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VOL. XXXI. CALCUTTA SUNDAY, MARCH 13, 1898. NO. 23

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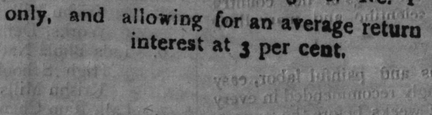
BEST PEBBLE  STEEL FRAME RS. 5,

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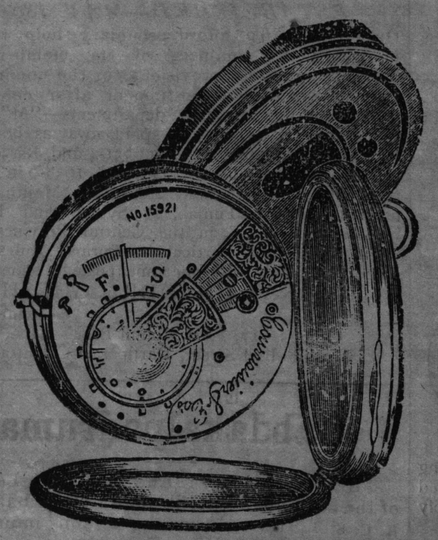

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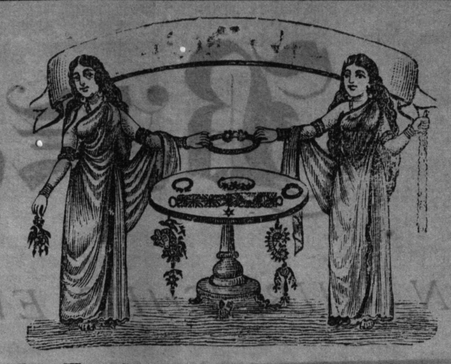

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THE
Amrita Bazar Patrika.

CALCUTTA, MARCH 13 1898.

THE PROPOSED MUNICIPAL BILL.

Some time ago we suggested that the contemplated reform of the Calcutta Municipality should be introduced after the sedition measures had been passed. We said that if Sir A. Mackenzie wanted to introduce such a reform and meddle with the existing system, there would be a great uproar, and that if the sedition measures were passed beforehand, the people would be bound to remain quiet.

Now we did not make the suggestion exactly in a spirit of sarcasm. It is mere dissipation of energy to invite people to take part in making laws and introducing changes, and then to ignore their views altogether. If the Government is not in need of any advice, there is simply no necessity for seeking it. The object of Sir A. Mackenzie, according to His Honour, is very simple. His Honour will not interfere with the method of election; he will allow the citizens to elect their representatives as before; only he will curtail the powers of those representatives! And this is the "reform" that Sir A. Mackenzie wishes to introduce.

The methods that His Honour has adopted, are the usual ones. He settled everything beforehand, and, after having done it, sent his plan to the Secretary of State for approval. Whether the Secretary of State, who is ten thousand miles away, is in a position to understand such local matters or not, is not the question. His assent is essential, and that is available. Lord George Hamilton has, as usual, given has assent by wire; and now Sir A. Mackenzie, sure of his ground, makes a public announcement of his measure and describes what it is.

Of course, the second step of the Government would be to invite suggestions, from insiders and out-siders. Not that His Honour feels that he is in need of any suggestions. If His Honour had felt any such necessity, he would have, first of all, sought the views of those who are primarily and vitally interested in the question, viz., the citizens of Calcutta, before approaching the Secretary of State for sanction. It is the usual way to ask for opinions, and His Honour follows the usual path. Of course, opinions would be sent to him, though not with the hope that they would in any way influence the deliberations of the authorities. The Native Associations representing the millions, will oppose his measure; his own subordinates will support it, as also the European Associations representing the few Anglo-Indians that are kind enough to reside in this country,

In the Council, there will be a debate; the representative members will oppose the reform but without success: for, they will be overpowered by numbers. And the Bill will be, at last, passed! Of course, another step would be necessary to make it law, *viz.* the assent of the Viceroy; but, that is obtained long before a measure is introduced.

In days gone by, when Sir Stuart Hogg was the autocrat in Calcutta, he and his *apkawastes* ruled Calcutta. The citizens groaned under that rule. The *Englishman* objected to that system, and so did the *Indian Daily News*. The elective system was granted, and the people were enjoying it for the last twenty years. Now they are suddenly to be deprived of it, and practically the old system is to be revived. And why? It is because plague is raging in Bombay!

In this speech at the Supreme Council, Sir A. Mackenzie singled out the native papers for his castigation, leaving the Anglo-Indian papers alone. In the present project, His Honour is sure of the support of the European community. His Honour frankly promises them all the benefits of his reform.

There is a grim humour in the spectacle of every ruler just now trying to have his pet ideas carried out. The Secretary of State is exceedingly obliging; so are those members of Parliament who support the Government. And their opponents, the Liberals—they are nowhere, or under the leadership of Sir Henry Fowler who is almost a Tory.

We object to the policy of repression; we expect, on the other hand, more and more political privileges as time rolls on. The situation is this. Plague appeared in Bombay and two European officials were murdered. In Bengal, there is neither plague, nor has any outrage been committed in this Province. Yet repressive measures have been introduced, which will affect Bengal more than any other Province in India. For, if there is any newspaper enterprise, it is in Bengal. If there is any elective institution in India, it is in Calcutta.

The people, however, ought to have this consolation that even repressive measures have their uses. In a country where the people are apathetic,—who have yet to acquire public spirit,—repressive measures are really necessary for the purpose of giving them some life. When the people of India will shew that they are in earnest, the British people will never withhold from them the political privileges that they themselves enjoy. But now we have no public spirit whatever.

If the new measure leaves the right of the citizens intact in regard to the election of their representatives but takes away the powers of the latter, the people will have no motive to take the trouble of electing their representatives, and the representatives, of standing for election.

THE INDIAN PAPERS.

Of course, neither official nor non-official Englishmen have any notion how the late Calcutta riot came about. The riot shewed that there was some cause at work among the lower classes of the Mussalmans to excite them to the verge of madness. The riot further shewed that the feelings of these classes were directed against the Europeans. If the riot surprised the Europeans, the feelings betrayed against them surprised them still more. For, the Europeans had done nothing to incur the ill-will of the lower classes of Mussalmans. On the other hand, the rule of Sir Charles Elliott had been signalized by something like an Anglo-Mussalman combination against the Hindus.

When the Mussalman mob began to belabour any European they came across in the streets of Calcutta, and even to commit assaults upon European ladies, the members of the European community in Calcutta were led to consider the situation rather a little serious. What was the reason of this sudden display of feeling against Europeans, who had done so much to gain their good will during their disputes with the Hindus? Had they any support from anywhere? For, it was simply inconceivable that they should thus defy the British Government with *lathies*. Were the Hindus also with them? Every European in Calcutta and the suburbs, and many outside their limits, found themselves obliged to find a satisfactory solution for the above questions.

We then did our best to allay the misgivings which the Calcutta riots gave rise to in the European mind; and we have every reason to believe that the Government was very much influenced by what we said, after due inquiry, on the subject, in shaping its policy. The European public wanted to make the situation safe and demanded troops and other protective arrangements; but the Government made light of the affair, and declined to make mountain of a mole-hill. For this the authorities were blamed; but subsequent events shewed that the Government was right and the European public wrong. We take some credit for having been able to enlighten the Government on the aim, object and strength of the anti-European feeling displayed on that occasion by a Mussalman mob. We shall now give the reason why this riot occurred.

