in the Calcutta House of Correction for some time, and we learn that it has been quite successful.

The next recommendation of the Committee was with reference to the food of Prisoners. "It appears quite certain," they say, "that all over this Presidency, the Prisoners fare better, and more fully, than the Agricultural laborers." We believe it to be quite true that there is no punishment or no discomfort which a Prisoner feels more sensibly than what is called, in the phraseology of Lord George Bentinck, "putting on the muzzle." We hear periodical complaints of sickness in Goals. Is this much to be wondered at when prisoners, from coarse and stinted fare, are at once put upon a rich and plentiful diet? *Ut sis nocte levis, sit tibi cæna brevis*—is a maxim but little attended to in our Gaols. The food given to prisoners should be sufficient to keep them in health, but no more; it should be of the coarsest and plainest description; instead of this, however, the rice or wheat which is given in our prisons, is of the finest quality, and such as nine-tenths of the prisoners never tasted in their lives till they became inmates of the Gaol. This fact is notorious to all who have any acquaintance with the subject in this Country; and we should pass it over, assuming that its existence was unquestioned, but that some who may chance to light upon this Review, might not be satisfied on the subject without further proof. The twelfth question addressed by the Prison Discipline Committee to the officers in charge of Gaols in this country, was to the following effect:—

"Are Prisoners, both those under sentence, and others, supplied with rations in your Gaol, or with an allowance in money? What is the nature and quantity of the rations, or the

' amount of the allowance in money given to each Prisoner per diem, and what are the facilities provided for his obtaining food when working in or out of Gaol? What is the nature and quantity of the food daily eaten by a laborer in full work in your Province, or how much does such a man spend in money, on his own daily food? Money spent in food, &c. for his family, must of course not be included in the reply to the above question."

From a large collection of replies, all nearly to the same effect, we select one or two as specimens. Mr. Samuells, the Magistrate of Húgly, declared that as far as regards food they (the Prisoners) are rather better off than the generality of free laborers in these provinces. He then gives a table showing the quantity of food which an able bodied man is capable of consuming, and adds, "this is always, it is to be observed, within the reach of the convict, while with the common day laborer it is a matter of uncertainty whether he can procure it or not. In place of vegetable the laborer (I speak of the poorest class) not unfrequently makes use of a weed which floats upon the surface of the tank, and his wood is collected from the nearest jungle, whilst every article which he eats is of the coarsest description. The prisoner is thus I conceive in many instances better off than a large proportion of the laboring population." The Hon'ble Mr. J. Thomason, then, eight years ago only, the Magistrate of Azimghur, but now the Lieut. Governor of the North West Provinces, says, "Two years ago I entered into a calculation which went to show that a Prisoner's condition is superior to that of the lower ranks of common laborers, who, on an average, do not earn more than four pice a day, out of which they have mainly to supply themselves and family with food, clothes, and lodging. Their food is inferior in quality and generally small in quantity, whilst the Prisoners use the best wheaten flour; many of them enjoy the use of tobacco; they quickly become sleek and fat in Jail, and after purchasing their food, salt, firewood, &c. there is every reason to believe that they can save from their allowance, as those Prisoners who for any breach of Jail discipline, are reduced to three pice a day, appear to be able to live on as much as usual; and I have known an instance of a Prisoner's mother being killed in a dispute relative to an iron pot which he had purchased out of his savings and sent home to his family." This would seem sufficient for our purpose, but we cannot deny ourselves the pleasure of quoting one more example to show, that this high and luxurious mode of feeding Prisoners is not confined to Bengal and Agra, but that it exists also at

Madras—Mr. E. P. Thomson who was, at the time these returns were made, Criminal Judge of Canara, but who is now, we believe, the Chief Secretary to the Government at Madras, says, “Taking the average of laborers, I should say a Prisoner in Jail was as well off in respect to food as a laborer in good employ—better than others whose work is precarious—and infinitely superior to those who are unable from idleness or bodily infirmity to gain a full day’s hire.”

Who after reading these opinions, which are only a few out of some scores, can accuse us of exaggeration when we say that the end of punishment in India is, in effect, to incite, and not to deter, persons from committing crimes?

After stating their opinion that a Prisoner, “instead of living like the mass of his class out of Gaol, enjoys the food of a Sepoy, or a well fed domestic servant—the difference between potatoes and a diet of butcher’s meat being scarcely greater,”—the Committee say they are “very strongly impressed with the inexpediency of giving convicted prisoners any money allowance at all. The inquiries which we have made have convinced us not only of the advantages of a system of Rations, but of the perfect feasibility of carrying such a system strictly into execution, so as to withhold the smallest piece of money from a Prisoner from the date of his sentence to that of his liberation”—*Para. 59.*

Connected with this part of the subject the Committee recommend, *Para. 69*, “that no convicted prisoner be hereafter allowed to cook his own victuals; but that a Brahman and Musalman cook be provided for each Gaol.” The reason for this great and radical change, which has caused so much bloodshed, and the propriety of which has been so much canvassed, is contained in the following Paragraph:—

“The cooking of his dinner is, we believe, one of the greatest enjoyments of every individual amongst the lower orders in India, even when at liberty, and consequently, this long operation must be the chief alleviation of the tedium of a Prisoner’s life. The privation of the enjoyment appears to us one of the most legitimate means of enhancing the effect of imprisonment, as it conduces neither to a Prisoner’s health, nor to the improvement of his character. We have little doubt that the absence of the two pleasures of marketing and cooking would add materially to the severity of the punishment of imprisonment, and so make it possible to reduce proportionally the term of imprisonment, without taking away from the efficacy of the punishment.”—*Para. 70.*

It will be seen that the Committee desired that there should be "a Brahman and a Musalman cook for each Gaol," and that these cooks should not be convicts but persons hired and paid for the purpose. We can hardly suppose that the Committee could have thought, that two cooks would be sufficient for a Gaol containing, for instance as at Gya, 1400 Convicts; but, however this may be, we are satisfied they never contemplated the opposition which their cooking system would give rise to, nor the objections, of a valid nature too, we think, which would be raised to it; had they ever thought of this, they would, doubtless, have made more inquiry into the matter, and have devoted more of their attention to it. No persons whatever appear to have been consulted on the point. A Circular containing nineteen questions was circulated by the Committee, and opinions invited; but in this, not a word is mentioned of the messing and cooking system. The officers in charge of Gaols were questioned as to the propriety of the abolition of out-door labor, and the substitution of work within the Gaols—as to treadwheels—as to classification—as to solitary confinement—as to working in perfect silence—as to improving the moral characters of the Prisoners under their charge—as to furnishing Rations instead of a money allowance—as to privation of food as a punishment—as to prohibiting all indulgences, &c. &c. &c. but there is no question asked as to the propriety of prohibiting cooking. The only question which can in any way be supposed to bear upon this point, is the one as to "indulgences;" but we do not find, on looking over the replies to the 15th Query, that any of the officers considered the cooking his own meal by the Prisoner, one of the "indulgences" regarding which inquiry was made. Every other point contained in the Report was inquired into with laborious minuteness, and has furnished the subject of paragraphs and pages, but this one, which was dismissed with two short Paragraphs and with no questions asked.

The Public in general are too apt to mistake and confound the Ration and the Messing system. The two are very generally spoken of as one, under the first appellation; but they are two very distinct and very different things. The distributing Rations to Prisoners, in place of giving them money to buy food with, is in every point of view quite unobjectionable; no prejudices of caste are violated, and an illegitimate and improper traffic, which is too often made the means of bribing the Gaol Guards, is put a stop to. The Committee, in Para. 60 of their Report, give five reasons for

proposing the discontinuance of the money system and the introduction of Rations:

1st. That money may be hoarded and sent to the Prisoner's friends or used in bribing the Guards.

2nd. That it affords the Prisoner the pleasure of marketing, which is opposed to all right views of Prison Discipline.

3rd. That it allows him to supply himself with savory food, and indulgences which is an evil.

4th. That it assimilates too nearly to the payment of wages to honest work-people to be a suitable way of maintaining convicts.

5th. That as long as it exists, you cannot prevent convicts in good circumstances from obtaining money from their friends and spending it in bribery and luxuries.

All of these reasons carry more or less weight with them: the first alone was quite sufficient, we think, to call for an immediate change. We have given the five reasons at length, however, because the Committee say that they recommend the Messing and Cooking system, "for similar reasons." Para. 69. Now our readers will remark, if they examine the subject attentively, that the five reasons given for abolishing the money system can, by no ingenuity, be made to apply to the Cooking system; substitute the word, cooking, or messing, for money in those reasons, and they have no sense—the only reason for introducing the messing system is that given in Para. 70, which we have quoted at length; to wit, that it was a "pleasure and an alleviation of 'the tedium of a Prisoner's life.'" The statement therefore that the Committee recommended the hired cooks and messing system "for similar reasons" to those which induced them to desire the abolition of the money allowance system, displays such a looseness of argument and such a thoughtless and inconsequential style of reasoning—qualities which are diametrically opposed to every other part of the very able Report under review—that we can scarcely think the two Paragraphs, 69 and 70, owe their parentage to the vigorous intellect of the author or authors of the rest of the Report. They bear the impress of haste, the character of slovenliness about them, so evidently, as to warrant the assumption that they were inserted into the paper after the draft had been made, and that they could not have undergone the scrutiny of the many able men who sat upon the Prison Discipline Committee.

And yet it is these two paragraphs, short and meagre though they be, which have caused so much bloodshed—so much opposition to the whole system—so much rebellion. The

Government resolution in remarking upon this is equally meagre and unsatisfactory—it simply says, “For the reasons ‘stated by the Committee, the President in Council is of opinion, that the plan which they recommend, in Paragraphs ‘68 and 69, should be immediately and strictly acted upon ‘throughout all the Presidencies, and that for the first year or ‘two, half yearly Reports of the results, both as regards the ‘health of the Prisoners, and expense, should be rendered, ‘through the local Governments, in a condensed tabular form ‘to the Supreme Council.”—*Para. 38.* It will be observed that even here the only two points alluded to are the “health of the Prisoners and the expense” of engaging hired cooks, &c. Nothing is said about the prejudices of caste; it never seems to have struck any one that it was in the cooking and messing, and not in the ration part of the question, that the shoe would pinch.

That the messing system has given rise to disturbances of a most serious and fatal nature is familiar to our readers, but we have no returns by us which will show the precise number of these casualties. The first attempt of the Government to enforce the messing system was made in 1841.*

In the month of June 1842, the first organized opposition to the measure showed itself in the Gaol at Chuprah. It seems, from the *Friend of India* newspaper of the 2nd of August of that year, that there were at the time 620 Prisoners in the Gaol, and that they had been divided into fifty-two messes, with a separate cook attached to each. We would remark here, en passant, how different this system of having one-twelfth of the entire Gaol spared all labor, and employed in the “pleasant occupation,” as it called by the Committee of cooking is, from the plan proposed by the Committee themselves: they proposed, as we have seen, to have “one Musalman and one Brahman cook for each Gaol.” In this case however the cooks, doubtless stimulated by the other Prisoners, were the first to rebel. “On the morning of the 10th June, Mr. Wilkins was informed that all the cooks, with the exception of two, had refused to work—on ten of the recusants he inflicted corporal punishment. They were all men of high caste, who, notwithstanding the whipping, refused to the last to cook; the

* The messing system was enforced under a circular of Nizamut Adalat, dated the 9th of July 1841; which declared, that all the prisoners in each criminal Gaol—those under examination or committed to the sessions only excepted—should be formed into messes consisting of 20 men each, and that one cook should be allowed for that number. In June 1843, a farther order was issued that *two* meals should be daily given to all Prisoners under the Ration system.

‘rest pretended submission.” The account then proceeds to the effect that the Prisoners rose en masse, but that, fortunately, the outer gate was shut upon them, and they were not able to break the Gaol: that 3,000 or 4,000 of the town’s people collected outside to assist the Prisoners, and that the Magistrate, the Judge, and the Collector whilst proceeding through the crowd were saluted with clods of earth and abuse—that the Magistrate “dropped a hint that he would suspend the enforcement of the order for messing till a reference could be made to the Sadar Court, and that he would forward any reasons which the Prisoners might have to urge against it,” and that in consequence, the disturbance ceased. The Sadar Court, in reporting the matter to Government, suggested the propriety of enforcing the orders by all means, and at all hazards. Mr. Wilkins, on the contrary, thought that the feelings of repugnance which the Prisoners had manifested to the messing system were sincere and genuine, and that no force or punishment would induce them to violate their prejudices; that if the rules were to be enforced, it would be necessary to call in military aid, and that the orders could not, under any circumstances, be executed without force. The Government, most sensibly in our opinion, told the Court that the messing rules were not intended as a punishment; but as an improvement in Gaol discipline; that the Prisoners should rather be drawn into, than forced to, adopt them; and that any recourse to military force was, therefore, quite foreign to the original design of the rules.

Since 1842 there have been several other disturbances in the Bengal Gaols, all of them arising out of these messing rules; and there are good grounds for supposing, that attempts have been successfully made, in more instances than one, to mix up the Sepoys of some of our Native Regiments in the matter. The last occasion of a disturbance in the Bengal Provinces was that which took place in the Behar Gaol in September 1845; for this offence sixteen persons were tried in January last by the Court of Sadar Nizamut; one of whom was sentenced to transportation for life, and the other fifteen to transportation for fourteen years. Upon their trial it came out that the riot was caused by the “Magistrate’s attempt to carry out the ‘messing system in accordance with the orders of Government”—that the Prisoners expressed no disinclination to eat together, but suddenly rose upon the authorities—that they disarmed the guards and wounded the Gaolers—that the Magistrate had to fly to save his life—that the sepoy guard was

called out—had to fire twice upon the Prisoners, and ultimately drove them back at the point of the bayonet into their wards—that the military were then called in, but did not arrive until five days after the disturbance—during the whole of which time the Prisoners held out against the constituted authorities, the Gaol being in a state of siege all this time, with the doors barricaded, so that neither ingress nor egress was practicable. When the military arrived, the Magistrate proceeded at their head into the Gaol, where, says the Report of the trial, “some dead bodies were found, and a few more Prisoners wounded—making the total number of casualties amount to eighteen.” Within the present year an *emeute* has taken place in the Allahabad Gaol, in which, in believe, four Prisoners were shot dead, and fifteen others seriously wounded.

Such are the facts which we, with the most scanty means at our disposal, and from recollection, can bring to bear upon this part of the question; but we think it is the duty of Government to call for returns, from each Gaol in India, of the number of persons who have been killed and wounded, and also those who have been flogged, for offences connected with this messing system; the question might then be fairly discussed whether the keeping up of this system of messing and cooking, was worthy of being purchased at so much blood. The only argument of any value in its favor is that given by the Committee; namely, that it is a “pleasure, an alleviation of the tedium of a Prisoner’s life.” But for the sake of depriving them of this pleasure, are we to wade through blood—are we to run the risk of corrupting the fidelity of our Native Army—are we to cause ourselves to be looked upon as a set of tyrants—as the poor man’s persecutor?—Let our readers ask any respectable native the question, and they will see that no man, be he who he may, and however highly educated and intelligent, can understand the reasoning by which we arrive at the conclusion, that to alleviate the tedium of a Prisoner’s life by allowing him to continue to perform for himself a duty which can hardly be called—so bound up with his existence has it always been—a pleasure is opposed to all proper and correct views of Prison Discipline; and we confess, when it is carried to the extreme, noted in the present instance, it is a point upon which we think there may very fairly be two opinions. What would the Committee think of the Pentonville system, and that adopted in the American Separate prisons? does not shoe-making and tailoring—does not taking exercise and learning to read and to calculate, alleviate the “tedium of the Prisoner’s life?” Nay, it is one of

the objects aimed at under the modern system. It is said "that the tedium and ennui of inaction and seclusion, make him, (the Prisoner), fly to labour as a resource from the pain of doing nothing;" and De Tocqueville remarks "It would be inaccurate to say, that labor is imposed—we may say with more justice that the favor of labor is granted." Again he says "they speak of labor with a kind of gratitude and express the idea that, without the relief of constant occupation, life would be insupportable." Surely then this is a "pleasure which alleviates the tedium of a Prisoner's life;" but would the Committee therefore do away with it?

The question is, Is cooking a legitimate employment for a Prisoner? If we had had any doubts as to answering this question in the affirmative in the year 1838, we conceive that subsequent events have undeniably demonstrated that it should now be so answered. But we are amongst those who would never have deprived the Prisoner of this pleasure, if so it can be called; and we cannot but think it was a straining of the otherwise sound maxim that "Prisoners should be denied all luxuries," which gave rise to the opinion upon which the recommendation regarding the messing system was based. Our limits prevent our pursuing this subject any farther. We should be very glad to find the Government calling for returns from all the Gaols in India of the number of deaths and punishments which can be traced to the messing system; and when they have these before them, we think the matter might very properly be reconsidered, and the question asked, whether the enforcement of the system had not been too dearly purchased?

The Committee's proposal was, to have hired cooks; the present system, therefore, of having one-twelfth of the Prisoners (as in the Chuprah case) exempted from the labor to which they have been sentenced, and occupied in the pleasant task of cooking, cannot be fairly called the Committee's plan at all; and the question we should desire to see reconsidered is, therefore, whether the exempting this large number of Prisoners from the punishment to which they have been sentenced,—added to the bloodshed, butchery, and brutality to which the enforcement of the system has given rise,—be not a greater evil than the allowing each convict the pleasure of sitting beside his cooking pot and preparing his own meal to his own taste? We are strongly inclined to the opinion that it would be politic and proper to return to the old plan—food, not money to buy it, being given to him for the purpose; and we much fear that

unless this be adopted, the Allahabad disturbance will not be the last scene of the kind which will occur, nor the Behar Magistrate the last functionary who will have to take to his heels to save his life; for the Messing system is a perpetual blister, an irritating ulcer, which time will not heal, nor years serve to assuage. If it be said that it is too late now to give it up; that we are too deeply involved in the principle to forego it now—that any change will be attributed to timidity and vacillation, we reply: Be it so; if it is an error there is a certain manliness in avowing it; but to prevent the malcontents from benefitting by their rebellious acts which have caused the loss of so many lives, the messing might be abolished, and the old plan returned to, only in those Gaols, and towards those Prisoners, who quietly submitted to the Cooking system when it was first introduced.

We must bring this already too long article to a conclusion, though there is still much to comment upon, of a very interesting nature. We believe we have reviewed the most prominent parts of the Committee's Report, and the minor matters,—relating to the proper description of fetters to be used—the better treatment of untried persons—the exclusion of visitors, &c. &c. although all of importance,—must, for the present at least, be passed over. But there are two more subjects which require notice before we close our remarks—we mean the building of Penitentiaries and the appointment of Inspectors of Prisons.

On the first point the Committee recommend that Central Penitentiaries should be built, one to every six or eight districts, and that all persons who are sentenced to imprisonment, with hard labor for more than one year, should be sent to them. This recommendation has been acted upon only in the Calcutta House of Correction, we believe, where Wards have been added according to the plan of the Committee. We think we are correct in saying that the cost of the erection of these Wards has been more than covered by the labor of the Prisoners. At Patna a wall has been built capable of containing a Penitentiary on the Committee's plan; but Wards on that plan have only been built for 120 Prisoners at a cost of Rs. 38,698. The estimate for the complete Penitentiary for 2,000 Prisoners was Rs. 3,16,890, and the magnitude of the sum was, unfortunately, sufficient to deter the Government from undertaking it. The expense here was, it will be seen, less than 160 Rs. per cell; the Pentonville Prison cells cost, as we have noticed, the same number of Pounds Sterling.

Ten Penitentiaries here, therefore, would not cost more than *one* in England—and yet the cry is, “we cannot afford it.” Another Penitentiary was to have been built at Kishnaghur—the materials were all collected but the works have been stopped—why? Because “we cannot afford it!”

In Para. 298 of their Report, the Committee propose “the appointment of an Inspector of prisons over a certain number of sets of districts. We think there should be one such officer, at least, for the provinces under the jurisdiction of each Local Government. This officer should be constantly visiting the Gaols under him, and be in confidential communication with every Magistrate in his province, and with the Government. The appointment of officers of this description in England has lately been made, and it is there deemed a matter of great importance. We consider such officers at least equally necessary in India, in order to secure the good and uniform working of any general system of Prison Discipline. The keeper of every Gaol will of course be superintended by the District Magistrate by whom each Gaol might be visited frequently and unexpectedly; but both the Keepers and the Magistrates, as far the Gaols and Penitentiaries are concerned, ought to be subject to the control of the Inspector. Such an officer, besides being essentially necessary to ensure the goodness of any general system of Prison Discipline, might, we think, be of use to the Police, from the knowledge of the people of the worst character spread over a large tract of country, which he ought to acquire in his tours, and this not the less effectually because he would have no police powers himself. We think, therefore, that these officers ought to be selected from amongst the most zealous and intelligent Magistrates and Joint Magistrates.”

We need hardly say that we quite concur in these remarks and in this recommendation—any improvement which is to take place in Prison Discipline should be uniform—the same system, the same reforms should exist in all Gaols, unless when local circumstances render necessary any deviation. Without this, you leave all to the character and temper of the Magistrate or person in charge of the Gaol. One man is strict and severe—his neighbour lax and indulgent; but, besides being contrary to all correct notions of Prison Discipline, this want of uniformity may be almost stigmatized as illegal—for one criminal is severely, and the other laxly, punished; though perhaps, their offences were identical, and their sentences similar. At

the time the Committee was sitting, Gaols were under the charge, as now, of Magistrates, whose proceedings in all matters regarding them were subject to the direct supervision of the Judge. An act was passed in 1844, however, which took away all power of interference from the Judges; and at the present moment, Magistrates are subject only to the direct controul of the Government; and, necessarily, the supervision must be rather slack. There is no one whose exclusive business it is to look after the management of Gaols, and there can be little doubt that the system suffers in consequence—it is true certain periodical reports are required, but the stringency of management, which, it may be supposed, such reports generate, may be entirely defeated. One statement, which we have seen, gives the different description of work upon which the convicts have been employed on the last day of each six months; and it is supposed that this will afford a good general notion, of the way in which they are *always* employed; but it is clear, that, if a Magistrate chose to do so, he might employ the convicts in his own garden for every day of the six months, except the last; nor is there any one to check this at the place; the power to do so having been expressly taken away from the Judges, the Superintendent of Police, and the Sadar Nizamut Adalat. We do not say that such a case as this ever has been known, or is likely to occur; far otherwise we hope; only it is *possible*, under the present system, and would *not* be so, if a good Inspector of Prisons were appointed, whose duty it was to see to such things, and to such things only.*

Those of our readers, who have accompanied as through these remarks—in whose eyes the dryness inseparable from the subject will, we trust, excuse in a measure the tediousness of our article,—will have observed, how much yet remains to be done before we can claim to be put on a par with other countries in regard to improvements in Prison Discipline. But there is plenty of time before us; every year adds to our knowledge, and every year exhibits successful experiments on the subject. Let us not too hastily blame the Local Government for its tardiness; let us remember what events have occurred in the History of India since the Prison Dis-

* An Inspector of Prisons was appointed, nearly two years ago, for the North West Provinces, and why, we ask, is not a similar appointment made for the Presidency of Bengal? we will not venture a solution of this question, we will only hope that it will not be long, ere we shall see the "most zealous and intelligent Magistrate" in these Provinces, nominated Inspector of Prisons in Bengal. Till this takes place, no reforms can be carried out, no improvements expected, no change for the better hoped for.

cipline Committee wrote the Report, which we have been reviewing. Eight more eventful years have not passed, since our first occupation of the country. Our armies have been marching through the length and breadth of the land. We have taken Affghanistan, and given it up again—we have taken Sindh, and, would we could say, have given it up again! We have taken Gwalior—we have taken Lahore—we have fought battles, the narration of which, may well make the heart beat quick, and the cheek flush with pride—we have poured out oceans of blood and lavished whole mines of treasure—and, in the midst of such exciting scenes, who can call the Indian Autocrat apathetic, because he has forgotten the claims of the felon and the out-caste? Is it not natural that he, who has at his beck the imposing pageantry of an army, and such an army as ours, should throw aside the “Report of the Prison Discipline Committee of Calcutta,” and devote himself, heart and soul, to the “pomp and circumstance of glorious war?” But those days are no more—they form a portion of the past; let us hope that some of Lord Hardinge’s valuable time may now be devoted to the improvement of our Prisons; and that some of his leisure thoughts may, ere long, be given to a subject which formed so prominent a feature in the lives of such of his countrymen as John Howard, Jeremy Bentham, Wilberforce, and Romilly.

ART. V.—1. *The Poetical Works of James Beattie, L. L. D. and William Collins.* London, 1823.

2. *Campbell's Specimens of the British Poets: with Biographical and Critical Notices, &c.* London, 1841.

LOOKING at the names of the authors which appear at the head of this article, some of our readers may wonder what connection any of them can possibly have with the chosen sphere of our lucubrations. India is our grand and peculiar field for investigation and research—but not our *exclusive* field. Our original design had reference to the Eastern Hemisphere generally—including the continent of Asia with its magnificent retinue of islands, and any region besides, such as the Cape of Good Hope, which may claim or maintain any special relationship with India. It is true, in point of fact, that hitherto little comparatively has been done for other than Indian realms, Indian themes, and Indian interests. But, as time rolls on, another and another exemplification will be found, drawn from many a prolific source, of the comprehensiveness of our original and still unaltered purpose.

Subjects, calling for grave discussion—subjects, bearing on the development of our national resources and the progress and welfare of society around us, are those which more appropriately fall in with our predominant design, and tend to further the realization of our leading object. But our desire, at the same time, is, as far as practicable, to mingle the *dulce* with the *utile*,—leaving the snarling cynics who sometimes mutter cadaverous sounds from the usurped chair of criticism to croak away to the tune of their own misanthropy. It is this desire to temper the severity of grave discussion with the amenity of musings of a lighter kind, which prompted us to turn to the ever-pleasing theme of *Poetry*. And in doing so, our memory seemed spontaneously to revert to an author, whose poetic treatment of Oriental personages and Oriental scenes, once greatly interested us, in days of yore—when youthful fancy, fresh and sparkling as the morn, with its dew drops and glittering radiance, loved to disport itself amid its own unreal visions of the beauty and luxuriance of “the climes of the sun.” In a word, we thought of William Collins—an author, now too generally forgotten; and his *Persian* eclogues—a work, of whose very existence, some of our readers may not be cognizant, and the announcement of which may fall on the ears of others, like the faintly reviving echo of a long evanished dream.

It will now be obvious why the name of Collins appears at

the head of this article. That of Beattie is there, merely as a Bookseller's accessory ; in other words, merely because it suited the taste, caprice, or convenience of the Bibliopole to associate the works of Beattie with those of Collins, in a printed volume. But the name of Collins we claim as our own—as rightfully belonging to our own oriental domain ; and the *Oriental* or *Persian* eclogues at once establish the legitimacy of the claim.

There is something delightful, in a mere literary point of view, in the very name of *Persia* : a kindred spirit of beauty, and sweetness, and poetry, we immediately associate with it. From childhood we are dazzled, with its highly coloured glories in the “Arabian Nights,” with Persian carpets, Persian odours, and, above all, with beautiful and accomplished Persian maids ; then come, in more mature years, Cyrus, Darius, Xerxes, in all the truth, splendour, and magnificence of History : we become still older and wiser, and begin to reflect on the decline and fall of nations, and to enjoy the mighty legacies they have left behind. Persian Poetry was born in a voluptuous region—in a region where the gratification of the senses formed a principal part of the philosophy of life ; in a region where the brightness of high moral civilization had never condescended to shine. And yet the poetry of the Persians abounds in moral sentiments, beautiful maxims, and charitable ideas :—such are the mysteries of human life ! From this very fact, it seems strange to us, that the brilliant and imaginative Rousseau did not consider the ruinous foundation on which he was building his principles—that of *humanising* the world without the aid of Christianity. Fallen nations, degraded human beings, fragments of greatness—given by the charity of nature—we think tend as much as any thing to show the presumption and folly of that gifted mortal of romance and poetry, who, on his death bed, represented to his friends the ruins of the world, and challenged any man to say that he was better than himself.

Persia, as one of the fallen nations, has, in her poetical Literature, bequeathed to us a fair legacy of her own. Greece and Rome—those cradles of human knowledge, science, and beauty—have nothing more simply beautiful of its kind than the sweet strains of Hafiz to the “lovely maid of Shiraz.” The modern Persians derived their poetical measures from the Arabs, and, according to Sir William Jones, they have nineteen sorts of metre. From the commencement of the ninth century, we may safely date the origin of poetry in Persia, becoming an art ; and laws of prosody being laid down. But before this period, the fine arts appear to have flourished in Persia.

Haroun Alraschid, when Caliph of Arabia, was much addicted to poetry, and took great delight in reducing his art from the mere jingling of rhyme, and cherishing it upon more noble principles. Al-Raschid—as it is sometimes written—flourished in the eighth century; and if we are to place any faith in the “Arabian Nights,” the *Fair Persian*, who lived about this time, is described as being able to play “on all sorts of instruments to perfection,” to dance, to sing, to write “better than the most celebrated authors,” to *understand poetry*, and, in short, every thing that could aid in forming the very perfection of a woman. The comparisons in Arabic and Persian poetry, are similar; chiefly consisting in likenesses to tents, camels, hunting, beautiful animals, bright flowers, with other bright things, all borrowed from a fanciful idea of ever-smiling nature. But the Turkish and Persian poetry is more voluptuous and refined than the Arabic. The Arabic being a branch of the Hebrew language, and the Persian poetry being derived from the Arabic, as well as its dialects—we may with propriety imagine the “Song of Solomon” to be a fair specimen of the origin of the style adopted in Persian poetry: as in part of an ode of Hafiz, translated by Sir William Jones—“I know not why the damsels, tall as cypresses, with black eyes, bright as the moon, have not the colour of love.”

The climate of India, and the nature of the Englishman's life in India, may seem favourable to the delightful study of poetry. With a good library, we can feast upon all the different styles, treasure up all the beautiful ideas, enter with our poet into the realms of Imagination; and in creating little worlds of our own, break the spell of an every-day monotony. As *men of letters*, and in *that* capacity alone we now write, we are happy for the time; temporary happiness, to be sure, is all we can expect on earth; and what will give more permanent delight than the proper appreciation and study of an exquisite piece of poetry? It lifts us above the world: it tells us we were not meant to be always here. What does that man deserve who can form for us such an admirable creation? There is nothing in this world sufficiently good for him.

But the age of poetry, people tell us, is gone! and so we must just find enjoyment, when we seek others besides the great immortals of the age that has now closed upon us, by looking back into the chronicles of Father time, and thereby pause and ponder over the old favourites which delighted us, when we first began the study of poetry. We deny, however, that the age of poetry, in its highest and best sense, as an ema-

nation of some of the nobler constituent elements of human nature, is gone. A peculiar poetical genius of the day is brighter than ever: but, to chime in with the popular opinion, founded on prejudice, and say that it *is* gone! will perhaps best suit our present purpose. We now hope to give our readers some pleasure, if they will only allow us to guide them over a beautiful tract of country: to this journey our few remarks on the origin and nature of Persian poetry may be considered as prefatory.

We take up a huge volume of British poetry—one edited by an Aikin, a Southey, or a Campbell; and in pouring over the brilliant selections contained in it, we begin to reflect on the various conditions of those men who have given perpetual delight to the world. The poetry creates in us a sympathy for the poet; and if we be writers ourselves, we feel that we cannot repay the pleasure given us better than by causing a halo of our own to shine around his memory. There are three English poets, poets in the highest sense of the word, who have not written much, but all well—Gray, Collins, and Beattie. The first we are early led to admire, through the plaintive beautiful Elegy, written in a Country Church yard; the next, through a magnificent Ode to the Passions; Beattie, through his Minstrel, or the Progress of Genius. Of the three, in our opinion, Collins was the most highly finished off by Dame Nature for the title of poet. There is a delicacy of finish about his works, not surpassed by any of the poets, of his class, in our language. Beattie is more laborious than either Gray or Collins; and we think the Minstrel owes a little of his popularity, to the fact that the progress of Genius was in the “mind’s eye” of Lord Byron, when he drew Childe Harold. The impulse of Beattie’s genius seems to have been but momentary: his poetical muse was not constant to him. No one can fail to remark in reading Childe Harold, how quickly Lord Byron breaks away from the shackles of imitation, allowing even that he did take lessons from Thomson, Ariosto, or Beattie. We think the whole of the admirable beauties of Beattie’s Minstrel are comprised in the first fifteen stanzas. The genius of Collins expands equally throughout. It is to this latter poet, as our readers will have observed, we intend to devote our chief attention.

London, the nurse of poverty and genius, received William Collins, as an object of her charity, in the year 1744—seven years after Samuel Johnson, and the English Roscius, Garrick, had settled themselves in the Queen of cities. Like the great moralist, and the great player, in fact like most poets who

shine in Biography, he came to London with “more literary ‘projects in his head, than money in his pocket.” Like poor Savage, his dinner was a complete uncertainty; and a bailiff prowling around him, was ever in his thoughts; this was the more melancholy in Collins; for we cannot discover from any of his biographers, that, like the “Wanderer,” he was a man whose misfortunes were brought on mainly through his own misconduct. Collins appears to have been the child of misfortune; but in the midst of his misery, he would sometimes take a philosophical glance at the sunny side of life. His genius was “essentially honest.” Possessed, by Nature, with a rich imagination, and extensive faculties of creation—combined with an extreme love of the marvellous and the passionate—as well as the homely and pathetic—his works abound as much with those essential qualities, as perhaps the productions of any other poet of his class: and far more, for the bulk, than the majority of English poets. His was a genius well adapted to the passionate Ode, and simple, homely pastoral; two kinds of poetry, which come home to the heart, and infuse a delight there, which only can be known by those who have experienced it. Like Sir Walter Scott or Spenser, Collins had always enjoyed stories of *genii*, fairies, monsters of various description; and all works where human passions, or aught that savoured of humanity, had a “local habitation” assigned to them. But, unlike the two poets we have mentioned, he did not possess the faculty of using his culled stores at length—or probably did not possess the inclination, being what may be termed an idle poet: so, instead of finding his treasures of fancy scattered over a wide expanse, there is a manifest condensation of beauties apparent in all his works; which might have supplied imagery and beauty for at least as much space as six cantos of the Fairy Queen, or the whole of the Lay of the Last Minstrel. Collins, unlike the Author the Lay, did not understand the profuseness of which his genius was capable: had he been spared to a longer term of life than thirty-six years, he might have sounded far longer and more popular lays than his Odes, or his Persian Eclogues. Collins possessed, to an eminent degree, that *inventive genius*, which so characterized Scott, Rousseau, Byron, Mrs. Radcliffe, Monk Lewis, and many others who knew well how to govern a powerful imagination. In the exercise of his imagination, the poet of the passions failed; or, as we have said before, he lavished his stores too redundantly over one fit of study; as a spendthrift would lose a fortune in one night at the gaming table, for the sake of present enjoyment, and on the morrow would repent his want of discrimination. Dr.

Abercrombie,—in his admirable work on the Intellectual powers—in alluding to the wonderful capabilities of a well managed imagination, *i. e.* where it is never made to overstep the bounds which we assign in poetry to the “modesty of nature”—says:—“Avoiding combinations which are grossly at variance with reality, the framer of such a compound may make it superior to any thing that actually occurs. A painter may draw a combination of beauties in a landscape, superior to any thing that is actually known to exist; and a novelist may delineate a more perfect character than is met with in real life. It is remarked by Mr. Stewart, that Milton, in his Garden of Eden, has “created a landscape more perfect, probably, in all its parts, than has ever been realized in nature, and certainly very different from any thing that this country exhibited at the time when he wrote.” “It is a curious remark of Mr. Walpole,” he adds, “that Milton’s Eden is free from the defects of the Old English garden, and is imagined on the same principles which it was reserved for the present age to carry into execution.”

The imagination of Collins was on the whole remarkably adapted to the display of lyrical genius: and his Odes are not surpassed by any in the language. But the poet sought in his heart a more lasting fame than he will ever be honoured with;—so we must rank him in the second class of English poets, for what he has done; and in the first, for what he had the power to do. It is next to impossible that a man like Collins, continually in poverty, and obliged to submit to various degradations, could have always brought in the aid of high moral principle to steer him safely through the realms of imagination; and it is this circumstance, which has nipped in the bud so many of the sons of Genius. We cannot even be so severe with Savage, a man who did not possess much moral principle, when we think of him writing his poetry in the streets, cold and hungry, composing on pieces of paper snatched from a dog-kennel. He might have avoided this degradation: but it is all very well for people, epicures of the good things of this world, to talk of the defects of this man and that man; how would they control their own imaginations, had they no dinner to sit down to? “Imagination is a mental power of extensive influence, and capable of being turned to important purposes in the cultivation of individual character. But to be so, it must be kept under the strict control both of reason and of virtue. If it be allowed to wander at discretion, through scenes of imagined wealth, ambition, frivolity, or pleasure, it tends to withdraw the mind from the important pur-

suits of life, to weaken the habit of attention, and to impair the judgement.” The last sentence of these wise remarks by Dr. Abercrombie, in his “Inquiries concerning the Intellectual powers,” we are afraid is but too applicable to Collins. The son of a hatter, possessed of a keen genius, struggling for existence:—this complication alone might have prevented him turning his imagination to all the useful purposes of which it was capable. Savage, in the *Wanderer*, thus feelingly describes a poet in his study:—

“A feeble taper, from yon lonesome room,
Scattering thin rays, just glimmers through the gloom.
There sits the sapient bard in museful mood,
And glows impassion'd for his country's good!
All the bright spirits of the just combin'd
Inform, refine, and prompt his towering mind!
He takes the gifted quill from hands divine,
Around his temples, rays refulgent shine!
Now rapt! now more than man!—I see him climb,
To view this speck of earth from worlds sublime!
I see him now o'er nature's works preside!
How clear the vision! and the scene how wide!
Let some a name by adulation raise,
Or scandal, meaner than a venal praise!
My muse (he cries) a nobler prospect view!
Through fancy's wilds some moral's point pursue!
From dark deception clear drawn truth display,
As from black chaos rose resplendent day!
Awake compassion, and bid terror rise!
Bid humble sorrows strike superior eyes!
So pamper'd power, unconscious of distress,
May see, be mov'd, and being mov'd, redress.”

These expressive, beautiful lines, come from a man possessed of a calmer imagination than Collins, but, as we said before, from not nearly so upright or so good a man as the poet of the passions. In the last two lines of the above passage, in such expressions as “*pamper'd power*,” and “*being mov'd, redress*,” we easily observe an allusion to the infamous Countess, who was Savage's unnatural mother. There is something very distressing in all this, but the author of the *Rambler* has done full justice to Savage:—charity will ever revere the name of Johnson for that admirable and successful effort to create, in the most sublime language, a downright honest sympathy for the struggles of genius, in the whirlpool of poverty and distress. Collins had no secret gnawing his very soul, like Savage. During his early struggles, he had merely to contend, like thousands of others, against poverty. In this respect, he may be compared to Goldsmith: but in their imaginations, how the two poets differ! The one, well regulated and always approaching to the natural;—the other, too often, headstrong, loose, and impassioned. Nature, of course, has to do with the planting of our imaginations;—we have to account for the rearing of them. While

Collins was struggling against poverty in London, in the year 1746, he wrote his famous Odes; on which his reputation chiefly rests. Four years previous to this, while a student at Magdalen College, Oxford, he wrote his Oriental Eclogues. He was then twenty-two years of age. He had not begun to struggle violently with the world. His mind at College was, like the surface of a calm clear lake on a summer's evening, unruffled; and from the reflection of the setting sun upon its glassy bosom, beautiful to look upon: but a blast was gathering far away, which was soon to cause the scowl of darkness and turbulence, lightning and madness, to overshadow and destroy that quiet scene. Luckily it did not come before he gave to the world his Persian Eclogues. The Pastoral can only shine from the poet, of naturally quiet, or subdued emotions: and especially that relating to the lands of the sun. But since we are writing about the genius of Collins, we are bound to give our readers a just idea of its comprehensive and intrinsic nature; so, previous, to our opinion and specimens of the Oriental Eclogues, we shall glance at the beauties of our poet's other works. In our edition, he is coupled with Beattie: the reason we suppose is, his approaching the author of the Minstrel, nearest in style and bulk. We frequently observe a strong resemblance between the works of Beattie and Collins.

Campbell, the illustrious bard of Hope, in his "Specimens of the British Poets," has not given sufficient space to Collins, a poet our noble bard greatly admired. The Edinburgh Reviewers, in 1819, when the first edition of his "Specimens" appeared, remarked this strange omission; when Campbell had paid such a just and admirable tribute to Collins, it would seem natural to exhibit, at least a considerable number of beauties, in the "Specimens;" but, no! It must have been either an oversight, or a piece of literary obstinacy in Campbell: for in looking at the edition of 1841, we find nothing save the *Ode to Evening*, and that *on the popular superstitions of the Highlands of Scotland*: pieces by no means adapted to show the vigour and variety of Collins' genius. We think the omission a perfect mystery; for Campbell says of our poet: His "works will abide comparison with whatever Milton wrote under the age of thirty.*" If they have rather less exuberant wealth of genius, they exhibit more exquisite touches of pathos. Like Milton, he leads us into the haunted ground of imagination;

* Most of Milton's minor poems, such as *Comus* and the *Arcades*, were written before the age of thirty.

like him, he has “the rich economy of expression halved with thought, which by single or few words often hints entire pictures to the imagination.” A very elegant volume,—published in 1837, and entitled the “Book of Gems,” poets and artists equally displayed; a book that England might well be proud of,—is more liberal to Collins; for there we find the Ode to Mercy, Ode to Evening, Dirge in Cymbeline, and the beautiful Ode to Simplicity. The Ode to the Passions, had Collins never written any thing else, alone would have stamped him as a true poet. There is something so pleasantly fanciful, and beautifully chaste in every line of it. The passions having a natural affinity to music, crowd around her cell; and take the use of her instruments to suit the strains to their individual natures:—

“ Each, for Madness ruled the hour,
Would prove his own expressive power.

First Fear, his hand, its skill to try,
Amid the chords bewilder'd laid,
And back recoil'd, he knew not why,
Ev'n at the sound himself had made.

Next Anger rush'd, his eyes on fire,
In lightnings own'd his secret strings,
In one rude clash he struck the lyre,
And swept with hurried hand the strings.

With woeful measures wan Despair—
Low sullen sounds his grief beguil'd,
A solemn, strange, and mingled air,
'Twas sad by fits, by starts 'twas wild.

But thou, O Hope! with eyes so fair,
What was thy delighted measure?
Still it whisper'd promised Pleasure,
And bade the lovely scenes at distance hail!
Still would her touch the strain prolong,
And from the rocks, the woods, the vale,
She call'd on Echo still through all the song;
And where her sweetest theme she chose,
A soft responsive voice was heard at every close,
And Hope enchanted smil'd, and wav'd her golden hair.”

This is true poetry! Then come the other passions in their turn: Revenge breaking in upon the strain of Hope:—

“ He threw his blood-stain'd sword in thunder down,
And, with a withering look,
The war-denouncing trumpet took,
And blew a blast so loud and dread,
Were ne'er prophetic sounds so full of woe.”

Pity at his side, with “*her soul-subduing voice*,” has little power over Revenge. Then we have Jealousy, and pale Melancholy,—their natures described with the greatest pathos and beauty: the former courting Love, *now raving, calling on Hate*: the latter

“ With eyes upraised, as one inspired.”

The most delightful is Cheerfulness, the follower of Melancholy. This "nymph of healthiest hue" blew such an "inspiring air," that all the forest smiles :—

" Satyrs and Sylvan boys were seen
Peeping from forth their alleys green ;
Brown Exercise rejoiced to hear,
And Sport leapt up, and seized his beechen spear."

We have no doubt but that the most sanguine Indian Hog-hunter will be as much delighted with the two last lines of this example, as ourselves : the whole of the lines about Cheerfulness breathe forth a delicious freshness,—no namby-pamby—all good.

Last of all comes Joy, who, finding "the lively pipe" not lively enough for him, has recourse to the heart-stirring violin :—

" They would have thought who heard the strain,
They saw in Tempe's vale her native maids,
Amidst the festal sounding shades,
To some unwearied minstrel dancing,
While, as his flying fingers kiss'd the strings,
Love framed with mirth, a gay fantastic round
Loose were her tresses seen, her zone unbound :
And he, amidst his frolic play,
As if he would the charming air repay,
Shook thousand odours from his dewy wings."

The famous Duchess of Devonshire has some pretty and fanciful lines about the playfulness of "the little wanton;" but we do not know where in poetry Cupid enters so wantonly as in the above description. The lovely and clever Duchess seems not to have scrupled to take a slight hint or two for her pretty little poem, from the poet of the Passions. In describing how love was born, she says :—

" On kisses fed, and silver drops of dew,
The little wanton into Cupid grew ;
.....
Hence joys arose upon the wings of wind,
And hope presents the lover always kind ;
Despair creates a rival for our fears,
And tender Pity softens into tears."

