

The Behar Herald.

Bankipur, Saturday, Sept. 15, 1917.

THE VICEROY'S PRONOUNCEMENT.

There can be doubt that the speech delivered last week by His Excellency the Viceroy in the Imperial Legislative Council has created an excellent impression. The speech and the statements at the Council meeting on the internments will certainly go a great way towards bringing about that close co-operation between Indian leaders and Government which it must be the aim of both sides to secure. From the course of recent events it had been apparent for some time that a pronouncement on the situation in India might be made by the Viceroy at the Council meeting, and the whole country was awaiting it with a good deal of anxiety. Now that it has come we welcome it, in the first place, because as the *Times of India* puts it, it outlines a course of Indian polity which commands the confidence and trust of reasonable men; and secondly because it restores Indian affairs to their true perspective.

Whatever views may be held as to the future government of this country, it is impossible to challenge the soundness of the advice given by His Excellency that the intervening period before the arrival of the Secretary of State should be spent in the quiet examination of the arguments to be placed before him in order to enable him to form a reasoned judgment on the problems which it will be his duty to consider, and "that when Mr. Montagu arrives in India, he should find a calm atmosphere, suggested policies carefully thought out and supported by sober arguments and concrete facts and a spirit of sobriety dominating every-one, worthy of the issues to be examined." There is no doubt as to the answer which ought to be forthcoming.

As a necessary condition to this demand for the *status quo ante* in Indian political discussions, the country however has been with one voice demanding from Government a corresponding assurance of a withdrawal of the policy of internments by which the various provincial Governments were trying to suppress the nationalist movement. Lord Chelmsford and Sir William Vincent are to be congratulated on their appreciation of this essential mutuality of terms for arriving at the much desired truce to our domestic squabbles in the present hour of crisis. The preliminary step being satisfied, the Viceroy's appeal for a calm atmosphere and a spirit of sobriety dominating everyone has now every chance of being loyally responded to.

It is greatly to be regretted that the Government, who by the decision at which they have arrived, indicate, we hope, their own desire to "sit down together," to use the Viceroy's own words, "as friends" and to forget the bitterness of the past, have not realised the need at this moment for putting behind them everything that has created that bitterness. The announcement that the Government of India are prepared to recommend the Government of Madras to release Mrs. Besant and the other interned leaders from the restrictions at present imposed upon them, need not have been qualified by the condition that they require to be "satisfied that these persons will abstain from unconstitutional and violent methods of agitation during the remainder of the war." We do not know whether it is intended that Mrs. Besant and others concerned should give some sort of

guarantee in this respect, but, while we have no right to anticipate what their decision may be, it is clear that they cannot be expected to give any sort of undertaking, which either directly or by implication suggests that they have used such methods in the past, an allegation which they bitterly resent and which Indian public opinion is at one in repudiating. Nor are we able to understand why the Government of India desire to place such an embargo on unconstitutional and violent methods of agitation only during the war. Nobody is agreeable to condone such methods at any time, much less Mrs. Besant, who has throughout her life fought constitutionally for political rights and deprecated and discouraged all methods of violence. We can only hope that in their anxiety to "satisfy" themselves, the Government of India will not be so unwise as to put obstacles in the way of the achievement of the rectification of a great blunder, for which we have no doubt they are as anxious as the Indian public; and that the release of Mrs. Besant and her friends, as well as of other persons interned for their political activities, will quickly set the seal upon that new era of friendly discussion for which the whole country, as well as Lord Chelmsford, is anxious.

Taking it as a whole, however, Lord Chelmsford's speech evinces careful and broad-minded statesmanship. His Excellency's simple but characteristic claim that he would have his administration do rather than talk and perform rather than promise is one which we heartily support and is obviously justified by what the Viceroy has been able to achieve. The exposition of the record of his administration contained in the Viceroy's address should indeed convince all reasonable minds of the good faith which inspires British rule. Hopes, as His Excellency has indicated, are always delusive, but from such a past record, one naturally hopes, specially with an assurance like the one given by the Viceroy in connection with the Arms Act that the Government of India will not in future tolerate any difference of treatment based on racial distinctions. That a new era has truly dawned in the history of India, and that the rebirth of humanity after the war will also see old mother India rejuvenated by the magic touch of British liberalism, and taking her rightful place in the federation of the world.

BENGAL LEGISLATIVE COUNCIL.