When the Afridis shewed themselves to be determined foes, and when they succeeded in inflicting some losses on our troops, the rumour was spread, by mischievous men, that they had taken Peshawar and were in full march on Lahore, and perhaps Calcutta! Now if this had been the case the European residents here, official or non-official, would have confirmed the rumour by anxious faces and other protective arrangements. The Mussalman mob saw with their own eyes that the Europeans were not showing any symptoms of fear; but yet they accepted the rumour to be true and became very much excited. They at last began to expect the Afridis in Calcutta almost every day. They ought to have waited till they had come; but the feelings were too much excited and they could not wait so long. So they took upon their heads to pave the way for the Afridis to come, and thus the riot commenced!

Now as for those Mussalmans who were educated or even those who had sufficient education to be able to read, they knew very well what the real matter was. But every educated Mussalman who tried to poopooh the idea of an Afridi march on Calcutta, was put down for a traitor and a *Khair Khan*. Indeed, the leaders lost all control over the mob, and the riot commenced.

All throughout the last year, the lower classes of the Mussalmans have been taking a keen interest in the doings of the Afridis. In Maffasal towns and even important villages all over India, they congregated to discuss the situation. They sought newspapers, they pestered those who read newspapers for information. What is the *khuber* of the war?—they asked of every educated man they came across. And who were these men? The lowest of the low,—petty shop-keepers, tobacco-sellers, shoe-makers and so forth. The newspapers, however, gave no hopes; the former always proclaimed the victory of the *Engrez*. And this kept the spirit of the zealots in check.

Our honest conviction is that but for these native newspapers, riots, like those that disgraced Calcutta, would have occurred in hundreds of places in India. The gagging of the Press is a stupendous blunder; we have scarcely language sufficient to express the mischief that the authors of the measure have committed in putting out the only light that enabled them to see things behind the screens for themselves.

THE SPEECH OF SIR A. MACKENZIE.

There is a representation in which Gladstone and Disraeli are made to hold sweet converse with each other. A short time before, they tried to tear each other to pieces in Parliament. The former called the latter a humbug, and the latter called the former a traitor who had sold his country for place. Yet they met on friendly terms after such a scene, apparently forgetting their previous brutal behaviour towards each other. In the same manner, Sir Alexander Mackenzie and the representative Bengalees met at a garden-party given by His Honour immediately after the Lieutenant-Governor had delivered his famous speech on the Sedition Bill, and they were exceedingly sweet to one another.

Yet there was this difference. If Gladstone had hit Disraeli hard, the latter had, in return, hit the former with the same vigour. They were thus quits, and so they could afford to meet in a spirit of apparent friendliness. But a fair fight is impossible between the Bengalees and Sir A. Mackenzie. His Honour may call the Bengalees cheats and cut-throats. Yet the latter have to remain dumb, with folded arms and bent heads.

Fancy the position of the Bengalees. Sir Alexander Mackenzie attacked them, and, a few moments after, the Bengalee press was gagged!

Sir A. Mackenzie's speech gave great offence to the people in his charge for several reasons. One was that they had always regarded him as a particular friend of his people; so, the attack came as an extremely disagreeable surprise. Secondly, the Bengalees have never been so rudely dealt with,—no, not even by Sir A. Eden, the admitted mentor of Sir A. Mackenzie, who, though he abused the low-class vernacular papers, made an exception in favour of those conducted in the English language. Thirdly, a man in his position has no right to shew that he has lost his temper. Fourthly, His Honour might have supported the Bill without being offensive, just as Lord Elgin was able to do. (N. B. Compare the speeches of Lord Elgin and Sir A. Mackenzie: how they differ in tone!) Fifthly, the accusations are felt to be unjust. Sixthly, the speech of His Honour leads to the supposition that it was he who was at the root of the measures introduced, as Sir A. Eden had been, of the Press Act.

The popular notion is that Sir A. Mackenzie is closely following the policy and methods of Sir A. Eden. The latter sought to curtail the powers of the elected Commissioners of Calcutta, and Sir A. Mackenzie is doing the same thing. ASir Eden persuaded Lord Lytton to gag the vernacular press; and it is also believed that it is Sir A. Mackenzie who is primarily responsible for the recent gagging of the press. Sir Ashley admitted that he alone was the author of the Vernacular Press Act. Sir A. Mackenzie does not make the admission; but, the outburst of his feeling goes to indicate that he was more in love with the measure than any one else in the Council.

Sir A. Eden was in the habit of using violent language, when dealing with people he did not like; and we see the same characteristic in Sir A. Mackenzie. The question is,—can anything be gained by the use of violent language? Is not violent language always to be deprecated, as defeating the very object for which it is used? The other point to be considered is that, considering the awful position of the ruler of Bengal, is it permissible to him to speak like an ordinary man, dealing his blows right and left, and shewing in an unmistakable manner that he has lost his temper?

The other point to be considered is, whether it is fair to use harsh language towards those who can not, from their subordinate position, give an adequate reply.

When Lord George Hamilton, the autocrat of India, whose will is law in this vast country, unwarrantably fell foul of Lord Ripon, Mr. Morley came to the latter's defence in a speech which is thus summarized by our London correspondent:—

Mr. Morley sprang to his feet, pale with indignation, to protest against what he justly described as the "gratuitous, wanton and uncalled-for language" used by him towards Lord Ripon, which he declared, amid the cheers of the House, was not in the least relevant to the amendment. and ought only to have been brought forward in a deliberate manner, so that Lord Ripon might have been properly defended. Here Lord George rudely interpolated a statement that Lord Ripon's conduct was the source of racial antagonism, which brought down upon him a scathing rebuke from Mr. Morley, who declared that if he dared to repeat that language in full House and not at five minutes to twelve at night, he would find that he would not escape a punishment somewhat similar to that which he received on Tuesday night.

Now in a fair field much is allowed, even, loss of temper and use of violent language. But the victims of Sir A. Mackenzie's language were helpless; but would not, even if they could, give a reply to his language. But, as a matter of fact, they could not. How could they deal with Sir A. Mackenzie as Mr. Morley dealt with Lord G. Hamilton? As the sole object of Sir A. Mackenzie, according to his own shewing, was to lead the native papers to write and speak moderately, he ought to have shewn the example by himself delivering a moderate speech. People generally prefer example to precept.

The charges of Sir A. Mackenzie against the Bengalees are that they are enemies of the British Government and a cowardly race; and, therefore "not venturing to attack the Government directly, they do it indirectly." In short, according to Sir A. Mackenzie, the Bengalees are not only cowardly, but hypocritical and treachrous; and all these he said before the world,—he, the irresponsible ruler of Bengal!

But, are the charges true? How can they be true, since the Bengalees are an intelligent race and know full well that, as matters stand, the Indians cannot do without British Government? The Bengalees are not Afridis, nor are they like the ignorant masses of India, who believe in miracles and Mahdis, and who have no accurate knowledge of the resources of the British Government. On the other hand, they are as much intelligent and cultured as Englishmen themselves, and fully the peers of Sir A. Mackenzie himself. It is an accident which makes him our ruler; Babu Romesh Chander Dutt might have occupied his place if he had not been put aside on account of the accident of his birth. It is not possible that the height to which Sir A. Mackenzie has risen by his undoubted talents, had made him a little dizzy for, his lift has been neither unmerited nor sudden. We would, however, prefer to hold the view that his awful position had some; what soured his temper than that he entertains any ill-feeling towards the people whose absolute ruler he is. If the people write strongly against the Government, it is sedition; if the rulers themselves speak strongly against the people, it is no sedition but statesmanship.