But even supposing that the Duchess was indebted to Collins's fanciful imagery for her ideas : we see no harm in it. It always raises the poet in our opinion, when we are sure he wrote before the imagined copyist. It holds forth the power of the poetry on the mind of the reader. Mrs. Barbauld, in her description of the poetical works of Collins, although, throughout, she lavishes praise upon him, nevertheless takes particular care to find out that our poet "is obliged to Milton's Comus for some of his images." This remark is in reference to the Ode to Liberty ; and puts us in mind of an eminent

judge admiring the rich colouring and correct drawing of some beautiful painting, and then telling the artist, to his lasting dismay, that he thinks the design is borrowed from Titian. There is something very rich and inconsistent in all this; and it puzzles us amazingly. Burns, it is well known, has the ideas, of the three last verses of Collins' Ode to Evening, in his address to the shade of Thomson: Campbell tells us he had been reading Collins at the time. The ideas were fresh upon Burns's memory. Burns had no more actual need of borrowing from Collins, than had the latter from Milton's Comus. We do not like this trifling with the memory of departed genius: any accusation from a sensible pen, of borrowing a simile, or a metaphor, or a sentence, against a defunct poet, does him more injury than people are generally aware of; for, without proper reason, it breaks the spell of originality.

The Ode to Evening is deservedly a great favourite; but we do not admire it so ardently as some of the others. It appears to have been one of the most successful of the early attempts, to use a blank verse with the lyric measure. Goldsmith in one of his Essays, pays the following compliment to this Ode by Mr. Collins: "Milton's translation of Horace's Ode to Pyrrha is universally known and generally admired, in our opinion, much above its merit. There is an ode extant without rhyme addressed to *Evening*, by the late Mr. Collins, much more beautiful; and Mr. Warton, with some others, has happily succeeded in divers occasional pieces, that are free of this restraint."

We like the last three stanzas of the Ode to Evening the best: the metaphors are rather too much forced, yet the verses possess much grace and beauty:—

"While Spring shall pour his showers, as oft he wont,
And bathe thy breathing tresses, meekest Eve!
While Summer loves to sport
Beneath thy lingering light:

While fallow Autumn fills thy lap with leaves,
Or Winter yelling through the troublous air,
Affrights thy shrinking train,
And rudely rends thy robes:

So long, regardless of thy quiet rule,
Shall Fancy, Friendship, Science, smiling Peace,
Thy greatest influence own,
And love thy favourite name!"

It was very natural that such pensive strains as these, should have been strongly impressed on the mind of Burns, when writing his "Address to the Shade of Thomson." Metastasio

has a beautiful Ode on *Summer*, which reminds us a little of the above verses. Collins was well versed in the Italian language; and we are glad to be able to assimilate him to such a poet as Metastasio. The first verse of the Italian poet is,—

“ Or che niega i doni suoi
La slagion de' fiori amica,
Cinta il crin di bionda spica
Volge a noi
L'Estate il pie.”

Several of our late poets have been very successful in this style of lyric: what can be more beautiful than the following verse, in Southey's Ode to Winter?

“ The green moss shines with icy glare;
The long grass bends in spearlike form,
And lovely is the silvery scene
When faint the sunbeams smile.”

In the Ode to Peace, Collins strikes his lyre with the air of a man who has a kind, gentle heart. Beattie has also an ode on this subject. That of Collins, is as bright and well conceived as a Rubens; Beattie's resembles the dark shade and mystic touch of Salvator Rosa. How applicable are the following lines to India at present: Collins wrote them about a year after “the —45.”

“ O Peace! thy injured robes up-bind!
O rise, and leave not one behind
Of all thy beaming train:
The British lion, goddess sweet,
Lies stretched on earth to kiss thy feet,
And own thy holier reign.

Let others court thy transient smile,
But come to grace thy *western* isle,
By warlike Honour led!
And, while around her ports rejoice,
While all her sons adore thy choice,
With him for ever wed!”

The Ode to Fear is evidently the production of a frenzied imagination. It is a very grand ode; but in the midst of its awful beauties, we are easily led to think of the failings of the poet. In the *Antistrophe* (or part of the Ode to be sung) the style becomes more subdued; and in the last verse he says:—

“ O thou, whose spirit most possess
The sacred seat of Shakspeare's breast!
By all that from thy prophet broke,
In thy divine emotions spoke!
Hither again thy fury deal,
Teach me but once like him to feel:
His cypress wreath my meed decree,
And I, O Fear, will dwell with thee!”

The Ode to Simplicity is like its name, simple and beautiful :

“ Though taste, though genius bless
To some divine excess,
Faint's the cold work till thou inspire the whole ;
What each, what all supply,
May court, may charm the eye,
Thou, only, thou, canst raise the meeting soul ! ” &c.

We shall now take our farewell of the Odes ; which must be acknowledged to exhibit a strong lyrical genius. There are several others, we might have noticed ; but we are afraid that even now we have exceeded our limits. The character of our poet's lyric muse may thus be described—“ tinged with melancholy, beautiful imagery, chasteness of sentiment and an exquisite ear for harmony.” Let us now turn to “ the *Oriental* or *Persian* Eclogues, written for the entertainment of the *Ladies of Tauris* ! ”

We shall first say a few words by way of defining Ode, and Eclogue or Pastoral.

The Ode, among the ancients, signified merely a song, any touching piece of poetry set to recitation and music for any grand occasions. In modern days the term Ode has been generally applied to solemn and grand poetical composition, such as those of Pope, Dryden, Collins, and Campbell. The Pastoral is nearly the entire reverse of the Ode : the former sheds a gentle warmth over the heart—the latter, generally a glowing or rapid fire. Johnson defines Pastoral—“ a poem in which any action or passion is represented by its effects upon country life.” In looking back, through the means of History, to the most remote ages, where we endeavour to explore the rise of poetry—we find its chief cultivators, hunters and shepherds. Pastoral life, mixed up with the violent strifes and petty feuds of nations, we may perhaps safely assert was the origin of heroic poetry. The simplicity of the Pastoral leads us back to the simple, nomadic nature of our ancestors ; and causes us to wonder how such taste and simplicity of expression could be used in uncivilized life. The labours of great poets, abound with pastoral description. In the Augustan age of Rome, Virgil wrote his famous Pastorals and the *Æneid* is full of rural life,—the incidents drawn out into high flights by the poet's ingenuity. A celebrated historian says—“ the flight of a band of exiles, the fightings of a few peasants, and the establishment of a paltry village, comprehend all the boasted labours of the pious *Æneas*.” We would gladly, did space permit us, enter into a dissertation on Pastoral ; when we should be away from Persia for a considerable time—the reader wondering when we intended to return. We shall

content ourselves with mentioning, that nearly all our famous pastoral poets have been connected with trade, or been engaged in rural pursuits: Allan Ramsay, immortalized by his gentle Shepherd, was the son of a miner, and apprentice to a wig-maker: Gay, the author of numerous fine English Pastorals, in early life, gained the smiles of the City ladies, by serving out choice silks and satins from behind a counter: Pope was the son of a London linen-draper: Collins, who gave the first natural dash of orientalism to English Poetry, we have no doubt suited many a customer to a hat, previous to his departure for school, and while his father was engaged in Chichester with his more important civic duties: Burns, who could moralize with equal force on a man or a daisy, it is well known, was a ploughman: Bloomfield, whose Farmer's Boy is a great production, was himself what he wrote; but afterwards a journeyman shoemaker: Hogg, Nature's rough but honest mountain bard, was by profession a Shepherd: and lastly Moore, our admirable living poet, whose charming Lallah Rookh boasts much of the Asiatic Pastoral, though rather too dazzling and overdrawn, to his lasting honour be it said, confessed to Royalty that he was the son of a Green Grocer in Dublin. Since we have lit upon Lallah Rookh, we may perhaps state our opinion, which is, that the Poem is the most brilliant display of eastern imagery ever sung in Europe: like a circle of diamonds round the fair forehead and raven tresses of a beautiful woman, whose chastity is suspected: abounding with descriptions and beauty, which no one who had ever seen India, Arabia, or Persia, would have attributed to these countries, even in their most palmy days. This, in a great measure, is the poet's licence; but we think that Lallah Rookh would have had a more lasting popularity, had it been a little more true to nature, and not so dazzling and brilliant. The Oriental Eclogues of Collins, are perhaps as unpretending productions, as any poems in our language. Their simplicity, truth to nature, and morality, chiefly cause our admiration. Collins, forsaking the Corydons and Phyllisses of the age, brought Pastoral to bear upon the love sick swains and gentle beauties of the East, in four very small poems. *Selim, or the Shepherd's Moral*, is the first Eclogue,* which though not cast in the usual

* In his life of Philips, Dr. Johnson has these remarks: "Petrarch entertained the learned men of his age with the novelty of modern pastorals in Latin. Being not ignorant of Greek, and finding nothing in the word *Eclogue*" (i. e. *choice piece of Poetry*) "of rural meaning, he supposed it to be corrupted by the copiers, and therefore called his own productions *Æglogues*, by which he meant to express the talk of *goatherds*, though it will mean only the talk of *goats*. This new name was adopted by subsequent writers, and amongst others by our Spenser."

dramatic form, has in it much of the spirit of the genuine pastoral. The *time* is morning; the *scene*, a valley near Bagdad. The Shepherd commences his moral admonition:—

“Ye Persian maids! attend your poet’s lays.
And hear how shepherds pass their golden days,
Not all are blest, whom Fortune’s hand sustains
With wealth in courts; nor all that haunt the plains:
Well may your hearts believe the truths I tell;
’Tis virtue makes the bliss, where’er we dwell.
Thus Selim sung, by sacred Truth inspir’d;
Nor praise, but such as Truth bestow’d desir’d:
Wise in himself, his meaning songs convey’d
Informing morals to the shepherd maid;
Or taught the swains that surest bliss to find,
What groves nor streams bestow, a virtuous mind.
When sweet and blushing, like a virgin bride,
The radiant morn resum’d her orient pride;
When wanton gales along the vallies play,
Breathe on each flower, and bear their sweets away;
By Tigris’ wandering waves he sat, and sung
This useful lesson for the fair and young.”

Thus beautifully introduced, the fair shepherdesses gather round Selim to hear the “moral of his song.” After wise counsel,—which certainly seems more like that of Addison or Johnson, than that of a Persian shepherd, in which the fair maids are exhorted to wisdom, and entreated to beware of the dangers to which beauty is exposed; also to cultivate all the softer virtues, without which, no woman can be perfect,—the shepherd poet continues his strain:—

“Blest were the days, when *Wisdom* held her reign,
And shepherds sought her on the silent plain;
With *Truth* she wedded in the secret grove,
Immortal Truth! and daughters bless’d their love.
O haste, fair maids! ye *virtues*, come away,
Sweet Peace and Plenty lead you on your way!
The balmy shrub for you shall love our shore,
By Ind excell’d, or Araby, no more.
Lost to our fields, for so the Fates ordain,
The dear deserters shall return again.
Come thou, whose thoughts as limpid springs are clear,
To lead the train, sweet modesty! appear:
Here make thy court amidst our rural scene,
And shepherd-girls shall own thee for their queen.”

The simplicity and beauty of these lines are almost as delightful as the sweet morality they contain. The virtues of modesty, chastity, with the rest that are named in the lines which follow, fidelity, meekness, pity, love, being once personified, nothing can be finer than the lineage ascribed to them, when they are pourtrayed as “the daughters of Wisdom and immortal truth.” What a pity that such maxims were not deeply sown, by the aid of Christianity, in such a land as Persia! Goldsmith admired our poet’s Eclogues considerably: in the

above lines we are led to think of the grace, sweetness, and harmony of the Deserted village. The conclusion of the Eclogue is as follows:—

“ With thee be Chastity, of all afraid,
Distrusting all, a wise suspicious maid ;
But man the most—not more the mountain doe
Holds the swift falcon for her deadly foe.
Cold is her breast, *like flowers that drink the dew*,
A silken veil conceals her from the view.
No wild desires amidst thy train be known,
But *faith*, whose heart is fix’d on one alone :
Desponding *Meekness* with her downcast eyes,
And friendly *Pity*, full of tender sighs ;
And *Love* the last, by these your hearts approve,
These are *the virtues* that must lead to love.
Thus sung the swain ; and ancient legends say,
The maids of Bagdat verified the lay :
Dear to the plains the Virtues came along,
The shepherds lov’d, and Selim bless’d his Song.”

The second Eclogue is *Hassan, or the Camel Driver* ; the scene, the desert ; the time, mid-day. This is a charming effusion. The anxiety which is poisoning the mind of Hassan ; the description of the desert through which he is passing ; the anxious speech of Zara, his loved one, before his departure, —all are natural and beautiful characteristics of a nomadic life. The two first opening lines at once convey, with nervous simplicity, a vivid picture of the dreary solitude of a region, utterly bereft of the ordinary signs of animal or vegetable life:—

“ In silent horror o’er the boundless waste,
The driver Hassan with his camels past ”

The details which follow are all in accordance with this fine exordium. At length, poor Hassan,—jaded, exhausted, oppressed, and even “affrighted” by the interminable dreariness of the scene, with its “scorching sand,” and “blasting wind,” and tree-less, herb-less, water-less barrenness,—in the wildness of “desperate sorrow,” “thrice sighed, thrice struck his breast,” and thus abruptly gave vent to his passionate grief and regret:—

Sad was the hour, and luckless was the day,
“ When first from Shiraz’ walls I bent my way.”

Recovering somewhat from this burst of depressive sadness, Hassan, in the absence of any human being to listen to his plaint, or sympathise with him in his sorrows, very naturally turns round and addresses “the mute companions of his toil,” in a strain in which it is scarcely possible to say which to admire most, the amiable tenderness of the sentiment, the elegance of the expression, or the beauty of the imagery:—

“ Ye mute companions of my toils, that bear
In all my griefs a more than equal share !

Here, where no springs in murmurs break away,
 Or moss-crown'd fountains mitigate the day,
 In vain ye hope the green delights to know,
 Which plains more blest, or verdant vales bestow :
 Here rocks alone, and tasteless sands are found,
 And faint and sickly winds for ever howl around.
 ' Sad was the hour, and luckless was the day,
 ' When first from Shiraz' walls I bent my way ! ' "

Mr. Campbell particularly admires the descriptive lines :—

" Here rocks alone, and tasteless sands are found,
 And faint and sickly winds for ever howl around."

Their beauty consists in their truthfulness, or strict accordance with reality ; and in their power to excite a feeling of dreariness, faintness, and sickness, in the mind, in singular harmony with the gloomy desolateness of the scene described. No one has traversed the real desert, who is not ready to testify that " faint and sickly winds " are much more common there, than the much talked of " balmy odours " and " spicy gales."

Smarting under the pains and deprivations of travelling in the desert, and foreboding the approach of still greater calamities, Hassan next denounces the thirst of gold and silver, in strains as true to the theory of sound morals, as they are to the style of genuine poetry :—

" Curst be the gold and silver which persuade
 Weak men to follow far fatiguing trade !
 The lily peace outshines the silver store,
 And life is dearer than the golden ore :
 Yet money tempts us o'er the desert brown,
 To every distant mart and wealthy town.
 Full oft we tempt the land, and oft the sea ;
 And are we only yet repaid by thee ?
 Ah ! why was ruin so attractive made,
 Or why fond man so easily betray'd ?
 Why heed we not, while mad we haste along,
 The gentle voice of Peace or Pleasure's song ?
 Or wherefore think the flowery mountain's side,
 The fountain's murmurs, and the valley's pride,
 Why think we these less pleasing to behold,
 Than dreary deserts, if they lead to gold ?
 ' Sad was the hour, and luckless was the day,
 ' When first from Shiraz' walls I bent my way ! ' "

After enumerating many of the dangers which appeared to impend over him, and which his excited fears naturally led him somewhat to exaggerate ; and after adverting, by way of contrast, to the " wise contented poor," who, free from the " lust of wealth," tempt no deserts and find no griefs there ; he last of all turns to the happy home which he left behind him, and memory, retentive of fond impressions, holds up, as in a mirror, the tenderest and most affecting of domestic scenes :—

O, hapless youth ! for she thy love hath won,
 " The tender Zara will be most undone !

Big swell'd my heart, and own'd the powerful maid,
 When fast she drops her tears, as thus she said :
 ' Farewell the youth whom sighs could not detain,
 ' Whom Zara's breaking heart implored in vain !
 ' Yet as thou go'st, may every blast arise
 ' Weak and unfelt as these rejected sighs !
 ' Safe o'er the wild, no perils may'st thou see,
 ' No griefs endure, nor weep, false youth, like me !'
 O, let me safely to the fair return,
 Say with a kiss, she must not, shall not mourn ;
 O ! let me teach my heart to lose its fears,
 Recall'd by Wisdom's voice, and Zara's tears.
 He said, and call'd on heaven to bless the day,
 When back to Shiraz' walls he bent his way."

Shenstone, the bachelor poet, has a pastoral ballad something similar to the above lines ; commencing :—

" Ye shepherds so cheerful and gay,
 Whose flocks never carelessly roam ;
 Should Corydon's happen to stray,
 Oh ! call the poor wanderers home, &c."

We do not read much of Collins' "love business;" although a man of his taste must have had a high opinion of the fair sex : but Shenstone was particularly fond of their society, and his heart was capable of the tenderest impressions ; and yet after having been Corydon to at least half a dozen Phyllisses—he died a bachelor. Collins, at any rate, showed more consistency than Shenstone.

The next or third Eclogue is entitled "*Abra, or the Georgian Sultana*." The scene is a forest in "Georgia's land," where "Sefis' towers are seen."

A fair shepherdess while making a garland of flowers for her hair, is discovered by Abbas the Great King of Persia, who falls in love with her at first sight, and takes her home. She turns a fond look at the dear scene she is quitting :—

" The royal lover bore her from the plain ;
 Yet still her crook and bleating flock remain :
 Oft as she went, she backward turn'd her view,
 And bade that crook and bleating flock adieu.
 Fair happy maid ! to other scenes remove,
 To richer scenes of golden power and love !
 Go leave the simple pipe, and shepherd's strain ;
 With love delight thee, and with Abbas reign.
 ' Be every youth like royal Abbas mov'd,
 ' And every Georgian maid like Abra lov'd !'
 Yet midst the blaze of courts she fix'd her love
 On the cool fountain, or the shady grove :
 Still with the shepherd's innocence her mind
 To the sweet vale, and flowery mead inclin'd ;
 And oft as spring renew'd the plains with flowers,
 Breath'd his soft gales, and led the fragrant hours,
 With sure return she sought the Sylvan scene,
 The breezy mountains, and the forests green.
 Her maids around her mov'd, a duteous band !
 Each bore a crook all rural in her hand :
 Some simple lay, of flocks and herds they sung ;
 With joy the mountain and the forest rung.

' Be every youth like royal Abbas mov'd,
' And every Georgian maid like Abra lov'd.'

And oft the royal lover left the care
And thorns of state, attendant on the fair ;
Oft to the shades, and low-roof'd cots retir'd
Or sought the vale where first his heart was fir'd ;
A russet mantle, like a swain, he wore,
And thought of crowns and busy courts no more.
' Be every youth like royal Abbas mov'd,
' And every Georgian maid like Abra lov'd.'

Blest was the life, that royal Abbas led :
Sweet was his love, and innocent his bed.
What if in wealth the noble maid excel ;
The simple shepherd-girl can love as well.
Yet those who rule on Persia's jewel'd throne,
Be fam'd for love, and gentlest love alone ;
Or wreath, like Abbas, full of fair renown,
The lover's myrtle with the warriors crown.
O happy days ! the maids around her say ;
O haste, profuse of blessings, haste away !
' Be every youth like royal Abbas mov'd,
' And every Georgian maid like Abra lov'd.' "

We have made this long extract, being at a loss to give any particular passages of this Eclogue, which as a whole we consider extremely beautiful. In this poem we are slightly reminded of Waller's pretty lines, " Go, Lovely Rose," which he probably addressed to Sacharissa,

" Small is the worth
Of beauty from the light retired."

The fourth and last of the Eclogues is denominated "*Agib and Secander, or the Fugitives*." The scene is a mountain in Circassia ; the time, midnight. The country has been desolated by a ruthless Tartar foe. Two shepherds, flying over ravaged plains, wherever "wildering fear and desperate sorrow" may lead them, at length, "faint and weak," reach what they consider a place of temporary safety. Then commences a Dialogue, in which Secander, one of the shepherds, first calls on Agib, the companion of his flight and misery, to look back and survey by the friendly aid of moonlight, the "wide groves," the "long extended plain," the "ragged cliff," and the "weary mountain's side," which they had already passed. Agib responds to the call. And the spectacle of "blasted harvests," of "citron groves, drooping their fair honours to the conquering flame," of "flying swains, leaving to ruffian bands their fleecy care," leads to mutual lamentation over the ruin and misery of their unhappy native land. Throughout, there are some fine touches of melting pathos ; and this is preeminently true of the lines in which the shepherd gives expression to his lively apprehensions and fears respecting the fate of his fair but helpless country-women :—

SECANDER.

"In vain Circassia boasts her spicy groves,
 For ever fam'd for pure and happy loves ;
 In vain she boasts her fairest of the fair,
 Their eyes' blue languish, and their golden hair !
 Those eyes in tears their fruitless grief must send ;
 Those hairs the cruel Tartar's hand shall rend.

AGIB.

Ye Georgian swains, that piteous learn from far
 Circassia's ruin and the waste of war ;
 Some weightier arms than crooks and staffs prepare,
 To shield your harvests, and defend your fair :
 The Turk and Tartar like designs pursue,
 Fix'd to destroy, and steadfast to undo.
 Wild as his land, in native deserts bred,
 By lust incited or by malice led,
 The villain Arab, as he prowls for prey,
 Oft marks with blood and wasting flames his way ;
 Yet none so cruel as the Tartar foe,
 To death inur'd, and nursed in scenes of woe."

Their rest is broken—they startle—it is their pursuers—they are off !

"He said, when loud along the vale was heard
 A shriller shriek, and nearer fires appear'd,
 Th' affrighted shepherds, through the dews of night,
 Wide o'er the moon-light hills renew'd their flight."

The scene is in Circassia ; and the pleasures of love, and peace, and plenty, are here beautifully contrasted with the desolation and ruin produced by war. The Emperor of Russia would do well to consider this. We have now concluded our specimens of the Oriental or Persian Eclogues ; in which it has been our intention to let the reader judge of the natural delineation, truth, and want of affectation in those sweet poems so little known among us. Our remarks concerning them, purposely, have been few. Departed genius is food for admiration, not for fault-finding, or severe criticism.

It will be seen, throughout, that it was not our intention to say much concerning the life of Collins ; but merely sufficient to excite admiration, and draw forth the tear of sympathy for his genius. In glancing at the page of Biography, the feeling heart must sympathize with the occasional fate of those who have given light to the world. Although there exists, in many cases, considerable exaggeration of miseries, undergone by authors ; yet such cannot be said of Butler, Dryden, Savage, Otway, Chatterton, Collins, or Burns. They all drank severely of the cup of bitterness and misery ; and this fact brings home to us the truth of what Smolett wrote in a letter to Garrick, to the effect, that it depends upon the toss-up of a half penny, whether a man rises to affluence and honour, or continues to his dying day struggling with the difficulties and disgraces of life. As a further illustration of this melancholy fact, we

shall relate an anecdote from a life of Butler by an unknown hand, which will shew on what a little thing a man's happiness may depend:—"Mr. Wycherley had always laid hold of an opportunity which offered of representing to the Duke of Buckingham how well Mr. Butler had deserved of the royal family, by writing his inimitable *Hudibras*; and that it was a reproach to the Court, that a person of his loyalty and wit should suffer in obscurity, and under the wants he did. The Duke always seemed to hearken to him with attention enough; and after some time, undertook to recommend his pretensions to his Majesty—Charles the second. Mr. Wycherly, in hopes to keep him steady to his word, obtained of his Grace to name a day, when he might introduce that modest and unfortunate poet to his new patron. At last an appointment was made, and the place of meeting was agreed to be the Roebuck. Mr. Butler and his friend attended accordingly: the Duke joined them; but as the ——— would have it, the door of the room where they sat was open; and his Grace, who had seated himself near it, observing a pimp of his acquaintance (the creature too was a Knight) trip by with a brace of Ladies, immediately quitted his engagement, to follow another kind of business, at which he was more ready than in doing good offices to men of desert; though no one was better qualified than he, both in regard to his fortune and understanding, to protect them; and, from that time to the day of his death, poor Butler never found the least effect of his promise."

Collins, like Burns, was chiefly honoured and admired after his death. Many years after the graceful spirit of the poet had burst its earthly tenement, the great Flaxman was ordered to design a monument to his memory; which was placed among those of the illustrious dead. The monument is in beautiful keeping with the poet's elegant fancy: just recovered from a fit of phrensy, his lyre neglected, and one of his poems on the ground; above him "two beautiful figures of Love and Pity entwined in each other's arms;" in a studious posture he is seeking consolation in the New Testament, his favourite volume.

It is sad to find, in glancing at the latter days of Collins, that a mind so ordered as his, a mind whose chief consolation latterly was in religion, should have been tinged with the gloom of a melancholy so deep that it verged into madness. Had it been the vain and eloquent Rousseau, the philosophical Hume, or the sage Voltaire,—had their days gone down in madness, the tear of human sympathy alone would have been shed; expressions of Christian admiration must have been withheld. Collins, though we do not class him with the above trio in intellectual

power, yet affords a striking contrast to the vanity of Rousseau. Our poet, in his latter days, on being questioned by a friend what he was reading, said, in presenting the New Testament, "he had but one book, and that was the best." Of Rousseau, from his eloquent tribute to the inimitable beauty of the New Testament, it has been said "What a mind! to conceive ideas so beautiful and so just! The divinity of the New Testament is displayed as with a sunbeam! But what a heart! to resist the force of all this evidence, to blind so fine an understanding, and to be able to subjoin, "I cannot believe the Gospel." What, of the most preposterous human vanity or absurdity, throughout the whole range of literature, do we find equal to this? It is a glory to our country that so many famous literary and scientific men have lived under the influence, and died under the consolations of true religion.

We have little more to say of Collins, while we admire his genius, we cannot be blind to its defects. Of these the more conspicuous were a certain wild and unbridled extravagance of imagination, and a certain incorrigible irresoluteness of mental habit. He was constantly planning great literary projects, both in prose and verse, but seldom even attempted to execute any. The consequence was, that, though endowed with powers which rendered him capable of accomplishing much, he achieved but little, though that little is of a kind to enhance our regret that it had not been more. We have thus to mourn over the loss of gifts, not prematurely wasted by the fire of impetuous and over-done exertion, but wasted idly and unprofitably under the corroding rust of inveterate indolence. As to his imagination, it delighted to indulge in those flights which "pass the bound of nature and to which the mind is reconciled only by a passive acquiescence in popular traditions;" it loved to luxuriate amid the revelries of "fairies, genii, giants, and monsters;" it rejoiced to "rove through the meanders of enchantment, to gaze on the magnificence of golden palaces to repose by the water-falls of Elysian gardens." How far his too facile yielding to the lawlessness of imagination may be viewed as symptomatic or accelerative of the fatal malady, the felt influence of whose insidious inroads may have driven him to the use of mitigating expedients which the faithfulness of generous friendship cannot but seriously reprehend, it is not for us to determine. That there was an action and re-action of some sort cannot well be doubted. But be that as it may, it is impossible to contemplate the lurid gloom which hung over his latter days, and shrouded "in dim eclipse" the bright lustre of his genius, without feelings of deepest commiseration and tender pity.

- ART. VI.—1. *Report from the Indian Law Commissioners to the Honorable the President of the Council of India, in Council, upon Judicature in the Presidency Towns. Dated February 15th, 1844, p. 78.*
2. *An Act for establishing a Court of Subordinate Civil Jurisdiction in the City of Calcutta (Revised Draft.)*
3. *Appendix to Report—Minute on the Supreme Court (Bombay) by Sir Erskine Perry, Puisne Justice, 3rd June, 1843, p. p. 19.*
4. *Letter from Sir Henry Roper, Chief Justice, Bombay, to the Indian Law Commissioners.*
5. *Minute, &c. of Sir Lawrence Peel, Chief Justice, (Calcutta), 13th February, 1844, p. p. 23.*
6. *Supplement to Appendix.*
7. *Letter from Sir Erskine Perry to the Honorable the Governor in Council of Bombay, 22d May, 1844.*
8. *Letter from Sir L. Peel, to the Indian Law Commissioners, in reply to Sir Erskine Perry. 22nd February, 1845.*

IN May, 1843, the Indian Law Commissioners addressed to the Judges of the Supreme Courts at Calcutta and Bombay, an inquiry as to the number of Officers and amount of Salaries, which would be required to render those Courts efficient in every department, if they were now to be established for the first time. The inquiry suggested to those to whom it was addressed a previous question; whether it would be desirable to establish such Courts as the Supreme Courts, and with what alterations: and accordingly Sir Erskine Perry, whose answer was returned in the following month (June 3rd, 1843), and Sir H. Roper whose answer followed soon after, both delivered their opinion on the procedure of the Supreme Court, and recommended, the former a total change, the latter very considerable changes. The Judges at Calcutta did not return any answer for several months; and having in the meantime seen the answers sent from Bombay, they also suggested an extensive reform in the procedure of their own Court, but combated with great warmth and zeal the views particularly of Sir E. Perry. In this manner began a very important, and, in many of its features, novel controversy, which we purpose to divest as much as possible of technicalities and to lay a full and critical analysis of it before our readers. An opportunity was given to Sir E. Perry to defend his views, which he did in a letter to the Commissioners; and this elicited from Sir Lawrence Peel on the 22nd February, 1845, a reply which

closed the controversy: but the advantage of the last word, hitherto enjoyed by Sir L. Peel, belongs to Reviewers. The entire controversy fills about ninety pages of Appendix to a Report of the Indian Law Commissioners.

This Report also, though it enters not into the controversy, is intimately connected with it in subject; and has reference to a plan of the Commissioners for establishing a new Court of local subordinate jurisdiction, with a simple procedure, but limited at first to subjects of common law jurisdiction; and to decide according to Equity in all those cases where Equity and Law, or rather Equity-law and Common-law differ. We hope either on the present or some early occasion to lay the views of the Commissioners before our readers: but will only remark here that they are in general accordance with the views of Sir E. Perry.

We will premise, for the information of our numerous readers out of India, a general outline of the peculiar manner in which the Supreme Courts have been constituted.

The oldest of the Supreme Courts is established in Calcutta, and it was the model of the Supreme Courts afterwards established at the other Presidencies. It was established for the purpose of administering English Law, both Civil and Criminal, to all British subjects throughout the Bengal Presidency, and the native Civil Codes and British Criminal Law to natives resident* within Calcutta. The Supreme Court was composed of three judges; and it had to administer the whole body of English Law, which in England is parcelled out among several Courts, each of which, though for the most part only supplementary to the others in respect of the law substantive, has its own peculiar procedure. It was necessary to give the Supreme Court this universal jurisdiction, or some of the substantive rights of British subjects would not have been provided for.

* By applying to natives the doctrine of constructive inhabitancy the Court has extended its jurisdiction over natives in every part of the Bengal and Agra Presidencies; we have even heard of suits against the subjects of native Princes, viz. of the *roi faineant* of Oude, in virtue of the fiction of constructive inhabitancy. An Up-country native sends his *gomashta* with shawls, sugar, or other merchandize to Calcutta, the *gomashta* hires godowns till he can sell his goods, and has two or three writers: he hires a shop at perhaps 10 rupees (£1) a month, and this is a constructive inhabitancy. Another method of acquiring jurisdiction is by inserting an agreement or consent that the Court shall have jurisdiction; another by associating the name of a British subject with a native. The jurisdiction thus created is a discouragement to trade, and is in fact pregnant with every sort of injustice and iniquity. Conceive the language of the English Chancery and Courts of Common Law to be Urdú or Hindustani and their process to run against the British races all over India, who know neither Urdú nor Hindustani, and we have the exact case of natives hundreds of miles off sued in the Supreme Court of Calcutta.

From this oneness of the Supreme Court and universal competency; simplicity and uniformness might have been expected in its procedure. But when we come to inquire into the fact, nothing can be more contrary. As if it had not been one Court but several Courts, it was established with all the diversities of procedure which were found among the several species of Courts in England, and so continues to the present day: thus, in matters (called in England), of Common Law jurisdiction, the suitor of the Supreme Court is driven to the necessity of employing Special Pleading, and the Judges on the trial of issues of fact are accordingly addressed as Jurymen:—"may it please your Lordships and Gentlemen of the Jury" is the forensic style of addressing them. So, in matters of equity jurisdiction, the procedure is by Bill and Subpœna and Answer as in the English Chancery; and not only is the distinction of the jurisdictions generally preserved but even their conflicts; and the Supreme Court in Equity restrains its own judgments and proceedings at law, (restrains itself) through the same medium of an independent and hostile suit, in the same manner as the Lord Chancellor restrains the Courts of Common Law. And, (as the Law Commissioners have well observed*) in the Supreme Courts, the anomalous and extravagant features are exaggerated beyond those of the parent institutions.

On this incongruous and really absurd state of things, of one Court with a variety of procedures, and in conflict with itself, Sir Erskine Perry in his original minute makes the following pertinent and just observations:—

"When Sir Elijah Impey had the task before him of framing a judicial Establishment for Calcutta, as the object was to afford a tribunal for every question that might arise, whether Civil or Criminal, legal or equitable, of Ecclesiastical or Admiralty cognizance, the course which he adopted of attributing to the Court, to be established, the different jurisdictions which he had seen parcelled out amongst different tribunals in England, as it was the most obvious, so possibly was the most unobjectionable, which he could have pursued.

But as the object to be attained in every different department of the Court was precisely the same, namely, to bring forward the case in controversy in the clearest and least vexatious manner possible, it might have been imagined that a uniform code of practice directed to that end, would have been devised, preserving all the good portions of the methods in operation in the different Courts for discovery of the facts, and rejecting all the bad, so as to form one rational simple system, which would have been, as satisfactory to the Judge to administer, as to the public whom it would have benefited. When it is seen, on the other hand, that the whole of the contradictory, complicated, expensive Codes of practice of all the different

* Report on *Lex Loci* addressed to the Right Honourable the Earl of Auckland, Governor-General of India in Council. Dated 31st October, 1840. p. 31.

Courts in England have been imported bodily into the *one* Supreme Court of India ; that on this side of the Court, facts may be only elicited by *vivâ voce* examination, that on another they cannot be brought before the Court except in writing ; that a party to the cause may not be examined in the case in one instance (at law), that he may be in the same case (in Equity) ; that the decision of the Court on the Plea side will give a matter in dispute to one party, that the decision of a Court of Equity will give it to another (in case there are funds sufficient to keep up the litigation) ; and that all these varying results and perplexing operations are only to be got at by vast expense and vexation : with these facts before our eyes, I say, it is not, I think, an uncharitable conclusion to arrive at, that the temptation of forming a costly establishment with the number of offices to which these different codes of practice were to afford fees, and of which the founders were to have the patronage, must have completely kept out of view the interests of Suitors and of the public."

These remarks on the existing multifarious system carry conviction : but the most valuable parts of the Minute are those in which Sir Erskine states his own experience, and critically compares the different procedures, every one of which he has been personally engaged in administering. While the most learned lawyer in England is generally unacquainted with all but one branch both of substantive law and legal procedure ; and no English lawyer at all, as such, is practically acquainted with the working of the natural system, for it is entirely out of the pale of the profession ; the experience of Indian judges and generally of the Indian bar extends to every branch of substantive law and every kind of procedure ; and hence, as the question of what is the best mode of administering the substantive law is entirely a practical one, we regard Sir E. Perry's opinions as of great weight and entitled to the fullest consideration. It has been treated of indeed, abstractedly, by Bentham and Mill and other philosophical writers on Judicial establishments ; and as Law Reformers we confess ourselves their pupils ; but their method does not always satisfy the plain understanding of the merely practical man, and they are not masters of the details. The peculiarity of the present controversy is, that the subject is treated of by persons having actual judicial experience. And let us here remark that all parties generally agree as to the points on which the merits of any system mainly depend. The desired object is to administer the law at the smallest reasonable cost to the public and suitors ; and with all the expedition and certainty practicable. The estimation in which a court is entitled to be held depends on the degree in which it realises this principle : and consequently the cost of obtaining a decision ; the time employed in obtaining it ; and the probability of its being conformable to the substantive law, are principal points in the discussion under consideration.

Sir Erskine Perry, first, as to the cost of Common law procedure, shews by official tables, that in Bombay the taxed costs of a *defended* cause, on both sides, average about rupees 1,200 (£120); of an undefended cause, about rupees 450 (£45;) and if the defendant gives a *cognovit* on the first opportunity he has, after action brought, the costs are rupees 189 or (£18 18s.) On this, Sir E. Perry remarks, "no one, I think, can look at these sums* total, without perceiving that they are enormously high, whether taken absolutely or in relation to the cost of litigation in England."

Twelve hundred rupees (£120), is a pretty round sum to tax against two persons for any description of service which a Court can be called upon to render on any subject matter of common law litigation, be the amount in dispute however large, and be there even a difficult question of *law* on which a doubt is entertained, and therefore requiring a judicial determination; but it is unconscionable and exorbitant for the ninety-nine out of every hundred common law actions, which are put into the cause paper and not tried, or which are brought to trial, where there is no difficult question of law; but on the part of the defendant mostly fraud or insolvency are seeking shelter under legal forms, or the case is contested only because the lawyers are at hand (if we may use the metaphor) to make a ring and supply at once fighters and the weapons.

Sir L. Peel on the subject of common law costs gives a different account, which is the more remarkable, as he had seen Sir Erskine Perry's statement. Sir L. Peel says:—

"The expences of a contested suit on the plea side of the Supreme Court of Judicature at this Presidency, properly conducted without needless outlay and without error† in the progress of it, do not materially, if they at all exceed the average costs of the trial of a cause in the Superior Courts at Westminster, *even where the witnesses are all resident in the vicinity of those Courts.*"

"The cost of a contested suit on the plea side, will on an average be found, I believe, to be much about the same as that of an ordinary cause in the Superior Courts at Westminster."

Certainly all we have heard, and all that has come within the range of our actual observation, had led us to form a very different opinion. The subject deserves investigation. It

* These sums are taken on an average of bills brought to the taxing office: but as bills of large amount in important causes are usually settled without taxation, these sums give the average cost only of the inferior causes.

† Does not the studied insertion of these qualifications imply that the average would be greatly increased if the cases alluded to were included in the calculation, and does not this prove how ill adapted for the very small professional body of a colony or distant dependency are the English forms of technical procedure?

would not be just to take Sir Erskine Perry's view as the correct one, nor to reject Sir L. Peel's, merely because the former coincides with our preconceived notions; and we will therefore state some grounds we have for forming an opinion. But let us first note the *climax* which we have put in italics in our last quotation; it amounts to this proposition, that the costs of an action at Law in London, when all the witnesses reside in London, are as high as the costs of an action at Law in Calcutta, even when the witnesses have to come from a distance, or a Commission, which is less costly, has to be issued to examine them. Sir L. Peel himself states, that "the fees to Counsel and the expense of employing an attorney constitute the principal portion of the expense of a suit." The fees of Counsel and charges of attornies are higher in India than in England, and consequently the aggregate cost of litigation would be higher were there no other differences of the same kind. It would indeed have been a real injustice at any time, and would be so still, if the fees to Counsel and Attornies were the same in India as in England. They would also have been inconsistent with all other prices or charges of European origin. They would have presented too the singular and incongruous spectacle, of a bar in possession of a monopoly out of which they could make by fair means no splendid fortunes and at the same time establishments of officers endowed with the utmost extravagance. But we may lay aside hypothesis and give particular instances. In England, a defendant, sued for a debt, may pay it within four days after service of the writ, at a varying expense of between £1-18-0 and £2-2-0; here of Rs. 100 or (£10;) and though this charge includes the costs of a plaint (which are not included in the more equitable practice of England) yet, from the difference, we may conclude, that all the charges connected with the proceeding are higher than in England. If the cause goes on, the next step, after the four days are elapsed, is in the labyrinths of Special pleading. We need not explain the nature of Special Pleading: our immediate object is to shew how much less costly it is in England. In England there is an intermediate class of persons (technically said to be below the Bar) called Special Pleaders *par excellence*: their province is the extensive domain of procedure which includes not only special pleading, but the "practice" connected with it, and springing out of its forms, which ends not until the cause is actually in Court before a Jury for trial. Most plaints and other pleadings above the Attorney's skill are drawn by these very learned persons, as well on account of their more economical rates of remuneration, as for other rea-

sons. Eminent pleaders of the generation just passed away, drew common plaints for 7s. 6d. (Rs. 3-12) common pleas for 5s. (Rs. 2-8); the fees of the present day range from 7s. 6d. to 10s. 6d.—15s.—21s. and 31s. 6d.—for a pleader a high fee, and many opinions 10s. 6d. Now all pleadings not drawn by attornies—(and very few are)—are drawn here by counsel and the smallest pleading fee is £3-8-0, and £5-2-0 is not unusual. The corresponding bar fees in England would be £1-3-6 and £2-4-6. The very common case of a motion for judgment as in case of a nonsuit, will further illustrate the difference. Fee on motion £1-14-0; on supporting it or moving to make rule absolute £3-4-0; shewing cause against it, £3-4-0; total in India £8-2-0; in England 10s. 6d., £1-3-6 and £1-3-6; total £2-17-6. Consultation fees on common law briefs both of junior and leading counsel are £5-2-0, making the cost of a consultation, on each side,* £10-4-0 if there are two, £15-6-0 if there are three Counsel: the corresponding expense in England would be (including Clerk's fees) £3-10-6: £5-7-6. Consultation fees in Equity Suits are £8-10-0, and taking the fee on the brief at only the same amount, an argument on Equity pleadings with two counsel on each side costs £68-0-0, and this probably is below the average. Many fees which have been abolished in England continue in India, and there are many motions and of course fees which are unknown in England; e. g. to give a day to a defendant who has not appeared to the writ, (3 motions) each £1-14-0; total £5-2-0, which is a mere farcical proceeding.

Besides the higher rate of Indian fees, the aggregate amount is still further increased by the different practice as to the employment of counsel. The result of this is very considerable in the cost of litigation. To confine ourselves to the common law,—the proportion of cases is very large, in which several counsel are employed, but only one would be employed in England, e. g. in all undefended causes,—in England there is one fee, £ 1-1-0; in India there are almost invariably two counsel, and the fees are rarely less, sometimes more, than 5 gold mohurs, or £ 8-10.

* Since the above was written, we have seen a comparative Table of Indian and English Fees, the former being extracted consecutively from the Fee Book of a Barrister of the Supreme Court, and the latter derived from an experience of many years both as Special Pleader and Barrister in England. The aggregate of eighteen fees for pleadings is £68, and a few shillings. In England, the corresponding fees would have been £10, and a few shillings, or reckoning three of them as bar fees about £12.

The same fee book exhibits £5-2-0 as paid on every case on which an opinion was taken. In England, on some of the cases, only a Special Pleader's opinion would have been taken at a fee of 10s. and £1-1-0, and a Barrister's fee on some of them would have been only £1-1-0. Retainers are never less than £3-8-0. The smallest fee exhibited as paid for drawing any pleading in equity is £8-10-0.

Again,—in a very large proportion of defended causes only one counsel is employed in Middlesex and London, especially for the *defendant*: the fee is sometimes only £1-1-0; more generally £2-2-0; occasionally £3-3-0, in a comparatively small number of cases £4-4-0. Here, on the contrary, in defended causes there are always two counsel; very generally a consultation: the two brief fees are never less than £8-10-0; frequently more; and the consultation fees,—the same to senior and junior counsel—make the total fees of the defendant in the most trumpery defended case £18-14-0, or £23-16-0 and upwards. And here let us observe that this difference between the cost of Indian and English litigation, great as it is, ceases to appear surprizing, when we call to mind what we believe to be the principal cause of it, viz., the different circumstances of the profession here and in England: *there*, an open body, subject to all the *good and bad influences of free competition*: *here*, a monopoly, which, officers, barristers and attornies mutually endeavoured, in former times, to make as productive to one another as possible. This is the Upas tree; what we have described, some of its fruits: whereas, looking to England, we find no profusion in bar fees: liberality in bar fees the exception: the settled practice, to keep bar fees as low as possible, and to dispense with the aid of the bar as much as possible,—that is, in all cases except those in which honor, as well as fees, may be gained by the exercise of forensic talents.

Not to tire our readers with any further details, we will conclude this branch of the controversy under review with a summary of the causes which appear to us to enhance the cost of litigation here above its cost in England. They are, 1st. Bar motions and various parts of practice peculiar to the Supreme Court, in addition to all others known in England. 2d. Bar motions and other proceedings retained in the Supreme Court which have been abolished in England. 3rd. The foreign language of the Court, which makes it necessary whenever the plaintiff or defendant is a native, for the writ, plaint, bill, plea, answer, demurrer, documentary evidence and other parts of the proceedings to be translated from the English into the native tongue, and often from the native tongue into the English. 4th. The absence of the class of special pleaders and chamber counsel; and the absence of the very wide distinction made in England between leading and junior counsel: to this may be added as having some influence, the claim set up by the leading members of the bar, and recognized nearly to the present day, of having all the small business and motions of an incidental kind, which in England go to the junior counsel. 5th.