The autumn session of the Bengal Legislative Council which began last week came to a rather sudden conclusion, the several resolutions of which due notice had been given, having been withdrawn. We hope the hon'ble Members had sufficient reasons for such withdrawal, but we cannot help observing that the growing practice of withdrawing resolutions before they are fully discussed in the Council does not reflect much credit to the hon'ble Members for they fail to utilise to the full even the few privileges which they enjoy. One important business transacted was the passing of the "Pure Ghee" Bill, to which a brief reference was made in our last issue. It might be remembered that notice was given of a resolution concerning the *Statesman's* libellous letter about the people of Bengal and we are told that the Governor has disallowed the Resolution. The Government cannot be unaware of the fact that irresponsible and arrogant writings of some Anglo-Indian journals are doing incalculable mischief to the best interests of the Empire, and though the Bengal Government have disallowed the Resolution, we hope it does not mean that they will not take any action in the matter. The silence of the Government in such

matters where Anglo-Indian Journals are concerned and their readiness to take action with respect to others is liable to serious misinterpretation as implying preferential treatment and we hope the Government will realise the unwisdom of such a policy. There were two important Resolutions on the subject of education, one of which referred to the appointment of an education Board consisting of officials and non-officials for the purpose of advising the Government in matters connected with primary and secondary education in the Presidency. Several members supported the Resolution and the Mahomedan members were also in favour of it but they only wanted that in the Committee there should be sufficient number of Mahomedans to look after their interest. Sir S. P. Sinha who opposed the Resolution explained that the Government could not accept it not because they were impatient to take any advice but the proposed Board would not be of any benefit. The Hon'ble Mr. Surendranath Roy, the mover of the Resolution pointed out that in the present condition of education in our country we have to depend to a large extent upon private agencies and in enforcement of departmental rules and regulations it is essential to consult the views of a non-official body like the proposed Board who alone could be expected to appreciate properly the peculiar difficulties which private management have to contend against. The Resolution was, however, lost. Another Resolution was with respect to free and compulsory primary education, suggesting the appointment of a Committee of official and non-officials to frame definite proposals on the subject. It was also suggested that the Committee should make a survey of the educational field as regards primary education with a view to settle the details regarding the Primary Education Bill. Sir S. P. Sinha admitted the urgent need for taking effective steps to ensure progress in primary education at a more rapid pace than has been the case in the past, but was of opinion that it was impossible for a Committee to make the survey suggested by the Resolution. He promised that an early enquiry would be made by experienced educational officers and suggested that the Council might discuss the details of the question of free and compulsory education, after the survey has been finished. After an assurance from the Government that the enquiry would be started forthwith, the Resolution was withdrawn.

TOWARDS A FREE EMPIRE.

Such is the heading given to an article which recently appeared in the *Nation*. The article is conceived in a spirit and clothed with sentiments which do credit even to that famous journal which stands for all that is good and true in British politics. Says the paper in the course of that article:—

"Great Britain has already given the world much of the liberty it enjoys. It has enfranchised the port and the sea-trader who entered it. It is the true patentee of self-government in Empire. So long as it has dealt as white men with white men, saving only the case of Ireland, it has built up this fabric of liberation truly and well. But elsewhere it has hardly begun it. Egypt and India are our two experiments in the larger kind of dependency. The first is a half-told tale. We found Egypt subject to financial disorder, to the menace of the Soudan, and to a bad form of internationalism, and it is a fair comment on our rule that we have relieved her of all these evils. It is the task of reconstruction which still awaits the touch of a new liberating influence in our politics. Egypt

wants a constitution, a code and a system of primary and University education. No hand but ours can supply these wants; and Lord Cromer, in running up the scaffolding of British rule, expressly left its full plan and details to be filled in by his successors. We owe its completion no less to these pioneers than to our pledges to Europe and the world to contribute our share to the destruction of autocracy in government.

"But our grand opportunity occurs in India. Here is no international complication, no menace of border savagery, such as faced Cromer and Kitchener. Here are vast populations, accustomed to our rule, and largely content with it, but, under the visible influence of older civilizations, as well as of a political restlessness that they have caught from our own example. Here are gifted races apt to law and scholarship and as many of the arts of government as we allow them to exercise. We pride ourselves with justice on such statesmanship as that of General Smuts. But a few months ago there died an Indian who in all the fine qualities of political and moral leadership would compare with the best of our stock, and who, if he were alive to-day would honour any European Cabinet by sitting in it. Mr. Gokhale was attached to British rule, or to the kind of British rule he wished to see established in India, and he did it inestimably service. But though Mr. Gokhale was the natural Prime Minister of a self-governing India, no Indian Viceroy save Lord Morley could find a use for him in the least degree commensurate with his gifts and character. There may be half-a-dozen Gokhales in India to-day; there may be a score tomorrow. But they will never come to any worthy fruit under the kind of bureaucracy which chilled the Indian recruiting movement in the early days of the war, which insists on a purely European command for the Indian Army, and bars out the Indian from all the greater acts and responsibilities of Indian statesmanship. An Empire with a rigid colour-bar is not yet a free Empire, call it what we will. But freedom is in the line of our character and genius. And they are obscured and defeated so long as the great problem of Indian self-government remains either untouched or weakly and half-heartedly attacked.

"Is it, therefore, too much to hope that the spirit of liberalism will conquer, and that we shall go into the Peace Congress having set up a charter for Ireland and charters for India and Egypt? If so, we firmly believe that the battle of European and world freedom is won."

THE VICEROY'S SPEECH.