It is gratifying to observe that the Liberal papers in England have made themselves as familiar with the features of the Indian Sedition Act as the Indian papers here. Says the *Manchester Guardian* to hand:—

We are glad to find in the Indian papers that have just come to hand, a practically universal condemnation of the monstrous laws against sedition which the Indian Government wishes to enact. A week ago we called attention to the fact that the Select Committee of the Legislative Council had recommended drastic changes in the proposals of the Government. The Anglo-Indian press condemns those proposals utterly. The Calcutta "Englishman" describes them as "a useless and perilous innovation," and the "Times of India" finds it difficult—as well it may after the Tilak case—"to see why the law, as it stands, cannot be depended upon for the defence of the State against those who by speech and writing endeavour to disturb its peace."

With reference to the proposed amendments in the Criminal Procedure Code, the same paper says:—

The Anglo-Indian press and important bodies, such as the European and Anglo-Indian Defence Association and the Bengal Chamber of Commerce, join in condemning still more severely the proposed amendments to the Criminal Procedure Code. These, if carried into effect, will empower Magistrates, acting merely upon information received from police spies, to call upon anyone, accused of using improper or seditious language, to find sureties for good behaviour. The critics of the proposals point out with perfect justice that such a law would directly encourage espisnage and enable any unscrupulous informer to ruin those against whom he bears a grudge. The deplorable results of the *lese-majeste* prosecutions in Germany, with all the violation of the sanctity of private life that they imply, would be multiplied tenfold among the ignorant peasantry of India under the proposed law.

One of these amendments, if passed, will enable the Magistrates to try sedition cases. As there is a difference of opinion even amongst the most experienced High Court Judges as to what constitutes sedition, one can easily judge what a mess will be made by these District Magistrates when disposing of sedition cases. Without juries and assessors, they will have everything in their own way; and being subordinates to the Government, they will be bound to carry out the orders of the complainant who, in these sedition cases, is no other than the Government itself! As regards the other important amendment (section 108), the reader has become already familiar with its character. The amendment, if passed, will, as the *Manchester Guardian* remarks, encourage espionage and place the educated Indians completely under the heels of the unscrupulous informer.

It would appear that it is a Liberal Secretary of State, Sir H. Fowler, and a Liberal Viceroy, Lord Elgin, who are, at least partly, responsible for the Forward policy, which has now excited the alarm of England. It was for this that in the late fight the Liberals had to sustain a defeat. It is, however, a useless business to apportion the guilt between Lord George Hamilton and Sir Henry Fowler. The discussion on this policy has laid the fact bare that there is none responsible for the good government of India. The East India Company was responsible to Parliament, and then there was some check. But now everything is done with the sanction of Parliament, Parliament is guided by the standing majority, and the standing majority support the Secretary of State. So, the Secretary of State is the master of the situation. There is no harm in that; but the mischief is, if he leads the Empire to danger still he has nothing to fear.

No doubt, according to the Bombay Government, sedition is stopped by repression. Mr. Modak, Head Master of the Ahmednagar High School, gave a Sivaji speech which is considered seditious; that speech was quoted in a newspaper, called "Sudarshan;" that paper is owned by two other teachers; three more teachers and a Marwari student also gave offence in this connection somehow or other; and all have been punished whom the Government could reach. The idea is declared that such actions would have a deterrent effect upon others. There is, however, another view, and this is emphasized by Mr. Labouchere in *Truth*. He says:—

The gagging of the press will shut down the only safety-valve for native opinion of India, and remove the sole check upon despotism. No surer means of promoting popular discontent and encouraging secret conspiracies could be devised.

Now the above is the opinion of one who is at least as competent to speak on the matter as the authorities at Bombay. Then, the same view was endorsed the other day, on Mr. Roberts' motion, by almost half the House of Commons. Of course, it is quite possible that the Bombay Government is right in its policy; but the difference of view cannot be ignored. For, if Lord Sandhurst says that his measures will check sedition, others say that they will increase it. So, the question stands thus: One party says that repression will check sedition and protect Government; the other party says, repression will increase sedition and endanger Government! When such is the difference of opinion, the clear duty of the Government was to have let things alone.

It is said, famine has disappeared from the land. That may be so; but, distress has not. Though there was a good paddy crop, the price of food-grains is as high as during the height of the famine. The people are now pressed with another difficulty. What little property they had, they sold last year to save themselves, and this year they have nothing to dispose of. We famine will re-appear, at least in pa

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ocalities, in a month or two. The eighty akhs of rupees, saved out of the Charitable Funds, should be distributed, either as donation or as loan without interest to ruined agriculturists, so that the latter might be restored to their original position and saved from starvation. Indeed, the assurance was given over and over again by the Government that the proceeds of the Charitable Funds would be utilized in that way. The time has come when the eighty lakhs in the hands of the Government should be spent for the benefit of the agriculturists, and another famine or severe scarcity averted in those localities which are in a bad way. Those who have money should purchase their year's consumption of food rgrain at once. This will somewhat stop the course of exportation.

WE received the following communication from the Office of the Private Secretary to the Viceroy yesterday at 8 P. M.—

"The Viceroy has received the following telegram from the Governor of Bombay :—

'Have just heard serious riot took place this morning Bombay City on account of attempted removal of plague patient to hospital. Four men killed, three very seriously injured, three Police officers injured, one very seriously. Mr. Dastur, a Parsee, one of the Presidency Magistrates, injured. Natives attacked Europeans chiefly. Riot over for the present. Military sent for'.

His Excellency has replied as follows :—

'I deeply regreat to hear of serious riot with loss of life and injury to Police officers and others. I trust the officers injured and Mr. Dastur are going on well, and shall be anxious to learn further particulars.,"

BOTH Mr. Chalmers and Lord Elgin declared that they would never revive the Vernacular Press Act of Lord Lytton, as it would place the press under executive control. With this solemn declaration before the public, how will it be possible for them to pass section 108 of the rocedure Code Bill Pr and also to make sedition cases triable by Magistrates? Section 108, as it stands, puts the journalist absolutely not only under the heels of the executive, but also of those of the spies. This section enables the District Magistrate, on mere information, to haul up a man and give him one year's rigorous imprisonment for so-called seditious or defamatory expressions uttered by him in private conversations. The Magistrate is not bound to tell who his informant is ; he is not bound to accept the evidence of the accused ; he is not bound to follow the ordinary procedure of a trial ; he is not bound to give the accused the benefit of a counsel ; he is not bound to explain why he thought it necessary to bind down the accused in the sum of fifty thousands or one lakh of rupees ; in short, he is free to act in any way he likes, and he is not responsible to anybody in the world for his proceedings. The liberal instincts of Lord Elgin and Mr. Chalmers revolted at the idea of placing some journals, conducted in the Oriental languages, under the thumb of the executive. But if section 108 becomes law, it will place not only the Vernacular Press, but every Indian, at least, every educated man who takes interest in the affairs of his country, completely at the mercy of the District Magistrate. As regards sedition cases being tried by Magistrates, well, as the prosecutor in these cases is the Governmant, and as Magistrates are subordinates of the Government, we need hardly point out that the Indian Press will be placed, by this provision, as much under the control of the executive, as by the Vernacular Press Act, with this difference that while, under Lord Lytton's Act, only vernacular papers were placed under executive control, the new provision will place both the vernacular and the English Press under the same control.