The rate of bar fees, exceeding by two, three, four and five times that in England. 6th. Douceur fees, alluded to by Sir Henry Roper under the name of "*immediate*" fees because they are received by the bar from parties. 7th. Errors (alluded to by Sir Lawrence Peel) arising from the multifariousness of the procedure, for which no barrister is prepared by his legal education, and no one man or bar can be equal. 7th. The unnecessary multiplication of counsel in common causes. 8th. The want of a proper taxation of costs, and *mala praxis* of all kinds as its consequence. Each of these heads would afford many pages of illustrative matter, for which we have not space, and we will only add finally that Sir H. Roper agrees with Sir E. Perry as to the cost of litigation, and has proposed several reforms specifically for its reduction.

After noticing the expense of procedure in the Supreme Court, Sir Erskine states that there is a small cause Court in Bombay, in which the puisné Judge of the Supreme Court presides; but the procedure is simple; and the costs consequently comparatively trifling. The entire costs to both parties of a defended cause in this court are Rs. 50; of an undefended cause Rs. 41; and of a cognovit Rs. 12; moreover, it works well: Sir Erskine says "that the materials for a correct judgment are more surely supplied in the Court of Simpler Procedure." Here then we have the question raised of the contrasted merits of the natural and technical systems, and we purpose giving it a somewhat extended consideration. To describe it in general terms, the natural system is that which brings the parties (with or without their legal advisers as they please) before the Judge in the first instance: he hears what they have to say, and decides at once, where the case is ripe for an immediate decision, or otherwise adjourns it, under regulations. Sir Erskine Perry has embodied the general theory of a Court of this kind in five propositions, which he recommends to the Indian Law Commissioners for legislative enactment, and the Commissioners have drafted an act for a Court not materially different. In contradistinction to this stands the technical system; which, though we speak of it in the singular number as if it were one and uniform, is not in fact an uniform, nor one, system; nor two, nor three, but a whole rabble of systems. We cannot say of it as we have said of the natural system, 'Its characteristic traits are so and so; it proceeds so and so; it does so and so;' for, in the aggregate, it is an assemblage of incongruities and contradictions; and therefore the comparison must be made with each part in detail. All these different technical methods, however, do agree in this,—that they keep the suitors away from the Judge

until the dispute has gone through the metamorphosis of certain legal forms, which, to the parties interested, are utterly unintelligible. These preparatory forms, at COMMON LAW, consist for the most part of what is called Special Pleading. The Suitor makes his statement to the Attorney: the Attorney to the Special Pleader first, and afterwards to the Barrister; and the Judge is ultimately permitted to hear only the question which the Special Pleader in a fashion of his own lays before him. The great despatch and economy of the Small cause court arise from the non-employment of Special Pleading, and bringing the cause before the Judge in the first instance. Special Pleading is not as the term popularly implies, *oral*; no, that would be too much according to common sense, and fatal to the logomachies of the legal Schoolmen. Special Pleadings are written: but in a language which, though English, is not the style either of men of business or of men of science, of the rude, the literate or the polished portion of mankind, or of any other class than that of Special Pleaders. We could quote with much satisfaction (but are obliged merely to refer to) Sir Erskine Perry's account of Special Pleading. Its primary object he observes, (and in this he adopts the received opinion)—is, to separate the law from the facts; in which respect he thinks it in some degree suited for an Institution, which refers the law to the decision of one tribunal and the facts to the decision of another tribunal. Our readers will perceive he alludes to the Jury system of England; but the Supreme Courts, he thinks, need no such formal separation of the facts from the law, because the facts and the law are decided in one and the same place and by the same persons. Sir L. Peel and many others will not admit the consequence which Sir Erskine here draws from the different nature of the English and Indian tribunals: they think the merit ascribed to Special Pleading by Sir Erskine makes it universally acceptable, and they gladly assume that it is the real merit of the system; but this requires examination, and to this point we shall address a few observations.

Conceding that it is a merit to separate the facts from the law, Special Pleading, as we apprehend, fails as often as it succeeds in doing it. Often what is called an issue of fact is a mere legal construction of facts, *law* really, and the process for which Special Pleading is praised has to be performed at the trial. There is a vast deal of false pretence in this boasted system. Indeed Sir Erskine afterwards says in reference to Indian Special Pleadings,—that “the true point in dispute is often not elicited at all;” that often “the law and the facts are

so jumbled up together that the Judges are obliged to give a hasty, and consequently, often an erroneous decision on the law."

To take an enlarged view of the subject we must consider the early history in connection with the subsequent growth and changes in the practice of Special Pleading; and then we shall see how little the entire body of procedure which goes under the name is entitled to the praise which it has received, and that it is become an art, a craft, a mystery,—any thing but a Scientific system.

The creation of the Schoolmen, in their hands, it was the formal application of the Syllogism to the practice of jurisprudence. Each plaint, each plea, each part of pleading, was a fact or a denial of a fact, and formed the minor proposition, the major was the legal principle, not expressed, which if not correctly assumed, and the judges had to say whether it was or not, would of course not support a legal conclusion: the conclusion formed the immediate remedy demanded on the occasion, *e. g.* damages mostly, sometimes restitution. This was their method of working out a litigation, and for the simple cases of ancient times it was not inapplicable. It had its birth at a time when debts, properly so called, *i. e.* specific sums of money due by bond or other formal matter of obligation; and trespasses, properly so called, *i. e.* acts of wrong committed with force; and breaches of covenant, then of a simple kind, were the chief causes of actions. The substantive jurisprudence of that age was also very simple. As Society grew, new kinds of injuries were presented to the Courts for consideration. The Courts thought the existing actions inapplicable to them; and these new cases were formally placed under the cognizance of the Courts, by an act of Parliament which authorized the invention of a new species of action called "on the case," because the old lawyers did not know how, scientifically or jurisprudentially, to class or name them; and which actions were intended for cases, where not a "debt" was claimed, nor a "trespass" complained of, nor a breach of "covenant," nor "a conversion" of goods by a person who had found them, but still, by analogy to well established principles of substantive law, a "wrong" had been committed. Here then we have a second stage in the history of actions: representing the growth of society, which had given rise to more diversified wrongs, and rendered the invention of a new form of action necessary to meet them.

But the invention of actions did not stop here. As society advanced and commerce became diffused, CONTRACTS of a kind

which had formerly been rare, became common, and the old forms of action *ex contractu* did not apply to them;—not the action of “debt,” because that did not apply where the sum due was *uncertain*; not the action of covenant, because that would lie only on a *sealed* instrument. Here was another puzzle for the old lawyers, who, however, had become bold by the success of the last innovation; and to provide for these new contracts the action of *assumpsit* was invented, not under any new parliamentary authority, but by way of supplement to the class “on the case.” The wants of society according to the narrow conception of common lawyers, were now provided for. But yet another embarrassment arose from the retention of the forms of a barbarous age, through the invention of the most able schoolmen. The ancient form of an action of debt, when applied to tradesmen’s debts had for one of its incidents wager of law, and it became necessary to save the commercial interests from the operation of that barbarous relic. To do this, the Court allowed the action of *assumpsit* which had been applied only to complex cases to be extended to debts by simple contract.

On the whole, then, here we see two classes of actions, the ancient and the modern: the latter of most extensive application in modern times, and as if to confess the inapplicability of Special Pleading as a general instrument, it was scarcely applied to them; in one portion of them, when the statement of the complaint was special, the plea was general and gave no information: in another portion, the plaint was no statement of fact at all, but a mere legal construction of facts, and neither plaint nor plea gave any information. And this we think will satisfy our readers that the special pleading of the Courts of law is not the special pleading which those who regard only its theory have called a fine juridical invention. Its alleged object is wholly lost sight of, and the investigation before the judge and jury, if not absolutely free as to the topics of evidence, is just as free as it ought to be under the natural system. The junior Counsel opens the plaint, and tells the jury, it is “for money had and received, and that the defendant has pleaded he did not promise, and that that, is the issue:” “issue of fact,” but it gives neither judge nor jury the least information. The leading Counsel states the case, as he might, under the natural system, and the plaint and plea are never again referred to, except indeed for the purpose of defeating the action: witnesses are called, documents read, a clear case is proved, and such a case as by substantive law the plaintiff ought to recover a verdict upon, and a verdict the jury would give, but the issue is that the defendant was liable for money had and received, and

the Judge thinks the proofs do not come under that legal construction: the plaintiff is nonsuited; or the jury told to give a verdict against their own judgment, for the defendant,—and that in virtue of the employment of Special Pleading: yet this is a “beautiful juridical invention!” The lawyers have themselves set it aside, except as a fee-gathering instrument; and partially to supply its pretended uses, have been obliged to introduce what was never heard of in ancient times, in no way belongs to the system, is framed in repugnance to some of its chief rules,—we mean, PARTICULARS OF THE PLAINTIFF’S DEMAND, which are a proper part of the natural system.

We will next cursorily notice the various attempts which have been made at different times to improve both the ancient and modern parts of the system. And we think they furnish strong proof of the inaptitude of written Special Pleadings. *Anciently* the parties were confined each to one statement; the plaintiff to a single count on one cause of action, the defendant to a single plea against one cause of action. And this was not a hardship when the pleadings were oral: but when they became written, the restriction (as is sufficiently proved for our purposes by the fact of its removal) became intolerable. Now, mark how relief was given. Plaintiffs first obtained a relaxation by the contrivance of stating a single case in different ways, but so as to appear, not one but several cases; thus five, six, seven and sometimes a greater number of counts or statements came to be used, when the real case could be given but in one statement, and the courts sanctioned this departure from principles, this corruption, by refusing to enquire whether in fact the plaintiff had as many causes of action as he had alleged on statement. Thus far as to plaintiffs.

The Law Amendment Act of the reign of Queen Anne established a relaxation in favor of *defendants*; it empowered the judges to permit several defences to a single cause of action,—the intention, however, being merely that several should be allowed when in fact there were several: but under color of it, pleas were multiplied with the utmost license; and this, another departure from principles, another corruption, was tolerated to make the system practicable as it respected the interests of defendants; and this state of things lasted from the reign of Queen Anne, till the Law Amendment Act of 1834, which was one of the excellent fruits of Lord Brougham’s celebrated law reform speech and common Law Commission; and what then happened? The pleader’s excuse for multiplying statements was, that he thereby made sure of matching the case as it should turn up in evidence, in other words of

avoiding at the trial a variance between the pre-statement, and the evidence, and also of matching the case whatever might be the legal construction put upon the facts by the judge at the trial. To remove this pretext the act alluded to, allowed variances of a certain kind to be corrected at the trial. Thus, the evil was confessed; but the redress has been partial; the variances within the act are only such as are "*not material to the merits of the case,*" variances by which "*the opposite party cannot have been prejudiced:*" and all others are still fatal to the statement: but what a system,—ever to have permitted the right to be defeated by variances which were "*not material.*" And that character, we believe, belongs to many of the variances which still remain fatal: and the distinction further shews that the evil of variances, that is, of making incorrect statements, is inseparable from the system of requiring pre-statements in the forms of pleading. We cannot leave this subject without further remarking that the remedy against variances by allowing their amendment has opened a new source of uncertainty and embarrassment: first, to the pleader; who, must revolve in his mind, the probability of variances occurring; then decide of what kind they are likely to be, "*material*" or "*not material,*" and at last plead in doubt, almost sure to err, if one way, to the ruin of his cause, if the other way, at a heavy expense to his client.

To the judge also, with the evidence before him, which the pleader has not, the question is not always a simple one: and judges differ,—some being lax, others strict, in the exercise of their discretion: and the matter does not always stop with the judge at the trial—the Court in *Banco* has sometimes to decide on the right to amend a variance. This complication, without reflecting on individuals, we will call vicious because it results from the peculiarity wherein technical is mainly opposed to natural procedure.

Concurrently with the alteration which we have just described, Lord Brougham's Law Amendment Act gave the judges power for five years to make new rules of pleading; and this power they have exercised for the purpose mainly of requiring special pleading where it was not required before, that is, in the class of cases which we have distinguished as of modern and commercial origin: but, as if distrustful still of the system, the new rules do not apply to *plaints*; these consequently are as before, many of them not statements of *fact*, but mere constructions of law; i. e. fictions; and the procedure viewed as a whole, is still a piece of ill-assorted patchwork, not uniform, not carried out to a legitimate extent on any one principle, and working

ill as we will now shew in many of the new cases brought by the new rules within its operation.

The new rules came into operation in 1834: we know of no more fair mean of coming at a correct appreciation of the system in the more extended operation given to it by them, than an examination of the questions which have arisen since. Our limits will of course restrain us to a few specimens.

Two persons carried on business as millers, farmers and smiths in co-partnership: one sued the other and said (*declared*) "you are indebted to me £ — for money which I have paid for you, and for interest, and on an account stated."

The other in answer said (*pleaded*) "we were partners, and the moneys you mention arose out of our partnership transactions, which have not been adjusted between us and we have struck no balance."* To this the other replied (*demurred*) with an objection merely to the *form* of the statement, and the court came to this decision—that the plea was bad because it was *special*, whereas it ought to have been *general*; and also that as a *special* plea it was bad, because it did not shew with sufficient certainty that the money claimed was paid with reference to a co-partnership transaction.—Here then we have according to the decision, either an insufficient statement of a good defence, or an attempt by *statement* to make a defence which was not in itself good or sufficient: if the former were the case, a good defence failed merely by reason of the employment of special pleading; if the latter, a bad defence was got up merely by reason of the same cause, that is, for the chance of success, and the certainty of delay, afforded by a difficult technical system.

Part-owner of a Ship against another part-owner.

A. (*Declares*). "You are indebted to me £ — for money which I have paid for your use."

B. (*Pleads*). "Oh! we were part owners of the good ship "*Commerce*," and you paid the money, as you know, to our shipping friends C. and D. for damage done to their goods on the voyage to Bristol. Besides you were master of the ship, and the damage was sustained through your own personal negligence and wrong doing."

A. Objects (*demurs*) to the form of B.'s statement, and the Court decides it to be bad because it is *special*—that is, the facts stated might be given in evidence under the general issue; but unfortunately having pleaded specially, the defendant had not the opportunity of proving any defence; judgment was

* This defence rests on the principle that one partner cannot sue another at law in respect of partnership accounts.

given against him by reason of his pleading improperly; his pleader's skill alone was tried: that having failed, his own case is debarred any hearing or trial.

There is a class of peculiarly commercial cases, of great importance, in which special pleading, first required by the new rules, has, we apprehend, had a mischievous operation. We allude to bills and notes in the character of negotiable instruments, and particularly to cases in which the title of the holder is fraudulent, or tainted with grave suspicion in consequence of fraud in the course of negotiation, or where the party charged to pay, has been defrauded and consequently ought not, according to substantive law, to be called upon to pay but by some one having a *bonâ-fide* title. Now until special pleading was required, the investigation was unrestrained by predetermined special issues, and, on that account, in every respect more successful in the discovery of the truth in cases of fraud, than the present practice, which obliges the defendant to trace in detail by pre-statement the successive transfers to which he objects, and the grounds of his objection to them. True it is, that, under the old system, the party to a bill was held *prima facie* liable, on mere proof of his handwriting, and he was obliged to prove a fraud or something of tantamount effect committed *upon him* before he could resist payment: but having done that—which he could do because it was within his personal cognizance,—then the holder was called upon to prove the validity of his acquisition; and this course of proceeding was reasonable, because it obliged him to bring before the jury, and to treat as *his* witnesses those on whom he relied to establish his title; but now the defrauded party, the defendant, is not only obliged to prove the fraud on himself, but he must pre-state and prove that, and also the infirmity of the plaintiff's title: as that the plaintiff had notice of the fraud, or was not a holder for value, or not the *bonâ-fide* holder, and this merely in consequence of the employment of special pleading. And we may mention as another proof of the unfitness of special pleading for cases of the kind, the multiplication of speculative or conjectural pleas to which it drives the defendant, by obliging him to anticipate the evidence, of which evidence, coming at it often does from strangers, he can get no pre-statement. All he knows is, that the bill was obtained from him by fraud; but from A, who obtained it from him it passed to B, from B to C, from C to D; and about these transfers he knows nothing, yet he must shew by pre-statement wherein they are bad: and thus, the investigation, which the public have an interest in making, is ren-

dered nugatory by being fettered with a pre-statement, or in other words is rendered nugatory merely in virtue of Special pleading. It has turned the balance of the even-handed justice of former times, in favor of the fraudulent: it has rendered nugatory a right given by the substantive law, and which society, as much as the individual concerned, has an interest in maintaining in commercial cases especially; and generally this is its ordinary action.

From the difficulties of the defendant who has a good defence which special pleading makes impracticable, let us now consider the difficulties of the plaintiff, whom we will suppose to be the *bonâ-fide* holder of a bill, entitled by substantive law to payment of it. One would suppose, that having stated his case (*declared*,) and the defendant having answered it (*pleaded*) all pleading difficulties were at an end; but the fact is not so; the plaintiff's next difficulty is, as to the *form* in which he must reply. The fathers of the system, making rules, like other legislators, according to their own views of convenience, allowed in some cases the defendant's statement (*plea*) to be denied in a general and comprehensive manner by a replication called "*de injuria*" from its commencement; in other cases they would not allow a general denial, but required if the plea was intended to be denied, that some *particular part of it* should be selected for denial. Now, amazing subtlety has been employed in carrying out this distinction, which is merely in the taste and style of the schoolmen, incomprehensible to any but special pleaders by profession, and the constant source of verbal discussions: and hence, from the difficulty of dealing with it *secundum artem*, a special plea is often worse than an act of bankruptcy on the part of a defendant; it is better to have a bankrupt defendant, than a special pleading defendant: or a bankrupt holder of your bill, under a doubtful title, than a special pleading one: and here is an illustration. The indorsee of a bill sued the drawer, and the drawer pleaded a perfectly intelligible defence, setting up against the plaintiff, the title of a third person, viz: that he the drawer endorsed the bill to A B for a valuable consideration, and that the bill was still his, A B's, property, and he the drawer remained liable to him. This was simple and intelligible. The plaintiff perfectly well understood it, and by his reply said it was a sham "excuse," and wished to go to trial: accordingly he put in a general denial; but no, that would not do, said the defendant: mine, said he, is not a plea by way of excuse but by way of denial of title, and I object to your mode of replying. The holder of the bill (plaintiff) thinking this very unreasonable conduct on the

part of the defendant, appealed to the Court; the Court decided against him. He loses his cause merely in virtue of special pleading: or if he amends his reply, he pays the amount of his Bill of Exchange in costs of amending, and recovers probably to no purpose; as the defendant, half a rogue at first, may have become an accomplished one by his successful practice of special pleading.

Such is the system which the Judges of the Supreme Court wish to retain, while they limit their views to reforms in detail and retrenchment of establishments. They discuss like Sir E. Perry; but generally to praise or apologise for the system. Thus, Special Pleading Sir L. Peel admits, "has its technicalities;" but then, they are of "after growth." No doubt, they are the natural fruit of the tree and we judge but by them: "and not many of them are necessary to be retained:" then why are they retained? "The nicety of the construction of the language of written pleadings," is the cause of frequent embarrassment and expense: but it "may be remedied." "Special demurrers are occasionally filed which have no tendency to advance the real interests of the Client:" "The Court however has effectually remedied this evil:" and so on. The hard blows which others hit are here only feigned in order to be parried, and in the end the Chief Justice pronounces in favor of the system of written special pleadings: but we will give his summary of its merits:

"I do not concur with Sir Erskine Perry in his objections to the system of Special Pleading. I do not think that that system is *peculiarly* appropriate to the mixed Tribunal of Judge and Jury, and I think that the substance of the system of Special Pleading is well calculated for a Court constituted like the Supreme Court of Judicature. It throws off the admitted facts, brings prominently forward the disputed facts, prevents any uncertainty in either side of the facts on which either side relies, and tends to produce speediness and certainty of decision and cheapness of trial; it is very much the mode in which any sensible man in any domestic forum would apply himself to the settlement of any dispute referred to him by the litigants, and has its origin in simple times when a simple and natural mode of procedure was not unlikely to prevail. The technicalities are of after growth, and not many of them are necessary to be retained. The nicety of construction of the language of written pleadings is the cause of frequent embarrassment and expense, and may be remedied; and it seems to be practicable to retain all the substantial part of the system of Special pleading with all its acknowledged advantages, and at the same time to discard the material inconveniences to which it has become subject. The most obvious defect, the expense of litigation on points foreign to the merits of the case, has its origin frequently in the nicety, not to say subtlety of the construction of language. Without meaning the slightest reflection on the Bar of this Presidency, to whose talents, learning and honorable conduct I am glad to bear an honest and a willing testimony, I must observe that less attention is paid here than in England, to precision of statement in pleadings, from this cause occasionally arises expense to the suitor, and a special Demurrer is occasionally filed

which has no tendency to advance the real interests of the Client. The Court, however has, I hope, effectually remedied this evil by a late expression of its intention for the future with regard to the costs of special Demurrers of this character."

This passage, when analysed, presents, first, the singular opinion that a system which was peculiarly intended for the mixed Tribunal of Judge and Jury and differs from the systems of all the other contemporaneous tribunals, is not peculiarly adapted for that tribunal, and yet it is not employed in any other. Secondly, that the "substance" of the system is well adapted for the Supreme Court; but what is deemed the "substance" of a system of procedure, which dwells entirely in details, does not appear unless it may be collected from the reasons given. Let us then examine these reasons which disclose the substance of the system. (1) "It throws off the admitted facts." This it does not, in the apparent sense of the expression, for it is a fundamental rule that facts not expressly *denied* (*put in issue*), are only not in dispute, and that the passing them over without denying them, has not the effect of an admission. (2) "It brings prominently forward the disputed facts." This it only sometimes does, often does not at all, but substitutes for facts, as we have shewn, mere legal constructions, i. e. fictions. Besides, as between different systems, on a question of their comparative merits, this abstractedly is no peculiar merit, because by every system the disputed facts must be brought forward at some time or other, or there never could be a decision upon them:—the manner, the time, the cost of bringing them forward, are the true points of consideration; and as to the manner, the time consumed and the cost of special pleading, we have already shewn, in all these respects, that it is worthy of all condemnation. (3) It "prevents any uncertainty on either side of the facts on which either side relies." It does this only where the issues are on matter of fact and special—while, on the other hand, complex issues, involving a variety of facts and circumstances under one general form of expression, issues on mere legal constructions, leave both sides in uncertainty (so far as the pleadings are concerned) as to the facts on which the other relies. (4.) "It is very much the mode in which any sensible man in any domestic forum would apply himself to the settlement of any dispute referred to him." Then there is no difference between the natural and technical systems; but there is a difference, and unless the opposite parties have mistaken their ground this is true only of the natural system.

It is unnecessary to examine the passage quoted further in detail; especially as it does evince some sense of the faults

(which we have proved) of the system; and as to their being remediable, we are entirely of a different opinion: the hoof of the camel, the horn of the rhinoceros, the trunk of the elephant, the hump of the brahmani bull, are not more characteristic and distinctive, than are the faults alluded to of written special pleadings; and this is perfectly apparent from the remedy which has been provided for them:—"the Court however has, I hope, effectually remedied this evil by a late expression of its intention, &c." and what is the remedy? Does it affect the judgment of the Court on objections of form when submitted to its consideration? No. The Court allows the same scope for such objections and decides them, as it always has done, according to the English practice of which we have given illustrations. Does it, then, disallow costs to parties successfully taking such objections? No, the contrary: generally allows them; the fault of not dotting an *i*, or of putting a full stop in a wrong place, entails the penalty of costs, if the erring party desires to *amend*,—and amend he must generally or lose the advantage of his pleading. Then, what is the remedy? That if he does not want to amend, if he can dispense with the pleading which has been declared bad in form, he shall not pay his opponent the costs of bringing him up to be taught to mind his dots and commas. So that, the remedy comes to *this*;—it leaves subject to a forfeiture of costs, him who by a strict adherence to the new Rules, has only a single count or plea for one defence or cause of action, while it relieves from that forfeiture him who has violated those rules by double pleading, and by reason of that violation can dispense with one of his pleadings.

Before we conclude this subject of Special Pleading we will endeavour to illustrate the general character of its statements, and will take for this purpose the simplest of all cases where there is the least possible excuse for refinements, viz. the special pleadings on a tradesman's common book debt. The tradesman goes to the attorney who informs himself in precisely the same way in which the judge might as well be informed of the nature of the claim; and then, either he, or a special pleader,—here a barrister, for him,—puts the case into the language of special pleading. Of the pleader's or (Indian) barrister's form and its niceties some idea may be formed by an abridgement: the pleader makes the following statement:—

"The plaintiff complains that having sold and delivered to the defendant goods to the value of £ —, the defendant, nevertheless, has not paid for them, but refuses so to do." By common sense, sufficient; but nevertheless, wrong! or, as the

lawyers say, "demurrable;" and "demurrable" means, we wont go on, nor say one word as to the merits, until we have a better statement. The pleader should have further stated that the plaintiff sold and delivered the goods "*at the request of the defendant*;" he should also have stated that the defendant "*promised to pay for them*;" and that the defendant was requested "*to pay for them*;" and all this, though the obligation to pay results, by substantive law, from the fact of the sale and delivery, and a promise to pay is immaterial, is often not made, is implied, and no request to pay is necessary nor demand of payment. Thus, what are not facts, but mere fictions of law or legal constructions are made material, and the omission of any one entails the same consequences,—a demurrer,—as the omission of all of them.

It has been well said that the public conscience of the laws is outraged by these kinds of objections; they are of no use at all but to give employment to the profession, and that they do, but much after the old pauper system, of digging holes for the mere purpose of filling them up again at the cost of other people. This is not alone our condemnation; Sir Henry Roper, no rash reformer and probably an unwilling one, says:—

"The cost of litigation in a great measure arises *from its being for the interest of professional men to protract pleadings and to multiply incidental proceedings*. I have often thought this evil might in some degree be *remedied* by intrusting the framing of pleadings to an officer of the Court."

We have described the *plaint*, that is, the pleader's mode of stating a common book debt. Now let us see how he states the defence. Suppose it to be, that the defendant admits there was a sale, but says that the goods were not delivered, (e. g. they were sent, but lost on their way;) or, that he admits there was a sale and a delivery, but says the goods were not those he purchased, and hence that the dispute is whether the defendant is liable to pay for what came to his hands, as being accepted; and whether in fact there has been an acceptance; and suppose this question to be complicated with another; as, whether the original contract for other goods was waived, and whether that was a valid contract under the statute of frauds. Now for one and all of these facts, singly or collectively, issues of fact they really are, the pleader has but one form of expression:—the defendant says, "he did not promise." This is his *issue of fact*; the boasted result of special pleading: really no issue of fact at all, but a construction of law; or as Sir Erskine expresses it "facts and law jumbled together." The defendant told his attorney; "Sir, I did purchase the goods, but they have never

been delivered." The attorney says, "then you did not promise?" "Yes, Sir, I did," replies the client, "there certainly was a contract, which is, what I understand you mean by a promise, and I believe goods were sent, but they were not the right." Or, let the case be that they were lost on their way: "Don't tell me," rejoins the attorney, "I know better than you, you did not promise:" "very well, Sir, I don't understand law, I leave it to you." Does a jury, the appointed tribunal for this issue of fact, the fellow tradesmen of the parties, understand law one whit better? Do such pleadings inform the court of the legal points involved any more than of the facts? Then what is gained by this process? It has not accomplished what special pleading professes to do, but leaves it to be accomplished in an open inquiry before the jury. But it has done this: it has rejected the principle of *truth* from the inquiry; it has set aside as nought and not to be regarded every admission made by the plaintiff, every admission made by the defendant, to their respective attorneys, and which they would be willing to make, or would, as of course, make to the Judge. The plaintiff is put to prove all that is denied by the pleader; and therefore, not only is special pleading wholly in default as a statement either of facts or law, but, merely in virtue of the system, the question which the parties wanted to have had decided may never after all get to either Judge or Jury.

The drawer of a bill of exchange served a writ on the acceptor, and when he came to state his case, which was simply a demand of payment of a bill of exchange, said, "Sir, you know the bill *is due*, pay me:" the acceptor (*demurs*) and thus explains his reason:—

"You ought to have stated, Sir, not that the bill *is now due*, but that it was due before your writ was issued." The drawer of the bill, very naturally thinking this a frivolous objection, applied to the Court to set it aside, but the Court refused so to do, telling him he had better amend his plaint, in fact treating it as a good objection. We do not question the rectitude of this decision on legal principles; but we must condemn the system, which, for a moment, entertains such an objection.

A tradesman sued a customer for the price of some goods, and in stating his demand used the following turn of expression:—"Sir, on the 24th of October last, you were indebted to me £ — for goods sold and delivered."

The customer objects (*demurs*) and with considerable show of legal reasons insists, that the plaintiff ought, in his statement, to have said, whether the 24th October was, or what other

was, the day of the sale and delivery. All four judges took part in considering this objection, which they over-ruled: but what must we think of the system which adjourns for so serious a consideration so silly an objection.

Again,—*Tradesman to Customer* “Sir, you are indebted to me £20 for goods sold and delivered.”

Customer. “Sir, I never was indebted at all to you.” On these allegations, the case went to trial, and there a question was raised, whether on such a plea the customer was entitled to prove that the credit had not expired when he was sued. The Court of Queen’s Bench held he was not: The Court of Exchequer, on the same question in another case, that he was. The debts in both cases were under £20, and thus, besides the time lost, probably the whole amount in dispute was spent in discussing this mere question of the *construction of the pleadings*: the question arose entirely in consequence of the employment of Special pleadings. Here we have the *system* raising a doubt, whether a person sued for a debt is entitled to prove in defence that the debt is not yet due, and the two principal courts in the kingdom coming to opposite decisions.

To bring home this matter to men’s business and bosoms we will suppose the suitors themselves to have the working of the system, while the lawyers merely prompt and direct them.

For this purpose we will assume for the *dramatis personæ*, Banker and Customer; Scene the Bank parlour; the language, common speech, only incorporating technical objections.

Banker, to Customer (Sues; in legal phraseology, making his “plaint.”) “There is an old loan outstanding; we lent you £1,000 on securities which we afterwards allowed to be withdrawn: the period of credit is expired, and we desire payment.”

Customer. Very well, Sir, there was a loan I know; is that all you wish to say on the subject?

B. Yes.

C. (Puts in a “*demurrer*.”) Then I must tell you, Sir, I will not pay you upon that mode of asking, nor till you have asked me in a proper manner.

B. Do pray, Sir, explain yourself. Have I lost my senses or have you lost yours? I have told you, ‘we made a loan of £1,000 and that the time of credit is expired; and that we wish you to pay us: what do you mean by asking you in a proper manner?’

C. (States *Special causes of demurrer*.) Excuse me, Sir, I keep at home a very acute person, called a Special Pleader; who assures me that if a creditor asks for payment of a loan,

he should describe the loan as lent "on request," and that the debtor needs not pay on a simple statement of the fact of the lending.

B. Oh! is that it? Very well: excuse me; but your acute friend is not a man to help on business; however it makes no difference; we will say just what you wish; only do pay us. (Here the Banker amends his plaint as suggested.) "We lent you £1,000 on request; pray do pay us."

C. But, Sir, there is another thing I forgot: (suggests another special cause of *demurrer*) "you have not said, that *I promised to pay you "on request."*

B. Why man, what do you mean?

C. Pardon me Sir, I am sure you respect the laws: and I only tell you what my acute friend the special pleader tells me is necessary; I thought it was unreasonable, but he assures me it has been so decided by all the judges.

B. (*Amends* his plaint again, to get his money.) "Now then pay me."

C. Certainly; but I must deduct £20 for my friend, the Special Pleader, behind the scenes, who taught me how to correct your mode of asking for payment.

B. (Losing all patience.) Why, Sir, it is worse than the black mail of olden times (*Customer*, interrupting him, "call it the black mail of the law if you please,") when men quietly suffered part of their chattels to be carried off, for the sake of keeping the rest and getting rid of the banditti.

C. True Sir. But bad policy that; better to resist. (*Pays the debt and walks off.*)

But the same system furnishes the same sort of weapons to the Banker.

Banker to Customer. "We have lent you, Sir, £10,000: and we wish to close Accounts."

Customer. "£10,000. Why, Sir, that is the aggregate of all your advances ever since I dealt with you; there is a small balance, I know, and but a very small one."

B. Why, Sir, we know the forms of law throw great difficulties in the way of creditors, and especially of bankers: and owing to these forms we must leave you to discharge yourself as you can: you know the balance; pay us that and we shall be satisfied.

C. (*Pleads payment*) "I have already paid you."

B. (*Puts in a demurrer.*) "Well, Sir, that will not do."

C. "Why not, Sir. Do you deny the fact of any payment?"

B. Oh, no, Sir, but I keep a lawyer at home, a Special Pleader, who tells me that when you said you paid the debt,

you ought at the same time to have confessed that the debt had existed.

C. "Is that your objection, Sir, to the assertion which I make that I have paid you."

B. "Yes."

C. (*Amends.*) "Very well, Sir, any thing for a settlement."

B. "That will do; but you must pay me £20 for the Special pleader who has taught me how my customers should plead when they say payment."

C. (*Aside, Sotto voce*) "Oh! you simpleton, to put yourself into the hands of a lawyer; while you have been discussing my form of speech, you have been postponing the final settlement of accounts. I know you wealthy and respectable: these lawyers make us all by turns rogues to one another."

Managed by a professional class, the system is a learned mystery, and is tolerated by the public in ignorance. The priests alone of the legal temple have been permitted to be seen; but now, at last, the veil is partially rent in twain, the shrine is half open, and what is revealed is a false image of justice, hollow and worthless as a painted idol. We appeal to the morality of the age, to its enlightened, liberal, humane reason against such a system. It belongs not to an enlightened age; nor in its present state is it conformable with the original invention. It is not what it was in the hands of the schoolmen. It is a corruption of language, an abuse of art, a misnomer of science; only not a shame and disgrace to society, because to society it has been an occult science; but revealed now, we are entitled to say, "Reflect, you Bankers, merchants, tradesmen, you men of honor and you religious men; suffer no longer to be perpetrated in your names and at your expense the vices of a system which are abhorrent to your love of truth and all your good and just principles; there is not one of you that may not at sometime be involved in litigation; we have put in an intelligible form what your agents, as of course, say and do for you; would you do it yourselves?"

We come next to the subject of EQUITY PROCEDURE, of which Sir Erskine Perry first gives a general description, and then illustrates it by a case on the Equity side of the Supreme Court at Bombay, finally decided by himself after ten years and a half of litigation. Yet it was a commercial and common sort of case; a claim of between 2 and 3,000 rupees (£2 and £300) upon the estate of a deceased person.

Sir Erskine notes the several stages of the suit: first, a bill filed: then defendant's answer in which he admitted the claim, but alleged that he had no assets of the testator; next,

a better answer; then an amended bill; then a new answer; then an amended bill, answer, replication, rejoinder. So far pleadings. Next the cause was argued and reference to Master decreed; master's report made: to which defendant excepted: exceptions argued and overruled; and then further reference to master decreed: master's second report, to which, as to the first, defendant excepted; defendant's exceptions argued and overruled; and final decree for plaintiff.

Now as to one principal point,—the claim,—how really unnecessary this complicated procedure, is evident, when we reflect that it (the claim) was admitted and would at once have been recorded as admitted, if the defendant had been summoned; and a mass of statement, of interrogation founded on it, of charges and of pretences, and consequently of expense, would thus have been saved. And then, as to the point really in dispute,—whether the executor (defendant) had assets of the testator,—it was twenty months before the creditor (plaintiff) could elicit from the defendant all the information he was entitled to have from him by *answer*; and ten years before he obtained the Report of the master. Now, by the natural procedure the defendant would have been summoned, and he must have answered as to assets immediately; the examination being *vivâ voce*, would have obtained in two hours all the information, obtained only by three bills and four answers; and then the case would have been adjourned under regulations, and at two or three meetings, in two or three weeks or months, the evidence taken by the judge himself, and a decree made in a few days or weeks afterwards.

Sir Erskine indeed well observes:—

“If the case above cited had any extraordinary circumstances connected with it, it might be safely passed over as anomalous; but it is not so, it was a mere debtor and creditor controversy, and under a simple well regulated system of procedure, it ought not to have lasted more than six months. If the plaintiff and defendant had appeared in Court on the first day of the suit, it would have been evident that a decree referring to the master must be made, and three years and a half of litigation would have been saved at once, and if the witnesses had been produced in court on any day or days after the first six months, all the facts on which the case subsequently turned might have been proved, and the same decree made, which it cost ten additional years under the present practice to obtain.”

Sir Erskine has not stated what sum the costs amounted to: by the lowest estimate we can make, the plaintiff must have been called upon to advance Rs. 1,200 (£120) for fees to Counsel, and probably half as much to reimburse the Attorney for office copies of proceedings and *translations* of papers. A more grievous tax we cannot conceive. And the case is

worse where the litigation concerns the enjoyment of property : whilst the parties are left to the same routine of interminable procedure, the Court put its "broad arrow" on the property ; sells, leases, lets it go to ruin at pleasure. An equity suit at once destroys a great part of the commercial or exchangeable value of property. And scarcely a pice will the Court part with, without a motion by counsel : and oftener than not, a reference to the master ; and then the master reports, and counsel moves again ; and often at last as much is paid out for costs as is ordered to be paid to the party. Thus it is, that hundreds of wealthy families are ruined by Equity procedure ; they look at the magnitude of their property, they forget to deduct from it one half as the tax inexorably levied for procedure, and suppose themselves just twice as rich as they are ; and to crown the whole they can never obtain their instalments either when they want or are entitled to draw them. When will this game of law be properly understood by society ? It consists in treating the separate interests of different members of the same family, of brothers and sisters and nephews and nieces, &c. as hostile, and playing them off against one another. Barristers, and attornies from the first, and now and then at last, some of the more reflecting of the unfortunate parties themselves, understand the game ; and we fear no contradiction in saying that the surest annuity out of the richest estate is that secured to the lawyers by Equity procedure.

Sir L. Peel is equally enamoured with equity procedure, as with common law procedure, and has described in considerable detail two cases, one an English the other an Indian one, and cites them as quite beyond the capabilities of the natural system. To us, desiring only the most sound improvements, tests of this kind are particularly welcome, as more striking than abstract reasonings ; they are so seldom resorted to, only because few persons are capable either of selecting or applying them ; the present controversy ought to be memorable from the prominent introduction of this species of argumentation. The cases selected are equity ones,—selected from that class probably because they are generally regarded as more difficult ; which, *in their own nature*, they are not ; and if they are more difficult as subjects of practice, it is only on account of the cumbrousness of the machinery employed about them. Sir L. Peel introduces the cases in the following manner :—

" I will first select the case of *Few and Guppy*, a case of no particular complexity. In that case a vendor filed his bill for a specific performance of a contract of sale of real estate. The vendee had been let into posse-

sion ; and being in partnership with others, they had dealt with the property in the affairs of their partnership in a manner which it was said was injurious to the estate and permanently diminished its saleable value."

Such is the case so far as the facts are concerned.

Sir L. Peel thus proceeds :—

" This (state of facts) was relied on by the plaintiff, not as the ground for compensation in case it should appear that no title to the premises could be made by the vendor, but as evidence of a waiver of title and the acceptance of the title such as it was."

Sir Lawrence then comes to the *experimentum crucis*, first on the supposition that the party who has such a case as the above, is without the means of obtaining professional aid, and afterwards on the supposition that he has such aid. But it will be better to present the hypothesis in the author's own words :—

" Now, I will assume that the plaintiff in such a case had no means to resort to professional aid, and that the Judge alone could furnish him with the aid necessary to the institution of his suit in its most advantageous form."

We will not stop to inquire what is meant by having " no means to resort to professional aid,"—whether it refers to the poor man who has no money to pay institution fees or fees of attornies or counsel, or to a local dearth of professional persons : be that as it may, the hypothesis is not an imaginary one ; but what we have to note as particularly important is, that it involves the following assumption ; viz. that the natural system opens the doors of the Court and makes justice accessible to this class of persons,—a class debarred by the present system, as much as the man without his gold mohur or guinea is debarred from dining at the London Tavern, or taking up his abode at Spence's Hotel. That such persons may find themselves at a great disadvantage in comparison with others is clear ; but that circumstance is not chargeable against the system ; and the argument founded upon it really comes to this, or is worth nothing, that those who have not the means of resorting to professional aid ought not to be allowed (as practically is the case under the technical system,) to institute a suit for the establishment of the rights which by substantive law belong to them.

Let us next give the very picture drawn by Sir L. Peel to illustrate the misfortune which that numerous class would suffer if the Hall of Justice, now so inexorably closed against, were opened to them—

" The plaintiff would have but an imperfect notion of his rights, but would resort, in the first instance, to the court. The Judge, supposing him to be quick at ascertaining facts and able to evolve them from the confused statement which would probably be made to him, with his faculties alive to guess at facts either studiously concealed or omitted from inadvertence,

and above all, having leisure to conduct this investigation, would at length become acquainted with all or the most material of the facts of the plaintiff's case. Upon that he would have to consider, first, whether a good Title had been waived; if not, whether a good Title could be made, a question often of very considerable difficulty; upon that he must either decide rapidly and perhaps erroneously, or he must take time to consider it, but decide it he must, in his own mind, in that early stage of the cause, and *ex parte* before the suit can be instituted. Let us suppose that he thinks a Title can be made and the suit proceeds on that supposition, being prepared under his directions in the proper form. At the hearing, the defendant being like the plaintiff, *inops consilii*, would not have the means of shewing that the Judge had mistaken the Law, that he had overlooked this authority or misunderstood that, but still he might, if he were an intelligent person, bring certain facts to the Judge's knowledge or to his attention which had been either unknown or not sufficiently attended to before. The Judge whom we will suppose to be honest enough to correct his error, which I believe to be no violent supposition, would dismiss the suit prepared under his own advice and in the mode in which he had prepared it. Would this be likely to inspire confidence in a Court, or to give satisfaction to the public and the suitor? But suppose him to decide in favor of the plaintiff's claim, would not the defendant declare that his case was prejudged before it was heard: and that the plaintiff having first gained the ear of the Judge, had irrecoverably biassed his mind against the defendant. Let us suppose on the other hand that the Judge had thought that no claim of Title could be made. Would the plaintiff be contented? He would himself be unable to bring the question properly before the Judge for want of legal knowledge: would he be confident of the infallibility of the Judge? He might have thought under legal advice whilst he had resort to it, that, as a good Title which the Judge thought a bad one. Whatever his dissatisfaction he must acquiesce; there would be no appeal, and his suit would then be instituted as for a compensation, and in that suit other parties would have to be included, and its termination would be protracted by questions in which he would be unconcerned. But above all, it would not be the species of redress at which he aimed, and to which he thought himself entitled. In like manner as in the preceding instance new facts or new views of them might, even under this aspect of the suit, bar his recovery, or limit it. The decision would be subject to the same reflections as in the preceding instance. Again, in such an aspect of the suit, not only would the plaintiff's claim for compensation have to be considered with the deductions, but the claims of the parties liable to the plaintiff, to be adjusted *inter se* with all the various questions arising out of partnership transactions and to a certain extent, these must be determined upon in an early stage of the suit."

We do not admit this to be either a good likeness or a good caricature of the natural system; but, passing over its faults both in form and coloring, and examining it dispassionately, we must say that it is adapted to make an impression rather in favor of, than against the natural system. For, besides that it exhibits a party in Court suing for justice, who has not that common right at present, it represents the Judge as having arrived at the true and proper question, the question attained with so much difficulty and at such enormous cost by the technical system. Sir L. Peel then being the Judge in

the application of his own test, the natural system has had a safe deliverance; though the Judge has also been prosecutor witness and counsel; otherwise he would not have so entirely misrepresented the question which the supposed Court has alone to decide on an application for a summons, and which would be, not as represented, whether the applicant had a good title, but whether there was a case for a summons; and therefore the objection that the Court would decide *ex parte* at this early stage, is a mere figment of the imagination. And, as pretty nearly the same, must we hold the objection to the Judge's preparing the suit "in its proper form:" which terms are not at all applicable to what passes on granting a summons, and not appropriate to the function of the Judge even at the preliminary investigation: though were it so, that he did prepare the suit, considering the hypothesis which forms the starting point, that the parties had no means to resort to professional aid, it would not be a just ground of objection if a suit were necessary and it required formal preparation: for preparing the suit would only be predetermining the questions to be decided upon and the method to be employed in their investigation.