At the opening of the Autumn Session of the Imperial Legislative Council H. E. the Viceroy reviewed all forward steps during the sixteen months of his Vicerealty. After paying a tribute to the Hon. Mr. B. N. Basu and Sir P. Pattani, whose presence in London would, in his opinion, secure the full representation of Indian questions. Lord Chelmsford asked that his administration should be judged on work accomplished and not on promises made, and outlined his policy as follows:—

Firstly, to secure that the services of the Indian army should not go unrecognised or unrequited, and that rewards of officers and men should hold a foremost place.

Secondly, that we should endeavour to remove any grievances, either sentimental or material, which we found to exist.

Thirdly, that we should define the goal of British rule in India and map out roads leading to that goal, detailing reforms.

THE INDIAN ARMY.

Under the first heading His Excellency declared that a great advance had been made in bettering the pay and prospects of every section of the Indian army. He foreshadowed land grants or equivalents thereof to Indian soldiers of distinction, and remarked upon the improvement in the conditions of living of Indian troops and the institution of a special school for the education of sons of Indian officers. Alluding to the recent opening of commissions to Indians, he pleaded for loyal co-operation from those who saw danger and difficulty in the Government's policy, as well as from those who might be impatient of more beginnings.

INDIA AND THE EMPIRE.

Dealing with the progress made in the second part of the programme, he repeated a previous remark of his that the position accorded to India in the War Conference marked the beginning of a new chapter in India's history under the Imperial flag, and claimed that events had proved him to be right. At the Imperial Cabinet also, which was to meet once a year, India would have one representative, as did the self-governing Colonies.

INDIANS OVERSEAS.

As regards the position of Indians in other parts of the Empire, His Excellency said: The Dominion representatives have accepted the principle of reciprocity of treatment and have commended to the favourable consideration of their Governments, first, that facilities for settlement accorded to Indians should not be less advantageous than those allowed to the subjects of other Oriental nations; secondly, that facilities should be accorded to educated Indians visiting the Colonies for travel and study, as apart from settlement; thirdly, that Indians who have already been permitted to settle should receive sympathetic treatment.

COTTON DUTIES.

Referring to the cotton duties he ventured to prophesy that, as in indentured emigration, such things once abolished could never be revived, and added that the Government of India would offer most strenuous opposition were such a course proposed.

THE DEFENCE FORCE AND THE ARMS ACT.

After expressing regret that Indians had not joined the Indian Defence Force in greater numbers, he went on to say that in solving problems connected with the administration of the Arms Act in India, the Government of India would not be a party to continuing to base exemptions on racial distinctions.

THE GOAL OF BRITISH RULE.

His Excellency then turned to the third task of the Government, namely, constitutional reforms, and said: At the very first Executive Council meeting which I held as Viceroy and Governor-General I propounded the following questions to my Council:—

- (1) What is the goal of British rule in India?
- (2) What are the steps on the road to that goal?

We came to the conclusion, which I trust most Hon. Members will agree was inevitable that the endowment of British India as an integral part of the British Empire with self-government was the goal of British rule. To achieve that end three courses were possible—(1) In local self-government; (2) in the greater and more responsible employment of Indians under the Government, and (3) in the domain of the Legislative Councils.

Referring to these, he said: I may say frankly

that we, as the Government of India, recognise fully that advance must be made on this last road simultaneously with advances on the other two and His Majesty's Government, in connection with the goal which they have outlined in their announcement, have decided that substantial steps in the direction of that goal should be taken as soon as possible.

MR. MONTAGU.

Incidentally, Lord Chelmsford referred to the coming visit of Mr. Montagu. He declared that Mr. Montagu's visit would mean no supersession of the Viceroy. He stated that a similar invitation had been sent to Mr. Chamberlain who, however, resigned before accepting it. Continuing, he said that he for his part would leave nothing undone to enable Mr. Montagu to receive all the suggestions of representative bodies and others he might desire, and His Excellency suggested to Hon. Members that the intervening time before Mr. Montagu's arrival might be spent in the quiet examination of the arguments to be placed before him. He asked if it was too much to expect that when he comes he should find a calm atmosphere, suggested policies carefully thought out and supported by sober arguments and concrete facts, and a spirit of sobriety dominating everyone, worthy of the issue to be examined.

His Excellency touched on education and declared that there was no direction in which an advance was more urgently needed than here, where advance was specially essential in relation to political progress.

INDIA AND THE WAR.

He next detailed the increasing part played by India in the war in the three directions of materials, men and money, and dwelt at length on the work turned out by the Munitions Board, which promised to be of great importance not only from the point of view of war but also Indian industries generally.

His Excellency also expressed his great appreciation of the part played by the Native Chiefs and announced the abolition of the preventive Customs line at Viramgam.

After expressing his gratification at the great response made to the War Loan the Viceroy said that a mint for coining sovereigns would be established at Bombay as a provisional measure.

In reviewing the military operations on the frontiers, His Excellency acknowledged the friendly influence of the Amir, which not only discouraged the Mahsuds, but also steadied the whole situation.