WE said that the sedition measures of the Government would bring in their wake inconveniences from which it is at present free. Mr. Stead promises that they will do more to create ill-will and hatred for the Government than all the combined efforts of the vernacular papers have ever succeeded in doing. It is quite possible that the authorities here consider the introduction of the sedition measures as a triumph. But it is absolutely certain that they have also created strong sympathy for the Indians among the Liberals, and a desire to look more closely into the affairs of India. How they have stirred the feelings of the Liberals, will be apparent from the brilliant speech delivered by Mr. Roberts. He spoke on behalf of India in a more feeling manner than an Irish member would have done for his own country. Yet he spoke in sorrow and not in anger,—there was nothing of coarseness in his speech. The measures, as we said, led many a good Liberal to promise to look more closely into the affairs of this country than they were wont to do in the belief that everything was well in India. The sedition measures, however, have given a rude shock to that idea; for, they show in an unmistakeable manner that the administration in India is weak and the Government here is afraid of its own people Fancy the absurdity of the situation of the Government of India. They threaten Indian newspaper editors with imprisonment, if the latter attempt to te hatred or contempt against the Go- ent. But Mr. Stead tells them to their face that he will do it, and do it in a more pronounced manner than the Indians have ever ventured to do. Yet they can not touch Mr. Stead; and if he really sticks to his promise, it will be possible for him to create contempt against the Government in a more bitter form than the Indian papers could venture to do, and also do it in countries where the latter have no access.

THE Natu brothers suffer because the Government does not know how to release them. We have not the least doubt that as Calais troubled a British Queen, the brothers, in the same manner, trouble the hearts of Lords Sandhurst and Elgin. They would be most glad if they would only find an opportunity of releasing them. To release them now, is, however, to admit that they had been confined unjustly. The only way out of the difficulty is to keep them in jail. So, the brothers are kept there, though the contemplation of the wrong, no doubt, takes away the sleep of Lords Sandhurst and Elgin. It is delightful to possess large powers; but it leads autocrats to take hasty actions. Hasty actions mean blunders, and blunders, repentance. Why does not Lord Sandhurst confess that he had committed a mistake? What is the harm in that? Surely, he is a man and is liable to commit mistakes. If it is human to err, it is divine to admit it. By admitting the mistake and releasing the brothers, Lord Sandhurst will find himself relieved of an oppressive burden, and he will further pay the debt that he owes to Lord Elgin and Lord George Hamilton. Fancy Lord G. Hamilton is made to say before the world that the release of the brothers would endanger public tranquillity! Lord George has had to make this extraordinary declaration only for the sake of Lord Sandhurst. We think, the best course for Lord Sandhurst is now to release the brothers, as it will make himself and Lord Elgin and Lord George Hamilton happier than they are now.

THE most objectionable feature of the Calcutta Municipal Act Amendment Bill, and which will very adversely affect the rate-payers of this city is the proposal to divest the Commissioners, as a body, of power of control over the Executive and the General Committee. This power has been exercised by the representatives of the rate-payers of Calcutta, whether as Justices of Peace or as elected and nominated Commissioners, for the last thirty-five years ; and it cannot be denied that with this general control it was possible to carry out all the multifarious improvements that have taken place in the city since 1863, such as the introduction of the underground sewerage system, the filtered and unfiltered water-supply, the construction of new roads, the opening-out of congested areas, bustee reclamations and such other improvements, costing several crores of rupees. The Draft Bill, we understand, is now before the Government of India for formal sanction. We would beg of Lord Elgin, and of Sir John Woodburn in particular, to withhold their sanction to, at least, this section of the Bill, until they are thoroughly satisfied, on an enquiry into the actual facts of the case, that so radical an alteration is absolutely necessary in the real interests of the rate-payers. We do not know what representations have been made by the Local Government in support of its proposal ; but it must be conceded by every right-thinking person that a very strong case, based upon actual facts, will have to be made out before so material a change is effected in the Municipal law of Calcutta as will divest the representatives of the rate-payers, and practically the rate-payers themselves, of a privilege they have enjoyed for such a length of time.

THE debate on the frontier war in Parliament has made two points clear to the British public. One is that the military clique is the master of the situation in India. On this point, the *Morning Leader* says :—

It is unbearable that these men should be allowed to land this country in all sorts of expeditions, costing much in money and more in human life, simply to suit their own conceit, their own crotchets, and their own fads. They have their own place, and they should be taught it.

The other point is that Lord George Hamilton, as Secretary of State, is not the right man in the right place. The same paper has a fierce attack on his Lordship in these words:—

The debate has shown Lord George Hamilton to be more incapable, incompetent and puerile than even his enemies suspected him to be. He has figured as a mere driveller. Such men are often not able to know when they are being exposed. But even Lord George, humble as are his powers of perception, must have been conscious that he cut a pitiable figure as Mr. Asquith knocked him this way and that, and left him mere pulp, in yesterday's debate. The noble lord's constant and ludicrous interruptions, each one of which left him in a sorrier plight than before, were a sight for gods and men. His friends must have suspected that only the Evil One could have prompted him to some of his inane interjections, and by this time even Lord George himself must wish that he had not allowed the Spirit of Unrest to gain so complete a mastery. The rumours about "something in the Colonies" being found for this most arrant failure of modern times, are revived. We are not surprised, but we shall be surprised if any colony will accept him for any post above the rank of a beadle.

It is quite true that the above estimate of his Lordship's character comes from a Liberal paper. We, however, feel in India that he has no independence of his own.

WE deeply regret to learn that news has been received of the death of the Countess Dowager of Elgin, mother of the Viceroy.

IF the Bombay authorities, instead of prosecuting the Bombay papers who had preached "sedition," that is to say, who had been led to write violently against the way the plague rules were enforced, had given a sympathetic hearing to what they said, Messrs. Rand and Ayerst would not have been murdered. We deeply regret that the feeling between the ruled and rulers has been very much strained ; and this would not have happened if the Government had adopted a conciliatory policy. The serious Bombay riot, which has just occurred and which has sent a thrill throughout the country, would not have probably occurred, if the press had not been terrorized over and subsequently gagged. If the authorities had given a sympathetic hearing to what they had said, and if the press had been as free as before, the native press would have given a fair warning of what occurred in Bombay three days ago. It is impossible for a large body of men to organize a riot without the fact being known to the native public. The native public speaks through the native press, and the latter have ceased to speak since the conviction of Mr. Tilak and other native editors. Journalism is not a paying profession in India ; and no journalist will, from a pure feeling of public spirit, will now care to endanger his neck. A riot like the one that has occurred, was expected in Bombay. Indeed, the rumour had travelled as far as Bengal ; yet no native paper had ventured to utter a word for the purpose of giving a warning. In justice to the Bombay people, it must be said that they had yet approached the ruler of the Province more than once, complaining against the manner in which the plague rules were enforced. The Governor, no doubt, said some sympathetic words, but it is not known whether he did anything more. If any Bombay paper, knowing that a riot was imminent, had said that the plague rules were being enforced in such a manner as to lead the people to commit acts of desperation and that a riot was imminent, he might have been easily prosecuted and sent to jail for having excited the people to commit riots. The situation is this. The Government has nothing to fear from external aggression, but it has something to fear from the folly and poverty of the masses. That is to say, the one thing the Government is required to provide against, is the commission of riots by ignorant men who have no property ; and it is the native papers alone which can give a warning of an impending riot. It was, therefore, a very great blunder to restrict the liberty of the Press in India. These frequent riots show that a screw is loose somewhere ; that the authorities are incompetent ; and that it is not possible to rule a vast country like India by repression alone. When the cow-riots were encouraged by a certain class of officials, we implored them not to raise a frankenstein. It is these officials mentioned above, who have awakened the masses to their powers of mischief—that, poor as they are, they can yet commit mischief. In the interests of the empire, some officials in Bombay should either change their methods or take furlough and leave the empire to the hands of others more competent.