Having succeeded, as we hope, in proving the competency of a Court of natural procedure for such a case without the aid of Counsel, it appears almost a work of supererogation to consider its efficiency when aided by Counsel; but the reader may desire to see Sir L. Peel's observations: He says,—

"I will next consider the case on the supposition that the plaintiff has the means of access to professional aid in like manner as he has at present :"

And then come the objections,—“His (the plaintiff's) Attorney would collect the facts from him: would elicit those not originally communicated, and would then lay his case before Counsel, who would, after looking into the authorities, and anxiously considering the case on his own responsibility, advise a particular course of procedure:” good: so far it is the course pursued in important cases under the existing system. “The resort would then be to the Judge;” that is; for a summons: “now in such case what would his functions be?” We have described them: the reader has our answer to this question: the Chief Justice puts it not to answer, but as a prelude to other questions: “Is he” (the Judge) “to be the mere scribe or entering clerk to put in a legal form what the Counsel directs to be done? Is that likely to degrade the Judge or not?” The Judge is not degraded, nor converted “into a mere scribe or entering clerk,” who sits to hear Counsel apply for a summons, any

more than a Judge of the Supreme Court can be said to be so when sitting to hear the motions of Counsel. "But the barrister would insist on seeing that the suit was rightly instituted, and that his directions had been complied with, and his demand would be reasonable and just; the judge then would be subordinate to the Barrister." Not at all. The privileges of the Bar would not be enlarged, and it was never before said, that those privileges placed the Bench in subordination to the Bar, nor will the Barrister have the right to insist on more than he can now, a hearing for his client. "But if the Judge is to exercise a judgment, he must then examine into the case, and review the opinion of Counsel." Yes, he must, so far as to be able to say whether he will grant a summons: generally Counsel will have little more to do at this stage than ask and have, the application being simply for a summons. The rest of this singular piece of argumentation we would give entire but our space will not permit: but the rest like the above, we deem quite unworthy so learned and able a person: shots at random are not wider of the mark: nor he more out of the way, who, wishing to go to the Sandheads, takes his course up instead of down the Húgly. The functions of counsel in a court of natural procedure will be precisely what they are now. Counsel moves for a Rule, explains the grounds in fact and law of his application: and the court refuses or grants the rule, and so would at discretion refuse or grant a summons. The danger most to be apprehended would be too great facility in granting summonses. Parties would not necessarily go away dissatisfied with a refusal; many would be tentative applications; and Suitors and Counsel well know they are not always right, nor always select what is best even for their own objects: they do reflect, and respect a court the more for administering the law according to its own abstract, impartial, elevated view of it.

We will now give our view of the operation of the natural system of procedure in such a case.

By the natural system, the seller would go before the Judge for a summons: on the day fixed, the parties would appear, and in the presence of the Judge there would be a preliminary investigation: each would make his own statement; the Judge would first perceive the cause in rude outline; as that it was about a contract of sale and certain premises in the possession of one of them: that the parties before him were respectively the seller and buyer: the contract probably would be handed up to him: he would perceive there was no difference about the price; that the purchaser had been let into posses-

sion : that there was a difference of opinion about the Title ; and a further difference as to the right of the purchaser to object to the title, in consequence of the manner in which he had used the premises since he had come into possession : there would be a great deal of talk about new buildings and alterations. All this, and much more would pass at the preliminary investigation ; a discussion would then as of course arise as to what questions should be adjourned and would require formal decision. The Judge would observe what facts were disputed and what not. If he classed them wrongly the parties would correct him. Both parties would agree that one question was, whether the vendor had a good title. As to the manner in which the purchaser had used or altered the premises, that would require further investigation ; in short, a formal trial : these therefore would be the adjourned questions. The Judge not "cribbed and cabined" in a common law jurisdiction, or in an equity jurisdiction, would open the code of substantive law in his full competency to disclose all the rights written therein, and would shew the parties their legal relations ; and he would fix a day for the parties to attend to investigate the question and receive his decision. Probably the investigation would be considerably narrowed by a little more or less of preliminary sifting, and as to the question of title, probably, a statement in the nature of a special case could be prepared at once, so as to leave nothing but a legal argument. The parties would discover from the nature of the procedure that they could gain nothing by chicane, and that they would save their own time and diminish the trouble of the Judge by admitting facts which could unquestionably be established by evidence.

The second case stated by Sir L. Peel is known in Calcutta as the Gonsalves case : we will give the learned judge's own statement of it :—

"I will now select a case lately under the consideration of this Court. On a settlement upon a marriage treaty, the mother of the intended husband having a considerable real and personal estate, conveys by one Deed to which the intended husband and wife are parties the real estate to Trustees in trust for herself until the marriage in fee ; upon the marriage to herself for life, remainder to the husband for life, or until he should be adjudged Insolvent : and after the death of the husband or that adjudication, to the wife for life using words of Limitation of a singular and ambiguous character ; with other limitations over. The personalty was conveyed by another deed to the same Trustees upon nearly similar Trusts, but with a variation of language. Both these Deeds were very unskillfully framed, and the meaning of the limitations to the wife was by no means clear. The marriage took effect. The husband was adjudged Insolvent in the mother's life time. A divorce, a *Mensâ et thoro*, took place between husband and wife. The

mother died. She left property to her son who paid to the Assignee under his Insolvency the amount of all the debts, and claimed back the Estate which the Assignee had claimed. The wife insisted that the Estates were her's under the shifting clauses. Her claim was resisted by the husband. She filed her Bill."

Such are the facts. The questions which arose are stated as follows :—

"The questions that arose were, did the Settler mean an Insolvency after her own death, or an Insolvency at any time? What effect had the cesser of the Insolvency? Did the wife take any Estate in possession immediately on the cesser or was there a resulting use and trust to the Settler, and if so, in whom, was the present interest? If she took a present interest, was that subject to the *jus mariti*, and so the property of the Assignees? And if so, had she a claim for a settlement and to what amount. Now let us suppose the parties stripped of professional aid."

Now, with a view merely to testing the system, we do not object to the supposition of parties being without professional aid in such a case, though it is highly improbable, for there was a clear estate of three or four lakhs (£30,000 or 40,000); in fact all the costs were paid out of the estate; and in such cases it is a common practice to make the property pay the costs of all who have reasonable grounds for joining in the litigation; a court of natural procedure would have the same power to direct the costs to be paid out of the estate, as a Court of Equity has at present.

Here follow the objections which Sir L. Peel makes on the supposition that the parties are without Counsel :—

"Let us suppose the woman to become acquainted with her rights, she would necessarily be ignorant of the extent and actual state of them. The Assignees and husband would scarcely be wiser. They all or some one or more of them resort to the Judge. In such a case how hazardous would be the position of the parties. A judge, unaided, could not probably on the mere view of the facts, unless he were singularly gifted with knowledge, diligence, and patient investigation, discover on the first resort the points on which the decision of the cause should turn. Is it too much to say that he might never discern them? It is the consequence of an argument at the Bar sometimes to direct the attention of the Court to points which may have escaped the attention even of Counsel. A case clear on the first view of it, and in which the difficulties are concealed from view would in such a tribunal as that which Sir Erskine Perry recommends, be almost invariably decided on first impressions. A Judge, with no criticising public, and few, save professional men, are competent critics of the decisions of a Judge, would be in the greatest danger of falling into a careless and hasty decision of causes, and I should fear that few could be found whom it would be safe to intrust, especially in a country like India, under a system such as that which I am considering, with the discretionary and irresponsible powers with which it would intrust them."

Now it is not suggested here, as it was in the other case, that the parties would have any difficulty in obtaining a summons.

The judge would at once perceive it was a case of some importance, and probably at a glance would perceive from the most crude statement, that it was a dispute about the operation or import of clauses in a marriage settlement, considered in relation to the circumstances mentioned. The summons being granted and the parties before the judge, a preliminary investigation would take place: there would appear to be several facts which were undisputed: e. g. that the parties were as represented; husband, wife, official assignee, and trustees: that the husband had been an insolvent: that the insolvent's mother had since died and left him property out of which his creditors were paid in full: that the husband and wife were separated: that there was a marriage settlement, and no dispute about its identity, genuineness, or execution; and finally, that in consequence of the husband's insolvency the wife set up a claim under the deeds to property claimed by the husband.

Now all this would appear upon the preliminary investigation; and under these circumstances the judge would have to fix a day for the hearing, and to regulate the further proceedings. Each party would be asked if there were any further facts, and any facts at all on which they wished to offer evidence. The judge would endeavour to do his best; it would be a hard situation to be placed in, but no fault that of the system. Perhaps he would say, 'I cannot make up my mind at once what are the precise points of the case,'—but decide he would,—a merit which could not be predicated of the existing system, which would not let the case get to the judge because the parties had no means to resort to attorneys or counsel.

Let us now suppose that the parties are aided by Counsel; and see how great is the advantage of bringing the case before the judge and giving him a regulating power at a preliminary stage of the proceedings. As the admissions shewed that the official assignee had no interest,—(for the creditors had all been paid)—the Court would dispense with any further attendance by him, his Counsel, or Agents: next, as it would appear that the wife's interest was protected by the trustees, it would be declared unnecessary that both wife and trustees should be separately represented by counsel or other professional persons at any subsequent proceeding: and finally it would appear that the ends of Justice would be answered by having the case heard much as "a Special case" is at present.

Now having arrived at this stage let us pause and observe some of the evils of the technical system which have been

avoided by the preliminary investigation. All questions (costly ones they are) have been avoided about the *parties*, as, which are proper to be made plaintiffs, which defendants. Next there is no long bill framed on the hypothesis of every single fact being in dispute, when the reverse is the case. Next there is no long formal answer required from any one. A note of the judge has dispensed with whole acres of statements, interrogatories and answers in writing. The official assignee had no interests to protect: and would not be allowed to follow the procession of the cause through every stage, as one of the actors from beginning to end, and to be represented at the trial, by one, or by two, counsel. Although the wife's interests were protected by the Trustees they were represented by separate, each, two Counsel: thus, out of a case really lying in a small breadth and compass, seven Counsel, as we are informed, were employed and seven briefs manufactured, whereas the Court of natural procedure soon brought the matter to a Special case; and Special cases of the most difficult kind are argued by only one Counsel on each side; a second sometimes, not always, attends to take notes of the argument.

Let us next turn to the communication of the Chief Justice of Bombay, Sir Henry Roper, who has entitled himself to the public gratitude, for his exposition of facts, candid appreciation of faults, and liberality in the suggestion of remedies on the two principal subjects of Special Pleading and Equity procedure: and, at the same time, he is an independent witness on some points about which the other judges appear to differ. If heads had to be counted we should number Sir Henry in the same class of law reformers as Sir Erskine Perry. About all the circumstances which create the necessity for reform they agree. The equity changes which Sir Henry suggests are near approximations to the natural procedure. They agree also about the cost of litigation: Sir Henry condemns it in very strong terms, and as to its *cause*, says very pointedly;—"The cost of litigation in a great measure arises from its being for the interest of professional men to protract the pleadings and to multiply incidental proceedings." The remedy which Sir Henry suggests is fairly deducible from this view of the evil; it is, to substitute official for professional agency, and divest the former of all interest in protracting and multiplying the steps of procedure. Sir Henry would have the pleadings framed by an officer of the Court, with an option to the parties to prepare them, but at no greater cost as between party and party than when the officer frames them. Our objection to this is, that if the greater costs are reasonably incurred, the

adverse party failing ought to pay them; and if they are not reasonably incurred they ought not to be allowed even against the client. Sir Henry thinks it might be advisable to allow a fixed sum for each stage of the litigation. But if the procedure were rational and intelligible, professional remuneration might, we think, be left free, and competition, we doubt not, would place it at a just level. With respect to the system of pleading, Sir Henry proposes to discard the abuses, but retain it, as far as it is essential to logically conducting altercations. This is an excellent general proposition, and one branch of it Sir Henry well illustrates by a reference to the simple memoranda which constitute criminal pleadings. The entire pleading of the accused in a case of murder is "non cul," and is sufficient to save an innocent man from hanging. By analogy, in a civil case, the words "never indebted," "payment," "set off," "bankruptcy," "plene administravit," and some fifty others like, would be sufficient. A few general rules would guide the abridgment of pleadings which must be circumstantial, and we would suggest that the plan of the recent act for the shortening of conveyances might be extended to pleading. We would consign the thousand pages of Chitty, the four hundred of Petersdorff, the ten thousand of Wentworth, to the Schedule of an act of Parliament, there to lie without the possibility of resuscitation, and in one short enacting clause give to a marginal abridgment all the meanings and effect intended in these voluminous scribbles. Such changes would put an end to frivolous objections of form: but they do not comprise a preliminary investigation *before the judge*, for the purpose of settling the pleadings or issues, as the Commissioners propose, or as we should prefer, of preparing the case for a formal trial or hearing with or (as the case might be) without issues or pleadings.

Sir Henry disapproves the plan of a preliminary investigation, for chiefly the following reasons:—

"Were he" (the Judge,) "to preside at the oral wranglings of the parties and to superintend the making entries or minutes accordingly by way of pleadings, his authoritative position would indeed invest him with coercive powers: but through excess of zeal or infirmity of temper, when provoked by tricks and stratagems of suitors, he would have recourse to measures of a severe character, or admissions might be in effect extorted. Any impatience or indolence on his part might also produce much mischief."

But surely an officer having in this respect the same functions would be as likely to be betrayed into impatience or indolence, and the consequences, we apprehend, would be worse, for obvious reasons. And then as to tricks and stratagems provoking the judge's severity, or leading him to extort admis-

sions; it is one of the just reproaches of the present system, that it gives unbounded scope to "tricks and stratagems;" they are among the staples of the professional art, but the public regard them in the just light of great moral and social evils, and would deem it a merit in any system to repress or prevent them. And where can a power of this kind be so well vested, for calm and deliberate exercise, as in the judge? "Tricks and stratagems" are the natural fruits of a bad system; the most honest fair dealing suitor, assured that they will be employed against him, is told that he must use the same weapons: and thus the law of procedure is habitually employed in undermining the public morals.

Sir Henry proposes various very important reforms of equity procedure, which are evidently bona fide meant not to prop up but to correct the system. The main object in Sir Henry's view is to shorten the pleadings and to prevent the multiplication of incidental proceedings. "The interrogating part of the bill might be omitted in the first instance;" and an officer might orally interrogate the defendant consistently with the scope and spirit of the bill, and the replies would form the answer: but Sir Henry would give the defendant the option of putting in his answer by the aid of professional agency as at present, under the same restriction (we presume) as to costs, already discussed in relation to special pleading. "Omissions or defects might be supplied by additions to, or amendments of the bill and by interrogatories oral or otherwise." "Witnesses in suits in equity should be examined orally in court as in a trial at law;" and if a point in equity arises in a suit at law, the court should decide it at once, without, as at present, an injunction or other suit in equity. This is a large measure of reform, and a near approximation to rational or natural procedure: indeed, it would be scarcely distinguishable, if the answer were to be taken by the judge instead of an officer, and the like privilege (for such we deem it) were given to the complainant of stating his complaint orally: the consequence then would be, that incidentally, and in virtue of the method of procedure, if not *stricti juris*, the interrogation or examination would be applied to both parties: facts admitted would be ascertained at the least cost or waste of procedure: simple cases would retain their simplicity; and for complex and exceptional ones there is no method within the whole range of technical practice which might not be adopted *pro hac vice*, with all the added advantages to be derived from any of the methods of natural procedure.

Sir L. Peel, though opposed generally to all other Indian Reformers has suggested various changes, in the practice and

procedure of the Supreme Court at Calcutta, and which are entitled to our notice: they have much merit, abstractedly, we admit; but, relatively to the manner and circumstances of their appearance, can only be regarded as obstructive to better. They would, indeed, be some relief from those misapplied exaggerations on the English system so well pointed out by Sir Erskine Perry and the Law Commissioners; but no remedy. To pursue the metaphor;—they might diminish the pain but they would leave the cancer: even the proposal of them may have a mesmeric influence on the public for a time; but, if effected, the operation of cautery would be as necessary for a final cure as ever. But they never will be effected; for they have this capital fault,—they are not supported in any quarter; neither by the Indian Law Commissioners nor by the Indian Judges generally; nor by the Indian Bar; in short, they have done the service of preventing the establishment of the Court of subordinate jurisdiction proposed by the Commissioners; and now, in a great deal of good and bad company, they are deposited in the limbo of Leadenhall Street, where great and small reforms alike are apt to find their doom by the policy of our honorable masters.

Sir L. Peel has comprized his plan of reform in two pages and a half: it is the reform not of a philosophical jurist but of a common lawyer,—the leading idea being, how to extend common law jurisdiction at the expense of equity jurisdiction. Equity jurisdiction he divides in the following manner:—

“The jurisdiction in equity may be divided thus: 1st. Purely equitable; 2nd. Concurrent; 3rdly. Legal but administered in equity.”

And then as to the first, in three short lines, to wit, the following, are set at nought, as appears to us, all the previous argumentations:—

“Where the principles of equity are ascertained and have in effect become a species of law, there is no reason why they should be administered by a separate tribunal, and why they should not be transferred to a court of law.”

There is an end, therefore of the Chancellor's jurisdiction. But, then, when equity is fused into common law, is special pleading to be extended to *quondam* equity questions? Of course it must: for, by transference to common law reasonably must be understood, applying common law procedure to them. But then again, if so, how reconcile with this Sir Lawrence's previous defence and apology for equity procedure.

We need not notice separately Sir Lawrence's second and third divisions, for if the “purely equitable” may be trans-

ferred to common law, *a fortiori* may be, the "concurrent" and "legal."

Sir Lawrence having divided his subject in the manner we have shewn, pursues it into the following details. "Accident and Mistake;" "Specific Performance;" "Trusts;" "Dower and Partition;" "Account;" "Infants and Lunatics;" "Summary jurisdiction;" (though this, instead of being a separate subject, is a method equally applicable to all the preceding). Against "ACCIDENT and MISTAKE" Sir Lawrence would give relief at Law. Well and good as far as it goes; but defective, (as appears from Sir Lawrence's illustrations;) and leaving a resort to equity procedure for the correction and redress of accidents and mistakes in some cases still necessary. SPECIFIC PERFORMANCE might, "to a considerable extent, be effected at Law:"—"to a considerable extent," then, as the phrase implies, a resort to equity procedure would still be necessary. "If a question arise as to title, the court should itself determine the question, *unless the investigation were one of a protracted character.*" Good again; but again under an arbitrary limit, which might be shifted at discretion, and applied either so as to send little or nothing to the master, or all but every thing. "The examination of parties at law would be the substitute for a discovery in aid of a suit at law, *where a ground was laid for a discovery on a summary application to the Law Court.*" Again a right neutralized by the associated conditions: and those conditions more onerous than any existing at present. To restrain the right to as small a number of cases as possible, is the object; while on the contrary, the Law-Commissioners propose to give both parties the right of examining and cross examining each other in all cases, which is the best of all methods of discovery; as common sense would also dictate, and as is recommended by a great party of modern Law-Reformers. TRUSTS should remain subject to the jurisdiction in equity, but then, "a summary process would in most instances suffice, whether the object were simply an account or the construction of an instrument." But "summary process" in the Supreme Court, is only less dilatory than regular; as full of abuses; needs reforms as much; and in the one case where Summary and regular process are concurrent, *e. g.* in motions for an injunction to restrain an action at law, the "summary" parts, *i. e.* the affidavits, are nearly as long as the bill and answer. DOWER and PARTITION. "The equity jurisdiction on these heads being founded on imperfection of powers in courts of law, there seems no ground for its retention. If retained

however the process should be summary as it is in partition." But summary partition is summary ruin; of the many rich native estates to which it has been applied, not 5 per cent. of five in a hundred have remained for 12 months after a partition, to the litigants. As to ACCOUNT,—“there is no reason why resort should be had to equity, unless the question involves the execution of a trust:” and as to INFANTS and LUNATICS “the jurisdiction should be summary, and instead of a commission of lunacy the court itself should examine the witnesses.”

Such are Sir L. Peel's reforms. We have, as we believe, already justly characterized them; and we come next to the proposal of the Indian Law Commissioners who have drafted an act for a model court of subordinate jurisdiction, first to be established in Calcutta, and afterwards in other parts of India. At present we shall confine our attention to the procedure of this court, though we highly approve, and commend to the notice of Law Reformers at home, the Report containing the exposition of the principles of its constitution. Sir L. Peel takes great pains to shew that the procedure proposed for this court, and the five propositions of Sir Erskine Perry essentially differ. But grant that they do differ: then, we say give us either: but Sir L. Peel objects equally to both; and consistently; for, to us they appear not essentially to differ; and quite sure we are, that Sir Erskine Perry like ourselves would most readily accept the scheme of the Law Commissioners.

The Commissioners require every plaintiff bringing a suit to appear in person before the judge, and, orally or in writing, to lay before him the facts which constitute his claim. They empower the judge to refuse a summons if he thinks the plaintiff has no cause of action; but against such a decision they give the plaintiff an appeal. They entitle the plaintiff and defendant to cross examine each other as to any matter affirmed or denied on either side in pleading; and their method for taking the evidence of witnesses is, a *viva voce* examination.

Now, all these,—the characteristics of natural procedure,—to which indeed the name owes its significance, are embraced in the five propositions of Sir Erskine Perry. Agreeing so far, let us now examine the proofs that they at all differ. The Law Commissioners have condemned special pleading as practised in the Supreme Court, but have praised its principles and utility when conducted *orally*.

They have said:—

“The truth is that special pleading, that is to say, the logical rules which

constitute the essence of it, and which are of universal application, is not only what Mr. Serjeant Stephen calls in his admirable treatise on the subject "a fine Juridical invention," but is the method which ought to be followed in all disputes whether forensic or not, by parties desirous in good faith of terminating their disputes."

And accordingly, in seven short sections and about twenty lines, they have prescribed the manner of carrying on the pleadings. Sir Erskine Perry only has not developed his procedure: he has expressed no dissent from the plan of the Commissioners, and "oral pleading" he has *defended* against Sir Lawrence Peel, without at all indicating any difference on the subject from the Commissioners: they do in fact agree, *as far as appears*, and a great deal of special pleading has been thrown away in arguing to the contrary. As for ourselves the case is somewhat different.

Welcoming most cordially as we do, the plan of the Law Commissioners, willing to accept it whole and entire, we may still, as friends and not opponents, express the opinion, that strict rules of pre-statement will not generally work well; that in most cases they are unnecessary for the ascertainment of the points in dispute: and moreover that no one method is or can be the best for all cases. A regulating power should be given to the judge, as is expressed in one of the five propositions of Sir Erskine Perry: and the only fixed and invariable rule which we would lay down, is, that when the judge comes to *decide* he shall state what issues or facts he finds; and, doing this,—these findings will, as we apprehend, contain all that the parties, rightly advised, ought to have pleaded or put in issue, and therefore will afford the same security against mis-decision as is sought for in either written or oral pre-statements.

The daily practice of the Supreme Courts in a familiar class of cases will illustrate our meaning and is in fact what we are recommending. We allude to cases in which the facts are not disclosed on the pleadings: as, when an assignee of a bankrupt claims money as having been paid by way of fraudulent preference, or after an act of bankruptcy: or the case rests on any other of the many grounds to which an action for money, had and received, applies; in which cases the grounds of defence also are not at all disclosed by the pleadings. So far as the pleadings are concerned there is no *pre-statement*, but the case comes before the jury on an open inquiry and on the statement of counsel: the court then, from the evidence, eliminates the questions, of fact or fact and law, to be decided; and in deciding, states them to the jury: from this statement we apprehend the parties or counsel may judge whether the right grounds have

been selected, and being rightly selected, whether they have been decided correctly.

Special pleadings are not missed in such cases. Now to secure the same advantage in the courts proposed by the Commissioners and in all other courts without (we would also add with) a jury, the court should be required to find formally and categorically the facts, in the manner above alluded to; and let us take this opportunity of rendering a just acknowledgment of the judicial ability of the learned Chief Justice from whom we have so widely differed on the subject of procedure: it is his practice, in all such cases, to state his findings of fact, and his views of the law, in the most distinct, lucid, and categorical manner.

In comparison with the important subjects just discussed, that of retrenchment of the establishment and salaries of Officers of the Supreme Court sinks into insignificance, but must not be wholly passed by,—elaborately treated of as it has been in the papers before us, and some principles in relation to it advanced which appear to us to require further discussion.

The present establishment of the Supreme Court of Calcutta is stated as follows:—

Co.'s Rs. £. s.

Master, Accountant General and Examiner in Equity of the Supreme Court; and Accountant General of the Insolvent Court per annum, Mr. Grant	48,000	4,800	0
Prothonotary, Clerk of the Papers, Clerk of the Crown and Sealer, Mr. Holroyd	36,000	3,600	0
Taxing Officer, Chief Clerk of the Insolvent Court and Record Keeper, Mr. Ryan	19,200	1,920	0
Sworn Clerk and Receiver, Mr. O'Dowda	27,600	2,760	0
Examiner in the Insolvent Court, common Assignee and Commissioner for taking Affidavits in Jail, Mr. O'Haulon ..	9,000	900	0
Attorney for Paupers	4,800	480	0
Three Judges' Clerks, at 700 rupees each, per month....	25,200	2,520	0
First Interpreter, Mr. Blaquiere	9,800	980	0
Second ditto, Mr. Smith	11,100	1,110	0
And 50 rupees monthly for Office Rent	600	60	0
Interpreter of Foreign European languages and Tipstaff, Mr. Soret ..	2,160	216	0
Cryer, Mr. Hilder	3,600	360	0
Allowances for Chopdars	1,176	117	12
Two Interpreters to the Judges at 3,600 each	7,200	720	0
Clerk to the Grand Jury, Mr. R. Swinhoe ..	800	80	0
Maulavi	2,400	240	0
Pundits ..	4,800	480	0
Múllahs	528	52	16
Brahmans	528	52	16

Co.'s Rs. 2,14,492 £2,1449 4

But this table is not complete without a few further particulars which we will add to it. The Master has a house to live in, which is equal to an addition to his salary of Rs. 3,000 (£300) per annum. The Prothonotary is also clerk to Sir H. W. Seton, with an addition to his salary as Prothonotary of Rs. 8,400 (£840) per annum; making £4,400 per annum. The Sworn Clerk and Receiver is Official Assignee of Insolvent and Bankrupt Estates, on which he has the half of 5 per cent commission,—a sum, which we have reason to know, is of itself sufficient to enable a man, within a few years to realize a handsome fortune. The salary of £840 per annum was fixed for judges' clerks, after some objection to the amount on the part of the Government, and was finally conceded to induce respectable attorneys to accept the appointment, but the principle has not been acted upon. The Equity Registrar (a very important office) is not mentioned in the Table. This officer is also Ecclesiastical and Admiralty Registrar, and as Ecclesiastical Registrar has the administration of Intestate's Estates in the absence of the next of kin, on which he has a commission of 5 per cent. which produces a splendid and sometimes princely income. The Chief Justice thinks a commission of 5 per cent too high, and he expresses the same opinion of it as the remuneration for non-official administrations. By non-official administrations are meant those granted under powers of attorney to the agents of the parties interested. We should wish to keep entirely distinct, and cannot regard as under the same category, the official and non-official administrations. There is this plain distinction between them. The latter is the voluntary employment of an agent, selected by the parties concerned: the established Commission of 5 per Cent, as it respects him, is a *quantum meruit*, derived, as in many other instances that kind of remuneration is, from local custom, to which the Supreme Court itself has given the force of law; but a jury can change it, and like other charges it is liable to be modified by special agreement and competition. Grant that it is too high, still it is not a fit subject for direct legislative interference.

The official administration, on the contrary, is an office created by law, conferred by the Court or Government on an individual of its own selection; and being in its nature a public trust or service, the profits, if any justly can be made beyond the fair remuneration of the Officer, belong to the Government. All that, on any just principle, can be given to the officer, is, what is due to all other officers, an income suited to the moral and social station which his trust confers on him, and to the rank and class to which presumably he belongs. All beyond this,

is money which either ought not to be levied, or ought to be applied by the Government. These are principles of very general application; in extending them to existing offices, however, they can never be permitted to apply to present incumbents.

With a view to reduction of expence, the Judges have proposed a consolidation of various offices, to take effect when the changes of procedure which they have recommended shall be adopted. By proposing, as they do, to take upon themselves much of the judicial portion of the Master's duties, that officer, it is supposed, would have some leisure which the judges would employ by making him also Equity Registrar: but we rather think this would be assigning to him incompatible duties: the attendance of the master is required exclusively in Chambers: the Equity Registrar ought to be much in court: for there alone, by a personal and assiduous attention to the pleadings and argument, he can collect the materials which he needs for a just performance of the duties of Registrar; and if he acquires them not in this manner, that is, by his own application and labour, he must obtain them sometimes from the Attorneys of the parties—a most objectionable practice;—or he must resort to the Judge who ought not to have the trouble, and will often feel it difficult to help him: for the Judge's point of view is not always that which alone concerns the Registrar; what falls from the judge ought to be noted by the Registrar; while the Judge's mind is engaged in winnowing and fanning and shaking off extrinsic matters, and separating and weighing the merits, he is entitled to rely on the Registrar to preserve what indications he gives of his view of the latter, so that, after the argument, the judge ought rather to be helped by, than be called on to help, the Registrar. This we apprehend to be a correct idea of the office of Registrar: clearly it is not an office to be thrown into the scale as a means of employing the Master's leisure; the Master would either be taken from Chambers to the prejudice of his office as Master, or from court to the prejudice of his office as Registrar.

On the proper officering and conduct of these two offices, mainly depend the practical efficacy of the decisions and orders of the judges, and the realization of the objects of the administration of Justice in the province of Equity to which they belong.

The following are Sir L. Peel's remarks on this officer:—

“The office of Master could not be abolished, but its duties would be reduced in importance and difficulty. The Master would have leisure for other duties, and I think the best course would be to assign duties which would interfere as little as possible with his attendance on inquiries in his own office. This officer then would be Master Accountant and Equity Re-

gistrar, executing also the duties now performed by the Sworn Clerk and Ecclesiastical and Admiralty Registrars, at a salary of Company's Rupees 3000 (£300) per month or thereabouts."

Sir Lawrence also proposes :—

"The Prothonotary to be also Clerk of the Papers, Clerk of the Crown, Sealer and Keeper of Records.

Rupees 2,000 (£200) per month.

Taxing officer, Chief Clerk and Sole officer of Insolvent Court, and to be also Attorney for Paupers (this office should be filled always by an Attorney).

Rupees 1,800 (£180) per month."

No office in our opinion is more capable of improvement and utilization than that of the Taxing officer, and we cannot assent to the proposition that it should be filled always by an Attorney. The Judges themselves proposed to make the Master, Taxing officer; which we should think very proper; but this was objected to by the Attorneys. The office ought always to be filled by a person of extensive experience, inflexible honesty, high character. Its proper object, properly pursued is necessarily to a certain degree odious; it is, to prevent improper charges being laid on the suitor, who, from the technical and unintelligible nature of the procedure, is at the mercy of his own or his opponent's attorney. Nearly all the *mala praxis* of a Court may be traced to the practical deficiency of this officer; and it is with no reproach to the present incumbent we assert, that the evils at present requiring correction have attained by long continuance a magnitude quite beyond his grasp or power: the same would be the case with his successor, be he who he may, and the remedy to which the public is intitled, we believe, can be obtained only by a special delegation from the imperial country of a Commission or Officer thoroughly versed in the more pure and economical practice of the Courts at home, and authorised to enforce it in this country. We forbear to enlarge on this topic, in the absence of any prospect of early benefit to the public.

We must also express our dissent from the arrangement as it respects the "Pauper Attorney." He ought not, we think, to be an officer of the Court and certainly not to be the Taxing officer. Either, Pauper calls on his time, will interfere with his official duties, or, these will prevent a prompt attention being given to pauper cases. There never can be any difficulty in finding among the Attorneys one quite proper to be pauper attorney: but the most fit of all persons to be Taxing officer, may not be at all fit to be pauper attorney.

The Chief Justice thinks that the minor establishments of Clerks to the Judges, Interpreters, and swearing officers do not admit of reduction, except that the salaries of the Judges'

Clerks might be reduced to Rs. 500 (£50) per month on future vacancies.

Besides the officers comprized in the stated establishment of the Supreme Court, and whose duties are subsidiary to the administration of justice, there are others, commonly considered as officers of the Court because they are appointed by the Judges, concerning whom we now learn, from Sir L. Peel, they are not at all superintended by the Court, as they are not connected with the administration of justice. The officers of this class mentioned by Sir Lawrence Peel are, the "Administrator of Intestate Estates," in the absence of the next of kin; the "Receiver;" the "Official Trustee" whose office is of the same nature as that of the Receiver, and has lately been created by an Act of the Indian Legislature; and we may add the Official Assignee.

As to all these officers, (except the Official Assignee who is not mentioned) the Chief Justice says,—“In my opinion it would be the better course to retain the offices, but to disconnect the person discharging them from the Court, and to transfer the appointment of him to the Government:” for which recommendation the Chief Justice gives the following very significant reasons:—

“It creates false impressions that officers are superintended in the discharge of such duties by the Court when they are not, and cannot, from the very nature of the case, be so superintended. Should breaches of trust or duty arise in the discharge of such administrative duties, censure would fall on the Court for that which the Court could not by any vigilance prevent, and in short where the Court could not judicially interfere, even if it has knowledge of error committed in the discharge of such duties.”

Without adverting to the history of the past, or speculating on the probabilities or dangers of the present or future, we may be very sure that the judges would not thus solicit the Government to take a valuable part of their patronage off their hands, but for the most cogent reasons as it respects the public interests, and we trust their request will be complied with. The officers alluded to are free from responsibility to a greater degree than any other public functionaries from the Governor General downwards: indeed, they are under no responsibility at all,—the Court as we learn from Sir L. Peel, declining to take cognizance of “error committed in the discharge of their duties.”

The Chief Justice, as we have remarked, does not mention, even incidentally, the “Official Assignee of Insolvents’ Estates,” but his emoluments are an important item. He is paid by a Commission of 5 per cent which he divides with his co-assignee. This officer should be put on the same footing as the corres-

ponding Bankruptcy officers in England. Let him have a fixed salary (£800 or £1,000 per annum), and the Commissioner, power to allow him extra remuneration out of the estates, according to the view he takes of his claim in each particular instance. On this plan, he would have a motive to exert himself, where the estate is considerable; small estates would be administered without any or at small charge; and where a charge or commission would be allowed, presumably the creditors will have derived an advantage in an increased or earlier dividend. In England the official assignees are chosen, and ought to be so here, from the class of merchants and accountants.

We have now brought before our readers the principal topics discussed in the appendices to the report mentioned at the head of this article. By what we have shewn, of the origin of the discussion, we hope to attract to it a considerable share of public attention. At the very threshold, we found facts in dispute, which were material to the decision of the general question: we allude to the differences respecting the cost of Indian litigation. On which side the truth lay, we hope we have proved to the satisfaction of all dispassionate persons: no one can doubt, we think, that the cost of Supreme Court procedure exceeds beyond all reasonable bounds that of litigation in England. And now, in conclusion,—our object being to advance the cause of practical Law Reform,—we claim a reduction of Supreme Court charges. There may fairly be differences of opinion about what is a proper scale of professional remuneration: but we at least are intitled to say to the friends of Supreme Court procedure, “conform to the parent institution.” If this is not acceded to, then we call for a new tariff of costs according to Sir Henry Roper’s suggestions.

In like manner,—having refuted effectually, as we trust, the objections urged against the natural system,—we ask for the establishment of the Subordinate Court of local jurisdiction proposed by the Law Commissioners. The concession of this, we conceive to be due to the public as well as to those learned and eminent persons. And in conclusion we will add, that;—as our case is not a solitary one; as Madras and Bombay labour under the same evils: as many of those evils are clearly traceable to a common cause, the sinister interests of those who were intrusted with the first working of our judicial system: as the crown colonies in which English procedure has been established are, we believe, much in the same predicament;—it is high time for Imperial Britain, while it would exalt her fame, and bring honor to her Sovereign, to institute a revision of her Colonial Judicial Establishments, in which English law is supposed to be administered on the English system. *Fiat justitia ruat cælum.*

- ART. VII.—1. *Correspondence relative to Sindh, 1838—1843. Presented to both Houses of Parliament, 1843.*
2. *Supplementary correspondence relative to Sindh. Presented to Parliament, 1844.*
3. *The Conquest of Sindh, by Major General W. F. P. Napier : Parts I. and II. 1845.*
4. *The Conquest of Sindh, a Commentary. Parts I. and II. by Lieut. Colonel J. Outram, C. B. 1846.*

WE are now in a position to enter on a full and final examination of the British conquest of Sindh. A sufficient length of time has elapsed, and we are far enough removed from the scene of the transaction, to enable us calmly and dispassionately to review the history of that much controverted measure; while the materials for our inquiry are both copious and authentic. There are now before us two volumes of official correspondence relative to Sindh, presented to Parliament; we have an eloquent defence of the conquest from the practised pen of the conqueror's brother; and we have a most minute commentary upon that defence, by an officer who possessed unequalled opportunities for acquiring a thorough knowledge of the country and its people, and whose name is an ample guarantee for the scrupulous accuracy of his statements. Reserving to the sequel the few observations we shall have to offer on the respective merits of these publications, we shall at once proceed, with the aid of the historical materials which they supply, to lay before our readers a brief narrative of the events which immediately led to the subjugation of Sindh, together with an examination of the justice and policy of the measure.

The valley of the lower Indus, which forms the scene of the transactions we are about to record, has of late years been rendered familiar to all our Indian readers. Bordered, like the kindred valley of the Nile, by a range of mountains on one side and by a desert on the other, it is traversed throughout its entire length by the classic river from which it takes its name. The country on both banks of the river, from near the point where it receives the waters of the Punjab to its junction with the sea, formed the territory of the Amírs or rulers of Sindh, and was divided into two principal shares—the Southern division forming the principality of Lower Sindh, and the Northern, that of Upper Sindh: leaving, towards the Kutch frontier, a third and inconsiderable division, that of

Mírpúr, the affairs of which we will scarcely have occasion to notice.

At the period at which our narrative opens,—the early autumn of 1842—five Amírs held independent but associate rule at Hyderabad, the Capital of Lower Sindh; namely, Mír Nússír Khan, his two cousins Mírs Mír Mahommed Khan and Sobdar Khan, and his two nephews Mírs Shadad Khan and Hússen Ali. At Khyrpúr the seat of the Upper Sindh Government, the venerable Mír Rústum Khan was the acknowledged Rais, or supreme ruler; with whom were associated, as subordinate partners in the government, his two younger brothers Mírs Ali Morad and Mahommed Khan, and his Nephew Mír Nússír Khan. One Amir, Mír Sher Mahommed Khan, ruled the small principality of Mírpúr.

Our political relations with the Amírs of Sindh, at that time, were those established by Lord Auckland's treaties of 1839, which, as our readers are aware, were forcibly imposed upon these Princes at the commencement of the first Afghan Campaign. In Lower Sindh, separate treaties, identical in their provisions, were concluded with each of the Hyderabad Amírs; which contained, among other less important particulars, the following stipulations;—First, the maintenance of a British Subsidiary force in lower Sindh, either at Tatta or at some other station west of the Indus, towards the cost of which an annual tribute of three lakhs of Rupees was to be paid in equal proportions by three* of the Amírs—the fourth (Mír Sobdar Khan) being exempted on account of his early submission;—Secondly, the protection of their territories by the British Government against foreign aggression, and the arbitration of all complaints of aggression which the Amírs might make against each other;—Thirdly, non-interference by the British Government in the internal administration of the Amírs, or in any complaints made against them by their subjects;—Fourthly, the prohibition of all negotiation, on the part of the Amírs, with foreign states, unless with the sanction of the British Government;—Fifthly, the abolition of tolls on trading boats passing up or down the Indus;—Sixthly, the payment of the usual duties on merchandize landed from such boats for sale, with the exception of goods sold in a British Camp or cantonment.

In Upper Sindh one treaty only was considered necessary,

* One of these shares was now divided between Mírs Shadad Khan and Hússen Ali, the sons and heirs of the deceased Mír Núr Mahommed, one of the original parties to the treaties.

which was exchanged with Mír Rústum Khan as the acknowledged "Chief of Khyrpúr." Its engagements were analogous to those concluded with the lower Sindh Amírs with the following differences;—First, no stipulation was made for the payment of a subsidy;—Secondly, there was no engagement for the permanent location of a British force: permission being only given "to occupy the fortress of Bukker as a depot for treasure and munitions in time of war;"—Thirdly, no stipulation was made for the abolition of river tolls: the Amírs merely promising "co-operation with the other powers" in any measures which might be thought necessary for extending and facilitating the commerce and navigation of the river Indus. Lastly, short "Agreements" were at the same time concluded with each of the other three Amírs of Upper Sindh, whereby the British Government engaged "never to covet one reea of the revenue of their shares of Sindh, nor to interfere in their internal management." The treaty entered into with the Amír of Mírpúr, in the following year, was similar in its provisions to that of Lower Sindh, and included an engagement for the payment of a subsidy of Rs. 50,000 per annum, as the price of British protection.

It is unnecessary, for the purpose of our present inquiry, to examine either the justice or the policy which dictated these compulsory treaties. They formed a part (and, it may be, a necessary part) of that ill-advised and disastrous "Affghan policy," which forms the one disfiguring blot on Lord Auckland's otherwise beneficent administration: and it was only by the unconquerable firmness, and extraordinary personal influence, of the distinguished diplomatist* who conducted the negotiations, that the Lower Sindh Amírs were induced to yield a tardy and reluctant assent to their harsh provisions, and thereby preserved, though but for a season, the sovereignty of their kingdom.

Having been thus reduced from independent Sovereigns to tributary allies of the British Government, it was not to be expected but that some degree of alienation and a distrust of our future measures would take possession of the minds of the Amírs. Whatever may have been the real state of their feelings, their acts, even during the disasters of 1842, evinced no appearance of hostility: for it is a remarkable fact, that, under the able management of Major (now Lieutenant Colonel) Outram, Sindh continued in a state of profound tranquillity; robberies were unknown; British subjects of all classes, unattended by a single armed attendant, traversed the country without danger or molestation; and carriage and supplies were

* Major General Sir Henry Pottinger, Bart. G. C. B.

liberally furnished for the support of our armies in Southern Afghanistan.

Such was the condition of Sindh, and such were our relations with its rulers, when Major General Sir Charles Napier, then Commanding the Puna Division of the Bombay Army, was invested by Lord Ellenborough with the military and political control of Sindh and Belúchistan. The veteran soldier hastened to Sindh (we are told) with all the alacrity of a young warrior; and on the 9th September landed at Kurrachi. Before we accompany him on his diplomatic and military career it is desirable that we should first become acquainted with his character, and that of the political functionary whom he was about to supersede.

The name of Colonel Outram will ever be associated, in this Country, with some of the finest and noblest qualities of the soldier. His character exhibits a remarkable union of calm, steady, resolute valour, with a passion for daring and chivalrous enterprise, and an energy and determination of purpose which no danger or difficulty can daunt. These qualities, added to an open, ardent, generous disposition, and a quiet unassuming courtesy of demeanour, have deservedly rendered him the pride of the Bombay Army, and appear to have attracted, in a rare degree, the personal attachment and esteem of those who have served under his orders, or have been otherwise associated with him in public duty. But it were an unnecessary, though a pleasing task, to dwell upon these features of his character. The conqueror of Sindh himself has with a just discernment awarded to him the appropriate and expressive title of "*The Bayard of India*;" and twelve hundred British Officers of the Indian services have publicly recorded their admiration of his heroic achievements in India, Afghanistan, and Sindh.

Colonel Outram's experience of native character is extensive and varied. In common with the majority of officers who have known the natives long and well, who are conversant with their languages and customs, and who judge them by an Indian, and not by a British standard, he appears to have formed a generally favourable opinion of them. His intercourse with them seems to have been marked on all occasions by a considerate attention to their social usages and feelings: and his interest in their welfare is evinced by a desire to preserve and improve the more innocuous of their institutions, rather than precipitately to subvert them, in order to introduce the systems and usages of Europe in their place. Like all functionaries who have been guided by such principles

and feelings he has acquired in a high degree the confidence and good will of the people over whom he has been placed: and we need scarcely add, that the possession of such influence over the minds of the natives, particularly of those in high rank and station, is one of the most important qualifications which a British Diplomatist can possess; and is calculated, more than any measures of abstract wisdom, to reconcile the princes and people of India to our rule, and thereby to preserve the peace, and promote the best interests of the country.

Lest any of our readers should consider such political accomplishments as antiquated and worthless, we will supply a more practical test of Colonel Outram's diplomatic qualifications, and try them by the magnitude and importance of the services which he rendered to his Country, during the eventful year that immediately preceded his removal. At that memorable crisis, when disasters unparalleled in our history clouded the past, and gloomy apprehensions over-cast the future—when the storm of insurrection, which had burst with such fatal fury at Kabul, threatened to endanger the safety of our armies at Quetta and Kandahar—Lord Auckland, amid the general panic, turned to Colonel Outram with the assured confidence that he would hold his dangerous post with a firm and steady hand, and that, by his prompt and zealous assistance, he would enable the Government also to weather the storm.* And the result shewed that the Governor General's confidence was neither exaggerated nor misplaced. Within the three preceding years, we had imposed a Subsidiary tribute and a Subsidiary force upon the Amírs of Sindh; we had stormed the capital and slaughtered the ruler of Belúchistan; and we had waged a sanguinary warfare upon the neighbouring mountain tribes. Yet—smarting though they were under these grievous injuries, and instigated by Affghan emissaries to raise the standard of insurrection in the common cause of Islam—such was Colonel Outram's wondrous activity, vigilance, and zeal, that he not only, with a small and detached military force, preserved tranquillity throughout these vast countries, which formed both the base and the line of our military communications with Kandahar; but he also furnished and forwarded, from these very countries, the carriage and supplies which enabled General Nott to accomplish his triumphant march to Kabul, and General England to retire in safety on the Indus. These were, in truth, services, which, to cite the words and the authority of the honorable

* Outram's Commentary, 21.