Before concluding, he appealed earnestly for the co-operation of Indian leaders and said, "Let us then sit down together as friends mindful of old historic associations, harbouring no mistrust, and let us examine these great problems, solely from the standpoint of what is judicious, what is practicable, and above all what is right."

NOTES.

The late Mr. Sarada Charan Mitra.

The death of Mr. Sarada Charan Mitra removes a sturdy and distinguished personality from Bengal. A man of high ability and public character he won his position by merit and not subservience. Mr. Mitra had varied interests, but he will be best remembered for his career as a judge of the Calcutta High Court. He firmly resisted the attempts that were made by the Executive in the days of the Swadeshi agitation to encroach upon the independence of the Judicial Bench. He will live by his definition of 'Swaraj' in a famous judgment, if by nothing else.

The Matriculation Examination.

The function of the Matriculation Examination is to take care that the students who enter the University are able to profit by the course offered, and the first care of the University should be to set up a standard which excludes those who cannot. If it be found that by setting up this standard they exclude too many, then they too must lay aside their false ambitions and bring down their University ideals to something practicable. The most unmeaning and worst possible course is to insist that the same proficiency shall be required for entrance to the University and as a minimum proof of ordinary diligence at school. Possibly in an ideal state of things the ordinary boy would also be able to enter on a course of University study, but it is doubtful if the most advanced countries have reached the point at which this could be said and India is remotely distant from it.—*Indian Education.*

* * *

Village Courts In Madras.

The reports on the working of the village courts in the Madras presidency record much the same state of affairs year after year, says the *Madras Mail*. The object of those courts is the settlement of petty local disputes promptly and out of hand without burdening the files of the already over-worked regular courts, particularly the District Munsiffs' Court; but it is very doubtful if this is done to any large extent. In some districts the Collectors are singularly silent as to the success of these courts, but in others the stock criticism is repeated year after year, namely, that the success of these courts depends entirely on the chairman of those bench courts. If he is involved in the village factions, naturally his court reflects his partisanship and suitors go elsewhere. If he is a strong man and holds aloof from the intrigues and disputes of the village, his court is freely resorted to and his decision respected. Unfortunately there are not too many of this class, and ignorant and prejudiced headmen are more common. The fact also must not be overlooked that even the most simple of our villagers is more or less of a connoisseur in the matter of litigation and always likes to get his money's worth when he goes to law. He prefers the district Munsiff's Court to village courts for the reason that he can have the luxury there of being represented by a lawyer. Besides, there is always the chance that he can beat an opponent in a tribunal that knows less about local conditions and affairs than would be the case in the village court.

* * *

The 'Englishman' on Indian Politeness.

The *Englishman* has been pleased to bestow this time a new and charming epithet, that of the "Highwayman" to the people of India. Considering the number of years, goodness alone knows how many, the editor has been enjoying the hospitality of these climes, the remark appears to be highly charitable and *polite*, and we are sure, the Indians are vastly obliged for the compliment. The devoted admirer of the Indians, in the 'By the way' column of his paper of the 6th instant, graciously says, "This is the kind of cable which is being sent to Mr. Montagu nowadays 'we welcome you to India and demand so and so.' (It being understood here that copies of all such cables have a peculiar way of finding themselves on the table of the editor of the *Englishman* as soon as they are despatched). These are the methods of the polite highwayman, and Indian politeness is proverbial." This remark conjures up the vision of Mr. Montagu being invited by the Indian to his house and the instant he enters it,

the doors close upon him and the smiling host suddenly transforms himself to a modern Vampa and pressing the cold muzzles of a pair of sixshooters, one in each hand, to the temples of the unhappy Secretary of State, forces him to sign the "*Magna Charta the Great*." One can only congratulate the unique possessor of such exaggerated notions of Indian hospitality and politeness and wonder all the while where and how he could have picked them up, though what he says is 'proverbial', is not, unfortunately, known to anybody else, whether Indian or otherwise. The Indians too, in their turn, deserve to be equally congratulated upon their springing this agreeable surprise on us. They have acquired, it seems, this new and entirely western trait in their character, all on the quiet and totally unbeknown to others;—for since the days of the legendary king Shibi of the Mahabharat, who fed a hungry bird guest with his own flesh, up to this date the world has been cherishing a feeling akin to pity, mixed more with contempt, for the silly Indian that would share his last morsel with the chance guest of the evening.

* * *

The Internments.

At the Imperial Council, at question time Mr. Jinnah asked: In view of the recent announcements, and also the proposed visit of Mr. Montagu, and having regard to the feelings which have been aroused in the country by the internment of Mrs. Besant and her co-workers, do the Government of India propose to consider the question of their release?

Sir William Vincent replied: The Government of India are prepared to recommend the Government of Madras to remove the restrictions placed on Mrs. Besant and Messrs. Wadia and Arundale under the Defence of India rules if the Government of India are satisfied that these persons will abstain from unconstitutional and violent methods of political agitation during the remainder of the war. In taking this course the Government of India are actuated by the confident hope that the recent announcement of His Majesty's and the approaching visit of Mr. Montagu to this country will have such a tranquillising effect on the political situation as to ensure the calm and dispassionate consideration of the difficult problems which are to be investigated during his stay in this country.