ONE hundred and nine persons were put before the Magistrate on Thursday, charged with rioting in Bombay the day before.

THE Viceroy's march *via* Mussoorie to Simla has been abandoned, owing to the late very heavy fall of snow. His Excellency will probably march to Simla through Kulu, railing to Pathankot.

THE *Pioneer*'s Bombay correspondent learn that there is a proposal to close the piece-goods market from a belief that this action will be the best means open to dealers to bring their grievances in regard to the plague rules to the notice of the authorities both here and in England, where, they believe, exporters will be sufficiently concerned to raise an agitation on the subject.

As recommended by its Standing Committee, the Bombay Corporation on Thursday sanctioned a further grant of a lakh and a half for the plague expenses. The Hon'ble Mr. Mehta added a rider that the detailed statement of expenditure to the end of February by the Plague Committee from grants, should be obtained at once.

THE Joint-Judge of Karachi has delivered judgment in the case of Manghanmal *vs.* Assa, in which an important question was raised as to whether a Hindu wife and a brother's widow under a will by her husband or husband's brother would get an absolute estate. The learned Judge decided that under the circumstances of the case before him, the females concerned were entitled to a life-estate.

ON the 2nd instant, a Burman Revenue Collector and four Military policemen, who were deputed by Mr. Brown, Sub-divisional Officer, Katha District, to collect poll-tax in Mawatauk village on British border, were treacherously attacked and murdered by Kachin tribesmen. Mr. Brown next day attacked and burnt Mawatauk, and then proceeded to Mawlu from the Katha District. The Superintendent of Police and the Deputy Commissioner are proceeding to the spot, and extra military police have been sent out as an escort. A rumour is circulating in Mandalay to the effect that Mr. Brown is missing, which, however, is unconfirmed. Lieutenant Abbey, it is understood, is being sent out in command of a small column to settle with the Kachins.

Calcutta and Mofussil.

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RESIGNATION.—The Hon'ble Mr. G. Tynbee has resigned his seat in the Bengal Council.

THE PORT TRUST.—Mr. E. N. Baker has been re-appointed as a Commissioner of the Port of Calcutta.

NEW MEMBER OF COUNCIL.—The appointment of Babu Jatra Mohun Sen as a member of the Bengal Legislative Council has been gazetted.

SIBPUR C. E. COLLEGE.—Babu Nitya Gopal Mokerjee has been appointed Agricultural Lecturer of the Civil Engineering College, Sibpur.

DRAINAGE IMPROVEMENTS.—An extensive drainage scheme is now being carried out at Barrackpur, at a cost of Rs. 17,000, owing to the large increase of malaria. Several of the existing tanks are being filled up and efforts are being made to try and improve the sub-soil level.

POSTPONEMENT OF AN EXECUTION.—Two murderers, who were sentenced to death at the last Bombay Sessions, were to have been hung on Thursday morning, but during the riots on Wednesday the rioters burnt down the gallows, necessitating a postponement of the execution.

A NOTIFICATION.—It has been notified that with effect from the first April, 1898, the local jurisdiction of the Munsif of Setakund, in the district of Chittagong, shall be incorporated within the local limits of the Sadar Munsifi, and that the Munsif shall hereafter hold his Court at Chittagong.

OBITUARY.—A correspoudent sends us news of the death of Sri Sankar Brahmachari, the well-known *Abadhaut*, on Thursday last. We are told that "the departed Abadhut communicated his healing art to Babu Kedar Nath Mukerjee."

OBITUARY.—A correspondent informs us of the death, on Monday, of Babu Bisweswar Singh, Pleader and Zemindar of Kulbaria, in the district of Shahabad. The deceased was a brother of the Hon'ble Babu Saligram Singh, and proprietor of the Behar National College. A large circle of friends, admirers and relations mourn his loss.

"A SECOND BACON"!—The *Indian Daily News* says :—Sir James Westland, according to Sir George White, who ought to know, of course, is a second Bacon. He seems, however, singularly opposed to one observation of the first Bacon. "And money is, like muck, not good except it be spread." Lord St. Albans, at all events, did not believe in contracting the currency.

WEATHER AND CROPS.—The following is the general summary of the Weather and Crop Report for the week ending March 7 :—There was slight rain over a considerable portion of the Province during the week. The prospects of all standing crops continue favourable, but in Chittagong, where no rain has fallen, rain is wanted for the spring crops. The harvesting of the rabi crops is progressing, and the crushing of sugarcane is going on. In Bihar the collection of opium is proceeding, but in parts it has suffered from the west wind. Lands are being ploughed for early rice and jute in several parts of Bengal Proper. Prices are steady. Cattle disease is reported from Balasore, Angul, Lohardaga, and Manbhum. Scarcity of fodder and drinking-water still exists in parts of Rangpur and Chittagong.

A FATAL CASE IN CHAUSA CAMP.—The *Englishman* says:—A plague case has just terminated fatally in Chausa camp. The victim was a Sikh hailing from a village in Jullundur, in the very heart of the plague-stricken area. Illness began after the man had been detained in camp about three days, or five or six days after leaving his home in Jullundur—a period well within the recognised incubation limit. The case was at first obscure, several of the symptoms of plague being absent; specimens of the blood were, however, sent to Dr. Haffkine for analysis, the result of which is still awaited. The man grew rapidly worse and died. The occurrence, however, need give rise to no feelings of alram whatever so far as Bengal in general and Calcutta in particular are concerned. The patient was isolated with his attendants in the specially constructed *pucca* hospital as soon as he complained of feeling ill, and after his death all who came in contact with him continued to be isolated rigorously.

INFORMATION has reached of the death of Captain E. D. Bullen, R. E., Principal of the Thomason College at Rurki, from dysentery and pneumonia.

A HINDU was charged in Bombay with spreading the infection by putting a patient in a hired victoria, and the driver with permitting it. Each was fined Rs. 50 or a month's imprisonment.

SOME time ago it was reported that the Hazian Shinwaris were looting travellers on the road south of Dakka. They were also said to have robbed the Afridi *jirgahs* returning from Kabul. The Government of Jelalabad, acting under the Amir's orders sent a force against them, and they have now been punished and have taken refuge in the hills. The troops have been ordered to remain for the present in the Shinwari country.

SERIOUS RIOT IN BOMBAY.

THE *Indian Daily News* publishes the following telegraphic summary of Wednesday's serious riot in Bombay :—Dr. Gilder, the Sub-Medical Officer of the Madanpura ward, on receiving information of a case of plague in the ground floor of a chawl, in a bye-lane at Ripon Road, proceeded to the spot with an escort of five men at 9 o'clock this morning. On reaching the spot, he found a Julai woman, aged twenty, lying prostrate in bed. He desired to be allowed to examine her, but the Julais refused. Dr. Gilder then desired to see her tongue, but even this was refused. He then returned to the District office, situated in the same street, and reported the matter to Dr. Dudhialker. A hakim was sent with the party, but admission was refused.