Mountstuart Elphinstone, "it would be difficult to parallel in the whole course of Indian diplomacy:" and they had just been brought to an honourable and successful termination, by the safe descent of General England's army beneath the passes, when their author was summarily, without warning and without reason assigned, removed by Lord Ellenborough from his high political appointment.*

And what were the peculiar qualifications of the Officer selected to supersede a man who had, at so perilous a crisis, conferred such signal services on his country? On Sir Charles Napier's eminent military talents it were now superfluous to dwell. Long before his appearance in Sindh, his high reputation as a soldier had been inscribed on the page of history; the numerous scars with which he was furrowed attested his heroic valour on the sanguinary fields of Corunna and Busaco: and, though untried as a General, he soon proved himself worthy of a place in the first rank of British Commanders. With a military experience of half a century, he had, moreover, deeply studied the art of war:—strict and stern in discipline, but ever watchful of the interests and attentive to the wants of his men, he was peculiarly the soldier's friend. Though bending somewhat under the weight of threescore years and one, yet did he retain all the vigour and energy of youth, with a capacity for the endurance of fatigue which the youthful soldier might well have envied.

But, though unquestionably a brave and accomplished soldier, he was singularly deficient in the particular qualities required for the safe and beneficial exercise of political authority in India. He was not only ignorant of the language, the character, the customs, and the institutions of the natives; but he seemed to look upon such knowledge as unnecessary, if not prejudicial. He was, moreover, apparently imbued with strong prejudice against the princes of Sindh, and disposed to regard his Mission, as that of a Military Dictator appointed to overawe and control a "barbarous durbar," rather than that of a political agent deputed to maintain the relations of amity and friendship, subsisting between a protecting and a protected state. Disregarding, in short, the maxims of sound practical wisdom, so strenuously recommended, and so successfully practised, by

* It is any thing but creditable to the Government that no honors should have been conferred on Colonel Outram and Mr. George Clerk for the important political services they rendered at that critical juncture; while analogous services performed on the same scene, four years before, by Sir Henry Pottinger and Sir Claude Wade were respectively rewarded, (and justly rewarded) by the honors of a Baronetage and Knighthood.

Munro, Malcolm, and Elphinstone, and by other distinguished statesmen of the same eminent school—Sir Charles soon betrayed a determination to open up a new political path for himself. The progress and results of this novel diplomacy we now proceed to examine.

Sir Charles Napier, as has been stated, landed at Kurrachi on the 9th September 1842, and on the 17th of the same month he started for Sukker. On his passage up the Indus he paid a visit to the Amirs of Lower Sindh at their fortified Capital of Hyderabad. The established courtesy, uniformly observed by the Indian Government towards the Native States, of formally announcing any change in the British Representative at their courts, does not seem to have been observed towards the Amirs on the present occasion: nor does Sir Charles Napier appear to have been furnished by the Governor General with any credentials of his appointment. Such an omission may be considered by the English reader to be of trifling import, but will be very differently viewed by those acquainted with the importance that native Princes attach to all these matters of etiquette. Notwithstanding the neglect, however, on the part of the Governor General, of the customary forms of courtesy, Sir Charles Napier was received by the Amirs of Hyderabad with every demonstration of respect due to his rank and station. Before leaving the capital, he addressed to them a letter regarding certain alleged infractions of the treaty, committed under their orders, or with their knowledge. These charges will pass under our review, when we examine those preferred against the Amirs of Upper Sindh: but we must not omit to notice the style and tone used by the British Commander in this his first communication with Princes, wielding the absolute power of sovereignty within their own territories. It is characterised by the Historian as an "austere, but timely and useful warning," given in the prosecution of "a fair and just, but stern and unyielding policy." We willingly pay Sir Charles the compliment of assuming that this extraordinary document, which will be found in the Parliamentary Papers (Page 358) was merely the first rough draft of the letter, and that in the process of translation it received a form and phraseology better suited to the station of the Princes to whom it was addressed. But, even under this favourable interpretation, there will remain much in the tone and tenor of the letter that is deserving of the strongest censure, and in complete opposition to the letter and spirit of Lord Ellenborough's judicious circular instructions to his political agents, directing them "on all occasions to manifest the utmost personal consideration and respect to the

several Native Princes with whom they might communicate ; to attend to their personal wishes ; to consider themselves as much the representation of the *friendship*, as of the *power*, of the British Government ; and to be mindful that even the necessary acts of authority may be clothed with the veil of courtesy and regard." We shall find, as we proceed, that the whole tenor of the General's political administration in Sindh, of which this was the commencement, was an exact antithesis of these admirable maxims.

Sir Charles Napier, having addressed this arrogant and offensive letter to the rulers of Hyderabad, continued his journey up the Indus ; and, on the 5th October, arrived at Sukker, the head quarters of the British force then stationed in Upper Sindh. There, as the historian informs us, he "forthwith commenced a series of political and military operations, which reduced the Amírs to the choice of an honest policy or a terrible war."* These operations, with their fatal results, it is now our duty to record.

On his first nomination to the military and political control of Sindh, the General had been officially informed, that if "the Amírs, or any one of them, should act hostilely, or evince hostile designs, against the British forces, it was the Governor General's fixed resolution never to forgive the breach of faith, and to exact a penalty which should be a warning to every chief in India." This communication, it will be observed, intimated the Governor General's determination to punish *future* hostility : but the following instructions, which awaited Sir Charles on his arrival at Sukker, shewed that his Lordship had modified his intentions, and was now determined to inflict retributive punishment for *past* offences, should the General, on inquiry, discover satisfactory grounds for such a procedure. "Should any Amír or Chief, with whom we have a treaty of alliance and friendship, *have* evinced hostile designs against us during the late events, which may have induced them to doubt the continuance of our power ; it is the present intention of the Governor General to inflict upon the treachery of such ally and friend so signal a punishment as shall effectually deter others from similar conduct : but the Governor General would not proceed in this course without the most complete and convincing evidence of guilt in the person accused. The Governor General relies entirely on your sense of justice, and is convinced that whatever reports you may make upon the subject, after full investigation, will be such as he may safely act upon."

* Napier's Conquest, 23.

The first political duty, therefore, which devolved upon Sir Charles, was to inquire into certain alleged breaches of treaty and hostile intrigues charged upon some of the Amírs, with the view of deducing from these past offences "a pretext" for remodeling the existing treaties, and inflicting a "signal punishment" upon their authors. And this brings us at once to the consideration of what proved to be the remote cause of the Sindh conquest. And as there has been much misapprehension and misstatement on this subject, it is necessary to trace the origin and history of the revised treaties, to the imposition of which, the General's investigation ultimately led.

In the early part of the year (1842) Major Outram appears to have come to the conclusion that our intended withdrawal from Affghanistan would render some change in our relations with the Amírs of Sindh very desirable, in order to remedy the errors of our Military position in that country; to define more clearly the commercial provisions of the existing treaties; and to ensure an adequate supply of fuel for the steamers composing the Indus flotilla. About the end of May of the same year he had received an intimation of Lord Ellenborough's wish to exchange the payment of tribute for "the continued occupation of Kurrachí and Sukker," including, the fortress of Bukker. He therefore only awaited a favourable opportunity for opening a negociation with the Sindh Government. In the meantime he received information from his assistants in Sindh, which gave him grounds for suspecting, that certain of the Amírs, taking advantage of our Affghan disasters, and instigated by Affghan emissaries, had engaged in some petty intrigues inimical to the British Government. They were considered by Major Outram to be in themselves puerile: nevertheless, he conceived that they evinced an unfriendly feeling on the part of the Amírs, and furnished good grounds for proposing, and would materially assist the negociation for, the required changes in the treaties, which, under other circumstances, would most probably be resisted.

In accordance with these views, he submitted to Government, on the 21st of June, a draft-treaty embodying the proposed changes. The following were its principal stipulations; * 1st. The cession to the British Government, in perpetuity, of the City and Cantonment of Sukker (including the fortress of Bukker) and of the Town and harbour of Kurrachí; 2nd. Free transit for commerce between Kurrachí and Tatta on the Indus; 3rd. Permission to cut wood within a hundred yards

* Sindh Parl: Pap: P. 343.

of each bank of the Indus; 4th. The total abrogation of river tolls: and 5th. In consideration of the above cessions the British Government engaged to release the Amírs from all pecuniary obligations whatever.*

Such were the provisions of Major Outram's proposed treaty—a treaty which stipulated for territorial and other privileges of the estimated annual value of Rs. 3,16,500,† to be ceded by the Amírs to the British Government, in exchange for a total release from the future payment of tribute which (exclusive of arrears) amounted to Rs. 3,50,000 per annum.‡

The objects proposed to be attained by this new arrangement were in themselves of great importance to British interests; and the pecuniary price to be tendered for their purchase was just and liberal: but, in the absence of any pressing necessity for the change, it became matter of regret that the subject should have been mooted, at that particular juncture. The minds of the Amírs, who had on all occasions shewn themselves determinedly averse to any alteration in their relations with our Government, were at that time peculiarly distracted with apprehensions in regard to our future measures; in addition to which, Major Outram was himself at Quetta,—whither he had gone for the purpose of aiding General England's force, in its retreat upon the Indus—and was consequently deprived of the opportunity, by personal negotiation, of exerting his great influence over the Amírs, by which alone could any hope be entertained of reconciling their minds to the contemplated changes. Nor were the grounds assigned as the basis of negotiation of clear and unquestionable validity. The hostile intrigues, alleged against the Amírs, were considered by Major Outram at the time, neither important nor dangerous; while the evidence, in support of them, forwarded by

* A negotiation had previously been entered into at the instance of Lord Auckland's Government, for the cession of the district of Shikarpúr: but Major Outram reported that this must be abandoned under Lord Ellenborough's contemplated occupation of Kurrachí, and the proposed river arrangements.

† Territorial Cessions	Rs. 1,06,500
Abolition of transit duties and river tolls	„ 10,000
Compensation for cutting wood	„ 2,00,000

Total Annual value Rs. 3,16,500

‡ Annual tribute from the Amírs of Hyderabad	Rs. 3,00,000
Ditto ditto of Mírpur	„ 50,000

Total Rupees..... 3,50,000

This was exclusive of certain claims against Mír Nússír Khan of Khyrpur, the heir of the late Mír Múbaruk Khan, consisting of about three years' tribute of Rs. 1,00,000 per annum, in addition to Rs. 7,00,000, claimed in behalf of the late Shah Shúja.

his assistants, and which he had not the means of testing, was any thing but conclusive of the guilt of the Amírs, even if it had been as unimpeachable as it subsequently proved to be worthless and false.

But, while we make these observations, we readily admit, that the treaty, as originally proposed by Major Outram, was framed in a spirit of perfect fairness towards both Governments; and there is every reason to believe, that had the negotiation for its settlement been committed to that officer, it would have been brought to an amicable and successful termination. Little could it have been foreseen, that a proposal to negotiate the equitable purchase of certain privileges by an equivalent remission of tribute, would be made the ground work—and even, in some quarters, the justification—of the oppressive and retributive penalties which were subsequently imposed upon these princes.

Lord Ellenborough, who had only a few weeks before signified his intention of continuing to hold military command of the Indus, seems now to have hesitated regarding the line of policy which it was desirable to follow. In acknowledging the receipt of the draft treaties, he stated that he “did not see the necessity for pressing a negotiation upon them (the Amírs) precipitately, and on the contrary would rather desire to leave their minds in tranquillity for the present;”^{*} and that it would be “a matter for future consideration whether any probable benefit to be ever derived from the treaties, could compensate for the annual expenditure which would be brought upon the Government of India by the maintenance of a large force at Sukker and Kurrachi.” Here, therefore, terminated the discussion regarding Major Outram’s Treaty, which was never presented to the Amírs.

On his return from Quetta to Sukker, three months afterwards, Major Outram was directed, before leaving Sindh, to lay before Sir Charles Napier, “the several acts, whereby the Amírs or Chiefs may have seemed to have departed from the terms or spirit of their engagements, and to have evinced hostility or unfriendliness towards the Government of India.” In obedience to these instructions, he submitted to the General, two “Returns of Complaints” preferred respectively against two of the Amírs of Upper Sindh, and against four of the Hyderabad Amírs, together with the documentary evidence in support of these charges. Having done this, he resigned into Sir Charles Napier’s hands the political powers which he

^{*} Sindh Parl. Pap. P. 361.

had wielded with so much credit to himself and with such signal benefit to the public service, and left Sindh on the 12th November; carrying with him the regrets of every Officer in the country.

We now resume the narrative of the proceedings of his successor.

Sir Charles lost no time in commencing the investigation of these charges, the establishment of which was to form the ground-work for the imposition of a new treaty; nor was he long in bringing it to a conclusion. In the course of twelve days after his arrival at Sukker, and a week before he had received the charges against the Amírs of Lower Sindh, he completed his report—that report which was to be Lord Ellenborough's guide in his Sindh policy, and to decide the fate of the Sovereign Princes of that country. We have perused this remarkable document with much pain. Passing by the sneering allusion to "Sticklers for abstract rights;" the undisguised admission that "we want only a pretext to coerce the Amírs;" the uncalled for remarks on the "barbarism of those Princes and their unfitness to govern a country;" the (too true) prophecy that "the more powerful government will at no distant period swallow up the weaker;" and the opinion that it would be better to come to this result at once, "if it could be done with honesty:"—setting aside these, and many similar unseemly doctrines, as well as the palpable inaccuracy of the statement, that under existing treaties we were authorized to maintain our camps permanently in upper Sindh, we proceed at once to examine the specific accusations, and the evidence by which they were verified.

The charges prepared against the Amírs are reducible to two heads.—First, Certain acts of constructive hostility attributed to Mír Rústum Khan, the chief Amír of Khyrpúr, and Mír Nussír Khan, the Senior Amír of Hyderabad; and Second, certain infractions of the existing treaties alleged against these two Amírs, as well as against Mír Nussír Khan of Khyrpúr, and Mírs Mír Mahommed Khan, Shahdad Khan, and Hússen Ali, of Hyderabad.

1. The first charge, under the first of these heads, alleged against Mír Rústum Khan, was a breach of treaty, of a hostile character, in having written a letter to the Maharajah Shír Singh of Lahore, the purport of which was to negotiate for the renewal of an alliance between that sovereign and certain of the Amírs of Upper and Lower Sindh. The letter, though intimating in vague and ambiguous language that the parties to the negotiation entertained unfriendly feelings towards the

British (" that tribe ") did not indicate any hostile designs against our Government, and seemed to have principally in view, an engagement to secure the succession of Mír Rústum's son to the chieftainship after *his own death*. It was intercepted by Agents of Mír Ali Morad, (Rústum's brother) who was inimical to Rústum, and a rival candidate for the Chieftaincy.

The authenticity of this intercepted letter rested exclusively on the supposed fact, that it bore Mír Rústum's seal, and was in the hand writing of His Highness' Minister. We need scarcely remind our readers that this species of judicial evidence is received with great distrust in this country. The forgery of letters and the fabrication of counterfeit seals are of very common occurrence, and had been recently and successfully exemplified in Sindh. Colonel Outram informs us* (and the Amírs in their final conference at Hyderabad reminded that Officer of the fact) that in the preceding year, he had occasion to complain to the Amírs of frequent forgeries of his own seal, which, affixed to letters professed to be written by him, had so far imposed on their Highnesses as to procure grants of land for those who presented them; and in September of the same year several forged seals of the Amírs were found in the possession of a man apprehended in the Sukker bazar. These circumstances, combined with the fact that the parties through whose Agency the Letter was intercepted were hostile to Mír Rústum, and, as we shall afterwards find, were interested in embroiling him with the British Government, ought to have shewn the necessity of care and caution in pronouncing a final decision. Major Outram, having latterly entertained considerable doubts as to the authenticity of the Letter, forwarded it to Mr. George Clerk, the Envoy at Lahore, in the hope, that, from his official relation to the sovereign to whom it was addressed, he might be able to determine the question. That most eminent public officer, however, after retaining it six months in his possession, reported to Lord Ellenborough, that its " authenticity was still a matter of doubt to him as it had been to Major Outram in sending it."† But the doubts which were entertained by Major Outram and Mr. Clerk were very summarily disposed of, by the General's Political assistant. On the very day, the 23d November, on which he received back the Letter from Mr. Clerk, Sir Charles Napier wrote to Lord Ellenborough that Lieutenant Brown had assured him that there could not

* Out. Com. 74.

† Sindh Parl. Pap. P. 478.

be the slightest doubt of its authenticity.* And thus, on the simple assurance of an Officer, who neither spoke nor wrote the language in which it was written, and without any opportunity being given to the accused party to rebut the charge, was the authenticity of the Letter summarily decided. Nor was there the slightest attempt to prove that the seal, even if genuine, had been affixed with His Highness's sanction; while there were strong reasons for suspecting that it had been used without his knowledge. Mohun Lall informs us,† that, during the negociation of the treaties of 1839, Mír Ali Morad surreptitiously obtained possession of Mír Rústum's seal, with the intention of using it for the furtherance of his own perfidious schemes; but was defeated in his object by the penetration of Sir Alexander Burnes. This fact, combined with our knowledge of Ali Morad's subsequent treachery, renders it by no means an improbable supposition that that "arch-intriguer," had now a second time possessed himself of his brother's seal, and that he was the real author of the secret letter which his own agents were instructed to intercept.

The second accusation preferred against Mír Rústum consisted in having, through his Minister Futteh Mahommed Ghorí, compassed the escape of a British prisoner. This charge appears to have been established against the minister: but there was no proof or even suspicion of the Amirs implication in the matter. The substantiation of such an offence would have justly warranted the British Government in requiring the punishment or banishment of the Minister by whom it was committed, but certainly never could be held to justify the forfeiture of Mír Rústum's territory.

The last charge under this head was preferred against Mír Nussir Khan of lower Sindh,—and consisted in his having authorised the writing of a Letter to Bíbuk Búgty, the chief of the Búgty hill tribes, containing some general expressions of hostility towards the English ("some people") and calling upon him and his brother Belúchís to hold themselves in readiness. The authenticity of this Letter was unsupported by a tittle of evidence that could be considered as conclusive; and in this instance, as in the former, no opportunity was afforded the suspected Prince of disproving the charges.

The principal infractions of the treaty, constituting the *second* division of charges, consisted in the levy of river tolls on boats belonging to subjects of Sindh. These accusations affected

* Sindh Parl. Pap. P. 427.

† Life of Dost Mahommed Khan, P. 78.

Mír's Nussír Khan, Mír Mahommed Khan, and Hússen Ali of Hyderabad, and Mír Rústum Khan of Khyrpúr, all of whom admitted the facts, but denied that they were in contravention of treaty. It was argued by the Hyderabad Amírs that the treaties exempted British and foreign boats from duty, but were not considered by them to interdict the levy of duties on their own subjects, over whom, under the 3rd Art. of the treaty, they possessed "absolute" jurisdiction: and that, in point of fact, they had levied these tolls from them without hindrance up to 1840. Lord Auckland's Government, however, decided against their construction of the engagement and the Amírs had recently issued perwannahs granting an entire exemption from tolls; upon which the Assistant Political Agent expressed a confident hope that the question would now be set at rest.

On the part of the Khyrpúr Amírs it was urged with great truth, that the treaties concluded with them contained no stipulation whatever for the abolition of tolls—the Amírs simply promising "co-operation with *the other powers* in any measure which may be thought necessary for extending or facilitating the commerce and navigation of the Indus." Now "the other powers," holding territory on the Indus, were the Maharajah of Lahore, the Nawab of Bhawulpúr, and the Amírs of Hyderabad; the arrangements with the two former "powers," permitted them to levy a small stated duty; while the latter, on account of their hostile opposition to the British Government, were compelled, without receiving any pecuniary or other equivalent, to abolish all tolls. On the general principles of equity and justice, therefore, the *friendly* Amírs of Khyrpúr, whose adherence to our cause had elicited the enthusiastic admiration of the negociator of the Treaty,* had a right to expect the terms which we concluded with the *friendly* "powers," of Lahore and Bhawulpúr, and not those which were imposed on the then *hostile* "powers" of Hyderabad, between whom and themselves a marked line of distinction had professedly been drawn throughout the whole of the negotiations. But apart from these grounds, there were special reasons for guiding the Government to the more favourable interpretation of the engagement: for, Sir Alexander Burnes

* "With such adherence (says Sir Alexander Burnes) I feel quite at a loss to know how we can either ask money or any favor of this family. I have never doubted their disposition to cling to us: but in their weak state, I had not expected such promises in the day of trial." And in a marginal note to the Treaty the same officer observes: "I might have easily abolished the toll for ever: but this would be a hazardous step. The toll binds the Mír to protect property; the release from it would remove this duty from his shoulders."

had received specific instructions from Lord Auckland to put Khyrpúr on the same footing as Bhawulpúr, and with that view had been furnished with the Bhawulpúr treaty for his guidance.* Finally, it has been considered an established maxim with the most eminent of our Indian statesmen, that “when any article of an engagement is doubtful, it should be invariably explained with more leaning to the expectations originally raised in the weaker, than to the interests of the stronger power.† Notwithstanding all these considerations, Lord Ellenborough decided, that the treaty must be construed as binding the Khyrpúr Amírs to acquiesce in the same arrangements as those subsequently imposed on “their kindred Amírs,” of Hyderabad; and he intimated that he should expect them to be observed with the same strictness as if they had been expressly inserted in the treaty. This opinion, pronounced by the paramount power, finally decided the prospective operation of the contested article: but that it was not intended to authorise the infliction of a penalty for duties previously levied under a different, and, we think, a more equitable, construction of the treaty, may be inferred from the fact, that a clause explanatory of the article in question was introduced into the revised Treaty.

It is unnecessary to notice the other trifling charges of breach of treaty, the more particularly as it was distinctly admitted by the Governor General,‡ that the right to make any demand, extending to the cession of territory, depended upon the truth of the three offences specified under the first head. The proposed treaty, writes Lord Ellenborough to Sir Charles Napier, “rests for its justification upon the assumption, that the Letters said to be addressed by Mír Rústum to the Maharajah Shir Singh and by Mír Nussír Khan to Bábúk Búgty, were really written by the chiefs respectively, and that the confidential minister of Mír Rústum did, as is alleged, contrive the escape of Syed Mahommed Shurríp,*** I know (he added) that you will satisfy yourself of the truth of these charges, before you exact the penalty of the offences they impute.”§

The final decision on these three important questions having been then remitted to Sir Charles, “on whose word, as the Historian truly states, the fate of Sindh now depended,”

* Sindh Parl. Pap. P. 61.

† Sir John Malcolm's Institutions.

‡ Sindh Parl. Pap. P. No. 387, P. 437.

§ Sindh Parl. Pap. No. 389. P. 440.

he lost no time in pronouncing a verdict of guilt against the two Amírs, on each of the accusations.* The Governor General, in confirming the decision, stated that, if Government were to wait in every case of suspected hostility until it obtained such proof as should be sufficient to convict the person suspected in a court of justice, it would in most cases expose itself at once to disgrace and disaster.† It may readily be conceded, that, in the investigation and settlement of international questions arising between a paramount state and its tributary allies, we cannot expect either the technical procedure or the scrupulous nicety of evidence of a Criminal Court: but we have clearly a right to require, that, in such an inquiry, the principles of substantial justice should not be violated. Every one who is practically conversant with the elements of judicial evidence will concur with us in opinion, that the *exparte* evidence of an intercepted letter, written in a language unknown to those who decided upon its authenticity, and intercepted by interested and hostile parties, was altogether insufficient, in the absence of any corroborative testimony, to establish the accusation preferred against these two princes.

Before we examine the exactions of the revised treaties, which Lord Ellenborough determined to impose as the punishment of these alleged offences, it will be necessary to inquire into the proceedings and position of the parties affected by them.

The condition of the Amírs at this period was a very painful one. Their minds were agitated and alarmed by the current rumors of our intention to impose new treaties upon them, if not to subjugate their country; they had seen the Bengal portion of General England's force detained at Sukker, instead of proceeding to their own provinces; the political agency, heretofore their sole medium of communication with the British Government, had been abolished; and an unknown Military Commander exercised arbitrary sway in the heart of their country. No official intimation of these changes had been vouchsafed to them; no reason had been assigned for the detention of the troops, although such detention was unauthorized by treaty: and instead of endeavouring to allay their fears by personal intercourse and friendly explanation—a duty which had been expressly enjoined by the Governor General—it seemed as if the General's object was to confirm

* Sindh Parl. Pap. Nos. 409, 410, & 414.

† Sindh Parl. Pap. No. 415. P. 457.

and increase their apprehensions by an insulting arrogance of demeanour, and by an ostentatious display of Military strength. Surely under such suspicious and menacing demonstrations, it cannot be wondered at that the Amírs should have adopted some defensive measures for the protection of their interests.

If the British Government deemed it justifiable, after the abandonment of Affghanistan, to concentrate a large Army in the immediate neighbourhood of the Capital of Upper Sindh, at a time when, under the provisions of the treaty, we had no right to station a single soldier within the limits of that country, on what grounds of abstract justice, or under what clause of the existing treaties, can we dispute the right of the Upper Sindh Amírs to take the precautionary measure of assembling their armed dependants within the precincts of their Capital? Ours were the offensive, their's strictly defensive, measures. On the 6th November, Major Outram reported, in regard to the Khyrpúr Amírs that all their measures and preparations were defensive, and would lead to nothing offensive: and a week later his assistant at Hyderabad writes; "I cannot learn that the Amírs meditate collecting any troops in consequence of the large assemblage of British force at Sukker: but their Highnesses continue very uneasy on the subject, and impute any but friendly motives to it."

Lord Ellenborough's revised draft treaties bear date the 4th of November, and were received by Sir Charles Napier on the 12th of that month. On examining their provisions, we find that the following terms were common to the Hyderabad and the Khyrpúr treaties;

1. The relinquishment of all tribute payable by the Amírs to the British Government.

2. The introduction of a British currency throughout Sindh, and the relinquishment, by the Amírs, of the privilege of coining.

3. The right to cut wood within a hundred yards of both banks of the Indus.

- 4th. The cession in perpetuity to the Khan of Bharribpúr, of the rights and interests of the Amírs in the Districts of Subzulkote, and all the territory intervening between the present frontier of Bhawulpúr and the Town of Rorí.

The Khyrpúr Treaty stipulated in addition, for the cession to the British Government, of Sukker, Bukker and Rorí; while the Hyderabad treaty exacted in like manner the cession of Kurrachi and Tatta, with free transit between those places, and the cession to Mír Sobdar Khan of territory producing half a lakh of revenue, in consideration of his share of Kur-

ráchí, "and as a reward for his good conduct." It was finally provided that a British Commissioner should apportion, by mutual exchanges, the cession of each Amír in lower Sindh, according to the amount of tribute payable by each; and in the event of the cessions falling short of the amount of tribute, lands yielding an annual revenue equivalent to the balance were to be appropriated to the indemnification of such Amírs of upper Sindh, other than Mírs Rústum and Nussír Khans, as were called upon to cede territory under these new arrangements.

The imposition of these treaties proved the remote cause of the Sindh Revolution. The oppressive severity and injustice of their exactions will be at once understood, when it is stated that the pecuniary value of the confiscated territory and the other forfeited privileges, amounted to the sum of Rupees 10,40,500* per annum; of which two thirds (being about one third of their entire revenues) fell upon the Amírs of Khyrpúr.—We have seen that the object of Major Outram's proposed treaty was, to commute, on equitable terms, the payment of tribute for the cession of territory, and to make the territorial possessions, thus acquired, available for securing the military command of the Indus and the efficient protection of its navigation. Lord Ellenborough's treaties on the other hand, in addition to these and other stipulations, had in view the infliction of a signal punishment upon the Amírs, and the grant of "a great reward to our most faithful friend and Ally," the Khan of Bhawulpúr.

Without stopping to discuss the expediency or otherwise, of retaining military possession of both banks of the Indus (after the withdrawal of our troops from Afghanistan) the impolicy of which had been so strongly denounced by Lord Ellenborough, in his celebrated Simla Manifesto only a month before, we will confine our present observations to the injustice and the folly of the proposed confiscation to Bharrib Khan. We have already expressed our conviction that the evidence adduced in support of the already hostile intrigues, upon the proof of

* Territorial cessions to the Nawab of Bhawulpúr... ..	Rs.	6,40,000
Ditto Ditto to the British Government.. ..	"	1,90,500
Free Transit from Kurrachee to the Indus at Tatta.....	"	10,000
Right of cutting wood on the Banks of the Indus.. ..	"	2,00,000
Compensation to Mír Sobdar Khan	"	50,000
		10,90,500

DEDUCT.

Amount of tribute remitted.....	"	3,50,000
Balance Rupees.....	"	7,40,500

which the justification of the treaty was declaredly made to rest, was altogether insufficient to establish the accusation. But let us admit, for the sake of argument, that the authenticity of the secret correspondence had been satisfactorily proved, and there will still remain the important question whether the imputed offence justified the penalty inflicted. If it be admitted that nothing can warrant a Paramount state in sequestrating the territory of one of its allies excepting such acts, on the part of the latter, as placed it in the position of a public enemy, and imparted to the former, all the rights of war, no one, we think, will venture to assert that the intercepted Letters justified such a measure. They indicated, it is true, an unfriendly feeling towards the British, and they pointed to measures of defence—in the one case by a foreign alliance, and in the other by the collection of Troops—against our expected hostility: but there was not one hostile act either committed or apparently meditated. They were also in contravention of the existing treaties, which prohibited negotiation with other states and therefore furnished grounds for remonstrance, or even for precautionary measures of self defence, had any real danger been actually apprehended: but, in no point of view, could they be held to warrant either a public declaration of war, or a public confiscation of territory. Viewing their alleged offences in this light, we would next proceed to inquire whether such petty and childish intrigues, on the part of the Amírs, had placed them beyond the pale of mercy, or whether there were not some extenuating circumstances to plead, at least in mitigation of their punishment, if not for their entire forgiveness. On the part of the Amírs, it might have been urged that the British Government had itself contravened one of the most important provisions of the former treaties with these Princes, by transporting Troops and military stores up the Indus—that we had forced the existing treaties upon them, at the point of the bayonet, in pursuance of a policy the original grounds of which had just been publicly announced to be visionary and impolitic,* and which we had now been compelled to abandon—that we had given an illiberal, and, as appears to us, an unjust interpretation to an ambiguous clause of the treaty with Mír Rústum, and compelled him to abolish all river tolls without any recompense for the pecuniary loss it entailed—that notwithstanding our solemn pledge to Mír Rústum that we would not “covet a dam or drain of his territories nor the fortress on this bank or that bank of the Indus,” the Governor

* See Lord Ellenborough's Proclamation of the 1st October, 1842.

General had intimated his intention to retain possession of the fortress of Bukker and the Town of Sukker nearly five months before the inquiry into the charges against that Prince commenced—that we were at this very moment directly infringing our engagements with the same Prince, by retaining Bukker which we had especially engaged to restore after the Affghan Campaign, and by concentrating a large Army at Sukker when we had no Authority under the treaty to station any troops whatever in Upper Sindh*—and finally, that the Governor General's Military Commander in Sindh was then meditating other and more flagrant violations of national justice and of public faith. It might have been further urged in behalf of these Princes, that they had not derived from these treaties any of the advantages political or commercial, which we had led them to expect—and that they had substantially befriended us at a time when even their passive friendship or neutrality would have been most injurious to our interests, and when their active hostility would have endangered the safety of our Armies, and perilled the whole of our Indian possessions. Under such a combination of aggravating circumstances on the one side, and of extenuating considerations on the other, we cannot but think, that if ever there was an occasion when complete forgiveness, would have been an act not nerely of generosity but of justice, it assuredly was in the case we are now considering.

But if the declaration of an amnesty for all past offences, whether real or alleged, was deemed to be either impolitic or undeserved, surely no one will contend that either the demands of justice or consideration of sound policy required that the Amírs should be punished by such an arbitrary and indiscriminate spoliation of territory as the revised treaties contemplated. Was it not enough for the purposes of "just punishment," and for the efficient protection of British interests that we should exact the prepetual cession of Sukker, Bukker, Rorí, and Kurrachí, and occupy these stations with our troops at pleasure? Was there occasion to humiliate and oppress them still further by gratuitously and recklessly confiscating one third of the Upper Sindh territory, as if it had been a conquered province, for the purpose of conferring it on an obscure ally, whom the Governor General, for reasons only known to himself, delighted to honor and enrich, at the expense of other States?

* "It will be remembered (writes Lord Auckland in December 1839) that we are under special engagement to restore Bukker to the Khyrpúr Amírs, and that we have no absolute right under treaty to station our troops within the Khyrpúr limits."

If the punishment denounced against Mír Rústum Khan of Khyrpúr and Mír Nussír Khan of Hyderabad was thus arbitrary, oppressive, and unjust, how inexpressibly flagrant was the injustice inflicted on the other Amírs, who had not even been accused of any participation in these puerile intrigues—on Mírs Mír Mahommed Khan and Shadad Khan of Hyderabad, against whom there were only some trivial charges of evasions of treaty, on the part of themselves or their officers—on Mír Nussír Khan of Khyrpúr, with whom we had not even the semblance of a written engagement—and on Mír Hússen Ali of Hyderabad, and Mírs Mahommed Khan and Ali Morad of Khyrpúr, against whom there was no sort of complaint.* And yet these Princes, equally with the two former, were despoiled of their territories and sovereign rights, in defiance of every principle of honesty, justice, and good faith.

While we thus strongly reprobate this unrighteous act, it is just to Lord Ellenborough to record, that, at the time he directed its execution, he was obviously not aware of the full extent of the injustice he was committing. In the letter of instructions to Sir Charles Napier which accompanied the draft treaties, he expressly avowed his ignorance of the precise value, position, and ownership of the districts, which he had ordered to be confiscated: and, indeed, so vague and utterly erroneous was his information, that he made provision for the disposal of the *surplus tribute* to be surrendered by us *in excess* of the annual value of confiscated territory, when, in point of fact, the latter exceeded the former, as we have shewn, by upwards of seven lakhs of rupees. Seeing the grievous error which had been committed, Major Outram, on perusing the treaties when on the eve of leaving Sindh, (on the 12th November) strongly urged Sir Charles Napier to make a reference to the Governor-General, before tendering them to the Amírs; which, indeed, he was authorized to do by the discretionary instructions just referred to.† Notwithstanding the imperfect information avowedly possessed by Lord Ellenborough, and heedless of Major Outram's advice and of Mír Rústum's subsequent remonstrances, he delayed making the reference until the 30th of January—two months and a half after he received the treaties, and nearly two months after he had presented them to the Amírs. This fatal delay is the

* Mír Sobdar Khan (of Hyderabad) "our friend" was alone exempted from these exactions.

† Sindh Parl. Pap. No. 388.

more deeply to be regretted, because on the day of its receipt, his Lordship intimated, that, while he wished all the territory which had been conquered from Bhawulkhan to be restored, his object in confiscating the country between the Bhawulpur frontier and Rorí was "to establish a communication between our territories on the Sutlej and Rorí through a friendly state, rather than to inflict any further punishment on the Amírs of Khyrpúr," and therefore, that, if Sir Charles was of opinion that the cessions originally demanded, pressed too heavily upon the Amírs, he was directed to submit any suggestion he might have to offer for its modification. These instructions, however, arrived too late; they came not until the battle of Míaní had sealed the fate of Sindh and its rulers.

The conduct of Sir Charles Napier in this matter, betrayed a most culpable neglect of duty, both towards his own Government and to the Princes of Sindh, and is deserving of the severest condemnation. But this constitutes only a part of his guilt in this painful transaction. Sir Charles, had assured the Governor General that *he himself* would present the treaty to the Amírs; and that he would "Spare no pains to convince them that neither injury nor injustice were meditated, and that by accepting the treaties they would become more rich (!) and more secure of power than they now were." Instead of pursuing this course, which a sense of duty no less than his promise so clearly prescribed, he deputed his assistant, neither to explain, to advise, nor even to negotiate, but to present the treaties and to admit of no remonstrance. They were tendered to the Amírs of Upper Sindh on the 4th, and to those of Lower Sindh on the 6th of December, accompanied by Letters from the Governor General as well as from Sir Charles to these Princes, and were verbally accepted on the 7th, by the deputies of both Provinces, who at the same time remonstrated against their injustice. The hostile attitude and menacing tone of the General had previously induced the Amírs of upper Sindh to adopt the precautionary measure of collecting some of their troops at their capital; but the perusal of the draft treaties, harsh and humiliating though they were, and the (fictitious) report made to them by their Vakíls that the General had now abandoned his intention of marching on their capital, and was about to send away the Bengal force, seems to have in some degree re-assured them; and, in the apparent hope of being able to procure by negotiation some remission of the terms, they began to disband their troops. The General's hostile measures, however, soon led to their recall.

Having crossed the Indus in hostile array, he, on the 8th,

publicly proclaimed the districts between Rorí and the Bhawalpúr frontier to be confiscated to the British Government from the first day of the ensuing year, and ordered that thenceforth "one cowree shall not be paid to the Kamdars of the Amírs." On the 18th he issued a second irritating proclamation, annexing these districts to the Nawab of Bhawalpúr, and prohibiting the Amírs, under threats of amercement, from collecting their revenues: and on the same day he sent the Bengal column to occupy the confiscated territory. The possessions, be it remarked, thus summarily and illegally seized, were the districts regarding which, he was, at the moment, withholding such official information, as in all probability would have induced the Governor General to modify his orders for their sequestration: and these districts were now seized on the plea of a treaty which was still unratified and which remained so for nearly two months afterwards. Well might the chronicler of the conquest affirm; that "the sword was now raised, and the negotiation became an armed parley." *

While he was thus forcibly appropriating the territory of Mír Rústum, which he had been authorized only to negotiate for, by treaty, he on the 12th thus abruptly addressed that Amír, "I must have your acceptance of the treaty immediately—yea or nay." And again in the same arrogant strain; "The Governor-General has occupied both sides of your Highness' river, because he has considered both sides of your Highness' argument. But I cannot go into the argument,—I am not Governor-General; I am only one of his Commanders. The Governor-General has given to you his reasons, and to me his orders; they shall be obeyed."† We will venture to state, that the annals of Indian diplomacy do not present a picture of more overbearing haughtiness than this. To have treated a conquered enemy in this manner, would have been deemed an act of barbarous inhumanity: but to address such language to a sovereign Prince, with whom we were at peace, argued a scandalous dereliction of public duty. Well might the venerable Rústum say; "You have issued a proclamation, that, in accordance with the new treaty, my country, from Rorí to the boundary of Subzulkote shall be considered as belonging to the British Government from the 1st January. As yet I have not entered into a treaty to this effect: *** moreover be it known that I have distributed the districts above alluded to among my kindred and chiefs of Belúchistan." Such was the series of unjust and oppressive acts

* Napier's Conquest, P. 156.

† Suppl. Sindh Pap. No. 8.

which proved the remote occasion of the Sindh Conquest; its proximate cause is now to be noticed.

Mír Rústum Khan, the Rais or Prince Paramount of Upper Sindh, the spoliation of whose territory has just been described, was now above eighty years of age. The succession to the sovereignty after his death was claimed on the ground of prescriptive usage, by his younger brother Mír Ali Morad; while Rústum, on the other hand, claimed the right of bequeathing the turban (or crown) to his eldest son Mahommed Hússen, and even of placing it on his head during his own life.

Of these two rival candidates, the ablest and the most unprincipled was Ali Morad, whose guilty intrigues were so soon to involve his kindred and country in ruin. His first object was to obtain from the British Government an acknowledgement of his title to the succession, and a promise of support, if necessary, in establishing his claim after Rústum's death: and this object being attained, he meditated the extortion of the turban, if practicable, during his brother's life. In furtherance of these objects, he persuaded Mír Rústum and the Khyrpúr Amírs to invest him with full powers as their representative to conduct all communications with Sir Charles Napier, and on the 23rd of November he succeeded in obtaining a personal interview with the General. At this memorable conference—memorable from the disastrous consequences to which it ultimately led,—Sir Charles having decided, on what ground is not stated, that Ali Morad had "the right" to the turban after the death of Mír Rústum, promised, on the part of the Governor General, to protect him in that right, provided "he continued to act loyally towards the British Government." He further assured him that Mír Rústum would not be permitted by the Governor General to invest his son with the dignity in question during his own life; because, he said, "it would be against the treaty for any one Amír to defraud another of his right."* Without presuming to decide, in the absence of any recorded data, whether the abstract right to the turban rested exclusively with Ali Morad, as was authoritatively announced by Sir Charles; or whether the claims on that ground were equally balanced between the two candidates, as had previously been decided by Major Outram,† we are clearly of opinion, that, under the existing treaty, which acknowledged the supremacy of Rústum and his absolute control within his own territories, we should have had no grounds for interference had Rústum carried into effect his

* Sindh Parl. Pap. No. 413, P. 45.

† Outram's Commentary, P. 104.

intention of investing his son with the turban during his life; although, in the event of a disputed succession after his death, its settlement might have rested with the British Government.

While Sir Charles thus guaranteed to Ali Morad the eventual succession to the sovereignty of Upper Sindh on Rústum's death, he indiscreetly, though perhaps unconsciously, intimated that the turban would be preserved to Rústum during his life "*unless he forfeited the protection of the Governor General*: an intimation which Ali Morad appears to have determined to turn to his personal advantage, even before he left the General's presence: for he at once indirectly accused Mir Rústum of hostility, by stating that he (Ali Morad) and Mir Sobdar Khan of Hyderabad were "the only friends of the English," and by proposing that they two should make a secret treaty to stand by each other. It seems passing strange that such a proposition coming from a Chief who had expressly solicited the interview as the accredited deputy of Rústum, should not have excited any suspicion of his perfidy in the mind of the General.

Having thus attained, and more than attained, the secret object of his visit, this bold and unscrupulous Prince hastened to compass the immediate deposition or compulsory abdication of his brother: and Sir Charles appears to have heartily seconded him in his guilty ambition. "The next step, (writes the General*) after giving Ali Morad a promise of the succession to the turban after Mir Rústum's death, was to *secure him the exercise of its power now, even during his brother's life.*"* How this was accomplished, is now to be shewn.

At the very time when a British General was confiscating Mir Rústum's territory, and a perfidious brother was secretly meditating his deposition, domestic troubles had befallen "the good old man." On the 18th December—the day on which the General threatened to march on his capital and proclaimed his districts to be confiscated to the Khan of Bhawalpúr—he sent a secret message to the General, to the effect that he was in the hands of his family and could not act as his feelings of friendship for the English nation prompted him to do, and that if the General would receive him he would escape and come to his camp.† Surely under such an appeal it would have been an act of friendship and humanity peculiarly befitting, if not absolutely incumbent upon, the British General, whose duty it was "to represent the friendship as well as the power" of his Government, to have promptly responded to so

* Sindh Parl. Pap. No. 446, P. 483.

† Supp. Sindh Pap. No. 15.

reasonable a request. But setting all such feelings aside, a just regard to political consideration should have dictated a ready compliance; for, if it really was the wish of the General to secure an amicable settlement of the treaties, no better opportunity for effecting this object could have been desired than this spontaneous offer, on the part of the Amír, to place himself under British protection. And, be it remembered, that the request emanated from the Sovereign Prince of the Province, at whose court he was the delegated British representative, and within whose territories he had resided for two months and a half, but with whom he had not yet had an interview.* To have invited the aged Amír to his camp would most probably have effected the settlement of the treaties and secured the peace of the country, as it would have unmasked the character of Mír Ali Morad; and it was, therefore, a duty which Sir Charles owed both to that Chief and to his own Government. But we shall shew how different was the course of policy which he followed. "The idea struck me at once (he writes to the Governor General two days afterwards,) that Rústum might go to Ali Morad, who might induce him, as a family arrangement, to resign the turban to him:" and accordingly in pursuance of this "idea," he sent a secret Letter through Ali Morad to Rústum, recommending him to take refuge in his brother's fortress, trust himself to his care, and be guided by his advice. Bewildered and alarmed by the hostile proceedings of the General and by the dissensions within his own family, he fell into the snare, and on the 19th fled to Dejí-ka-kote. Having thus "thrown himself into his brother's power," by the General's advice, he was placed under restraint, deprived of his seals, and compelled on the following day to resign the turban to Ali Morad.† The great object of his policy having been successfully accomplished, Sir Charles thus laconically and exultingly reports its results; "This (the transfer of the turban) I was so fortunate to succeed in, by persuading Mír Rústum to place himself in Ali Morad's hands. This burst upon his family and followers like a bombshell."‡

Although the General was not acquainted, at the time, with the precise circumstances under which the turban had been fraudulently extorted from Mír Rústum, he, from the first, sur-

* Mír Rústum had solicited an interview with Sir Charles on a previous occasion, but postponed it on the plea of sickness, though in reality he was dissuaded from it by his intriguing brother. He repeated his request, but was refused.