The Government of India are prepared, subject to the same conditions, to take the same course in regard to other persons upon whom restrictions have been placed under these rules merely by reason of their violent methods of political agitation.

TO BE SHOT AT SUNRISE.

would seem a welcome relief to many who suffer the red hot pain thrusts of neuralgia.

These are the hopeless torture-wracked beings who live in the shadow of constant dread of the stabbing, twisting, unbearable sudden pains and spasms of neuralgia.

LITTLE'S ORIENTAL BALM

has relieved and cured countless thousands of cases of neuralgia, rheumatism, sciatica, sprains, strains, swelling, chest pains, backaches, earaches, toothaches and all other painful external maladies must also go.

It has cured so many others—it will do the same for you.

Sold at Re. 1 per bottle. Of all Chemists and Medicine Vendors throughout India.

THE VICEROY'S COMMENT.

Touching the internment of Mrs. Besant, H. E. the Viceroy in the course of his speech, said: I had intended to deal in my speech with Mrs. Besant's internment, but the answer to the question on the subject which you have just heard makes this unnecessary. I would only add that Lord Pentland's Government took action against her with the greatest reluctance and after Lord Pentland had personally attempted to dissuade Mrs. Besant from the course which she was pursuing.

Mr. Jinnah asked a supplementary question whether Government were prepared to take into consideration the cases of Messrs. Mahomed Ali and Shaukat Ali.

Sir William Vincent answered that the Government were already considering the cases and were inquiring into the same.

Sir William Vincent replying to Khan Zulfikar Ali Khan's question regarding the creation of Tribunals or Committees for the examination of interned cases said:—(a) The Government of India are consulting local Governments as to the necessity for appointing such committees or tribunals. (b) If it is decided to appoint them, the Madras Government will doubtless consider the expediency of referring the cases mentioned to the local tribunal.

LOCAL & PROVINCIAL.

AT the Imperial Council, the report of the Select Committee on the Patna University Bill was moved on the 12th instant, after the debate on the Usury Bill, by Sir Sankaran Nair. The amendments moved in respect of giving the Senate the power to appoint the Vice-Chancellor were lost. That with regard to giving the Senate the power to revise the action of the Syndicate in certain matters on the motion of ten members of the Senate shared the same fate. Several other amendments which were on the agenda were withdrawn while three technical amendments proposed by Sir Sankaran Nair were adopted. The Bill as it stood was then passed.

SIR Ali Imam assumed charge of the office of acting Judge of the Patna High Court on the 10th instant. The usual greetings were exchanged between him and the members of the Bar who had mustered strong for the occasion. From the reports received, we understand that His Lordship has begun well and we have no doubt that he will prove to be one of our best Judges.

WE congratulate the Hon. Mr. J. G. Cumming on his appointment as member of the Bengal Executive Council. It would be long before Patna can forget him and it gives us much pleasure to see that the reputation which Mr. Cumming won at Patna for his sympathy and consideration has been steadily maintained.

A KEEN controversy, says the *Ratnakar*, is raging just now in the columns of the vernacular papers in Orissa as to which of the months 'Bhadra' or 'Aswin'—is to be observed as a 'Malmasa'. It appears that the authors of the Oriya 'Panjikas' have ordained that the month of Aswin should be observed as such while 'Panjikas' published from Bengal say that the month of 'Bhadra' is a 'Malmasa'. We hear many people in Orissa have decided to observe both the months as 'Malmasa'. The same difficulty has arisen in Bihar too. The matter is one to which we draw the attention of our Pandits.

IN Champaran and Saran districts, saltpetre is manufactured. In manufacturing it a kind of crude salt is produced as a bye-product. We understand that, although this salt, if sold to ryots at a low rate might do very well in feeding the cattle or in agriculture, it used to be destroyed. Some Hon'ble members of the Behar. Council might enquire if this insane policy is still pursued.

A CORRESPONDENT takes exception to the omission from our report on the last Gaya floods a special mention of the services rendered by Bengali volunteers. Our correspondent forgets that in the temple of patriotism, the services of its worshippers do not gain any additional value from the nationality of the votaries, nor are they, who devote themselves to the service of humanity, in the least bit anxious to see their names in print. Volunteers, Bengalees and Beharees, all did their best, and if somewhere, the work done by the former went further than that done by the latter, we do not claim any special merit for it, being only what was expected of the "bigger brother". Let these narrow ideas disappear.