The hakim, and also the party, again returned to the District office, and Mr. Stewart, I. C. S., Plague Officer for the district, and Lieutenant Warnford, R. N., accompanied by a nurse, proceeded to the house of the patient. Mrs. Murfoy was allowed to examine the patient, who was at the time in a state of collapse. They then requested the Julais to allow them to remove the patient, but they showed a determined attitude.

The party, on noticing that a crowd of about one thousand Mahomedans had collected near the house, was returning, when cries of *maro* were heard. The party was pelted, and a big stone struck Lieutenant Warnford on his hat, but fortunately he was not hurt, nor was the nurse, Mrs. Murfoy, who received a stone on her back. The party continued its way towards the office, followed by a mob of infuriated Mahomedans. The report of the rising in the meantime having spread in the locality, thousands of hostile Mahomedans turned out of their houses, and assembled in the streets.

Lieutenant Warnford, on reaching the office, sent a telephonic intimation to the Byculla Police Station, and in a remarkably short time a party of twenty of the mounted police and ten of the armed police appeared on the scene.

Superintendents Brewin, Nolanand, Grennan, and other police officials also repaired to the scene of the disturbance.

The mob was then directed to disperse, which they refused to do; but they were up to this time fairly quiet.

The plague authorities then, escorted by the police, proceeded to the chawl, and demanded once more the surrender of the patient; but the Julais replied that if they wanted the patient, they must first kill them. The mother of the patient remonstrated, and declared that if the Sircar desired, they might have her (the mother); but she would not part with her daughter. The party then returned, and the police authorities, looking to the gravity of the position, sent for Mr. Dastur, Fourth Presidency Magistrate, who was sitting at the time in the Mazagon Police Court. The mob had swelled to an enormous number by this time. Mr. Dastur and Mr. Brewin then proceeded to the house and explained to the Julais that it was unwise for them to oppose the police, who were armed; but to no purpose.

A Julai at that time aimed a successful blow at Mr. Dastur and hit him on the eyebrow, making a large wound. The infuriated Mahomedans then aimed a blow at Mr. Brewin, who was hit on the shoulder, but the culprit was arrested and disarmed. Mr. Dastur then gave orders to charge at the mob, when four Mahomedans were killed on the spot, and three seriously injured.

The mob, in the meantime, attacked a European, named Causty, who was passing along the road on horseback. The gentleman was knocked off his horse, and fell on the pavement, receiving serious injuries. He was promptly rescued by the police, and removed to hospital. In the meantime the mounted and armed police were recruited, and a detachment of European police officers, followed by Mr. Vincent, Sir James Campbell, Mr. Snow, Dr. Weir, Mr. Hamilton and Mr. Roughton appeared on the scene, and the locality was quieted.

One of the wounded Sidees got up and took a clasp knife, with a blade about three inches and-a-half in length, and rushed at Mr. Brewin, but the latter was too quick for him. He gave the Sidee a severe blow with a thick stick on the shoulder, and knocked him down. The knife was then snatched from the Sidee's hands.

The crowd attacked Victoria Buildings at Byculla, but the residents closed their doors, and the firing of blank cartridges from the windows by the residents forced the mob to retire. The rising had by this time spread throughout the district, from Pydhonie to the Two Tank Road. Bhendi Bazaar Road and all the streets and byelanes presented a similar spectacle to that witnessed at the time of the riots of 1893.

The Mahomedans were joined by Hindus, and no Christian, weather European, Eurasian or Portuguese, was safe in their hands. The tramway communication on Ripon Road was stopped from the commencement of the outbreak, but in other parts the cars were allowed to run. If the mob saw a European or Eurasian, they attacked him with sticks and stones.

Two soldiers who were passing along the Two Tank Road, were thus attacked by the mob and were very nearly killed on the spot; and a pool of blood on the road near the footpath was to be seen when the police appeared and charged the mob, which then dispersed.

Mr. Glazebrook, of Messrs. Lyon and Co., while driving in a victoria along the riotous locality, was assaulted by the mob and received wounds all over the body. Inspectors Mynn, Murray and Hurst also received injuries, and they with Mr. Glazebrook, when taken into Messrs. Treacher's establishment, at Byculla, and their wounds were dressed. A native police sepoy also received a wound on the face, and was treated there.

All the shops and houses along Parel Road were closed, and crowds of Mahomedans and Hindus collected on the road, and stopped all the tramcars. The drivers were compelled to stop the cars, under pain of assault. The cars were examined by the leaders of the rioters to see whether there were any Europeans inside, and after satisfying themselves that there were none, the leaders raised cries of *jane do*, and the cars were allowed to proceed. The cars were thus stopped at six different places of the road between Pydownie and the entrance to the Jail Road.

The Military did not put in an appearance up to two o'clock, and the police had to charge the mob single-handed. As soon as the mob assumed proportions, such as could not be dealt with by the police, and the riot increased, the troops were immediately requisitioned and by two o'clock 200 of the Shropshires, along with 80 of the Royal Artillery with four guns, were down in town. One hundred and fifty of the Infantry were at once marched to the heart of the disturbance, while the balance were kept in reserve at the Head Police Office. Two of the guns were stationed at the market, while two others were taken up and stationed along Bhendi Bazaar.

Fear being entertained that the rioters might attack the Modi Khana camp, a company of Artillery were sent there for protective measures.

The various guards at the Bank, Mint, Arsenal and other places are being strengthened.

So far about fifteen have been killed, including two Europeans, and double that number wounded.

Tramcars were stopped, and any European passengers, without referenceto sex, were pulled out and battered. An Armenian woman, who was mistaken for a European, was pulled out of a car and so badly assaulted about her head, that she lay insensible for a considerable time, till discovered and taken to hospital. The rioters made a rush at Messrs. Treacher's establishment at the junction of Duncan and Ripon Roads and

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were repelled with some difficulty. Many of those wounded were taken into the premises for treatment, and in a very short time the place presented quite the appearance of a hospital ward. The manager of the firm and his assistants did everything in their power to assist the injured people who sought their assistance.

While Mr. Greenboam, Private Secretary to Mr. Sassoon, was driving in a gharry through Byculla a party of men rushed up, stopped the horse and set about assaulting the gharriwalla. They also struck Mr. Greenboom but fortunately the assailants were beaten off before they did any damage of a more serious nature.

On the rising assuming serious proportions, an alarm was immediately given, and the troops in garrison were ordered to proceed to the scene of the disturbance at the "double."

It is reported that two European soldiers were dragged out of a tramcar and killed. The scene at the Phydonie Police-station at 3-30 was one of great excitement. Hundreds of natives congregated at all the corners of the streets converging on to Phydonie, and had to be repelled from time to time by the police and military to preserve order and restore vehicular traffic.

The climax was reached when a battery of Artillery from Colaba, with two guns, marched and patrolled the streets via Bhendi Bazaar.

Three hundred European soldiers from the Shropshire Regiment are now stationed in the vicinity of the Pydonie police chowkey, where are posted Colonel Collett, S. L. I; Colonel Brown, B. V. R., Mr. Sanders-Slater, Chief Presidency Magistrate, Dr. Dimmock, Mr. James, Dr. Collis Barry, Mr. Lewis Russell, Mr. Crummy, Deputy Commissioner of Police, Superintendent Hack and Inspectors Roberts, Hamilton and Williams.