† Sindh Parl. Pap. P. 503.

‡ Sindh Parl. Pap. No. 445, P. 483.

mised that Ali Morad had "bullied his brother into making it over to him:" and now his suspicions as to the honesty of the proceedings were increased by the fact that a determination was obviously manifested in some quarter to prevent his having personal access to Rústum. This he resolved to counteract; and on the 27th he intimated to Ali Morad his intention of visiting Rústum on the following day. But before the morning's sun had risen, the aged Prince had fled in dismay to the desert.

The intelligence of Rústum's flight, viewed in connection with the extraordinary transactions of which it was the consummation, could not fail to stagger the General, and to augment his former well-grounded suspicions. Accordingly, in reporting the matter to the Governor General, he attributed it either to the aged Prince's dread of his (the General's) making him a prisoner—a dread, he adds, which had all along haunted him,—or to his having been frightened into the foolish step by Ali Morad, who, in order "to make his possession of the turban more decisive," might have told him that he (the General) intended to seize him.* The accuracy of his conjectures was amply confirmed by the receipt of a communication, written on the following day, from Mir Rústum himself, disavowing the validity of the cession of the turban, as having been extorted from him, and stating that he had been induced to flee into the desert, and to avoid a meeting with the General, in consequence of the representation of Ali Morad that he (the General) wished to make him a prisoner. Rústum further intimates in his Letter, that he had sent ambassadors to the General to explain every thing, and concludes by expressing a hope that his case may be examined "by the scales of justice and kindness," and that he may receive his rights according to the treaty. The correctness of his statement was a week afterwards confirmed by the deputies just referred to, in presence of Ali Morad's own minister, as well as of Major Outram and Captain Brown.†

With such an array of circumstances and facts, all affording the strongest presumption that Ali Morad had fraudulently extorted his brother's birthright, and that, in the accomplishment of his wicked purpose, he had dared to stain the British name by imputing meditated treachery to the British representative,—it was the bounden duty of that officer to lose not an instant in instituting a full and searching inquiry into the whole circumstances of the transaction. An inquiry was due to the Sovereign Ally, whose rights we had guaranteed—it was due to the

* Sindh Parl Pap. No. 446.

† Outram's Commentary, p. 126.

personal character of the General himself—and it was, above all, due to the vindication of the faith and honor of the Government whom he represented. We grieve to record that no investigation whatever was made, either then or at any subsequent period, though thus imperatively required for the credit of the British name, and repeatedly and urgently solicited by the Amirs both of Upper and Lower Sindh. On the contrary, on the very day (the 1st of January) on which he received from Rústum the confirmation of his own previous suspicions, the General, with incredible inconsistency and in violation of every consideration of political prudence and moral justice, issued an arrogant and offensive Proclamation, addressed to the Amirs and people of Sindh, in which he gives a short but inaccurate outline of what had occurred; asserts that Mír Rústum, by his flight, had insulted and defied the Governor General; and declares his intention to “protect the chief Amír Ali Morad in his right, as the justly constituted Chief of the Talpúr family.”* On the following day he addressed a letter of similar purport to Rústum,—charging him with misrepresentation, subterfuge, and double dealing; and concluding with these words, “I no longer consider you to be the chief of the Talpúrs, nor will I treat with you as such, nor with those who consider you to be Rais.†

Ali Morad having been thus formally proclaimed as the justly constituted Rais of Upper Sindh, the General, without waiting for instructions from the Governor General, did not hesitate to pledge the British Government to grant to the usurper all lands said to appertain to the Turban, without knowing or inquiring what those lands were. Supported by the General, Ali Morad appropriated territory at his pleasure, and resumed, on the plea of the Turban, lands which had passed into the possession of feudatory chiefs: thereby creating general disaffection and alarm.

The aggregate annual value of the territory left to the Amirs of Upper Sindh, under the exactions of Lord Ellenborough's yet unratified treaties, was only Rs. 14,29,000 : of this amount Ali Morad's share was Rs. 4,45,500, leaving to the other Amirs Rs. 9,83,500. Now Sir Charles had not only pledged to Ali Morad, in virtue of his usurpation of the

* Suppl. Sindh Pap. P. 6.

† Suppl. Sindh Pap. No. 17. We have deemed it to be quite unnecessary to enter into an examination of the discordant and contradictory statements to be found in the different versions given by Sir Charles Napier of this very discreditable transaction; but refer our readers to the fifth chapter of Colonel Outram's Commentary, where they will find the whole subject of the compulsory abdication of the Turban analyzed and exposed with much minuteness and ability.

Turban, one-fourth of the aggregate revenues of Upper Sindh, but had moreover stipulated that this fourth should be deducted, not from the aggregate revenues of the Province (Ali Morad's own revenues included) but from the revenues of the other Amirs. Thus these unfortunate Princes were called upon to pay, not the fourth of their own possessions, viz. Rs. 2,40,000, but a fourth of the entire revenues of the Province, or Rupees 3,57,250 :—which, added to the sum of Rs. 1,50,000 to be paid to Ali Morad as an indemnity for his possessions confiscated to Bhawul Khan, swelled the total exactions made by the usurper to Rs. 5,07,250 :—leaving a balance of little more than six lakhs of Rupees for the support of no less than eighteen Amirs, with their families, dependants, and feudatory Chiefs, who had up to that period enjoyed an annual revenue of Rs. 17,44,000.

In the mean time, while these startling events were in progress, Major Outram, who was on the eve of embarking for England, was recalled to act as a British Commissioner, under Sir Charles Napier, for settling the details of the Ellenborough treaties. That officer, disregarding all personal considerations, promptly repaired to Sindh, to act as a subordinate in the countries where he had so recently held supreme political control. He accepted the situation in the hope that he might yet be enabled to save the ill-fated princes of that devoted country : but their doom was fixed, and he was unable to avert it. What Sir Alexander Burnes was in Affghanistan under Sir William Macnaghten, Major Outram was in Sindh under Sir Charles Napier. Both were powerless for good : and both must have appeared in the eyes of the Princes and people of the country as countenancing and approving a system of policy which was utterly at variance with their known characters and with their former opinions. This is painfully exemplified in the final conferences, when the Amirs pour forth their remonstrances and complaints against the cruelties and injustice which they had suffered, and the Commissioner, in consequence of the instructions he had received, has not the power of holding out the slightest hope that their grievances would even be inquired into. We are, however, anticipating the regular course of our narrative.

Major Outram joined the General's Camp at Deji-ka-kote, the fortified residence of Ali Morad, on the 4th of January (1843)—three days after the proclamation of that Prince as the supreme ruler of Upper Sindh. He used every effort to check the General in the course on which he had so unfortunately entered. He pointed out the palpable treachery and extortion by which Ali Morad had possessed himself of the turban ; his unwarrantable and indiscriminate resumption of

lands alleged to appertain to the Rais-ship; the consequent injury and injustice it would entail on the other subordinate Princes and Chiefs; and the general disaffection, if not insurrection, it would create throughout Sindh. But the warning was disregarded: the General, deaf alike to the voice of reason, to the calls of justice, and to the solemn obligations of treaty, pursued his impetuous career. Having, without any declaration of war, marched in hostile array upon the capital of Upper Sindh, with whose chief we were at peace, and at whose hands we had received such signal benefits; having taken Military possession of an extensive tract of country on the plea of a yet unratified treaty; having unauthorizedly lent the sanction of the British name to the usurpation of the turban by a crafty and unprincipled chief, under circumstances—to which, he himself had been a party—that involved the strongest suspicions of treachery and violence; and having sanctioned his indiscriminate appropriation of lands on the pretext of their appertaining to that turban, which he had usurped;—the General proceeded, in the name of the usurper, to seize and make over to him all the fortresses in Upper Sindh. One of the first of the strongholds invaded was Emaunghur, the name of which must be familiar to all our readers.

Emaunghur, let it be observed, was the private property of Ali Morad's nephew, Mír Mahommed Khan, a chief against whom no charge of "hostility or unfriendliness," had even been preferred, and whose possessions were guaranteed to him, by a separate agreement, under the treaties of 1839. The sole object which the General seems to have first had in view, when he determined on capturing this "Sindhian Gibraltar" as he terms it, was the moral effect likely to be produced by so daring an achievement: and we find him writing to the Governor-General on the 27th December: "I have made up my mind, that though war has not been declared (nor is it necessary to declare it) I will at once march upon Emaunghur, and prove to the whole Talpúr family of both Khyrpúr and Hyderabad, that neither their deserts nor their negotiations can protect them from the British troops." But as this might be considered, and justly considered, an unwarrantable invasion of private rights, he some days after bethought himself of calling in question Mír Mahommed's title to the fort, and here, as on former occasions, we are again startled by the General's contradictory statements. In one place, we find him describing it as "belonging to Mír Mahommed Khan, but becoming the property of Ali Morad by his election to be

chief.”* But if the fort appertained, as of right, to the turban, why was it not in possession of Mír Rústum who wore the turban? In another place he states that “it was Ali Morad’s, but he gave it to one of his relatives (Mír Mahommed Khan) three years ago.” If it did really belong, at some antecedent period, to Ali Morad—which we merely assume for the sake of argument—we would ask, how came he, not only to be the proprietor of it, but to alienate it to another chief, while Rústum wore the turban, to which Sir Charles had just told us it of right belonged. Again, on a third occasion, he shifts his ground of defence, and rests the justification of its seizure on the allegation that the owner was “in rebellion” against Ali Morad. But it is painful to dwell on such contradictions. Nothing but an inward conviction of the injustice of the measure could have drawn forth such a defence.

Sir Charles marched on Emaunghur with a light detachment on the night of the 5th of January; saw no enemy on his route; and on his arrival at his destination found the fort deserted. Before setting out on this expedition he had intimated to the Governor General his intention of sending word to the Amírs in Emaunghur that he would neither plunder nor slay them if they made no resistance. These chiefs, however, apparently distrusting the General’s good faith, abandoned the fort: and the latter, in breach of his solemn promise, destroyed and plundered it, after having obtained with difficulty the consent, (not of “the owner,” but) of Ali Morad. Before quitting this subject, we must prominently notice, that, while Sir Charles affects to have taken possession of this fortress in support of the authority of Ali Morad, we find that he had resolved on placing all the forts in the hands of his puppet, even before he had usurped the turban. “I will place their forts (he wrote before Rústum’s abdication) in the hands of Ali Morad, nominally in those of Mír Rústum.”†

Having accomplished this unprovoked inroad into the heart of the territory of an allied Prince, and having completed the spoliation and destruction of the fortress, in direct violation of the treaty, and of his own plighted word, the General retraced his steps towards the Indus. He, at the same time, deputed his Commissioner Major Outram to Khyrpúr to meet the Amírs of Upper and Lower Sindh, with a view to the arrangement of the intricate details of Lord Ellenborough’s treaties.

* Sindh Parl. Pap. No. 448.

† Sindh Parl. Pap. P. 478.

In a circular letter, addressed to them by the General, the several Amírs were directed to attend at Khyrpúr, either personally or by Vakils, adding, that, if any one of them failed to furnish his deputy with full powers, he would not only exclude him from the meeting but would "enter the territories of such Amír with the Troops under his orders, and take possession of them in the name of the British Government." Notwithstanding this threatening Letter, none of the Khyrpúr Amírs made their appearance within the stipulated period. Having been distinctly informed that no alteration could be made in Sir Charles's arrangements with Ali Morad,—whose usurpation of the Turban, with all its attendant territorial exactions, was to be considered a closed question,*—Mír Rústum proceeded in the direction of Hyderabad to join his fugitive relations.

Finding it impossible to avert the ruin which was befalling the Amírs of Upper Sindh, Major Outram asked the General for permission to proceed to Hyderabad without delay, in the hope of reaching that capital in time to prevent its princes from giving aid or refuge to their fugitive kinsmen, and also of being enabled, by their means, to procure the submission of the latter. The General's reply, acceding to his application, was intercepted, it is believed, by Ali Morad's Minister, and never reached Major Outram. Two days after this, Vakils, bearing the seals of the Amírs of Hyderabad, arrived at Sir Charles's head-quarters, with full authority to affix them to the treaties. Instead of procuring the signature of the Vakils to their unconditional acceptance (leaving the details for future adjustment) he injudiciously desired the deputies to return to Hyderabad to meet Major Outram on the 6th of February. This was certainly an unfortunate decision: but, with a still more lamentable want of judgment and of consistency, he, in a letter to the Hyderabad Amírs apprizing them of what he had done, expressed a hope that the Khyrpúr Amírs would also proceed to Hyderabad to meet his commissioner, adding, "if they do not, I will treat them as enemies:"—thereby advising and directing the adoption of the very measure which Major Outram so much deprecated, and the prevention of which was the main object of his proposed visit to Hyderabad.

* Notwithstanding the obviously imperfect information under which Lord Ellenborough drew up the draft treaties, and the discretionary power which he gave the General to refer all doubtful points, the latter persisted to the last in carrying out these oppressive exactions to the uttermost. "Whether such arrangement," he writes to Major Outram, "leaves the former (the opposed Amírs) one rupee or one million, does not, in my view of the case, come within our competence to consider."

The interception of the General's Letter and other unavoidable causes prevented Major Outram's departure from Sukker till the 4th of February: and on reaching Hyderabad on the 8th, he found that Mír Rústum, acting in obedience to the General's orders, had arrived there four days before him. Thus Sir Charles Napier had completely embroiled the Amírs of Hyderabad in the misfortunes of their cousins of Khyrpúr, and had succeeded most effectually in frustrating the very object for which his Commissioner had been deputed to Lower Sindh:—a result which the Hyderabad Chiefs themselves had all along dreaded, and had heretofore prevented, and to which they attributed all their subsequent misfortunes.

Having entered so much at length into the remote and proximate causes that led to the subjugation of Sindh, it will be unnecessary to dwell upon the memorable occurrences which marked its final accomplishment. In the conferences which Major Outram held at Hyderabad with the Amírs of both Provinces, they solemnly denied the truth of the charges on which the new treaties were imposed, and complained that they had never been allowed an opportunity of disproving them. The great subject of earnest and repeated remonstrance, however, was the unjust extortion of the turban from Mír Rústum. That chief re-iterated his previous allegations, that, in conformity with the General's express directions, he had sought refuge with Ali Morad, who placed him under restraint, made use of his seals, and compelled him first to resign his birthright, and then fly from Dejí-ka-kote on the General's approach. Although they strongly protested against the harshness and injustice of the exactions of the revised treaties, all the Amírs agreed to sign them, upon condition that Mír Rústum should be restored to his hereditary rights.

Finding that the Commissioner was unauthorized to give them any assurance, or even to hold out any hope, of Rústum's restoration, they then endeavoured to exact a promise, that an *inquiry* should be instituted, and that in the event of their substantiating the truth of what they had alleged against Ali Morad, the turban should be restored to Rústum, and the lands which had been wrested from his kindred and feudatories on the plea of belonging to the turban, should be given back to them; or, should this request not be complied with, they entreated that they themselves might be allowed to settle their dispute with Ali Morad without British interference. They urged a promise of inquiry, not only as an act of justice to Rústum, but also as the only means of allaying the excitement of the Belúchís; who had been flocking into the capital

during that day and the preceding night, and who had refused to disperse until Rústum's wrongs should be redressed.* Major Outram's instructions, however, were peremptory and left him no discretionary power: he could only promise to forward to the General any representation they might have to make on the subject; and in the meanwhile urged upon them an immediate compliance with the terms of the treaties.

At length, on the evening of the 12th, the Amírs formally affixed their seals to the draft treaties in open durbar. On their way back to the Residency, Major Outram and his companions were followed by a dense crowd of Belúchis, who were only prevented from attacking them by "a strong escort of horse sent for their protection by the Amírs, under some of their most influential Chiefs." On the following day the Amírs sent a deputation to Major Outram to intimate, that, after his departure from the Durbar on the preceding evening, all the Belúchi Sirdars had assembled, and learning that, notwithstanding the acceptance of the treaties, the commissioner had given no pledge whatever for the redress of Rústum's grievances, they took an oath on the Koran to oppose the British troops, and not to sheath the sword until that chief and his brethren had obtained their rights. The Amírs further stated, that they had lost all control over their feudatories, and that they could not be answerable for their acts, unless some assurance were received that the rights of Rústum would be restored. On that and the following day, they forwarded repeated verbal and written messages to Major Outram, to the same purport,—entreating him, should he not be empowered to grant the required assurance, to leave the Residency, as they could not restrain their exasperated followers. Notwithstanding these warnings he determined to remain at his post, at all risk, lest his departure should precipitate hostilities.

While these events were in progress, Sir Charles Napier was marching with his small army upon Hyderabad. He had intended and pledged himself, as late as the 12th, to halt and embark the troops for Kurrachí, as soon as he received the Amírs' acceptance of the treaties: but, ere it arrived, he was within two or three days' march of the capital, and had obtained information that the Belúchis were assembling in large numbers in the town and neighbourhood of Hyderabad. Under these circumstances, which had been brought about by his own acts, the safety of his army and other military considerations

* The Belúchis were further exasperated at the moment by the intelligence of the seizure of Hyat Khan, a Murí and Sindhian Chief.

determined him, instead of halting as he had promised, to continue his march. The news of this determination was brought to the Amírs by the camel rider who had conveyed Major Outram's dispatch announcing the acceptance of the treaties.

War was now inevitable; and both parties appear to have arrived at this conclusion at the same time. At 9 A. M., on the 15th, Sir Charles wrote to Major Outram, "I am in full march on Hyderabad, and will make no peace with the Amírs. I will attack them instantly, whenever I come up with their troops." At the very hour, when the British General thus formally *declared* war—for he had practically been carrying on warlike operations for two months—hostilities were commenced by the Amírs' Troops in their attack on the British Residency, the heroic defence of which by Major Outram, with his small honorary escort under the command of Captain Conway, against eight thousand Belúchís, formed, perhaps, the most extraordinary achievement of that brief but memorable campaign. Then followed, in rapid succession, the brilliant victory of Mianí, won by the gallantry of our troops and by the military genius and intrepid valor of their General, against the united forces of Upper and Lower Sindh—the surrender of the Amírs and the capitulation of Hyderabad—the hard-fought battle of Dubba, in which our troops defeated the Army of Mir Sher Mahommed of Mírpúr, who escaped after the battle—the public notification of the annexation of Sindh to the British dominions,—and, finally, the captivity and exile of all the Amírs. It does not fall within our present purpose to give a detailed narrative of these transactions: but there are a few points connected with them which require special notice.

The first of these relates to the attack on the Residency. That measure was characterized by Lord Ellenborough, in his notification of the 5th March, as "a treacherous attack upon a representative of the British Government," and as a "hostile aggression prepared by those who were in the act of signing a Treaty:" the character thus affixed to this hostile measure being based upon Sir Charles Napier's official report that the Amírs signed the treaty on the night of the 14th, and that they attacked the Residency on the following morning. On this we would remark, 1st. That the treaty was signed on the 12th, and not on the 14th, as erroneously reported by the General; 2d. That during the two days and three nights which intervened between the execution of the treaty and the commencement of hostilities, the Amírs, as has been shewn, sent repeated messages, verbal, and written, to Major Outram,

urging his departure on the ground that they could not restrain their feudatories, and that they themselves would be compelled to join with them, unless the General should halt, and promise an inquiry into Mír Rústum's grievances. To designate the attack on the Residency, after such repeated warnings, as a "treacherous" attack, was a direct perversion of language and of fact. It was in truth the first reciprocation, on the part of the Amírs, of hostilities which the British General had commenced two months before, and which, before the commencement of the attack, he had resolved to prosecute with vigour.

The second point which requires notice is the suppression by Sir Charles Napier of the notes of the conferences between the Amírs of Sindh and Major Outram, in violation of his official duty and of his promise to forward them to Government. An examination of these documents by the Governor General was absolutely necessary to his acquiring a just knowledge of the points at issue between the Amírs and his representative. The perusal of them would have acquainted his Lordship that the Amírs had unreservedly acquiesced in the terms of his treaties, harsh and oppressive as they were; but that they protested against the fraudulent exactions from Mír Rústum, which formed no part of their stipulations, and the unjust and unauthorized enforcement of which, by his General, proved, the immediate cause of the war. The shifting and contradictory reasons subsequently assigned for withholding these important documents are melancholy exemplifications of the subterfuges to which it becomes necessary to resort in support of an indefensible act.

A third point to which we would advert, regards the terms on which the Amírs surrendered on the day after the battle of Míani. Having previously received, through their Vakíls, a promise of honorable treatment, those Amírs who were present in the battle (viz. Mír Rústum, Nussír, and Mahommed Khans of Khyrpúr, and Mír Nussír, Shahdad, and Hússen Ali Khans of Hyderabad) entered the British Camp, and surrendered to the General, who returned their swords, and intimated that they would be treated with consideration, until the receipt of the Governor-General's instructions for their ultimate disposal. Under this guarded stipulation, Sir Charles could not be held responsible for the fate of any of these six Princes, with the exception of Mír Hússen Ali, Major Outram's ward. As no charge had ever been preferred against this young Prince, who was only sixteen years of age, except that of being present in the battle, Major Outram interceded

in his behalf, and obtained his release, and, as was inferred, his pardon. Notwithstanding this, he was soon afterwards arrested, without any assigned reason, and imprisoned with the others. That there may have been a misconception of the General's precise meaning when he set him at liberty, is extremely probable: but, as the misapprehension was entertained not only by the Prince himself and the whole of his family, but also by the British Officer at whose intercession he was released, his subsequent imprisonment, without any known cause, cannot be reconciled with the strict principles of justice and good faith.

But whatever difference of opinion may have existed regarding the treatment of Mír Hússen Ali, there can be but one opinion as to the injustice perpetrated on Mírs Sobdar Khan and Mír Mahommed Khan. The former of these had, up to the outbreak of hostilities, been recognized by all parties as the "old and ever faithful friend and ally" of the British Government, the latter had on all occasions been employed as a mediator between contending chiefs; and neither of them had been present at Míani. It was, in consequence, intimated to them by the General, after the battle, that no harm should befall them, if they remained quietly in their houses. Under this assurance they peaceably surrendered the fort of Hyderabad, which Sir Charles admitted he could not have captured without reinforcements; and three days afterwards they were arrested, and condemned to share the fate of their kindred. The treatment of these two Princes has left an indelible stain upon the humanity, justice, and good faith of the British Government.

The next question which arises, and which has been the subject of much angry discussion, refers to the property seized in the fort of Hyderabad, and subsequently appropriated as prize. As the fortress was surrendered, and not captured, it follows that whatever treasure or other property was found therein, that could justly be considered lawful prize, belonged of right to the British crown, or the East India Company, and not to the Army. But the complaint chiefly insisted on by the Amírs, was, that they had been deprived, by the Prize Agents acting under the General's Orders, not only of the state property, but also of their personal and private property, including personal ornaments, clothing, and articles of household furniture. Another complaint urged by them, under this head, was, that the privacy of the female apartments was violated; that the Princesses were compelled to throw away their ornaments, rather than undergo the shameless scrutiny to

which they knew they would be subjected; that jewels and other property were actually taken from the persons of their female attendants; and that the houses of some of their servants were plundered. These alleged acts of spoliation were aggravated by the circumstance of their having been committed, not in the immediate excitement of a siege, but at an interval of two or three days after the peaceful surrender of the fort. There may possibly have been some exaggeration, and mis-statement in these accusations: but their substantial truth has never been publicly disproved.

It is scarcely necessary to notice, except for the purpose of denouncing, the apparently vindictive spirit in which Sir Charles Napier, with the aid of his brother the Historian, has traduced the public and private characters of the Amirs. There is something, to our thinking, at once unmanly and ungenerous in the seeming virulence with which the conqueror of Sindh has thus endeavoured to embitter the exile of the unfortunate victims of his power, and his injustice. If he had even established the truth of the monstrous crimes and vices which he has laid to their charge, he would not in the slightest degree have thereby diminished the political and moral injustice which led to their dethronement: but when we find that these charges are, either utterly devoid of truth, or, to say the least, grossly exaggerated, we feel as if the original injustice of the conquest were almost obliterated by the atrocity of the subsequent libels upon the conquered Princes. In vindication of the character of the Amirs, however, Colonel Outram has adduced the written testimony of several British Officers, who, from their official relations to these Princes during the later period of their rule, and since their exile, have had peculiar opportunities for acquiring a correct opinion, and whose characters are a sufficient guarantee for the scrupulous accuracy of their evidence. From the concurring testimony of the officers we are bound to exonerate their private character from some of the more revolting vices which have been laid to their charge, and to rank them as rulers rather above than below the ordinary level of the *Mahomedan Princes* of India.

We have already in the course of our narrative anticipated most of the observations that naturally arise from a review of the transactions which have been detailed. But, before we conclude, it seems right that we should endeavour to apportion to Lord Ellenborough and to his General their respective shares in the responsibility of these proceedings.

The first great error which Lord Ellenborough committed in the management of our relations with the States on the

Indus, was the supercession of Major Outram, the British Representative by Sir Charles Napier, and the subsequent entire abolition of the Political Agency in that country. We are fully aware of the advantages which result from an union of Political and Military Control in the person of one officer, both on account of the additional weight and influence, with which it invests him, and also because it tends to prevent the delays, jealousies, and consequent injury to the public interests, which may arise, in cases of emergency, from a divided and conflicting authority. But where the officer selected for the duty does not possess the requisite union of Political and Military qualifications, then is there no measure more hazardous to the public peace, or calculated to be more detrimental to the public interest. Lord Ellenborough selected for the discharge of these united functions in Sindh, an officer who was as admirably fitted for the one duty as he was utterly disqualified for the other. He superseded an incapable Commander by the ablest General in India; but at the same time he displaced a Political functionary of tried efficiency to make room for an inexperienced officer, whose utter incompetence for the duty has been made apparent in almost every page of the foregoing narrative. In this arrangement his Lordship evinced either a want of discernment of character, or a more culpable waywardness of disposition, to the indulgence of which the public interests were sacrificed.

The second objectionable measure, for which he must be held responsible, was the imposition of the Revised Treaties, which, as we have shewn, proved the remote cause of the revolution. It has been seen, that, had the General not culpably withheld official information which it was his duty to have communicated, the details of the measure might have been modified and rendered less oppressive to the Amirs: but, after making the necessary deduction on this ground, there will remain much that is censurable both in the terms of the treaties and in the grounds upon which they were imposed. In the first place, he acted unwisely in entrusting to an inexperienced Subordinate Agent the power of passing a final decision upon a matter which was to involve, in its consequences, the forfeiture of the sovereign rights, and of a large proportion of the territorial possessions, of an allied state. But even if the General's decision upon the questions referred to him had been supported by clear and undeniable evidence—a supposition very remote from our real conviction,—we should still consider the treaties which Lord Ellenborough based upon them to be most impolitic. Independently of all other objectionable clauses,

the indiscriminate sequestration of the territory of the different associate rulers of Sindh, and its cession to the neighbouring chief of Bhawalpūr, not only immediately involved all these rulers in the punishment avowedly inflicted for the alleged offences of only a portion of them, but was calculated to perpetuate future discord between the rulers and people of the two states, and to provoke a feeling of bitter and lasting animosity against the British Government.

Lastly, it is to Lord Ellenborough alone that we are to ascribe the dethronement, captivity, and exile of the Amīrs, and the annexation of Sindh to the British dominions.

Among the more prominent errors and faults committed by Sir Charles Napier, during the few eventful months of his diplomatic career in Sindh, the first to be noticed is the general mode in which he performed the political duties of his office.

The functions of a British Representative at the court of a protected native state, if we understand them aright, involve the twofold duty of upholding the authority and interests of his own Government, and of conciliating the friendship and watching over the interests of the Durbar to which he is accredited. He represents a Government which has engaged to protect as well as to control; and if he neglects the performance of either of these offices he must be considered to have failed in the fulfilment of the responsible duties committed to his charge.

If we apply this test to the political services of Sir Charles Napier in Sindh, we shall find how grievously and how fatally he failed in their performance. Of the two branches of political duty, just referred to, he altogether neglected the one, and he performed the other with unnecessary and unjustifiable harshness. The former political Agents, as the Historian admits,* had gained the friendship of these Princes, and there appears no reason to doubt but that Sir Charles would have been equally successful had he evinced a similar desire to obtain it. Instead of attempting to conciliate their confidence, he evinced in all his communications with them a degree of arrogance and harshness that was altogether unprecedented in the official intercourse between allied States, and that was calculated to have a most injurious effect upon the interests of both Governments. Almost every page of the Sindh Blue Books confirms this fact. He, moreover, exercised an interference in their internal affairs that was not only unauthorized, but was expressly prohibited, by the treaties.

The second point to which we have to advert is his inexcusa-

* Napier's Conquest, 4.

ble omission in not supplying the Governor General with full and correct information on points where his Lordship's knowledge was declaredly defective or obviously inaccurate; and in not forwarding to him such representations and remonstrances as the Amírs repeatedly made against the measures which were in progress or were about to be enforced. This is perhaps to be ascribed, in part, to forgetfulness, but it seems also to have arisen in some degree from a mistaken conception of the duties of his office. He appears to have looked upon himself as the Governor General's "Commander," delighted to carry his orders into rigorous effect; rather than as his Lordship's Political Agent, whose duty it was to supply him with full and accurate information on every point connected with the duties of his office. The grievous results of Sir Charles Napier's ignorance or heedlessness or culpable neglect of this duty have been fully detailed.

His hostile invasion of the dominions of the Princes of Upper Sindh, with whom we were at peace, and were then negotiating a Treaty; and his Military occupation of extensive districts on the plea of that yet unratified engagement, constitute his third great offence. The injustice of this, however, must be shared by the Governor General, who, when issuing instructions to the General for an amicable negotiation, intimated at the same time, in no unintelligible terms, his wish that the Amírs should feel the force of our arms.

The fourth measure chargeable against Sir Charles Napier is one of which the conception and execution rested entirely with himself. We allude to the unjustifiable capture and demolition of Emaunghur—a fortress belonging to a chief who had never even been accused of any participation in the hostile intrigues alleged against some of the others.

The greatest, however, of his numerous offences was his having, in conjunction with Mír Ali Morad, compassed the forcible deposition of Mír Rústum Khan, the prince Paramount of Upper Sindh, at whose court he was at the time the British Representative. In furtherance of this intrigue, as has been shewn, he counselled Mír Rústum to put himself into the power of Ali Morad; he publicly proclaimed the usurper's accession to the throne, without the Governor General's authority for so doing, and in utter disregard of Mír Rústum's solemn protest against the illegality of his abdication, as having been forcibly and fraudulently extorted from him; he publicly notified his determination to treat as rebels all who refused to acknowledge the authority of the usurper; he officially sanctioned the usurper's unwarrantable and indiscriminate

appropriation of territory in the possession of the other Amírs ; and lastly, he obstinately refused to institute or sanction any inquiry into the circumstances of the usurpation. This series of impolitic, unjust, and discreditable acts, proved the proximate cause of the Sindh Revolution, and has left an ineffaceable stain on Sir Charles Napier's reputation as well as on the good name of the British Government.*

Such is a very imperfect sketch of the leading particulars of the conquest of Sindh—a conquest, which, whether it be viewed in reference to the political and moral injustice in which it originated, or to the unjustifiable proceedings which marked its progress and its close, has happily no counterpart in the history of British India during the present century. If we would find a precedent for the spoliation of the Amírs we must go back to the times of Warren Hastings ; and to the injuries inflicted on Cheyte Singh by that able but unscrupulous statesman. In the revolution of Benares, as in the revolution of Sindh, the paramount authority imposed unjust and exorbitant demands (pecuniary in the one case, territorial in the other) on its tributary allies—answered respectful remonstrances by insolent menaces and hostile inroads—treated defensive preparations as acts of aggressive hostility—rejected all overtures for amicable negotiation—goaded them to resistance in defence of their sovereign rights—defeated them in battle—confiscated their territories—and finally drove them into exile. While there was this general resemblance, however, between the atrocities committed on the banks of the Ganges in 1781, and those enacted in the valley of the Indus in 1843, the impelling motives and the ultimate results of the policy pursued by the two Indian rulers were widely different. In the one case, there was an exaction of money demanded, on the urgent plea of state necessity, to relieve the pressing financial embarrassments of the Government ; in the other, there was a spoliation of territory, originating in a whimsical solicitude to enrich a favourite ally, who had no claims whatever upon our bounty :—the one Governor General, by his unjust policy, acquired a district yielding a considerable addition to the permanent revenues of the state—the other, by a similar course of injustice, bequeathed to his country a province burdened with what has hitherto proved a ruinous,

* The venerable ill-requited Chief who was the victim of such unparalleled injustice, has been released by death from the sorrows of his exile. He expired at Púna on the 27th of May last, and the grave closed, soon after, over another victim, of British oppression—Mír Sobdar Khan, the “ever faithful friend and ally” of the British Government,

and may prove a permanently ruinous, annual expenditure to the state.

While the present century nowhere furnishes a precedent or a parallel to our recent proceedings in Sindh, it is a subject of congratulation that the current year supplies us with a most remarkable and instructive contrast. The spotless justice of the recent war on the Sutlej, and the deep-stained guilt of the war on the lower Indus—the forbearance of Lord Hardinge, who scrupulously maintained peace until a wanton and unprovoked invasion compelled him to draw the sword, and the unjust aggressions by which Sir Charles Napier goaded the Princes and people of an allied state to resistance in defence of their sacred rights—the generous moderation which closed the triumphs of the former, and the oppressive and retributive severity with which the latter followed up his victories:—all furnish points of contrast so striking and so extraordinary, that posterity will hardly credit the fact, that the chief actors in these two campaigns lived in the same century, and were brought up, in the same Military School.

It only remains to say a few words regarding the two works, whose titles are placed at the head of this article.

The “Conquest of Sindh” presents the same characteristic peculiarities which we alternately admire and regret in the previous writings of the Historian of the Peninsular war. We find the same spirited and graphic narration of military operations; the same clearness of topographical delineation; the same vivid and thrilling descriptions of the battles. But these merits, great as they undoubtedly are, are disfigured by even more than the usual proportion of his characteristic faults. A turgid extravagance of diction pervades the general narrative; many of his statements and opinions are singularly distorted by personal and party prejudice; and the direct perversions of facts are so many and so serious, as irretrievably to mar its character for trustworthiness. These misrepresentations are rendered subservient, on every occasion, either to the undue exaltation of Lord Ellenborough and Sir Charles Napier, the unjust depreciation of Lord Auckland and Colonel Outram, or the indulgence of a feeling of what we fear must be regarded as malignant hostility towards the Ex-Amirs of Sindh.

Many of the misstatements to which we have alluded are exposed with unsparing freedom, but in a tone of great moderation, in Colonel Outram’s Commentary, which presents, in many respects, a remarkable contrast to the work upon which it comments.

We regret that our limits do not admit of our furnishing

any adequate specimens of the earnest, truthful, straight-forward, and business-like style in which the author has treated every department of his intricate and voluminous subject. Our anxiety has been to disentangle, for the benefit of the general reader, the main thread of the narrative of leading facts, from the multitudinous details which are apt to weary or repel those who are neither personally nor officially concerned in the evolutions of the Sindhian tragedy. In this way we have endeavoured to contribute our mite to the diffusion of sound and accurate views respecting its real character and merits; since an undistorted retrospective view of what has actually occurred can alone effectually pave the way to healing prospective measures. And we are very sure, that, to the noble-minded author of the Commentary, any service calculated to exhibit *the truth, the plain undisguised truth*, as respects the memorable series of events which led to the subversion of the Talpúr Dynasty in Sindh, must prove far more gratifying than any elaborate attempts to illustrate his own personal merits, or those of his recently published work.

Towards the conclusion, however, of the work there is one passage so well fitted to display the moral grandeur of his sentiments, that we must find room for it:—

“Reverentially I say it, from my first entrance into public life, I have thought that the British nation ruled India by the faith reposed in its honour and integrity. Our empire, originally founded by the sword, has been maintained by opinion. In other words, the nations of the East felt and believed that we invariably held treaties and engagements inviolate; nay, that an Englishman’s word was as sacred as the strictest bond engrossed on parchment. Exceptions, no doubt, have occurred; but scrupulous adherence to faith once pledged was the prevailing impression and belief, and this was one of the main constituents of our strength. Unhappily this charm has, within the last few years, almost entirely passed away. Physical has been substituted for moral force—the stern, unbending soldier for the calm and patiently-enduring political officer; functions incompatible—except in a few and rare cases—have been united; and who can say for how long a space—under such a radical change of system, such a departure from all to which the Princes and People of India have been accustomed, and most highly value and cherish—the *few* will be able to govern the *millions*?

* * * * *

The moral effect of a single breach of faith is not readily effaced. “I would,”—wrote the Duke of Wellington, on the 15th of March 1804,—“I would sacrifice Gwalior, or every position in India, ten times over, to preserve our credit for scrupulous good faith, and the advantages and honour we gained by the late war and peace; and we must not fritter them away in arguments drawn from overstained principles of the laws of nations, which are not understood in this country. *What brought me through so many difficulties in the war, and the negotiations for peace? The British good faith and nothing else?*”

It is another great misfortune, that acts like those I am deploring, pre-

vent those who are really imbued with pacific views and intentions, from acting upon and carrying them out. The present Governor-General, to his honour be it said, has endeavoured to carry out his wise and pacific intentions to the utmost verge of prudence and forbearance. Who shall however venture to say that his measures, which we know to have been purely defensive, have not, under the warning of Sindh, been regarded by the Sikhs as indicative of meditated aggression on the first favorable opportunity; or that the bold step they adopted of invading our borders, is not to be attributed to the distrust and suspicion excited in their minds by the subjugation of the Princes and People of Sindh?

If, in the performance of the necessary duty of self-vindication, I have read a warning to those in power to retrace their policy before it is too late, may it not be neglected; for nations require occasionally to be reminded that "the love of Conquest is national ruin, and that there is a power which avenges the innocent blood." Our interests in the East require consolidation, and not extension of our dominion."

With this single but characteristic quotation, however, we must conclude. Of the Commentary, it may, in brief, be said, that without displaying the fitful eloquence or the practised literary skill of the military Historian, it evinces a thorough mastery of the subject on which it treats, and it is written in clear, forcible, and unaffected language, with an earnestness that bespeaks the author's honesty of purpose, and with a scrupulous accuracy, to which his opponent can lay no claim. Colonel Outram has most fully and triumphantly vindicated his hitherto unsullied reputation from the aspersions which have been so ungenerously and so unjustly thrown upon it; he has cleared Lord Ellenborough's character from much of the guilt heretofore imputed to him in connection with the injuries inflicted on the Amírs; he has taken down the Conqueror of Sindh from the political eminence on which the Historian had so indiscreetly placed him, and fixed on him a brand of political dishonesty, which, it is to be feared, he will find it difficult to efface; and he has exposed, in General Napier's History of the Conquest, a series of mis-statements so numerous and so flagrant, as must for ever damage its claims to historical accuracy.

MISCELLANEOUS NOTICES.

*Journal of the Ceylon Branch of the Royal Asiatic Society.
Colombo, J. Gilgot, 1846.*

THE foundation and labours of a new Literary Society in a country so little known as Ceylon cannot be viewed by us but with the liveliest interest. It proves at once that the inhabitants of the Island are not sinking into that apathetic indifference to intellectual pursuits so common in the East, and that there are men in the "Eden of the Eastern Wave" willing and able to devote themselves to the investigation of the various subjects of interest connected with the Island. It was therefore with great pleasure that we heard, now upwards of a year ago, that measures were being taken to establish an Asiatic Society in Ceylon—measures which were happily successful, and which resulted in the formation of the Society referred to, and its subsequent incorporation with the Royal Asiatic Society of London. In the Journal before us we have the first fruits of its labour, and we trust that the exertions of the literary characters in the Island, which have already produced this first part of the Journal, will but be increased by the favor with which it has been received.

Attempts had been made in former periods, we understand, to form a Literary Society of the same or a similar character at Colombo, all of which after a shorter or longer period of existence became extinct. The names which appear before us as the supporters of the present institution, and the energy of its proceedings lead us to hope better things of the Ceylon Branch of the Royal Asiatic Society. With so wide and interesting a field of research before them its members will be contributing much to the literature of the East by sending forth even a few such numbers as that before us, treating of the religion and customs of its inhabitants, the Natural History of the Island, and its numerous antiquarian remains. Buddhism especially, we are happy to perceive, is receiving that share of attention which its importance, as the professed religion of so many millions of our fellow-creatures, entitles it to demand, and in no country perhaps are the facilities for its investigation greater than in this, one of its most zealous upholders. In the libraries attached to the various temples throughout the Island, as well as in those of private individuals, particularly priests, are to be found the works attributed to Goutama Buddha himself and his immediate followers in the ancient Maghadi or Pali language. In these works alone there exists a vast mine of ancient learning as yet for the most part unexplored, and for the working of which we naturally look to Ceylon where the acquisition of the Pali language is not attended with the same difficulties as elsewhere. In these works we have that remarkable system of religion developed, not as the corruptions of its professors have made it in later times, but as it came direct from its

founder himself and those whom he instructed, five centuries at least before the Christian era. What a field is here then for the labours of our Ceylonese brethren!—a field as interesting as it is extensive; for the works to which we refer are sufficiently voluminous to employ the entire lifetime of more than one or two zealous students in their investigation. Till these works shall have been translated, ancient Buddhism must remain to us a sealed book, and we must accept the alloys and dross of modern speculations, or the base metal of the professors of the faith, instead of the pure and unadulterated product of this valuable mine. We have said that this interesting subject has not been neglected by the society whose Journal we are noticing. Two valuable papers on Buddhism appear in the number before us displaying research and ability of no ordinary stamp, and which are drawn from the original documents to which we have alluded. These we shall subsequently notice more particularly. But important as Buddhism is, as a subject of investigation connected with Ceylon, it is yet but *one* of these subjects. A mass of ancient lore connected with the early history of the celebrated Lanka still remains to be clothed in a European dress, which is quite accessible to students in the Island. The line of kings, with many of their actions, it is true, has been harmonized and regulated—we can faintly trace the rise of the Ceylonese monarchy from the invasion of Wijeya to its culminating point in the reign of Dutu Gaimono, with the turbulent period which followed till the desertion of the ancient capital, Anuradhapúra, by its vacillating sovereigns. We can dimly discern the progress of the succeeding capital Pollannaruwa by noting the pious works of the succeeding monarchs till its splendour was consummated in the brilliant reign of Prakrama Bahu the Great, the most warlike, energetic and talented of the Singha line of princes. Thence descending the stream of time we find the seat of Government changing with the whim of each succeeding monarch; we have enumerated in the native histories the pious erections, and charitable donations of the Buddhistic princes contrasted with the impious labours of the Malabar invaders till we arrive at the landing of the Portuguese under Almeida in 1505, whence we may date our more intimate knowledge of the Island and its inhabitants as they have, since then, existed. All this we can do with the materials at present available, and all this has been done, but this is not sufficient to show us what manner of Island it was and what manner of people its inhabitants were. That the ancient Lanka was a rich, powerful and well-peopled Island we cannot doubt, considering the remains of former magnificence which abound in it, but of the genius of the inhabitants who made it so we know little or nothing—of their arts and sciences we want definite information—of their customs, habits and national character we know little. All these subjects require investigation, and for their due investigation we feel convinced ample materials exist in the ancient literature of the Island—a literature of which but a few scraps are as yet in the possession of the English reader. Thus, for instance, ancient works there are in abundance

treating of the astronomy, astrology, religious sciences and profane branches of learning as known to the ancient Singhalese, and of these the English reader can know nothing, just as he must remain ignorant of the native poetry of the Island (written in the Elu language) till some of the *savans* of Ceylon sets about their translation. For this labour we naturally look to the Asiatic Society within whose province such investigations more particularly lie. In these subjects then we have three especially suited to the taste of philological students, and in all these departments the labours of the Sanskrit, the Pali, the Elu, and the Singhalese scholars will be valuable beyond measure.

So much for Ceylon as it was, its religion and its history, to the period of the Portuguese settlement. From that time our information of the Island, its condition and history may be derived from sources in the European languages aided and enlightened by native works. The Portuguese historians relate the doings of their countrymen, in the usually inflated style of their writers, with great minuteness, and not a few remarks respecting the native customs and character of considerable truth and acuteness may be found in the pages of Ribeiro* and Botelho. Still however much remains to be learned of the religious exertions of the Portuguese, and of the impression which their strangely blended religious and warlike character left upon the natives. Next upon the stage of Singhalese history came the commercial and grasping Dutch, who, having won the Island after a fierce and wasting struggle, seemed to think only of how they should make it pay for the blood and treasure expended in its conquest. We look in vain in the History of their transactions for any enlightened views of Government—for any consistent scheme to promote improvement and happiness. For the investigation of their measures ample resources exist in the Dutch Records preserved in Colombo, a valuable mass of papers which are being gradually allowed to fall a prey to the destroying insects of the tropics. The learned in the Portuguese and Dutch languages resident in the Island might thus supply the Society, and through their Journal, the world, with a large mass of valuable and interesting information—all tending to throw light on the History of the Island, and to increase our knowledge of the characters of the various nations who there came into collision. We have thus shewn that the proficient in Sanskrit, Pali, Elu, Singhalese, Portuguese or Dutch, resident in Ceylon, and willing to devote a few hours to literature might be the means of bringing many important facts, now unknown, to light, and of increasing our acquaintance with this remarkable Island. Still, however, there is a seventh language by means of which much may be done, and much has already been done, in elucidating the History of Ceylon—we refer to the Tamil, a language spoken by the numerous classes of Malabars and Moors—the latter especially, a most energetic race, becoming every

* We have heard that an English edition of this writer's History is being prepared by a gentleman in Colombo already distinguished for a partial digest of the Dutch Records of the Island.

day of importance, the former a people intimately connected with the Singhalese both in ancient and modern times. Amongst both of these classes, we are inclined to think, works, containing much valuable information respecting the past history of their respective possessors, might be found.