WE understand that as nothing has definitely been settled as to who is coming here as the Chairman, Nawab Syed Ismail, the present Vice-Chairman, has been appointed to act as Chairman of the Patna City Municipality. We congratulate both him and Government on the choice. This is the first occasion in the history of the Patna Municipality that a non-official chairman has been appointed, and the person on whom the choice falls is to be congratulated indeed on the unique honour done to him. At the same time it goes without saying that we could hardly expect a better choice than Nawab Hajjan whose birth and position as well as his experience as Vice-Chairman of the Municipality qualify him in every way for the position of the first citizen of the capital of Bihar and Orissa. As such we congratulate the Government on the selection they have made. In wishing the Nawab Sahab all success in his new office we would earnestly invite his attention to the loud and grave complaints against the working of the municipality that exist and request him to remember that the way to success lies through the contentment and well-being of the rate-payers. The Municipal Commissioners in a body, we understand, also sent a representation to the Government to the same effect. It will now probably be necessary to elect a Vice-Chairman and one cannot think of any better name than that of our townsman and Municipal Commissioner, Babu Ajodhya Prosad, and we earnestly hope the Municipal Commissioners will unanimously elect him as their Vice-Chairman.

A correspondent writes to the Calcutta papers: "Some time ago the police received information to the effect that a valuable piece of stone belonging to the Durbhanga Raj, which was lost during the lifetime of the late Maharaja Sir Luchmiswar Singh Bahadur was in the house of Babu Rajballav Sahai, Sheristadar of the first Munsiff's Court. On the strength of that information the District Superintendent of Police searched a round piece of stone. They then took the stone to the Hon. Maharaja Bahadur of Durbhanga, but as the Maharaja Bahadur and the pundits who used to worship the missing stone did not claim it as the identical stone missing, it was returned to Babu Rajballav by Mr. J. C. Brahma, the Sadar Sub-divisional Officer, in the presence of a large num-

ber of eager spectators. From the version of Babu Rajballav it appears that about 15 years ago, while he was at Samastipur, a fakir made a gift of a small piece of stone to him which he still worships daily. He once made it over to a Brahmin, thinking that the latter would worship it properly. The fakir, however, came to know of this and took him to task and told him never to part with it. Since that day he has been taking proper care of it and it has gradually increased in dimensions. Babu Rajballav further says that sometime ago a jeweller came to him and after examining the stone very minutely offered to purchase it for three lakhs of rupees, but refused to part with it according to the instructions of the fakir."

WE notice with pleasure the vigorous measures that are now being taken by the Health Officer of Patna to deal with the conservancy problem of the city. It has always been our experience that the Health Department has always been more amenable to public criticism than the Engineering Department, which, since Mr. T. N. Banerjee, the late Engineer, came to preside over it in an unlucky moment, has always maintained an attitude of open defiance to and nonchalant disregard of public opinion. At present, things are certainly not as bad as they were in the days of Mr. Banerjee, but we wish that the Engineering Department were as much alive to the requirements of the city as the Health Officer is. We have no doubt that with an active and substantial co-operation from the Municipal Engineer, the Health Officer could achieve much more than he has been able to do. As it is however, when he sends out his men to clean the drains, the engines of the city pumps refuse to send the desired quantity of water, a state of hopeless muddle which is experienced in all the different branches of municipal activity, in the capital of the Province. Meanwhile may we inquire who is in charge of the lighting department, which ought to look up, for the lighting of the town is again lapsing to its former unsatisfactory condition. A walk through Sabjibag Road, Behari Sao's Lane, Gobinda Mitra Road, Makhaniakua Street and several other streets and roads at 9 p. m. in the night by which time many of the lamps are out even on the darkest nights will convince any observer with the truth of our remarks.

A CORRESPONDENT writes:—The *Capital* was responsible for the gossip that Sir Charles Bayley, our late Lieutenant Governor, resigned because he could not get the Defence of India Act extended to the province. The story is to be taken for what it is worth, but from the reports we now and then receive of arrests and internments under that act from some parts of Bihar, it would seem, if *Capital's* story has any foundation, that Sir Charles was too hasty in resigning. You must be aware of the several cases under the act hailing from the Bhagalpur Division which were the subject of a resolution in the last Provincial Conference. The latest instance of the operation of the Act in this Province comes from Gaya where it is reported that a student named Brahmdeo Pathak has been recently arrested. It is also reported that a young man named Sukhdeo Pathak of the same family is also under internment for some time past. Would you kindly let us know the number and date of the Gazette containing the notification of the extension of the Act to Bihar and Orissa?

THE *Englishman* takes exception to the proposed site for the summer residence of our local Government, in the following words:—

'Feeling against hill station Government is so wide-spread and emphatic and the arguments against it—notably the Mesopotamia disasters are so strong that it is surprising to find the Government of India encouraging the new province of Bihar and Orissa in Olympian extravagances. It was recently reported that the Viceroy will pay a visit in the cold weather to Netar Hat, the place which has been selected for Bihar's summer capital. Hitherto Ranchi has served the purpose well enough and it is regarded as one of the health resorts of the province. Why on earth another hill capital should be thought necessary when Ranchi meets the requirements of the most exacting for the greater part of the year passes our comprehension. Besides, the new province cannot afford this extravagance. As the last budget showed, its finances are in a parlous condition. The growth in the revenue is not sufficient to cover the inevitable increase in expenditure, and there are many more urgent things than a hill capital required in Bihar and Orissa. The Viceroy will save a lot of time by cutting Netar Hat out of his own programme and he will save the new province and the Government of India a fortune by cutting Netar Hat out of the Bihar and Orissa programme also.' A correspondent to that paper however gives an alluring picture of the place. Netarhat is at a short distance from Ranchi and in elevation it is only about one thousand feet higher than that station. There is already a good motor road from Netarhat and the Purulia Ranchi Lohardaga line would bring it soon within easy reach of the important towns in the province. Under such circumstances the extra expenditure for the hill exodus, we think, would be small in comparison to other provinces. Besides, we are informed by the correspondent of the *Englishman* that the delightful climate of Netarhat is one of its most attractive features. In the hottest months of the summer, 'punkhas' are not required even in the middle of the day while