Another interesting sight at Pydhonie was when the European and Eurasian lady students of the Grant Medical College were escorted and brought up to the station under the care of Dr. Burry, Mr. Russell, Barrister, several medical students armed with *lathis* and about half-a-dozen European soldiers under arms leading the way.

The shops from the market down to Abdhur Rahman Street are all closed.

Groups of Mahomedans still congregate at various centres and look suspiciously at every carriage containing sahebs. Many of the Europeans passing through this thickly populated portion of the Mahomedan quarter are to be seen busily engaged in the shops for sale of arms and ammunition investing in revolvers.

At 4-30 P. M. the rioters had quieted. A fire broke out, it is rumoured, at the Grant Road Hospital, and was soon extinguished.

IN THE COUNCIL CHAMBER.

THE POST OFFICE BILL AND THE CRIMINAL CODE BILL.

A PROTRACTED DEBATE.

THE second important measure of the Session, the Criminal Procedure Code Amendment Bill, was taken up for consideration yesterday at the Council of His Excellency the Viceroy. With the exception of His Excellency the Commander-in-chief there was a full attendance of the members. The debate on the Bill as on the occasion of that on the Sedition measure was a protracted one, and the Council though sat even after 7 P. M., could not go through half the number of amendments on the notice paper. There were not many speeches made on the Bill generally. With the exception of the speeches of the Hon'ble the Maharaja of Durbhanga and the Hon'ble Mr. Charlu the rest were very brief. There were, however, lengthy speeches on the amendments, some of which, notably those which were moved by Sir Alexander Mackenzie Mr. James and Sir Griffith Evans, were carried.

Before the discussion on the Criminal Code Bill commenced, the Hon'ble Sir James Westland presented the report of the Select Committee on the Bill to consolidate and amend the law relating to the Post Office in India. The Hon'ble member in the course of his speech said that a good deal of objections expressed in violent language had been taken against section 20 of the Bill. The violent language was based upon utter misapprehension. It was said that no newspaper containing any seditious article could be sent by post and that the punishment for so doing was provided in the next section. But this referred to what was on the outside of a letter or packet. It was right that a letter or a packet should not be allowed which had seditious, libellous or scurrilous words on the outside. The Post Office should never allow such a packet. For example he pointed out that a man might address a letter to a native prince addressing him on the outside of the letter as a Robber prince or a letter might be addressed to a lady attributing to her some disgraceful conduct. The Government did not take any power to open a letter on a newspaper packet but that they wanted to take the power to stop the circulation of those letters and packets which had seditious or defamatory writings on the outside. This explanation he hoped would satisfy the large number of people who used violent language in connection with the section.

The Hon'ble Mr. Chalmers then moved for leave and obtained permission to introduce a Bill to further amend the Presidency Small Cause Courts Act. The necessity for introducing the Bill was caused by some difficulties felt by the Madras Government in making officiating appointment to the post of Chief Judge of the Court and also in the rules made by High Court in connection with the Act.

On the matter of the Hon'ble Mr. Chalmers the report of the Select Committee on the Criminal Code Bill was then taken into consideration. Mr. Chalmers made no speech saying that he would reserve his remarks till the amendments were moved.

The Hon'ble Mr. Chitnavis, the Hon'ble the Maharaja of Durbhanga, the Hon'ble Mr. Charlu, the Hon'ble Mr. James, the Hon'ble Joy Gobind Law, the Hon'ble Pundit Bishumbhurnath and the Hon'ble Mr. Sayani then addressed the meeting. We give some of the speeches below.

The amendments were there taken into consideration. There were six amendments on clause 108 of the Bill which empowers Magistrates to bind down persons spreading sedition. The Hon'ble Pundit Bishumbhur Nath moved that the clause be omitted as its retention would prevent persons from criticising the measures of Government. All the amendments were however lost with the exception of the following moved by Sir Griffith Evans which was accepted by Government and adopted by Council: That the following be added to clause 108 of the Bill as amended by the Select Committee, namely:

"No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, or printed or published in conformity with, the rules laid down in the Press and Registration of Books Act, 1867, except by the order or under the authority of the Governor-General in Council or the local Government or some officer empowered by the Governor-General in Council in this behalf."

As all the amendments could not be gone through, the Council was adjourned till to-morrow at 11 A. M.

HON. MR. P. A. CHARLU'S SPEECH.

The Hon. Mr. P. A. Charlu said:—

This Bill contains a second batch of innovations as to the impolicy of which my conviction is just the same as what I avowed as to the first batch. But in closing the debate at the last meeting Your Lordship said that your Government would be satisfied with nothing less than what was given then. I hope that Your Lordship has not made up your mind to wind up to-day's debate also with a like decisive pronouncement. By and by and in dealing with the amendments of which Hon'ble Members have given notice, I shall endeavour to point out how the two cases are different and how certain of the arguments, insisted during the last debate on behalf of the Government, do themselves necessitate a departure in the present instance. In closing the debate on the last meeting of the Council, Your Lordship, in calm and dignified language, expressed the hope that when the Bill then on the eve of passing was given a fair trial, some of the feelings then excited might subside. Those were certainly reassuring words as regards the mode of trials in store for public men, and the grateful country has not been slow to value them highly. It will nevertheless be affectation on my part, if I say that, as yet, there have been any signs of such subsidence or any cause for it; for how could there be any such, when that fair trial is yet to take place, to which Your Lordship looked forward as calculated to allay anxieties, which, with the profoundest respect for Your Lordship, I cannot bring myself to regard as unduly excited. For all that, I feel bound to declare my sincere conviction that, notwithstanding the undiminished continuance of the apprehensions then entertained, the ebbing of the tide of excitement will be begun and greatly accelerated, if only we accept certain of the amendments on the agenda paper. That we can well do so may be easily shown. In following that course we shall be doing only what we ought to. Take for an instance those relating to the new section 108. It must be in the recollection of us all that, when we dealt with the new sections 124A, etc, of the Penal Code, it was strongly urged upon us, on behalf of the Government, that the prior sanction by the Local Governments would prove an effectual safeguard against unfair or hasty action by freakish or high-handed magistracy or police. That guarantee the Government is bound to extend to this analogous case. Its presence told heavily in favour of the Government then. Its absence ought, in logical and common fairness, tell in a like degree against the innovation now proposed. To leave the proposal at least without the modification which my friend Mr. Sayani has asked for, is tacitly and practically to let in that very state of things which Your Lordship rightly abhorred, viz. an executive control of the freedom of utterance by public men. Subtlety and ingenuity apart, nothing short of a concession in this respect will get rid of a strong impression to that effect from the minds of men of common sense; for if the safeguard of a prior sanction of the Local Government was necessary as regards sections 124A, etc., the present is an *a fortiori* case for it. The most cogent reason for the acceptance of some such amendment has yet to be told. It is this. It is the Government who, acting in its full sense of responsibility, asks for the power given by this section. Upon that Government its subjects have a right to lay the entire burden of responsibility by entreating it to take the initiative in this as in other matters of gravity. Despite much that might be said to the contrary, it is by the establishment of mutual confidence between the Government and the people that the smooth working of any measure can be ensured, and, having regard to this inter-dependence, the people are clearly entitled to secure the intercession of their Government against the tendencies and possibilities of busy policemen and hasty Magistrates, smitten by what the Americans call "cursedness," or goaded by some real or fancied personal affront. Too much stress cannot be laid on the fact that the action of the Government in matters like this is expected to ensure an intense and judicious caution, while neither the inquisitorial meddlesomeness of the police nor the exercise of even the judicial function of the magistracy is subject to any such wholesome break-power. Quite as much and nothing less is necessarily implied by all those provisions which prescribe a prior sanction, and I think that I venture on no debatable or unsafe ground in asking that a like provisiou be made to control the operation of section 108 of this Code as well. Reserving my further remarks to be made as the amendments come up, I think I may say at this stage that I believe, and I hope I am right in believing, that we have met to-day in a spirit of restored kindliness and with a frame of mind, not combative but prone to promote harmony; and I make bold to be sanguine that we shall proceed to consider this new sheaf of changes with a sympathetic regard for the not unjust fears felt all round and with a temper favourably disposed to make an offer of a fair measure of concessions to the public demand. Much of what I meant to add at this stage has already been well put by my friend Mr. Chitnavis. Without taking up time by repeating them, I shall conclude with saying that I heartily endorse almost all his remarks.