The ignorance of the Indian Community generally respecting the circumstances of Ceylon has frequently been complained of by our Anglo-Ceylonese brethren, and that such ignorance exists to a very considerable degree is beyond a doubt. Our brethren in Ceylon however must pardon us if we attribute part of the blame that attaches to us, in consequence, to themselves. They have taken little or no pains to instruct us in the real condition and circumstances of their adopted Island, and if we seek information on this subject, we would naturally look to such works as that before us, and others of a more elaborate nature. Now this evil would soon be obviated if but a few of those shrewd, discerning, active men which are to be found in every English community, would devote a few hours to enlightening their fellow-countrymen abroad on the condition of the Island as it is. We have shewn that the students of languages and literature may do much to exhibit Ceylon to us as it was—the true character of its people—the genius of its various inhabitants—the nature of its various institutions, but to teach us what the present character of the island is—to exhibit to India and the world the circumstances in which it is at present placed, as well as the influence which contact with Europeans has had on the native inhabitants—to teach us these things no philological studies are necessary—nothing is required but the observing eye and inquiring mind with which intelligent Britons are generally gifted. If such men would set about the task of “holding the mirror up to nature” as nature exhibits herself there, the complaints of our ignorance to which we have referred would soon be at an end, and our faulty judgments on Ceylonese events and Ceylonese character, it is to be hoped, would no longer form a just ground of complaint.

Important as the Island is and valuable as it is becoming in a commercial and agricultural point of view, we know little as yet of its geological, mineralogical, botanical or zoological character. The first of these subjects has never been thoroughly investigated, and with the exception of a few fugitive essays in the local papers,* ephemeral as the journals in which they were contained, has been in fact entirely neglected. The essays to which we refer have appeared since the formation of the Asiatic Society, and if valuable it were well had that Society preserved them by appending them to their Journal—it appears in fact strange to us that their author should prefer throwing them away on a paper whose very name is unknown to the great mass of Indian and English *literati* rather than offer them to a Society in whose Journal they could not fail to be appreciated and made use of. The mineralogy of Ceylon is in an equally backward condition, either

* We refer to some geological papers signed *Trincomania*, which appeared lately in the *Colombo Observer*.

from the want of scientific men willing to devote themselves to its investigation, or from the results of their researches not having been made known—we are inclined to think that the latter is the true state of the case, and if our supposition be correct we know not what better means of bringing them before the scientific public could be found than through the pages of the Journal of the Ceylon Asiatic Society. The *Flora* of Ceylon, we are happy to perceive, is receiving that share of attention from a scientific gentleman in the Island, which is necessary to render our information on the subject complete. The results of these investigations our Indian naturalists will find in their own scientific Journal in Calcutta, and we cannot but congratulate them and their brethren in Ceylon on the prospect of having the botanical character of the Island speedily made known.

We have thus endeavored to shew how wide and ample the field of the Ceylon Asiatic Society's investigation is, and how every particular acquisition natural or acquired of the laborers may be turned to account. This we have done because we have frequently heard the observation made that in so small an Island there scarcely existed subjects enough to afford continued variety of investigation for a literary Society such as that whose Journal is before us—our object will be gained if the observations we have made tend to prove to its members that the question is, not where can we obtain subjects to bring before the society's notice, but where shall we obtain men to handle with ability the numerous subjects which present themselves.

Turning now to the Journal before us, we find in it two papers by Mr. Justice Stark, the President of the Society—the first an opening address intended to explain the nature and object of the Society—the second a valuable essay on “the state of crime in Ceylon.” On Buddhism we have two excellent and original papers by the Rev. D. J. Gogerly. General observations on the translated Singhalese literature by Mr. Knighton, the Secretary of the Society, next attract our attention. Then comes a paper “on the elements of the voice viewed in reference to the Roman and Singhalese Alphabets commending the writing of Singhalese in Roman characters,” by the Rev. Dr. Macvicar. The next writer is Mr. Capper, who gives a practical paper on “the ravages of the Coorominia or Cocoa-nut beetle” and also some observations “on the collection of statistical information in Ceylon.” Lastly we have a letter from Mr. S. C. Chitty to the Secretary on some ancient coins found at Calpentya. It will be seen from the above list that the Society very properly confines its labours to the Island in which it is established “not professing” in the language of the President “to look beyond the island, or to regard literature and the arts otherwise than as they affect the Island.”

The opening address of the President is as we have said intended to explain the nature and object of the Society. In it the various subjects to be investigated are brought forward successively, and a few remarks made upon each. In noticing the history of the Island he makes the following general remarks :—

“We see the tide of population and can mark the progress of political

power towards the **West**—from Mount Ararat to Babylon, and thence to Nineveh, Palestine and Phœnicia, Greece, Rome, France, England—like the encampments of the children of Israel on their way to the holy land, resting and moving according as the symbol of the divine presence rested or advanced—or rather like the sons of Jesse brought up in succession before the Prophet, and still dismissed with the words “Neither hath the **LORD** chosen this.” For when with the fate of the nations whose glory has departed from them, we place in corresponding columns (like the handwriting on the wall before the impious Belshazzar) their depravity and irreligion as exhibited to us in the denunciations of the prophets, the visions of Ezekiel, the comedies of Aristophanes, the satires of Juvenal, and the writings of Voltaire and the Holbach coterie of atheists. When, I say, we thus place together the character of a people and their ultimate fate, we perceive something of the great principles of Providence—the philosophy of history—and unavoidable proofs of the declaration of the Psalmist. ‘Verily there is a God that Judgeth in the earth.’ But of the progress of population and political power in the **EAST** we know comparatively little, nor can we connect together the languages of Asia as we can the languages of Europe.”

The paper on the state of crime in Ceylon also by the President gives us much valuable information on this interesting subject—information which the situation of the writer as one of the Judges of the Supreme Court of the Island renders undoubted. Its results may be succinctly stated. From a variety of useful tables with which the essay opens it appears that the number of cases on the calendar has decreased generally throughout the Island since 1834, save in Colombo and the interior where they remain as formerly. This result is curious when taken in connection with the fact of the increase of the average number of prisoners connected with each case, and of the increase of the number of prisoners accused of murder, homicide, burglary and other offences against property with violence, accompanied by a diminution of the number of prisoners charged with theft, embezzlement, receiving stolen property, assaults and such like,—facts plainly proving that whilst crime is less in the gross amount, it has increased in violence, and that whereas crimes by solitary individuals are on the decrease, those committed by parties or gangs are becoming more numerous. A curious and lamentable proof of the increasing civilization of the coast districts is to be found in the fact that crimes against property are on the increase in a greater ratio than those against the person, a result not obtained with regard to the ruder districts of the Interior. In concluding his remarks on this subject Mr. Justice Stark, very properly notices with severe reprehension the state of the jails in the Island by which so many prisoners are allowed to escape. In September 1843 there were at large 53 prisoners of whom 18 had escaped during that year alone. “Escapes on a scale like this” he observes “must be in every respect injurious—the administration of justice is rendered nugatory, opposition to the laws is engendered, the connection between crime and punishment is severed, and among the escaped there must be many a Kurupunchy,*

* A noted Singhalese desperado.

the head and nucleus of a gang." We have looked with no little interest for some statistical data respecting the state of education amongst the inmates of the jails, but without success—the facts stated on this subject referring only to three jails in the Island, and even with regard to these only on particular occasions. A striking fact in reference to the proportion between the commitments, trials, and convictions remains to be stated. From the tables to which we have referred it appears that in no case do the trials equal in number the commitments, and of the number tried, there are seldom more than one third convicted, whilst in Scotland, the honorable gentleman informs us, that three fourths at least of those tried are convicted—the contrast is remarkable. In concluding this brief notice of Mr. Stark's paper, we cannot but express our hope that he will continue his investigations into this important subject, sure as he must be, of developing important principles and interesting facts unknown to the great majority even of our educated countrymen.

Pursuing the order we have traced out for ourselves we come next to Mr. Gogerly's first paper on Buddhism. Much as has been written on this subject—how ignorant do we not still remain of what Buddhism really is! The fact too is easily accounted for. Instead of searching into the original sources whence ancient Buddhism might truly be derived, we have had writers on the subject substituting speculations of their own for the writings of the founder of the faith, and we have seen numerous instances of such writers setting down the most contradictory tenets, all the coinage of their own brains, as the true dogmas of the faith. The necessary result of this course of procedure has been that the inquirer finds Buddhism according to such writers, to be an ill-regulated, confused mass of heterogeneous principles and facts many of them at variance with each other, and with the true foundation of the faith. It would appear however that this state of things is now about to end. M. Burnouf, in Paris, and Mr. Gogerly, in Ceylon, have both taken the right road to investigate the matter, and whilst the one arrives at certain conclusions from studying the writings of the founders of the faith in Sanskrit—the other is arriving at the same conclusions by investigating the Pali documents so long taught in Ceylon and Siam. This coincidence naturally leads us to the conclusion that Buddhism, as it really was, is being evolved and that the period of the speculators and theorists has drawn to a close.

Mr. Gogerly sets out in his first paper by informing us that Goutama Buddha, the founder of the faith does not appear to have laid down the principles of his faith in any one discourse or series of discourses, but to have left it to be evolved in his numerous sermons chiefly, as it would appear, called forth by accidental circumstances and subsequently committed to writing by his disciples. That a great first cause or creator is not recognized by the faith is the impression produced by a perusal of the original sermons, and that Mr. Hodgson's ideas on this subject particularly with reference to the Adi Buddha, were erroneous, is plainly shewn, in the paper before us, by a reference to the fundamental principles of the faith. The term Adi Buddha (the

name given by Mr. Hodgson to the Buddhist Deity and Creator) merely signifies an ancient Buddha. Many of them have appeared at successive intervals in the history of mankind, and the truth formerly taught by one is after an incalculable period again taught by another who obtains his Buddhahood in the same way, that is by persevering virtue. All these ancient prophets now in Nirwana or annihilation, as it would appear, are Adi Buddhas, and in no respect superior to their successors the later Buddhas. In fact to become a Buddha a long initiatory course of preparation is necessary, and it is therefore impossible that any one of them could have been the *Creator*, as we understand the term. We have next an enumeration of the sacred books of the faith corresponding with that given by Mr. Turnour in his preface to the Mahavanso. They are divided into two great parts the books of doctrine and the books of discipline—the extracts in the paper before us refer chiefly to the first of these. A very curious discourse relating to his own superiority as delivered by Goutama himself, is translated by the writer. We are sure our readers will not consider an apology necessary from us for transcribing it, with the few words of observation which follow is—Goutama loquitur:—

“Brahman, if eight, ten, or twelve eggs are placed under a hen and carefully hatched, what appellation is given to the bird who with his foot, his spur, his head, or his beak, first breaks his egg, and is perfectly formed? Such an one, venerable Goutama, should be called “The Chief,” he is the first born. Even so, Brahman, having broken the shell of ignorance by which, enveloped in darkness all beings were encompassed, I stood alone in the Universe, in the full ascertainment of unerring and all perfect knowledge. I, Brahman, am the first born, the Chief of the World. Brahman, I was persevering and diligent, thoughtful and intelligent, tranquil in body and mind, with a pure heart and with singleness of purpose. Being, Brahman, free from sensuality, and criminal propensities, I enjoyed the pleasures of the first Jhana (or course of profound meditation) produced by retirement spent in examination and investigation.

Investigation and research being terminated, with internal serenity and a mind concentrated in itself, I enjoyed the pleasures of the second Jhana, produced by the tranquillity which is undisturbed by inquiry or investigation.

Free from the disturbances of pleasure, contented, thoughtful and wise, and possessed of health of body, I experienced the happiness of the third Jhana, called by holy sages the happy state of thoughtful contentment.

Free from the emotions of joy or sorrow, previous exultation and depression being annihilated, I lived with a contented mind, unmoved either by pleasure or pain, and being perfectly holy, attained to the fourth Jhana.

Being thus mentally tranquil, pure and holy, free from passion or pollution, serene, and competent to the effort, I addressed my mind to the recollection of former stages of existence. I remembered these states of previous being from one birth up to those experienced during many revolutions of kalpas, and recalled to mind the place where I resided, the name I bore, my race and family, my circumstances, personal appearance, enjoyments and sufferings, and the duration of life, at the conclusion of which I ceased to live there and was born in another place, until I was born in this world. Thus I recalled to mind former states of existence, with their circumstances and causes. Thus Brahman, during the first watch of the night, ignorance passed away and knowledge was obtained; darkness was dispersed and the

light shone forth ; and by my persevering and holy exertion, like the first hatched chicken, I first chipped the shell of ignorance.

Being thus mentally tranquil, pure and holy, free from the pollution of the passions, serene and competent to the effort, I addressed myself to the consideration of the birth and death of intelligent beings, and with a clear and godlike vision, transcending that of men. I looked upon beings, dying and being born, whether noble or base, beautiful or deformed, happy or sorrowful, according to the desert of their previous conduct. I saw some whose conduct was evil in thought, word, and deed ; revilers of holy men ; holy men, holders of false doctrines and attached to the observances of a false religion ; these, upon the dissolution of the body after death, were produced in hell, increasing in misery, wretchedness and torments.

I saw some who were virtuous in thought, word, and deed ; who revered holy men, were of a pure faith, and attached to the observance of true religion ; these upon the dissolution of the body, after death were born in heaven endued with felicity. Thus Brahman, during the second watch of the night, the second part of ignorance passed away and knowledge was obtained ; darkness was dispersed and the light shone forth ; and by my persevering and holy exertion, like the first hatched chicken, I again chipped the shell of ignorance.

Being thus mentally tranquil, pure and holy, free from the pollution of the passions, serene and competent to the effort, I turned my attention to that wisdom by which desire can be extinguished : and clearly discerned, according to its real nature, this is sorrow ; this is the source of sorrow ; this is the cessation of sorrow ; this is the path by which cessation from sorrow may be obtained. These are the desires : these are the causes of their production. This is the extinction of desire. This is the path leading to the cessation of desire. Having understood and perceived these truths, my mind became free from sensual desires, free from the desire of continued existence, and free from ignorance ; I became conscious that I possessed this freedom, and certainly knew that my transmigrations were terminated, my course of virtues completed, my needful work accomplished, and that nothing more remained to be done.

Thus Brahman, during the third watch of the night, the third part of ignorance passed away and knowledge was obtained ; the darkness was dispersed and the light shone forth ; and by my persevering and holy exertion, like the first hatched chicken I broke the shell of ignorance.

Upon hearing this, the Brahman acknowledged Goutama's supremacy and embraced his religion.

From this extract it appears that Buddha founds his claim of supremacy, 1, upon his being perfect in holiness, entirely free from the influence of desire whether in reference to bodily and mental sensations, or to the continuance of existence ; and 2, upon his being perfect in knowledge, understanding both natural and moral truth with absolute exactitude ; and 3, that this knowledge is self originated, resulting from his own unaided mental efforts. As Buddha he acknowledges no teacher, admits no inspiration or revelation from a higher source ; but declares himself to be the fountain of knowledge for all existing beings, whatever may be their dignity."

An extract is then given from the third book entitled *Maha Waggo*,—in which we have the Buddhistic chain of causality commencing with "on account of ignorance, merit and demerit are produced," and so on,—every thing in the universe resulting from this chain. We must confess we cannot understand this, and as there is no comment on the subject by the translator, we are left in doubt as to its meaning.

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If it be intended to shew how Goutama dispensed with the necessity of a Creator it seems eminently absurd. From these and the succeeding extracts Mr. Gogerly's conclusions are, that Goutama, the son of one of the inferior sovereigns of India, abandoned his home, adopted the life of an ascetic, and during six years performed painful penances to overcome his passions. He then retired to solitary meditation and came forth to the world professing to have attained the perfection of wisdom and virtue, and being therefore entitled to reverence from all. This assumption he did not support by miracles or the sword, but solely relied, as it would appear, on his powers as a teacher. That he was eminently successful, the state of India a few years after plainly proves. Mr. Gogerly then enters upon the question of the relative priority of Buddhism or Brahmanism, which in ten lines he decides in favor of the latter, founding his decision on the simple fact that certain men called Brahmans existed before Goutama's time. The only link in the chain wanting to complete his proof is to shew, that these Brahmans professed what is now called the Brahmanical religion. This we suppose is intended to be understood. In a few concluding remarks the fact of the Nirwana of the Buddhists being a total cessation from existence is sought to be established, and of this assertion several proofs are given into which we need not enter. If the fact be so, what an extraordinary system of religion this Buddhism is—a religion without a God, recognizing the attainment of virtue and wisdom as the only true duty of man, desiring him to attain this at any and every sacrifice, and yet holding out no higher lure to make him do so than ultimate annihilation. Had some political theorist, like another Plato or Sir T. More, invented such a system of religion for his Republic or Utopia, how unnatural and improbable would it not have appeared, and how would not the unlucky theorist have been persecuted with ridicule for his monstrous invention!

In Mr. Gogerly's second paper on Buddhism we have a somewhat particular account of the priesthood and the laws by which it was governed. To the word Priest, however, as used to designate the monastic order of Buddhism, our author objects, as not conveying a proper idea of their office. They more resembled the Christian monks than the working priests, collected as they were in the Wihara or monastery, and bound by the vows of poverty and celibacy. Whilst bound individually, however, by these vows, their community could and did acquire possessions sometimes of vast extent, in landed property and other sources of wealth. Cases of delinquency were tried before the Sangho or chapter of the order, which might consist of the whole body of the Wihara or a less number according to circumstances, five members being necessary however to constitute a chapter in cases of discipline. An order of nuns was also established by Goutama, but has long since been extinct at least in Ceylon. Into the copious extracts given in this paper from the first and second books of discipline, entitled Parajika and Pachite it will not be necessary for us to enter; suffice it to say that they prove plainly to us that Goutama's rules were founded on the incidents which occurred, as his institutions grew older, and that he

seems to have relied less on theory and more on experience, than ancient philosophers generally did. It were to be wished that subjects of this nature could be exhibited to us without the disgusting expressions with which we occasionally meet in the paper before us, and this in fact is the only objection we have to make to Mr. Gogerly's contributions—of their value as additions to our knowledge of Buddhism there cannot be a doubt.

The "General Observations on the translated Singhalese literature," by Mr. Knighton, appear to be intended to remove certain European prejudices common to many against Asiatic literature generally. The works which have hitherto been translated from the Singhalese and Pali languages in Ceylon are altogether historical, and on their contents and composition we may adopt Mr. Knighton's observations, knowing as we do that he has made these works his peculiar study. A peculiarity which he most strongly condemns in these works is the strong religious bias existing in the authors who were generally priests, and viewed every thing by the standard of Buddhistic orthodoxy—hence arose their reverence for certain worthless princes whose tyranny and oppression were in their eyes, more than compensated by their gifts to the priesthood, whilst on the other hand many a noble character is reviled for inattention to priestly wishes—his virtues and excellencies weighing as nothing in the balance when opposed to his neglect of Buddhism.

Dr. Macvicar's paper on the introduction of the Roman alphabet into the Singhalese language, is distinguished by that soundness of judgment and enlarged views, which characterize all the writings of its author. Much as the subject has been canvassed in Bengal, and tired as we have been of it, yet the paper before us presents it in a light so new and clear that we have read it with no ordinary interest. Dr. Macvicar argues in favor of the introduction of the Roman letters in printing the Singhalese language, and sets out with an imposing string of arguments in favor of his views. Of these the following are the principal. 1. By its introduction into the class books in the Government schools, the pupils would have but one alphabet to learn for the three languages—English, Singhalese, and Tamil. 2. It would facilitate the study of English amongst the native population, as they would enter upon that study with a knowledge of the alphabet previously acquired and of the powers of the various letters. 3. It would greatly facilitate the attainment of the native languages amongst the European community. 4. The use of capital and italic letters with stops, would introduce a perspicuity into Singhalese compositions, of which they are now totally deficient. 5. The saving of expense in printing, &c. &c. The learned Doctor then enters upon an able analysis of the sounds of the human voice, shewing as he proceeds, that with the help of a few diacritical marks, the Roman alphabet may be rendered competent to denote all its sounds, and with peculiar ease in the case of the Singhalese language, in which irregularities seldom occur. The subject has been so frequently discussed here that we have no wish to enter upon it at present at such length as it would require, nor would it be an easy task to give an account of the Doctor's analysis in less space than he has

given it himself. We may, however, quote his *preliminary* remarks on the vowel sounds as a slight specimen of the interesting and intelligent manner in which the subject has been discussed :—

“ Let the vocal tube be kept open and sounding, the tongue being in its natural position, and one of those elements of speech found in all languages and known by the name of *vocales* or *vowels* will be produced. As to their number they may be said to be infinite, because every new position of the lips, every new length of the vocal tube gives a new vowel. But by commencing to sound the vocal tube with the lips compressed and linear, then opening the mouth wide, and then closing it circularly, as also by reversing this process, all the vowels may be produced in an orderly series at one breathing. The former series is very distinctly produced by a cat when it mews, the latter less distinctly by a lion when it roars. How then are we to represent this series in writing? In itself it is infinite, and even its members which are distinguishable by the ear are more numerous than the entire letters of any alphabet. We must therefore limit the number of letters which are to represent the vowel sounds; and if so how many shall we invent or adopt? I do not think that we can find or fix on any thing better than that which the Roman alphabet gives, viz. five simple vowel letters, each distinct from the other, and no more. Now of these the phonic value may be found, independently of every particular language, in the following way. Let the letter *m* be written down to represent the initial sound of the vocal tube when the mouth is shut, then, after it in this order the vowel letters *i*, *e*, *a*, *o*, *u*, then, fixing *the eye* on each of these successively while *the voice* is simultaneously made to imitate the mew of a cat, and attaching about an equal amount of utterance to each, a just idea of the significancy of each symbol or letter will be obtained by the student, and that though he be quite ignorant of Italian and Latin as pronounced in Scotland, Ireland, and all Europe except England; and of English, nay of every other language but that in which he happens to acquire his ideas. By any one who can recall the roar of a lion, the proper sound may also be attached to each letter, by reading the series backwards while imitating the roar of this more noble cat. In English indeed, in consequence of the rapidity with which its pronunciation has departed from its orthography, sad confusion prevails. Thus the initial letter (*i*) which corresponds to the linear position of the lips, has often the sound of *ai* which requires two very different positions, while *e* has often no sound at all, often the corrupt power of impressing its own sound upon the letter *a* as in the word *name*, and often the sound of *i* as in the word *me*; *a* in like manner has often the sound of *e*. English orthography is in a wretched state. But in most of the other countries of Europe, especially in Italy, the spoken and written languages agree more perfectly.

Nor can we find fault if the phonic value of the letters of the Roman alphabet must still be taken from the mouth of a Roman. Now this, as will presently appear, brings them to a perfect correspondence with the vowels in the languages of India, a state of things which is no longer wonderful when we consider that the principal languages of Europe and those of India equally (especially when considered as written languages) have flowed from the same fountain, of which we may consider the Latin in the west, and the Sanskrit in the east as the most classical développements. No wonder then if a parallelism exists between their vowel systems. The elaborate Grammarians of Sanskrit indeed place the liquid syllables *ri* and *tri* among the vowels, and regarding them as such, have subjected them to euphonic changes in that particular language, to which they would not be subject as

syllables. Hence in writing Sanskrit in the Roman alphabet it would be necessary to attach to these letters some diacritical mark to indicate when they were used as vowels, when as consonants. But Sanskrit is so much the creature of study, so little that of life, and its alphabet is so much the very symbol and formula of its grammar, that independently of there being no urgency in the case, since it is a dead language, there are other reasons why it should be left to repose undisturbed in its own Deva Nagari. Let it not be inferred however, that the Deva Nagari which gives two additional letters unlike all others for these so called vowel sounds, is to be admired for so doing. The Roman alphabet which represents the former (*ri*) by two and the latter (*lri*) by three letters is far more true and philosophical. The new letters of the Nagari give no information at all as to the character and composition of the peculiar sounds which they represent, while the combinations *ri* and *lri* show both. They shew that the former requires two positions of the tongue and the latter three to accomplish its utterance. They shew also what these positions are, and what the order of their succession."

Again, in bringing his masterly analysis to a close, Dr. Macvicar favours us with the following judicious observations on a theme which has occasioned endless controversy:—

"The only other important remark which remains to be made respecting these letters and the Roman alphabet is, that though there is reason to believe that in its origin it was syllabic, that is, every letter implied also a vocal or vowel sound, it is now strictly elementary; mutes are truly mutes, and semi-vowels no more than semi-vowels. To form a syllable with any letter a vowel must be joined to it. It is indeed true that we name the letters bee, cee, dee, &c. but their value is rather ab, ac, ad, &c. the a in these syllables being occupied by some letter proper of the word into which they enter; and it is a great improvement in teaching the alphabet to return to this old way now treated of as new, under the name of the phonic system. The Deva Nagari alphabet on the other hand and those modelled after it such as the Singhalese are still syllabic alphabets. Every consonant has a phonic breathing or vowel following its utterance; and these vowels or phonic breathings are always admitted to the consonant sounds in pairs, a *spiritus lenis* and a *spiritus asper*, a soft vowel sound and an aspirated one. And had this double power of the letters been expressed by some uniform letter as is done in the Hindustani alphabet or by a little accent, turned one way in one case and the other way in the other case, as it is in Greek printed books, it would have been a great beauty. But when we consider that the aspirated letters have in general forms of their own, bearing no resemblance to the same letters when unaspirated, we are tempted to ascribe some truth to the charge that the inventors of such alphabets wished them to be complicated, that the reading of books which at first are always the sacred books, to the exclusive knowledge of which they owed their pre-eminence, might be as inaccessible as possible to the common people. In the Singhalese language, as has been already stated, these aspirated letters do not play the important part which they do in the Pali and Sanskrit, nor are they given in the Ela alphabet, at all. Still they exist in the hodya, adding to the number about 14 of the worst characters in it, having in no case any resemblance to the 14 unaspirated letters which they follow, though they differ only in the more expulsive breathing with which the accompanying vowel is uttered. In the use of the Roman alphabet we get rid of them altogether by the simple introduction of the letter h between the consonant and the vowels which completes the syllabic letter. Thus the sounds which a crow emits according as it kaws less or more urgently are repre-

sented in Roman characters by the letters *ká* or *khá* which show at once the true composition of the sound and the relation of the two sounds to each other. In the Singhalese alphabet however they are represented thus* — and — in which the more complicated sound has the simpler symbol to express it, and though the sounds in so far as they are articulate are identical, the symbols have no resemblance except the vowel mark, which only shows that both terminate in a long *a*. Again the sound which one emits when he wishes to repudiate any statement passed upon him with less or more force is expressed in all its features in both cases by these Roman letters *bá* and *bhá*. But in Singhalese the same two sounds are expressed thus — and — which just as in the former case have no resemblance to each other, though one cannot fail to remark the almost identical resemblance between the letter for *kha* and that for *ba*, two articulations nevertheless formed at the opposite extremities of the vocal tube, and as distinct as possible.

A great advantage then in a philosophical point of view attaches to the universal use of one symbol such as *h* to indicate the aspiration. It is only needful to be remembered by Englishmen that this letter, thus used, possesses this value and this only; except of course when it follows *s*, in which case both taken together have the usual simple sound of *sh* as in shame. But it is particularly to be remembered that it never forms as in English a simple sound with *t* to produce the effect of the Greek *theta* as in the words *this*, *that*, *death*, &c.

The attached simple vowel or *spiritus lenis* which follows every consonant sound, in the oriental alphabets is more difficult to represent; for both, *a* and *u*, between which it lies, have a specific phonic value of their own, with which it is undesirable to interfere. As heard in Singhalese this universal vowel is generally the French *e* as heard in the article *le*. In English it is represented occasionally by all the vowels, as when we say "a mother bird flutters over her young." The oriental grammarians consider it as *a* short, and consequently have no medial or final form for *a* short. The ordinary vocal or vowel stream of the voice however, on which consonants are articulated during ordinary speech, does not give so open a state of the organ as that which the letter *a* expresses, while that proper to the letter *u* is too close. The attached vowel is also still an aspirate though a soft-one, and an audible breathing is heard to survive the voice just as in the French article *le*. I should therefore like to see it represented by an *a* with a little bit cut out, which, in italics and writing, would at once be an approach to *u* and serve to express the short, broken or escaping character of the sound."

On the whole, we cannot refrain from giving it as our verdict, that, in the paper before us, every reasonable objection or difficulty is grappled with in a truly philosophical manner, and the whole subject brought out with a clearness and brevity seldom combined.

Mr. Capper's paper on the ravages of the Cocoa Nut beetle, which comes next on the list, is strictly what its title would import, of a practical nature. The *cooroominea* itself is a large black beetle of considerable strength, which commences its ravages in the plantations on the approach of darkness. They seldom attack a plant, the writer informs us, before it is 18 months old, and entering the green portion of the stem beneath the leaves, bore a passage for themselves, eating

* We regret that these blanks cannot be supplied, as no Singhalese letters are to be had in Calcutta.

as they proceed down the centre of the tree. The manner in which they are extracted is thus described:—

“It is very rare indeed that more than one beetle is found attacking a plant at the same time, though a few cases are known where two or three have been removed from one hole. The ordinary method of extracting the insects from the cavities, followed by the natives, is by splitting open the stem from the hole downwards with a Cattie or large Knife, until the beetle can be taken out by the finger. This cutting open the young tree of course greatly disfigures it and must necessarily retard its growth, still this is deemed of far less consequence than the destruction of the insect, which if suffered to escape is sure to attack other plants and in the end multiply in numbers. An improvement has been made in this process of removal, by a gentleman owning tracts of Cocanoot trees on the Eastern Coast of the Island, where it appears the Cooroominea is also numerous, and this improvement consists in introducing down the aperture a long iron wire with a barbed end, and this barb or hook being driven down briskly enters the hard back of the insect and enables the operator to draw out the intruder without injury to the plant. The writer has seen as many as fifty of these beetles collected from a field of not more than ten acres during one morning. The finest and largest plants are generally selected in preference to others less vigorous of growth, indeed the Cooroominea seldom attacks any that are diminutive in size and of tender age.”

The “Remarks on the collection of Statistical information in Ceylon,” by the same gentleman, appear to be judicious; but as they are entirely of a local character, and have more of the nature of *suggestions* than *remarks*, we do not feel called on to notice them more particularly.

Last on our list we have Mr. Casie Chitty's letter respecting some ancient coins found at Calpentya—this, unaccompanied as it is by any drawing of the coins, cannot be considered very valuable, inasmuch as it would be impossible to identify similar coins by the description given. Our impression is, however, that if the writer of the letter would but inspect the Journal of the Bengal Asiatic Society, whilst under Mr. Prinsep's editorship, he would find an engraving, description, and translation of the inscriptions on the coins referred to.

In concluding our notice of this number, we have only to express a hope that many more of an equally interesting nature may issue from the Asiatic Society of Ceylon, and that the spirit of inquiry, which seems to be prevalent there, may continue to furnish fruit for the literary epicures of India and Europe, equally good in quality, and more abundant in quantity.

Letters to British Ship-owners, &c. on Manning the Navy; by M. F. Crisp. Calcutta, 1846.

THE subject of these letters is, properly speaking, not Indian but British. Written, however, as they have been, in India, and issuing, as they now do, from our local press, they come fairly within the cognizance of our critical tribunal.

There can be no debate with any Briton respecting the general

character and importance of the object contemplated by these letters. It is, in its very nature, highly patriotic ; and can never fail to touch a chord of lively sympathy in the heart of every lover of his country.

The continued existence of the "impressment" system in a *free* country, and that too, in connection with a service encircled with the halo of National glory and renown, is certainly one of the greatest of practical anomalies. To point out the evils and the remedies of this pernicious system, is the grand *leading design* of our author.

To improve the condition of the Royal navy and render it popular with seamen, has been the professed object of Monarchs and Statesmen from the time of Elizabeth downwards. How signally they have failed in its attainment, is a matter of history—as indisputable as it is melancholy and discreditable. Upwards of a century ago, in January 1727, we find George II. in a speech from the throne, recommending the increase and encouragement of seamen in the following generous and patriotic terms :—

"I think myself obliged to recommend to you a consideration of the greatest importance, and I should look upon it as a great happiness, if, at the beginning of my reign, I could see the foundation laid of so great and necessary a work as the increase and encouragement of our seamen in general, that they *may be invited, rather than compelled by force or violence, to enter into the service of their country, as oft as occasion shall require it ; a consideration worthy the representatives of a people great and flourishing in trade and navigation.*"

Here is a specific royal warrant for the constitutional agitation of the great object which Mr. Crisp has so deeply at heart. It would appear that the portion of his Majesty's speech, now quoted, was hailed by the nation at large—as the harbinger of a new and better system of things. It even fired the Poetic Muse. No less a Minstrel than the celebrated author of the "Night Thoughts" took up the theme. There soon emanated from his lyre an ode, entitled "Ocean." Prefixed to this ode, was another, by way of preface, addressed to the King, together with an Essay on Lyric Poetry. Of that addressed to the King the following were the opening stanzas :—

Old ocean's praise
Demands my lays ;
A truly British theme I sing ;
A theme, so great
I dare complete,
And join with Ocean, ocean's King.

The Roman ode
Majestic flow'd
Its stream divinely clear and strong ;
In sense and sound
Thebes roll'd profound
The torrent roar'd, and foam'd along.

Let Thebes nor Rome,
So fam'd, presume
To triumph o'er a northern isle ;
Late time shall know
The North can glow,
If dread Augustus deign to smile.

The naval crown
Is all his own
Our fleet, if war or commerce call,
His will performs
Through waves and storms,
And rides in triumph round the ball.

In spite, however, of the royal recommendation, the joyous response of a nation's approval and the inciting strains of the Poetic Muse, we find, *nearly half a century* afterwards, the author of *Rasselas* and the *Rambler* referring to the proposed Reform as "a plan which humanity must lament that policy has not, *even yet*, been able, or willing, to carry into execution." What would Dr. Johnson, in one of his fits of Patriotism, have said, had he been alive now, and found, more than half a century later still, that, *even yet*, in the year 1846, the plan is one, which "policy has not been able, or willing to carry into execution?" We may imagine with what giant force he would express in words his patriotic indignation, and with what thundering emphasis cause the burden of his lamentation to resound throughout the land.

This leads us at once to the consideration of Mr. Crisp's endeavours. The great importance and highly praiseworthy nature of his object we have already admitted in terms the most unqualified. Many of his views are also sound; many of his arguments cogent; and his style is characterized by considerable force and energy. But with all this decidedly in his favour, there are sundry abatements and deductions, connected alike with the subject matter, and tone of expression, which cannot fail in a great measure, to counterbalance the advantages.

First, though the letters do not extend beyond fifty pages of letter-press, they abound in repetitions, or reiterated statements of the same facts, arguments, and hypotheses. Such reiteration may have arisen from the letters having been written at different times and addressed to different parties. When published separately, after certain intervals of time, the irksomeness of the repetitions would be less felt, because the repetitions themselves would be less noticeable. But, when the whole of the letters are collected together as now, and placed in immediate juxtaposition, the frequent reduplication of the sense, conveyed in nearly similar terms, forcibly obtrudes itself on the attention, palls on the literary taste, and oppresses with a sensation of monotony and tediousness.

Secondly, the author has, rather unnecessarily, introduced his own views, or rather brief incidental expressions indicative of his own views, on the subject of Christianity, into the body of his remarks. We say unnecessarily;—not because Christianity may not, in the hands of one who has drunk deep of its spirit, be legitimately made to cast its hallowing mantle over any theme,—but because its introduction, in the manner in which our author has handled it, far from being essential to his argument, tends rather to detract from its credit, and to impair its force. From the expressions employed on this subject, the views of the writer appear to be not merely lame and inadequate, but clearly indicative of a total confusion of ideas, or perhaps, more accurately

still, a total misapprehension of the real nature, genius, or spirit of the Christian system. The very books which he names, as those which, in his estimation, would constitute a select library for seamen, point significantly to the same heterogeneousness of sentiments. They are the following :—"The Testament, Cobbet's Grammar, Carlyle on Hero Worship, and the Vestiges of Creation!" Now, the expression of views so crude, and so incongruous on the subject of Christianity, by one who steps forward as the public exposé of wrongs and grievances, is naturally calculated to repel the advances of many, who—in consequence of the ascendancy of the benevolent feelings in their nature,—would be the most likely to listen with interested attention to his representation.

Thirdly, in exposing abuses and corruptions, our author employs a style of language which is fitted to offend rather than convince, to exasperate rather than persuade. The very fact of a man's being an earnest Reformer, is a proof that he sees things with different eyes from those around him—that he has penetrated deeper into existing evils and therefore perceives them under forms of greater dilatation and malignity—that he is either less bound by the sinewy ties of inveterate prejudice, and blinding self-interest; or has more nerve and patriotism to wrench asunder the adamant bands. In the fervour of his enthusiasm he is apt to forget that he himself is thus far ahead, while others are loitering carelessly and ingloriously far behind—apt, therefore, in his impatience at their slow snail-like pace, to launch out in terms of denunciation, in which sloth is confounded with criminality, prejudice with depravity, selfishness with deliberate treason, and legitimate though unanticipated consequences with premeditated sinister designs.

Fourthly, in pointing out remedies for the great and glaring evils which excite the righteous indignation of our author, he, unhappily for the cause which he advocates, mixes up some violent and extreme ones, with others that are judicious and commendable. This is to be regretted; because all who are averse to change, however beneficial, will be glad to seize on those extreme and violent proposals, in order to set aside the whole as revolutionary and tending to anarchy.

But, without dwelling farther on the subject, we would in conclusion thus briefly sum up, in perfect friendliness and good will, our parting advice to the author. Let him forthwith reduce his letters to almost a fourth of their present bulk—by omitting monotonous repetitions, by lopping off irrelevancies, by shunning personal invective and the attribution of unworthy motives, as well as by limiting his methods of reform to the safe, the sober, and the practical;—and then may he produce a pamphlet of truthfulness and energy enough, to rouse general attention towards a theme pre-eminently associated with all the elements of popularity and of patriotism.

The Circular Orders passed by the Nizamut Adalat for the Lower and Western Provinces, and communicated to the criminal authorities in the Bengal and Agra Provinces, by the registers of those courts, from 1796 to 1844 inclusive, with notes and appendix, compiled by G. C. Cheap, Esq. B. C. S. Rushton and Co., Calcutta, 1846.

THIS is a very useful book. A knowledge of the directions it contains, is indispensable to all who serve Government in the Mofussil, in the capacity of Police Officers. It embraces the whole of the unrepealed Circular Orders, passed by the Nizamut Adalat, from 1796 to 1844, and is therefore complete as a book of reference. The old quarto edition of the Circular Orders, which it supersedes, was about as much more costly in comparison, as it was deficient in arrangement. It contained all orders passed by the court up to 1837; and made no distinction between those in force and those annulled. It was supplied too with a very careless index, and was so bulky as to be hardly manageable. The present compilation on the contrary is small in size, and is wound up with an index as full, comprehensive and accurate, as it is possible to conceive. The binding, paper, and type, are all elegant. There are occasional defects in the typography, it is true, but these are very rare. We must point out one ludicrous blunder as an instance. Pages 33 and 34 in the appendix are verbatim reprints of pages 35 and 36. But slight drawbacks like these, by no means detract from the general character of the work; which might be safely recommended, not only to magistrates and their assistants, but to all who pretend to have any acquaintance with the internal management of the British provinces in India. Presenting as it does, at a single rapid glance, a connected survey of the whole of the orders passed by the highest criminal court in Bengal, it deserves the especial favor of the community; and should, we think, grace the shelves of every official gentleman in this country, who has a gold-mohur to spare. If any thing could enhance the value of the book, it is the meritorious motive of the compiler. Although prepared with great labor, and printed at his own risk, and at an enormous cost, it is not published for his own individual benefit. The profits are to be devoted to the support of an English school at Pubnah, originally established, "much to his credit," by a native of the name of Digumber Shaha; and at present upheld by voluntary subscriptions. Such generosity scarcely requires any laudatory comment. It speaks for itself. Mr. Cheap's zeal in the discharge of his public duties, and his desire of making others as zealous and efficient as himself, by affording them facilities for acquiring information, seem only to be surpassed by the liberality of his sentiments; and the munificent benevolence of his actions.

Report of the Committee appointed by Government in May 1844 ; to inquire into the practicability of providing Calcutta with Wet Docks, capable of containing a part, or the whole, of the shipping frequenting the Port. Calcutta : 1846.

THIS is a Report which we have perused with great and unfeigned pleasure. The extreme desirableness of the object is universally admitted ; and the growing exigencies of our rapidly extending commerce point to its attainment as sooner or later inevitable. With such an immense commercial marine, constantly floating on the bosom of our magnificent river,—exposed at one season to the impetuous violence of the *bore*, or tremendous ocean-wave ; at another, to the cataract force of the freshes ; and at another still, to the resistless sweep of the hurricane,—it has often been a matter of wonder and surprize, that Calcutta should be so long bereft of the advantages of such a Naval Asylum as is to be found in properly constructed Wet Docks.

But it is not as a Refuge or protecting shelter from perpetually recurring casualties alone that Wet Docks are valuable. There are many other advantages, both on the score of convenience and economy, which must at once suggest themselves to every reflecting mind. On these, from their very obviousness, it is altogether unnecessary to dwell. We, therefore, at once turn to the Report now lying before us—a Report, whose opportune appearance we may hail as indicative of a determination in influential quarters to supply our metropolis, as speedily as possible, with its chiefest commercial desideratum.

Finding nothing in the Report but matter for commendation, our purpose was simply to furnish an epitome or digest of its leading contents. Even this slight trouble we soon found we had been spared by the admirable summary which so timeously appeared in the *Friend of India*. With that rare tact,—which is the joint product of sagacity and experience, and which in its maturer form becomes a finer sort of *rational instinct*,—the *Friend* has felicitously seized on those points which are at once the most essential as regards the practical object, and the most interesting as regards the popular mind :—

“ The Wet Dock Report is a plain, business like, document, and appears well calculated to secure public confidence. Unlike many of the projects which have from time to time been laid before the public in India, the estimate of receipts is based on facts supplied by experience, and the only portion of it, on which there rests any uncertainty, is the cost of their construction. In this country, the ultimate expenditure is found in every instance to exceed by thirty, fifty, and sometimes a hundred per cent. the original calculation.

The project of a Wet Dock has been often propounded. The idea seems to have originated with General Watson, one of the most public spirited and enterprising men ; and one of the greatest benefactors whom India has ever possessed, and to whom the port of Calcutta was indebted for the introduction of Ship building. His plan embraced the union of Wet and Dry Docks, and he went to the expense of changing the course of Tolley’s Nullah, in

order to form a space, partly and mainly in its old bed, for his projected docks. In 1824, a committee was appointed by Government to investigate the subject, and a plan of Wet Docks to be constructed in Tolley's Nullah, drawn up by Major Shalch, was laid before it. That Committee met twice, then adjourned *sine die*, and, on account of the Burmese war, never reassembled again.

The loss of life and property in the gale of June 1842, drew the attention of Government anew to the importance of guarding against the effect of similar calamities, and of providing a remedy for the dangers to which the Shipping of Calcutta are constantly exposed while lying abreast of the town. A correspondence ensued between the Executive Government and the Marine Board, which, at the end of two years, led to the appointment of a Committee, to examine and report on the subject. The Committee consisted of four official and three non-official members; and at the end of two years more we have the following result of their labors.