The cause of dysentery

A condition of poor health forms a common starting point of dysentery. Therefore, to avoid this dreaded complaint, everyone resident in India should take particular care to maintain a condition of health and physical fitness.



A course of SCOTT'S Emulsion builds up and strengthens every part of the body. It enriches the blood, strengthens the lungs, tones up the vital forces and promotes the necessary condition of health to resist dysentery and bowel trouble.

SCOTT'S Emulsion

nights are delightfully cool. The winter is mild, the climate dry and frosts are unknown. The plateau of Netarhat consists of an extensive area of level ground and there would be unlimited land available for building purposes and for all the amenities of a large station.

—○—
SELECTION.
—:—

—○—
"FULL BENCH" COURTS.
A NEEDED REFORM.
—○—

A correspondent to the *Pioneer* writes:—

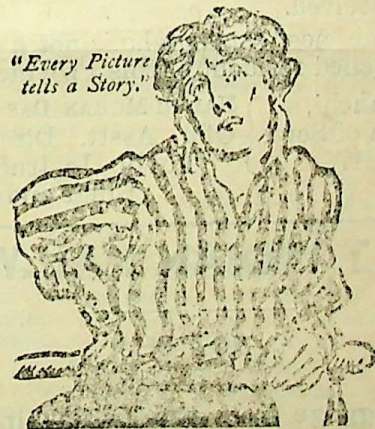
Some while back the *Pioneer* not without reason, asked how so-called "Full Bench" Courts came to be constituted, and what was their real authority. The question arose with reference to the *personnel* of the Court which sat to adjudicate upon the Besant case in Madras. The answer is remarkably simple. Everyone remembers Walter Bagehot's famous analysis of the legal constitution of the English Cabinet. It has no corporate existence, and no legal authority. It is a mere committee of Ministers, formed by the will of the Prime Minister. So it is with a "Full Bench." There is no statutory provision, and no Rule of the High Court, at least in the North-West Provinces, dealing with its constitution.

A Full Bench is no more than a collection of High Court Judges brought together for the express purpose of deciding a particular case. Its number and its composition depend entirely upon the will of the Chief Justice. There is, in strict parlance, no Court of Appeal in India at all. The High Courts are composed of the Chief Justice, and a number of Puisne Judges. The Chief Justice is *primus inter pares*, but except that he takes precedence of the others and arranges the business of the Court, allotting to each Judge the particular business on which he is to sit and deciding the constitution of the Benches when more than one of the Judges sit together, and of course presiding over the court of which he himself is a member, he has no higher authority as a maker or exponent of law than any of his learned brothers. All the High Courts have, in a greater or less degree, original as well as appellate jurisdiction. Each Puisne Judge is just as qualified to sit on the appellate side as any of his fellow; and in this respect the Chief Justice is on the same footing as any of his Puisnes. Certain cases such as Criminal Appeals in capital crimes, or appeals from inferior courts in cases exceeding a given pecuniary limit, must under the Rules of the High Court, which have the same authority as a statute, be heard by a Bench of two Judges. From the decision of a single Judge there is an appeal under the Letters Patent, the Charter of the High Court's authority, to a Bench of two Judges, or of such larger number as the Chief Justice may appoint. But any High Court Judge may be the one, and any two may form the two-Judge, or Divisional Bench. A and B may hear an appeal from C; A and C may hear an appeal from B; B and C may hear an appeal from A. High Court Judges may, and not infrequently do, over-rule one another. The Chief Justice himself may be over-ruled like the rest. This does not occur. Sir R. Bethell was once asked how it was that a certain Lord Chancellor for whom he entertained more than the usual degree of contempt with which he regarded the occupants of the Bench before whom he argued, always had one, if not two, Equity Judges to sit with him. "The natural

disinclination of a child to be alone in the dark," was the caustic commentary. Whether from tradition, or from choice, Chief Justices do not sit alone, and run no risk of being overruled by two of their Puisnes.

The absence of any permanent body having authority, short of the Privy Council, has naturally led to the accentuation of the differences which are popularly alleged to characterise the mature opinions of those who have given their lives to the study of the law. Tradition, and a natural desire to secure something like consistency and certainty, have sanctioned the view that a single Judge ought to hold himself bound by a decision on the same point by a two-Judge Bench. But there is nothing to compel, or even induce, C and D to agree with a decision by A and B, especially if they are satisfied that A and B are wrong. And though C will follow A and B while sitting alone, C and D may over-rule B for following A and B. The Codes, the natural subtlety of his intellect, and his accurate memory, have rather predisposed the average Indian legal practitioner, while losing sight of principles, to worship the authority of the written word. The vast collection of reported cases, which at the present day, with many new periodical reports in the field, are multiplying enormously, tends to accentuate and to perpetuate the differences which under any circumstances are bound to occur. Cases can be found reported in the same volume of the official Law Reports where two different two-Judge Benches have taken opposite views of the same question.

(To be concluded.)



DREAD and FEAR
Won't Make You Well.

DON'T live in constant fear of disease. Fear works on the nerves, and makes little ailments bigger.

If your back aches, don't be afraid that gravel, dropsy, or Bright's disease will follow.

If you have too much uric acid in your blood don't fear chronic rheumatism.

Just say: "I'll start right now to cure my kidneys, and if I live more carefully, I'll be healthy."

Take enough exercise to keep the blood circulating freely through the kidneys. That will help to keep the blood pure.

If you are eating too much, working too hard, worrying a lot, and not getting the sleep you ought, it's an easy matter to change these habits for a while, and to repair the weakened kidneys with Doan's Backache Kidney Pills.

Doan's Backache Kidney Pills, if taken in time, will cleanse the urinary channels, stimulate the kidneys to greater activity, and rid the system of waste that causes so much disorder. Do not brood over your health; cheerfulness and Doan's Pills are the two best medicines.

Doan's Backache Kidney Pills are Rs. 2 per bottle; 6 for Rs. 10.8; obtainable from all dealers.

ADVERTISEMENTS.

FOR SALE.

14 HP 4 cylinder, 4 seater, Austin Car which has just been overhauled and repainted. The car is a very strong one and can be seen and tried at the Bihar School of Engineering. Highest offer accepted.

WANTED.

1. Office ... Director of Public Instruction, Bihar and Orissa.
2. Post vacant ... Temporary Assistant on Rs. 35/- a month.
3. Qualifications ... Must have passed the I. A. Examination, preference being given to those who possess office experience.
4. Officer to whom application should be made ... Assistant Director of Public Instruction, Bihar & Orissa.
5. Date by which applications will be received ... 25th of September, 1917.

None need apply who is not a native or domiciled resident of this Province.

Ranchi,) NALINI MOHAN DAS GUPTA.
The 5th of Sept. } Offg. Asstt. Director of
1917. } Public Instruction,
(1) Bihar and Orissa.

EAST INDIAN RAILWAY.

NOTICE.

Luggage from the Kalka-Simla Railway.

Intending passengers proceeding from Simla and other stations on the Kalka-Simla Railway to stations on the East Indian Railway or beyond are notified that large and heavy luggage must be booked through to destination, that is, to the station for which tickets are held and not booked to Kalka only, unless the journey terminates at that station.

It must be clearly understood that the East Indian Railway does not undertake to re-book the luggage of through passengers at Kalka and despatch it by the train by which passengers travel, and all heavy packages booked locally to Kalka and intended for re-booking to destination, will therefore be dealt with after departure of the corresponding East Indian Railway

train and despatched by a subsequent train.

As this procedure is likely to lead to delay in transit and delivery of such luggage, passengers are recommended in their own interests, to book their heavy luggage through to destination.

Heavy luggage whether booked or unbooked can on no account be taken in the carriage with the passenger from Kalka and an extract of the East Indian Railway Time and Fare Table on the subject is reproduced below.

By order,

C. M. PEARCE,

General Traffic Manager.

The Attention of Passengers is Drawn to the Following Notice Now Being Exhibited in East Indian Railway Upper Class Carriages.

NOTICE.

Heavy Luggage, Booked or Unbooked, Carried by Upper Class Passengers in their Compartments.

The attention of First and Second class passengers is drawn to the fact that large packages and heavy luggage must on no account, be taken into the compartment with the passengers, but booked and conveyed in the Brake Van of the train. As the Railway Staff have instructions to see that this order is adhered to, it is hoped that passengers will co-operate with the Railway in the matter for their own and the convenience of fellow passengers.

In all cases where passengers are detected *en route* with heavy luggage, unbooked, in a compartment, they are liable to have the same removed to the Brake Van, and the total weight will be charged for, without the free allowance given under the Rules.

Small articles of personal luggage, such as Rugs, Umbrellas, Sticks, Tiffin-baskets, Small Hand Bags, Razais or Blankets, which can be taken into the compartment without inconveniencing other passengers, are not charged for on the East Indian Railway and will not be included in the final weighment at the starting station or *en route*, should a passenger have failed to book his luggage before the commencement of his journey.

On the East Indian Railway Hand Bags are accepted as "small" when their aggregate weight does not exceed 20 seers.

CALCUTTA,
The 7th Sept. 1917.

R. S. HIGHET,
Agent.