The first question which engaged the attention of the Committee related to the doubts which had been suggested, as to the navigation of the Hugly remaining permanently open. It is known to every one who has looked into the Bengali Almanac, that, according to the sacred writings of the Hindus, the days of this noble river, which flows along the Metropolis of British India, are numbered, and that at the end of fifty-two years, it will altogether disappear. A rumour that this prophecy was likely to receive its fulfilment had been diffused abroad, and, as it was affirmed that the river was annually becoming more and more shallow, the Committee required the Twelve Branch Pilots to state whether from their observation and experience, any permanent obstruction of the Hugly was to be apprehended; and they reported that during the last quarter of a century, no permanent change in the channels had taken place, and no permanent interruption of the navigation need be feared, because new channels opened as the old ones closed. Having received this agreeable assurance, the Committee proceeded to discuss the site for the Docks. It was at first proposed to establish them down at Akra, and to connect the Custom House in Calcutta with that station, by a Railroad, eight miles long. But it was at length resolved to fix upon Kidderpore, in the neighbourhood of the spot selected more than half a century ago by General Watson for this object. The area of the docks is fixed at about 500 bighas of land, and the value of the ground has been estimated by Messrs. Burn and Co. in round figures at 5,50,000 Rs. The plan of the Committee embraces the construction of two Docks, Export and Import, capable of accommodating Two Hundred vessels of 400 tons each. The dimensions of each dock are to be, 2,000 yards in length and 140 in breadth, so as to allow two vessels to lie abreast. They are to be provided with a common entrance and a turning basin, which will communicate by locks with each of the docks, and to have an entrance lock with three pair of gates, leading to and from the river. The docks are, moreover, to be furnished with two ranges of godowns with iron roofs; a superintendent's house; as well as accommodations outside the walls for 5,000 of the crews of vessels, European and Native. Finally, they are to be connected with the Custom House in Calcutta by means of a Railway three miles and a half in length. The whole expense of these works has been estimated by Captain Goodwyn at Rs. 45,70,000.

Mr. Murray Gladstone, one of the members of the Committee, has estimated the revenue which may be expected in the shape of dock dues at Rs. 6,15,490. The calculation on which this estimate is founded; may, we believe, be fully depended on. The annual expense of the Dock establishment

and of the cost of keeping up the Railway, as well as the allowance for the wear and tear, or depreciation on the Capital of half a crore of Rupees, will amount to 1,64,776 Rs. which leaves for a dividend the sum of 4,50,000 Rs., or at the rate of Nine per cent. per annum.

The actual charges of shipping and landing for a vessel of 400 tons, in the river, are calculated by the Chamber of Commerce at 1,220 Rs. The Wharfage dues on the docks on the same cargo, as proposed by Mr. Gladstone, would be 1,625 Rs. making a difference against the use of the Docks of 405 Rs. On the other hand it has been assumed that a vessel of this burden is, on an average, *forty-five* days in port, that such a vessel in dock would load and unload in about *three weeks*, and thus a saving of twenty days may be expected, on an average, in every case. The daily expense of a vessel of this size when in port; including wages, provisions, interest on the value of the block, river insurance, and depreciation on wear and tear, is estimated at 68 Rs. The account will therefore stand thus :

Saving of 20 days at 68 Rs.	1360
Deduct extra cost of Docks, ...	400

Rs. 960

That is to say, upon this calculation there will be an actual saving on every such vessel of 960 Rs. while in port, by the use of the Docks; and the annual saving on 651 ships which frequent the Port, will be Rs. 6,24,960. In addition to this benefit, vessels will escape the losses arising from accidents, which in the Hugly are more numerous, and entail more expense, than in rivers not visited by the Bore, or by the Freshes. The Report says that the Bores have lately been much more severe than in former days, and this remark is fully corroborated by the experience of those who have lived for any length of time on the banks of the river. Twenty years ago, a Bore at Barrackpore during the rains was seldom expected. In the present year, it has entered the river without interruption from march onwards, and has been violent beyond all precedent. The docking system will also put an end to the pilfering of cargoes, so systematically pursued, by the Natives employed in conveying them to and from the shore, and which at the lowest computation is estimated at Five lakhs of Rupees a year.

The amount which will probably be saved to Government, in the Preventive Service and the Harbour Master's Department, has been estimated by the late Collector of Government Customs, at 1,78,000 Rs., and Government will be enabled to reduce the port charges to that extent, without any pecuniary loss.

The two great risks to which Wet Docks are exposed, are fire and disease. The former is to be avoided by carefully excluding all fire, which the Committee seem to think may be effected by incessant care and vigilance. Whether this will be effectual in the case of natives, so passionately attached to the habit of smoking, remains to be seen. A still greater danger, however, is to be apprehended from the prevalence of disease, in a situation so well adapted to create it. It is proposed to provide against this evil by "scouring tunnels, which, having their heads in Tolley's Nullah, may be filled at the top of high water in it, by sluices, closing when the tide in the Nullah begins to recede." The value of the Docks will depend in a great measure on the success of this method of scouring them. From the filth which must continually accumulate in them, they will be particularly exposed to the attack of disease, and should it once break out with virulence it will be the duty of Government at once to release all vessels coming into port from the obligation of using them; and when once in bad odour from

this cause, they will hardly be able to recover their good name, and the whole project may thus prove abortive.

The success of the Docks depends altogether, as the Committee state, *on its being made compulsory on all ships and goods to pay the Dock dues.* With this aid, there can be little doubt that the project will yield a sufficient return for the capital employed. Supposing the expense of constructing them, to grow, as usual, under the hands of the architect, from 50 to 70,000,000 Rs. still the dividend will be equal to $6\frac{1}{2}$ per cent., which is more than the average of Railway dividends in England, and will be sufficient to draw out the wealth of Capitalists at home to assist a scheme secured from loss by a legislative enactment, and by the interest of Government. If the payment of dock dues be not made compulsory, we very much question whether it would be a safe speculation. A vessel of four hundred tons, which from delay in obtaining freight or passengers, or any of the numerous contingencies by which vessels are detained in port, did not expect to leave it within a month and a half, would not be disposed to incur the loss of 400 Rs. by going into the docks. And, if the actual charges of shipping and landing on the one hand, and of Wharfage on the Docks on the other, are in proportion to the size and the freight of a ship, the noble vessels of 1200 and 1400 tons which visit our port during the winter, and which are seldom able to clear out under six weeks, would incur a loss of from 1,000 to 1,200 Rs. by being obliged to go into the docks. If, therefore, it be left optional with the consignees of vessels to avail themselves of the docks or not, it is scarcely to be supposed that a sufficient number will be found to make use of them, to afford a remunerating return on the capital expended in their construction.

The supplement to the Report, contains a correspondence between Mr. Simms and Col. Forbes, on the question of connecting the docks with the city, by an atmospheric Railway, or one worked by locomotive Engines. If, according to *Punch*, the atmospheric Rail derives its name from shooting through the atmosphere without encumbering the earth, there can be little doubt that it ought to have the preference. But as it must, equally with its competitor, pass along the ground, the direction in which it is planted becomes a question of importance, more especially as there is every probability of its passing close to the Fort, and injuring some of the most important streets of Calcutta—that is to say, it is to be conducted in a straight line from the Docks to the Custom House. But it must be obvious that if we are to have a rail from Calcutta to Mirzapore, running for a considerable distance, in the first instance, on the left bank of the river; it would be most advisable to connect the Docks with the terminus of that Rail in Calcutta which will probably be fixed in some central part of the town; and the Wet Dock Rail will thus avoid an inconvenient proximity to the Fort. But this matter has been wisely left in abeyance. Mr. Simms observes that the atmospheric system is still a debateable subject; and as the Rail will not be required before the Docks are ready for the shipping, which, if we are to judge from the time which has elapsed between the first mooted of this project by Government in 1842, and the publication of the present Report, will not be the case under eight or ten years, it would be a mere waste of time to bring this subject under discussion."

It is earnestly to be hoped that no insuperable obstacles may be found in the way of speedily realizing the contemplated design. There is a natural congruity in the order of events by which Calcutta,—the metropolis of British India and the commercial capital not of Bengal merely, but, if extent of traffic be considered, of the

Asiatic world,—should take the lead in this new career of improvement. It was not so in Great Britain. There, the example was not first set by London, the metropolis of the British Empire, though beyond all question “the first city in the world for its opulence, its commerce, and public spirit, and possessing within itself the powerful internal means of supporting docks and all other conveniences that trade and shipping may require, on the most extensive plans.” No. The honor of being the first to construct wet docks was reserved for Liverpool, which, about a century and a half ago, was only a small and obscure fishing village, but has since risen to the rank of the second commercial town and port in the Empire. For this rapid and extraordinary rise it has been mainly indebted to its wet docks, which,—offering so much facility and convenience to the merchant in loading and unloading his ships without being “exposed to the risk of losing both ship and cargo in a rapid tide river,”—naturally attracted to itself a constantly increasing share of the commerce of the kingdom. It was in 1708, that an act of Parliament was obtained for the construction of the first wet dock, which laid the train of onward prosperity that has since converted the poor fishing village into a city distinguished for its magnificence and wealth. On the authority of official reports, we are informed, that “in the ten years ending with 1808, the number of ships that entered these (the Liverpool) docks, was 48,497, tonnage 4,954,204; and the *dock duties* received £329,566; and that, in the following ten years, ending in 1818, the number of ships was 60,200, the tonnage 6,375,560, and the amount of dock duties £666,438.” Such was the enormous growth of shipping operations within the space of little more than a single century!—and it is a growth, which, so far from having reached its climax, holds out the prospect of a yet indefinite increase.

But striking, and even wonderful as was the success of the wet dock experiment at Liverpool, other parts of the United Kingdom were very slow to imitate or profit by the signal example. Even London was, in this respect, greatly behind many of the provincial towns. With the exception of what was achieved by the enterprize of two private ship builders, Messrs. Perry and Wells, London, for the long space of nearly a hundred years, kept strangely lagging behind. Notwithstanding, as has been well remarked, “the total inadequacy of legal quays, which subjected the merchants to incalculable losses and delays, and in many cases proved absolutely ruinous; notwithstanding the effect of the heavy, expensive, and fatal embarrassments experienced regularly on the arrival of the West India fleets, and the annual losses by plunder in the river, on West India produce, which alone, were calculated to amount to £150,000 to the proprietor, and £50,000 to the revenue, and *more than double* those sums, including other branches of commerce,—it was not till the year 1799, that prejudices and private interests were so far removed, as to enable the merchants concerned in the West India trade, to obtain an act of Parliament to carry into execution a plan of docks, quays, and warehouses, for the convenience of that trade, on the isle of Dogs.” But,

when once the spell of apathy was fairly broken and the spirit of enterprize awakened, the "merchant princes" of the British metropolis acted with an energy and largeness of view, worthy of their high character and renown. The West India Docks were constructed at a cost of £1,200,000. Then followed the London docks, at a charge of £2,200,000. These were again succeeded by the East India and other docks, at an expenditure proportionally profuse.

Now then, once more, from the commercial metropolis of the West, do we, by a natural transition, turn to the commercial metropolis of the East, to express anew our sanguine hope, that, after the prolific and accumulated experience of the benefits connected with the wet dock system, we may be speedily privileged to witness the execution of a project, so well calculated to secure and promote the interests of commerce amongst us, reflect credit on the enterprise of our mercantile community, and redound to the honour of our British Indian Government.

Four Lectures on the advantages of a Classical Education, as an auxiliary to a Commercial Education. With a letter to Dr. Whewell upon the subject of his tract "on Liberal Education."
—By Andrew Amos, Esq. Late Member of the Supreme Council of India; Recorder of Nottingham, Oxford, and Banbury; Auditor and Fellow of Trinity College, Cambridge, &c.: London. Bentley, 1846.

WHILE the main body of the *Calcutta Review* is exclusively devoted to the treatment of questions relating to "India and the East," we have all along considered ourselves entitled, and indeed called on, in this department of *Miscellaneous Notices*, to cause to pass under Review all works of any consideration that issue from the Indian Press, or owe their origin to Indian or Indianized men. It is on this latter ground that the volume now before us claims our notice. Its author was for several years our fellow-citizen; and though the work before us was not composed in India, yet it is evident that many of the ideas expressed in it are of Indian origin. Mr. Amos did not, whilst amongst us, lay himself out, to use a homely expression, for literary reputation; but having had access to some small performances that he printed here for private circulation among his friends, we happened to be aware that he was given to classical studies.

In order that a fair estimate may be formed of the merits of this performance, it is needful to be borne in mind that the main portion of it is professedly addressed to school-boys, and is intended to urge upon *them* the duty of giving heed to classical studies. Now as Solon protested against his laws being judged of in the abstract, and claimed credit for them on the ground that they were the best that those for whom they were intended would receive, so in like manner it is quite

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possible that a defence of classical education may be the best that those to whom it is addressed are capable of receiving, while yet it is not the best *per se*. This indeed is not only possible but necessary; for certainly the strongest arguments in favor of such an education are, from their very nature, inappreciable by the generality of boys; not so much on account of the immaturity of their understandings, as on account of the juvenility of their tastes. If we tell them for example of the pleasures and delights of holding converse with the sages of antiquity, and deriving lessons of instruction and warning from them, we shall find that they are generally incapable of estimating such pleasures, and cannot conceive that they are at all comparable to those that are at once derivable from the cricketing or the rowing match: or if we tell them of the mental discipline which is associated with the well directed study of the classics, we speak to them a language which is necessarily well-nigh unintelligible; and so with many others of what are in themselves the strongest arguments for a classical education. Every man of sense and sound judgement, would accordingly feel himself constrained to adopt a very different course of reasoning,—when he should be required to urge upon the boys of a classical school, the importance of making the most of their opportunities,—from what he would adopt were he consulted by an intelligent father as to the propriety of his sending his son to such a school. We do not find that Mr. Amos any where puts forward this distinction, or uses it as an apology for what some of his readers may regard as the defects of his performance; but we think it only fair to call attention to it in his behalf, and to request our readers to bear it in mind, if they should undertake the perusal of Mr. Amos's work.

But it must not be supposed, while we thus put forth a sort of apology for the work before us, that it is not well qualified to stand the test of criticism on its own merits. The argument in favor of a classical education is generally well put; the reasoning is admirably adapted to the capacities of those who are supposed to be addressed; and the whole is so enlivened with anecdotes and fragments of literary gossip, as to make the lectures not a little entertaining.

In almost every case in which men are led to the examination of existing institutions and prevalent practices, the difficulty is to steer the middle course between the Scylla and Charybdis of defending what is bad, or destroying what is good. Into one of these errors we suspect most of our writers on this important subject, have fallen. In *this* case, at all events, whatever some may think of our views on some other subjects, we are all for moderate measures. We would neither abolish classical education, nor would we make it exclusive; we would neither condemn every kind of classical education, nor would we advocate every kind of it. We believe that a course of classical education, *if well conducted*, would have advantages that no other course could have; but we believe also, that however well conducted, it would want advantages that might be enjoyed under another system; and although we are not Utopians, we think it not impossi-

ble to devise a system that might combine the advantages of the classical with those of what, for want of a better term, we may call the scientific system. Such an eclectic course of instruction would probably have the great merit, in addition to its securing the advantages of both systems, of avoiding the evils incidental to both. All will however depend upon the working of the plan. It is quite clear that if badly worked, it will yield just the opposite result to those that we have mentioned; and those educated under it will exhibit the advantages of neither, and the disadvantages of both the component systems. The *theory* is certainly all in favor of such a system as that which we advocate; for assuredly no sensible man would wish his son to be made a *mere* linguist, that is in other words, a mere pedant; nor would any one wish the "hope of his house" to be made a *mere* mathematician. God has given to man various faculties, and it would appear that for the education, (or education) of these, various pursuits were desirable. But we admit that the *practice* is very difficult, although we do not think it is to be despaired of.

It is highly probable that the cause of non-exclusively classical education, like many other good causes, has suffered from the incompetency of some who have endeavoured to reduce the system into practice. It is not to men who adopt such a course, merely from their felt incompetency to give a thoroughly classical education; and who think to bring down the under-loaded scale of classical attainments, by throwing a *little* mathematics in along with a *little* classics, that we can look for the character of the system being sustained. And perhaps there is no single man who can compete in classics with the first classical men, and in mathematics and science with the first mathematical and scientific men;—an Admirable Crichton could scarcely exist in our day. But the *division of labor* comes to the aid of the weakness of man. This principle is at the foundation of all our Universities, and has been already introduced into all our principal schools. And indeed in all these schools the very mixture for which we contend exists in name, though hardly in reality. Arithmetic, and a little Mathematics, with some smatterings of General Science, are taught, or are professed to be taught, in them all: yet we believe in all the great schools in England, the time devoted to these subjects is universally regarded by the boys, as so much subducted from their play. Every school-boy divides his time into two portions, devoted respectively to school business and to play; in our English schools the former means the classics; and he regards the time occupied by the Mathematical Master, as so much taken off from the latter of the two grand divisions. We have often wondered that at schools, many of whose scholars must be intended to continue their studies at Cambridge, where mathematics is all in all, such a state of feeling should be allowed to continue; for it is unquestionably in the power of the Masters to abolish it.

Mr. Amos's first argument in favor of the classical education of commercial men, is the influence that it will give them, when after having made their fortune, they shall become Members of

Parliament. This is perhaps the least felicitous argument in the whole book ; and we suppose the juvenile commercialists to whom it is addressed, must have picked up, by anticipation, enough of professional knowledge to enable them to set the argument aside by the answer, that the risk is so great and the return is so uncertain, and at the best so slow, as to make the venture an unsafe one. But little better is the argument derived from the power that a Classical education invests its possessor withal, of reading the mottoes on the carriages of the nobility, and on the rings that are distributed by barristers on becoming Sergeants. Here again we suspect the answer of the young merchants would be, that the return, though less uncertain than in the former case, is too small to make the speculation a safe one.

Altogether, the most successful part of the work, to our thinking, is that in which the author answers the objection that the benefits of a classical education can be secured with much less labor by means of translations of the Classical authors. This is a subject which it is difficult to render palpable to those who have little acquaintance with the classical writings and their translations, and we think our author succeeds very happily in shewing the necessary inferiority of the latter to the former. We should like to give an extract from this portion of the work, but cannot find one short enough.

We have stated that one of the chief attractions of the work is the literary and miscellaneous gossip with which it abounds. We believe we shall best please our readers generally by giving some specimens of this, leaving those of them who are deliberating as to the education to be bestowed on their sons to consult with Mr. Amos through the medium of his own pages. Here is a picture of

A CALCUTTA BABU.

"I have been informed by persons who lived in the East Indies about fifty years ago, that there then flourished a very opulent native merchant, who commenced the world with the very slender fortune of *five cowries*. These are small white shells which pass throughout the East for money, (I have brought with me five cowries to show, as things are apt to make a stronger impression on the eyes than on the ears). The ships belonging to this merchant might be met with in all parts of the Indian ocean, and they might be immediately recognised by means of their flags, which bore on them the representation of *five cowries*, thereby indicating from what a small beginning their owner had risen to the possession of immense wealth. But in those days our native fellow subjects in the East had not the opportunities, which are now afforded them by the British Government, for receiving a classical, and, in all respects, a liberal education.* What do you suppose

* Lord Auckland and Lord Ellenborough have, I have no doubt most deservedly, received high honours from this country, on account of the victories achieved, *under their auspices*, (as a Roman would say,) by Anglo-Indian troops, over undisciplined barbarians. Lord Auckland, Sir Edward Ryan, Mr. W. W. Bird, and Mr. Macaulay, —all filling very high situations in India, and the three latter Presidents of the Board of Education,—have, within my own knowledge, by the encouragement of native education, been eminently instrumental in securing triumphs far more conducive than any to be reaped on the battle-field to the stability and glory of our Indian empire. They have obtained brilliant, and not less lasting than brilliant,

was the species of relaxation and indulgence which this merchant devised for a leisure hour? He used often to order a number of bags of gold and silver to be brought; and then rolling upon them, under them, and among them, called upon the crowd of his servants and dependants whom he had summoned for the occasion, to gladden his heart by their exclamations of envy and admiration!"

The following anecdote we may entitle :—

BISHOP : ARCHBISHOP-DRYAD : HAMADRYAD.

"When Benserade was attending a drawing-room of the Court of Louis XIV. he was asked by *Madame* what was the difference between a Dryad and a Hamadryad? But not being so versed in classical mythology as in modern literature, he was at a loss for a reply; so observing that on either side of Madame's chair were *papilioning* (to Anglicise a phrase of a modern French novelist) an Archbishop and a Bishop, he made answer, "The same difference that prevails between Bishops and Archbishops." It was afterwards a standing jest at Versailles, that this or that bishop was aspiring to be made a *Hamadryad*."

The following we should have made use of in our paper on *Sir William Jones* in our last No., had we had the good fortune to meet with Mr. Amos's work three months ago. It may be regarded now as a *pendant* to that article :—

SIR WILLIAM JONES.

"The book which I hold in my hands is a law-book, called Gilbert's Evidence—a book which has had its day, but is now seldom read. On the fly-leaf of this book is Sir William Jones's original manuscript of his version of the well-known Latin lines upon the best mode of appropriating the twenty-four hours of a day. It is to be found in that Pelion upon Ossa, Coke upon Littleton :—

"Sex horas somno, totidem des legibus æquis,
Quatuor orabis, des epulisque duas;
Quod superest ultrá sacris largire camæniis."

Lord Teignmouth, in his *Life of Sir William Jones*, writes, apparently with reference to a different manuscript, "On another scrap of paper the following lines appear: they were written by him in India, but at what period is not known."

"SIR E. COKE.

Six hours in sleep, in law's grave study six,
Four spend in prayer—the rest on nature fix."

"Rather :—

Seven hours to law, to soothing slumber seven,
Ten to the world allot, and *all* to Heaven."

successes, by prevailing over the ignorance, the immoralities, the prejudices, the crimes, and the aversion arising from difference of religion and colour throughout territories in which the subjects of England exceed by many millions the inhabitants of the dominant state. However dazzling the *éclat* of military success, obtained by brave but mercenary sepoys over the "*devota morti pectora libera*" yet reason appears to side with our immortal bard in affirming, that

"Peace has her victories
No less renown'd than war."

In Mr. Macaulay's critical Essay, in which he reviews Croker's *Life of Johnson*, Sir W. Jones's version is quoted thus :—

"Six hours to law, to soothing slumber seven;
Ten to the world allot, and all to heaven."

Mr. Croker having mentioned that he had difficulty in understanding what Sir W. Jones meant to do with his twenty-fourth hour, Mr. Macaulay comments on his dulness of comprehension: He says that the point is a *wretched conceit*; when you expect the couplet to end with *one* to heaven, you are surprised by the ending "*all to heaven*," but that the couplet never, before Mr. Croker, perplexed man, woman, or child. You will, however, now see that Mr. Croker's perplexity, and Mr. Macaulay's strictures on Sir W. Jones's supposed conceit, are altogether founded on a wrong reading of *six* for *seven*,—not the first time that these numbers have been confounded."

The original manuscript, which you have here before you in Sir William Jones's handwriting, with all its emendations, stands thus :—

"E. C.

		be six	address'd ;
Six hours to sleep allot, to law	the same	applied ;	
F Pray	feast	sweet	claim
Pray four ;	feast two ;	—the rest the Muses claim	the rest
		the Muse claims	all beside."

"W. J.

Seven hours to law ; to soothing slumber seven ;
Ten to the world allot ; and all to Heaven.

1784."*

We must now bring this notice to a close. In addition to the four lectures, written for the purpose of being addressed to the boys of a commercial school, the volume contains a letter to Professor Whewell, and a collection of anecdotes "extracted from the MSS. of a deceased Fellow of a College." The former production is both pertinent to the subject of the volume, and necessary to supply those arguments in favor of classical education, and to make those distinctions in regard to the manner in which it ought to be conducted, which could not suitably be addressed to school-boys. In this letter there is much

* The book and manuscript mentioned in the text were given me by the Hon. Sir Henry Seton, now occupying the same judicial station which Sir W. Jones held in India. Often, after a day spent by Sir Henry in administering, as myself in making, laws for the subject millions of Great Britain in the East, he has compared his Westminster with my Eton reminiscences of the classics, over the festive board, near the banks of the Húghli, with the thermometer at 90 deg., and in such conversations we have entirely set aside all thoughts of that scourge of Europeans, the Indian cholera, at seasons when it might have appeared, like the sword of Damocles, to be suspended over us by a very fragile thread.

There is in the possession of the Right Hon. Sir E. Ryan a very interesting diary kept by Sir W. Jones, from the period of his wife leaving India, up to the very night before his death ; and bearing, in the last entries, indications of severe malady. Two of the official clerks of Sir W. Jones are still alive: one of them is an East India Director. There are several interesting anecdotes relating to him that have never been published, and which rest on indisputable authority. Nor, perhaps, was a person of Lord Teignmouth's political views the most fit author to depicture in proper colours the man who, with the learning of the Greeks, imbibed their enthusiastic love of liberty, and who first conveyed to English ears the inspiring answer of one of their patriotic poets to the question, "What constitutes a state?"

that deserves commendation, and will repay perusal. As to the collection of anecdotes appended under the title of "Notes of the Table-talk of a combination room in the last century;" we are utterly at a loss to comprehend what they have to do here, or what led a man of Mr. Amos's good sense and good taste to insert them, and thereby to degrade a work on a subject so grave as that of the education of British Youth into a silly jest-book. It could not be their bearing upon his subject that induced him to append them, for nineteen out of every twenty have no such bearing; it could not be a desire to do honor to the memory of his deceased friend, for he himself admits that they have rather the opposite tendency.—We presume that the author's "better mind" has ere now recovered its sway, and that the second edition of the work will be set free from so unseemly an appendage.

C. Cornelii Taciti, de Situ, Moribus, Populisque Germaniæ, Libellus. Necnon Cn. Julii Agricolæ Vita. Quibus accedunt Notulæ Anglicæ, et Index Historicus et Geographicus, Cura Gulielmi C. Fyfe. Calcuttue, 1846.

So far as we know, this is the first edition of a Classical work that has issued from the Calcutta Press; and, as such, it ought to be received by us with all kind greetings. May it be followed by a long train of successors, until the typographers of our fair palatial city become worthy to be enumerated with the Aldi of Italy, the Elzevirs of Holland, the Baskervilles of England, and the Foulises of Scotland!

Tacitus is perhaps the only prose writer for whom scholars ever conceive a passion, such as it is generally deemed peculiar to poetry to excite; yet, like the love of oysters and of London porter, the love of Tacitus is an acquired taste. It is necessary to *learn* to like him; and the sooner the young scholar learns this, the better. Never has any historian, to our apprehension, so well succeeded in blending an accurate statement of facts with terse and well-timed moral reflections; and the abruptness, yet aptness, with which these latter are introduced, gives to every sentence almost the point of an epigram. We know not how Tacitus could be better characterised than in that account which Milton gives of the Greek tragedians, when he styles them,

Teachers best
Of moral wisdom, with delight received,
In brief sententious precepts.

But it is not with Tacitus that we have to do; but with the Calcutta edition of his two celebrated tracts, the *Manners of the Germans* and the *Life of Agricola*. The first essential of a good edition of any Classical author is a pure text; and we have very much pleasure in stating that, having carefully read the whole of Mr. Fyfe's edition of the *Germany*, and compared it, in all passages on which we had any doubt, with the Elzevir edition of 1665, we are able to give it, with

the exception of a few typographical errata, our unqualified approbation. Some of these typographical inaccuracies we may mention; as for example C. 12 *consilium* and *consiliis*, occur instead of *concilium* and *conciliis*; in the first line of C. 15 *non* is omitted; in C. 20, we have *aedam* for *eadem*; in C. 21, *Mortalis* for *Mortalius*, in C. 25, *pecoris* for *pecoris*; in C. 37, *Imparatoris* for *Imperatoris*: and in C. 46, *Aliud* for *Aliud*. We suspect that the first of these inaccuracies is due to a want of "wide-awakeness" on the part of the editor; the others are clearly of that class of ills to which all those are heirs, whose works are printed by Bengali compositors. In pointing out these inaccuracies, we ought to state at the same time that ours is a copy received from the editor before the actual publication of the work, and that we understand that the edition will not go forth to the world without a table of errata, in which we presume they will be corrected.

Next to a pure text is good punctuation. This is true to some extent of all classical authors; but of Tacitus, most of all. Good punctuation is to him potentially a commentary. The displacement of a comma will often render a sentence puzzling even to a proficient, which otherwise were easy to a tyro. With Mr. Fyfe's punctuation generally, we are well pleased. Occasionally, we think the sentences are unnecessarily broken down by an exuberance of commas; and we do not see the propriety of marking with inverted commas speeches in the indirect or reported form. The established rule on this subject, (and we think it is a good one,) is to mark all *direct* speeches with inverted commas, but not *reported* speeches. As for example, we should use such commas in such a sentence as this. *I said to him, "Have you read the Calcutta Review?" And he answered, "Of course; every body has;"* but we should not use them if the sentence were put into this form;—*I asked him if he had read the Calcutta Review; and he answered, that not only he, but every person of taste and judgment, makes a point of reading it as soon as it appears.* Not only does Mr. Fyfe mark such sentences as the latter with the appropriate mark of quotation, but he even designates the reported *opinions* of individuals or nations in the same way; as for example;—*Ipsæ eorum opinionibus adcedo, qui "Germania populos nullis aliis aliarum nationum connubiis infectos, propriam et sinceram et tantum sui similem gentem exstitisse", arbitrantur.* In a few instances, but a very few, commas are wanting where they ought to be. We may mention the following, in which probably the sin lies at the door of the compositors:—*Aleam quod mirere, sobrii inter se exercent.* Here there ought clearly to be a comma after *aleam*; or, better still, *quod mirere* should have been within a parenthesis.

Last of all, of an edition, "in usum juventutis," good explanatory notes are an essential requisite; and such notes, the edition before us supplies. In reading such a writer as Tacitus, probably no two scholars will find the same passages the most difficult; each will find difficulty in passages which seem to the other to present no difficulty at all. This undoubtedly is the reason why, in using annotated editions of the classics, we have often thought that they gave expla-

nation where none was needed, and gave none where it was most needed. A practical teacher undoubtedly has the best opportunity of knowing what passages present difficulties in the way of boys; and he therefore is best able to prepare an edition for their use. Although therefore we find passages explained in Mr. Fyfe's notes which we should not have thought it necessary to explain, and others left unexplained which seem to us more difficult, yet on this point we must defer to the Teacher's experienced judgment. The notes are very brief; just such as a school-boy wants, to whom long dissertations are worse than useless. They almost always seem to us to present a correct view of the author's meaning, and are altogether very much as we think such notes ought to be. In justification of our use of the term *almost*, we may cite one or two instances in which the editor is more or less at fault. In C. 3, we have the following passage,—“terrent enim trepidantve, prout sonuit, acies,”—thus explained, “for they cause terror, or are frightened, according to the nature of the sound which proceeds from the army.” Now, here, either the punctuation or the translation is at fault; for the former indicates that *acies* is plural, and the nominative to the verbs *terrent* and *trepidant*; while the latter makes it singular, and the nominative to *sonuit*. We doubt not that the punctuation is right and the translation erroneous; *acies* is the nominative to *terrent*, and *cantus* or *barditus* to *sonuit*. In a note on C. 4. we are told that “the words *inficere* and *corrumpere* do not always imply a change for the worse,” and we are referred for confirmation to Virg. Georg. II. 466. Now that this may be the case with *inficere* we do not deny; but we do not think, that, in any classical author, *corrumpere* occurs without implying that, in the author's estimation, the change expressed by it was for the worse. If a man should say that a certain person *spoiled* his wine by mixing it with water, and if a member of the Temperance Society should argue that *spoil* must mean to *improve*, because wine mixed with water is much better, or at least much less bad, than pure wine, it is very evident that the teetotalter, whether sound or unsound in the moral, was altogether out in the philological argument. Now it is just so in the case before us: the Roman writers may designate by the term *corruptio* a change which we should reckon an improvement, but we do not know any instance in which they use this or any cognate term to indicate aught else than depravation. Again, in C. 6 we are told “*Tela* are weapons; *arma* defensive armour.” Now this statement is a good deal too general; *arma* is frequently used to signify both offensive and defensive armour; and sometimes, if we mistake not, exclusively the former; an instance of which, we think, occurs in C. 11. of the work before us, in which the author says “Honoratissimum adsensus genus, est armis laudare.” Here “*Armis laudare*” is synonymous with “*frameas concutere*” in the previous sentence; But *framea* was a weapon of offence. In C. 24, we have the reading “*Ea est in re pravâ pervicacia; ipsi fidem vocant:*” and in a note the corresponding rendering, “such is their perseverance in an inveterate habit; and they themselves

call it honor." Here the rendering is in accordance with the text; but we suspect both are wrong. We have no authorities to which we can refer for confirmation or correction of our opinion, for we have no copy in which the circumflex is used to designate the ablative case; but we have little hesitation in giving it as our opinion that the reading should be "Ea est, in re, prava pervicacia." "Such is in reality their perverse obstinacy, they themselves. &c."

We have dwelt at much greater length upon this work, and have entered with much more minuteness into its merits and defects, than we should have felt justified in doing, but for the fact which we stated at the outset, that we believe it to be the first classical product of our local press. Notwithstanding the faults that we have pointed out or alluded to, we have much pleasure in declaring it to be a highly creditable performance, reflecting honor both on the Editor and on the Baptist Mission Press.

Catalogue of the Calcutta Public Library, Calcutta, 1846.

ALTHOUGH WE, (that is, the great WE of the *Review*) have written much for the edification of 'Friends at home,' in regard to the details of Indian Life, yet there has been little said of the manner in which *we*, (the small *we* of this notice, forming but a fractional portion of the more comprehensive pronoun,) habitually spend the leisure portion of our days, and sometimes a part of our nights. Be it known then unto all to whom these presents may come, that there are people in India who *read*, as well as people who shoot tigers, and people who talk scandal, and people who eat curry, and people who drive on the course. It must be confessed, however, that the means and appliances ordinarily available for the gratification of a literary taste are not very extensive. This is true of Calcutta, and doubly so of most other stations. Up to 1843, while there was some doubt as to the extent of literary property, and as to the applicability of the English Copyright law to this country, some Calcutta publishers were in the habit of regularly reprinting works of light reading as soon as possible after their arrival in India; and one publisher in particular carried on this trade to a large extent. The daily Newspapers also were in the habit of reprinting in their columns the serial works of the day. Mr. Sergeant Talfourd's act has definitively put a stop to this practice. Now we do not complain of this; for we are very strongly of opinion that that act did no more than justice to the authors of England. But it has also been perverted into an engine for injuring our reading community, not for the benefit of English Authors, but for that of a set of men who deserve no such benefit, since they positively refuse to reciprocate it; we mean the authors of America. A few days ago we had in our hands an American book, written by an American author, and printed by an American printer, with an English title page pasted in, and an English printer's

name on the reverse of it. It was also labelled on the back with the name of a respectable London publisher, but the damp of our Bengal atmosphere having softened the paste, this masque fell off, and disclosed the name of the New-York publisher below. Thus it appeared that the London publisher had lent himself to a stratagem to convert the American book into an English copy-right work, and so to impose an unjust tax on such knowledge as is to be derived from American sources. This publisher is one too, who, we understand, has stood up most pertinaciously for the rights that this copy-right Act has conferred on him; even to the extent, unless we have been misinformed, of preventing the publication in Calcutta of a series of poetical passages for the use of Schools, on the ground of its containing some extracts from works of which the copy-right is his property. In Calcutta we have two book-shops, better supplied with the English literature of the day, than probably any other establishments of the kind out of England; but, (why it should be, we cannot tell,) whereas we have bought books every where else that we have been, at the London publishing prices, our Calcutta Booksellers never take less than 25 per cent in addition, charging largely besides for those that are brought by Steam. We are told that this additional profit is necessary to compensate for the great expense of the establishments, the large accumulation of dead stock, and the waste incidental to the climate. We suppose this must be so; else we cannot doubt that, ere this, some of the London booksellers would have established houses here, and broken down the comparative monopoly that prevails in the trade.

All these circumstances go to show that a taste for reading here is not to be gratified, save at a considerable expense. To these circumstances are to be added the frequent migrations to which members of "the services," and many others also, are exposed. These render the possession of many books no inconsiderable inconvenience. Hence appears the importance of the book-clubs that have been formed at almost every station of importance in the Mofussil, and of the Public Library of Calcutta, whose Catalogue is now before us. A Brief History of the Library is prefixed to this Catalogue; and as every thing relating to the beginning of such institutions is interesting, and may be useful to those contemplating similar achievements, we shall transfer a considerable portion of it to our pages:—

"The Calcutta Public Library owes its origin to Mr. J. H. Stocqueler, late the Editor of the *Englishman* newspaper, who in August 1835, circulated an address* among the principal inhabitants of the city. The support

* The address referred to is as follows:—

"As considerable inconvenience is sustained by almost all classes of the community of Calcutta, owing to the absence of any thing like a General Library, combining the advantages of a Library of Reference and Resort with those of a Circulating Library, it is proposed to take measures for immediately establishing such an institution, upon a scale commensurate with the interest and wants of the reading population.

"From the inquiries that have been made, it is believed that such a Library, if based

promised to the proposed institution was very encouraging, for before the expiration of the month, the names of one hundred and thirty-six gentlemen were attached to Mr. Stocqueler's scheme. On the 31st August 1835 a public meeting was held at the Town Hall, when the Hon'ble Sir John Peter Grant, having taken the chair, observed, after some prefatory remarks:—

"I believe this is the only society of the same extent which has not a library of some description; at the Cape, at Bombay, they are better provided, and Madras has its Literary Society; but here in Calcutta, we are without the means of reading, except by purchasing books, from Humphrey Clinker up to Hume's History of England. This I think is a very great inconvenience, and we even have no means, except the expensive one I have just mentioned, of procuring books of light literature, which form the main reading of the greater part of the community; or those books, which no man would purchase or refer to, except for the purpose of seeking out some particular information or referring to some point. But the particular object we have in view, will be better developed by the Resolutions which I hope will meet with general approbation. They have been drawn up to meet the convenience of all classes of the community, by no means excepting those young men, natives of this country, who are most meritoriously pursuing their studies."

A large number of respectable and influential gentlemen took a part in the proceedings of the meeting, at which the establishment of the Library was determined upon. There were two subjects which disturbed the unanimity of its advocates. The first related to the circulation of the books, and the second was with reference to the creation of a body, in whom the property should be vested. A good deal of discussion ensued owing to these differences of opinion, and those, against whose view the questions were disposed of, withheld their support from the Institution.

The nucleus of the Library was formed by donations from private individuals, and by the transfer from the Library of the College of Fort William, of a valuable collection of books, consisting of 4,675 vols. by the Governor General, Lord (then Sir Charles) Metcalfe, on certain conditions.

upon broad and liberal principles, will receive very general support throughout the Metropolis. No establishment at present exists in any degree calculated to answer the purposes proposed to be attained by a Public Library, and hence the accumulation of expensive Book Clubs, and the continual disbursement of large sums in the purchase of works of ephemeral value.

"But to render a Public Library permanent, and every way worthy of the name it adopts, it is of the last importance that the spirit of exclusiveness be renounced and repudiated by all who may desire to share in its foundation. To use the words of an able speaker upon the occasion of the formation of a similar institution elsewhere, an Indian Public Library should be a 'mighty reservoir to all who burn with the thirst of knowledge. We should not ask the comer from what land he arrived, what tenets he professes; we should not mete his understanding by his creed, nor his worthiness by the lot which he fills in life; but of whatever country, of whatever desert he was born a denizen, before whatever shrine he was taught to bow to, whatever hue the northwind has bleached or the southern sun has mellowed his complexion, we should bid him to approach to drink and be filled."

"In a word, the honourable task is proposed of diffusing a literary spirit amongst all classes, and creating means for its gratification; of opening a rich source of instruction and enjoyment to ALL RANKS AND PROFESSIONS, subject only to that moral propriety and strict observance of decorum, without which no society can long remain respectable,

"To ensure the most complete success to the proposed institution, and to render it acceptable to all persons of whatever station, it is intended to establish two rates of admission; viz. five and three rupees per month, charging also a small entrance of two gold-mohurs to the former, in order to create a fund at the commencement, and granting to the first class subscribers sundry privileges that may not be desired by the second.

"It is requested that those who are favourable to the plan now submitted for consideration, will sign their names below; and as soon as a sufficient number shall appear upon the list, a meeting will be called to arrange the details and all necessary preliminaries."

The money received from the proprietary body enabled the Library to place itself on a basis such as to admit of an early commencement of operations, and it was accordingly declared *open* on the 21st March 1836. Among the Rules relative to the circulation of books, those with regard to the pecuniary deposits having proved unpopular, are in abeyance. Of the success of the Institution, however slowly secured, it is a sufficient proof to state, that whereas at its establishment there were only sixty-three Proprietors and five Subscribers, the present number of Proprietors is ninety-five, of whom thirteen are dead, and the number of Subscribers, during the last two years, averaged as follows :

1844-45—126, paying an average monthly subscription of	
nearly.....	Co.'s Rs. 628 8
1845-46—165, ...	821 0

The circulation of books has been as follows :—

	<i>Works.</i>	<i>Vols.</i>		<i>Works.</i>	<i>Vols.</i>
In 1836-37	1,794	3,492	In 1841-42	10,784	20,862
„ 1837-38	5,137	9,827	„ 1842-43	8,764	17,145
„ 1838-39	—	16,716	„ 1843-44	9,054	16,703
„ 1839-40	11,503	22,329	„ 1844-45	9,025	17,488
„ 1840-41	13,407	27,380	„ 1845-46	13,309	26,226

Of the books circulated annually, prose works of imagination and periodical literature form by far the largest proportion. The diminished circulation from 1841-42 was apparently owing to the location of the Library in the College of Fort William, from the latter part of July 1841 to beginning of June 1844. Since its removal to this (the Metcalfe) Hall in June 1844, the circulation will be found to have increased.”

The incorporation of a portion of the library of Fort William College renders the Public Library of Calcutta very much superior to most similar institutions ; which, depending generally on the monthly, or quarterly, or annual subscriptions of the readers, consist almost exclusively of the light and current literature of the day. In proof of this we may just select the titles of a few books from the first two pages of the Catalogue,—books which are probably not to be found in any other of the ordinary subscription libraries in the kingdom.

“ Ainsworth on the Communion of Saints ; and an arrow against Idolatry. Edin. 1788-9.

“ Alberti Glossarium Græcum in Sacros Novi Fæderis libros. Lugd. Bat. 1735.

“ Alkiblo, a disquisition upon worshipping towards the East. London 1740.

“ Aristeus.—The Ancient History of the Septuagint (a spurious work). London 1685.

“ Augsburg confession. Germ. and Lat. Jena. 1750.

“ Augustini Opera (Benedictine edition) 9 vols. folio. Antwerp. 1700.

“ ——— De civitate Dei. fol. Basil. 1555.

“ ——— Translated by J. H. with the comments of Lud. Vives, folio, 1620.

“ Babington's (Bp.) Works, folio. London 1637.

In these old books, the theological department is richer than any other; which we account for by the supposition that the literary and philosophical works of the College were made over mainly to the Asiatic Society.

It is not an easy matter to make a good catalogue of books; and when our Calcutta Library becomes as extensive as we hope it will become ere long, it will be necessary for its curators to issue a new and improved edition of the catalogue. At present the one before us is sufficient for all practical purposes; with the single exception that it wants an alphabetical index; which was in the old catalogue, and ought to be also in the new. This ought to be issued as an appendix. Take a single example illustrative of the necessity of such an index. We want to know if Lord Bacon's works are contained in the Library; and we turn to the table of contents; we find the following Heads under any one of which, for aught we can tell, his writings may be classed, viz., Divinity; Intellectual and Moral Philosophy; Law; Politics, Finance, Commerce, &c; Natural History, Gardening, Agriculture, &c; Medicine, Surgery, Chemistry, &c.; Arts and Sciences; Fine Arts; History; Prose Works of Imagination; Education; Miscellaneous; Latin and Greek. To all these departments may some or other of Bacon's writings be referred, and perhaps to others also. In the Catalogue before us they are actually classed under the department of Intellectual and Moral Philosophy. We do not find fault with this allocation, although some of the other departments we have cited might present an equally strong claim; but we do find fault that we have not got an Alphabetical index by a reference to which we might at once find the “local habitation” of our old friend. Bating this omission, the Catalogue is, in other respects, a good one, and is highly creditable to its compiler, Babu Peary Chand Mitra, the Librarian.

NOTICE.

IN order to get rid of a portion of their stores, the conductors of some of our leading periodicals at home have been in the habit of occasionally issuing a double number. With a view to the same end, we have deemed it proper, on the present occasion, to issue, not a double number, but a considerably larger number than our ordinary average, or indeed than any hitherto published. And that, at the close of three years, we should have been enabled, or rather constrained by the exuberance of our supplies, to take this step, is to us a matter of honest congratulation; and we hope it will prove equally so to our numerous and constantly increasing circle of readers. The grand design of the original projectors of the *Review*, was, to render it subservient to the promotion of the good of India, in all its varied interests and relationships. Already, on a variety of momentous subjects, has it been the medium of supplying a great mass of solid and well-authenticated information. And we cannot doubt, that, in the time to come, it is destined, in an augmenting ratio, to become the chosen vehicle, through which the friends of India, in different and widely distant parts of the Empire, shall be privileged to hold genial converse with each other, and with the public at large, on those themes which they may have made the favourite subjects of study and research, and the elucidation of which, in the form of elaborate Essays or Articles, in an extensively circulated periodical, is fitted to benefit and influence the minds of those who hold in their hands the future destinies of this magnificent Realm.

ERRATUM.

AT the top of page 324, is the following sentence:—"According to the law, mokarori and istamorari tenures, held for more than twelve years before the permanent settlement, are not liable to an increase of jumma, *except when the zemindari is made Khas, in which case they are assessable according to the general rates of the district.*" The latter clause, here put into Italics, ought to be erased.

Princeton University Library



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