I HAD the rheumatism so badly that I could no get my hand to my head. I tried the doctor's medicine without the least benefit. At last I thought of Chamberlain's Pain Balm; the first bottle relieved pain, and one half of the second bottle effected a complete cure.—W. J. HOLLAND, Holland, Va. Chamberlain's Pain Balm is equally good for sprains, swellings and lameness, as well as burns, cuts and braises, for sale at all drug store Price Re. 1 and Rs. 2.

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HON. MAHARAJA OF DURBHANGA'S SPEECH.

THE Hon'ble Maharaja Bahadur of Durbhanga said:—"My Lord, I desire to offer a few general observations on the Bill, before the Council proceeds to a discussion of the amendments, in order that I may make quite clear the position which I deem it my duty to take up with regard to the measure. I have not considered it incumbent upon me to give notice of motion of any amendments on the present occasion, although there are many alterations in, and additions to, the existing law, to which I feel bound to take exception. There were several reasons which led me to this conclusion. In the first place, it appeared to me that in the discussion of a purely legal measure like this, it was not for me as a mere layman to take a prominent part. I have not the professional training nor the professional experience which years of practice at the Bar alone can give; and which my learned friends who sit around me at this table possess, I am happy to feel in so marked a degree. It was not for me to put myself into competition with such veteran professors of the Law, and further, so far as my limited knowledge of English political affairs extends, I believe that, when measures such as the one before us come up for consideration in the Houses of Parliament, it is the lawyers, and the lawyers alone, who bear, and in my humble judgment rightly and appropriately bear, the burden and heat of the day. I have therefore confined myself chiefly to making quotations, and hope to be excused if some of these quotations are too long and wearisome. I had an additional reason before me in the shape of the exceedingly able and exhaustive note on the Bill which the members of the Calcutta Bar have addressed to the Secretary of this Council and which has been circulated for our perusal and consideration. This is about the latest minute from any public body of which we are in possession, and I think it may be fairly said to sum up the public view on the subject of this Bill.

I shall make no excuse therefore, for taking it as the basis of the few remarks I propose to offer. I will not conceal from the Council, my Lord, that I had anticipated several amendments from Hon'ble the Legal Member on the lines indicated in that note. Speaking as a layman and as one whose avocations do not bring him, and I trust will never bring him into a Criminal Court, I can only say that I have been much struck as much by the forcible character of the arguments adduced in that note as by the eminently reasonable nature of the criticism it contains. But I cannot find, my Lord, that even one single suggestion of the many put forward by the Bar have met with the approval of the Hon'ble the Legal Member. The reason, I fear, is not apparent to me. The Bar speak with the authority and knowledge born of experience and ability. They may not be responsible persons within the definition given us on a previous occasion by the Hon'ble the Legal Member, but no one, I suppose, in this Council will assert that they are not as anxious for the quiet and peaceful administration of this country as any of us present here. Let me take some of these suggestions in order. With regard to clause 1, they call the attention of the Hon'ble the Legal Member to the proposal to give the Local Government the power to extend any of the provisions of this Code by a mere notification in the official Gazette. It can not be desired that their comment has considerable force

'It is impossible to predicate,' they say, 'that such large powers may not be, on occasions, injudiciously employed, and in this connection they do no more than refer to the action, taken some years ago by a local administration in abolishing trial by jury of certain offences by a mere notification in the official Gazette.'

I ask, my Lord, with the greatest possible deference and respect whether it can be said that the comment of the Bar is not justified? They have cited chapter and verse in support of their contention. Are there no other means of dealing with this question? Is there no method but this of fixing and ascertaining the Law of Criminal Procedure for the Presidency-towns? Take again the remarks made by the Bar with regard to the new explanation proposed to be added to section 164:

'In view of the use made against an accused person of any statement in the nature of a confession and the important influence that it exerts on a trial, the Bar consider the proposed explanation to this section to be a dangerous innovation. In their opinion, no Magistrate should he permitted to record a confession except those who have jurisdiction to try the case. It is of the utmost importance that very formality should be observed. The section, as it stands, has been productive of great hardship and injustice. Under the existing law, numerous cases have occurred in which prisoners who have confessed have withdrawn their confessions before the trying Magistrate, and in many instances the trying Magistrate has found that the confession was extorted by the police. The new explanation will make matters even worse. In practice, this amendment will be made use of by the police to take the person who is going to confess to having committed a murder before a third class Magistrate, who has only been appointed to the service for a few weeks, to record his statement or confession. If any change is made in the law, the Bar think it should be in the sense that confessions should only be received in evidence against accused persons when they have been recorded by the trying Magistrate.'

My Lord, speaking as a layman and an outsider, I say that here is again a practical and reasonable suggestion. What has the Hon'ble the Legal Member to say on behalf of the proposed change in the law? Does he deny the assertions of the Bar? I cannot believe that it can be intended by the Legislature that third class Magistrates shall be employed for such purposes: and yet I find no amendments on the lines indicated by the Bar, proposed either by the Hon'ble the Legal Member or by Sir Griffith Evans, whose experience must tell him that the dangers contemplated by the Bar are very real and very serious, specially in the mofussil, where the corruption of the subordinate police is notorious.

Section 202.—The Bar cannot understand why the Select Committee should have substituted the words "is not satisfied as to the truth of a complaint" for the original words "sees no reason to distrust the truth of the complaint," which are not only in the present Code, but are to be found in the Bill as originally laid before Council. They conceive it hardly necessary to point out that a Magistrate's only business at this stage of the case is to satisfy himself that a prima facie case has been made out for the issue of process.

Is it too late to enquire on what grounds the Select Committee have mane this alteration? The report furnishes no information on this point.

With regard to sentences of whipping. The Calcutta Bar think—and, I venture to say, very sensibly think—that sentences of whipping should be appealable, and provision should be made for the suspension of the punishment in the interval. My Lord, I confess I cannot understand that there can be any valid objection to this proposal. If the man's appeal is rejected, he will be whipped; but why whip him first and let him bring up the case to the High Court on revision afterwards? Why make a difference between those who are sentenced to the punishment of whipping and those who are sentenced otherwise. In fact, in cases of respectable men the punishment of whipping si considered more degrading than not only periple but even rigorous imptisonment for long periods. Any concessions on this point will, I feel convinced, be received with feelings of the most sincere gratitude by all the upper and middles classes of the Indian community. And I most earnestly pray your Lordship to give this matter your special consideration. I venture to express a hope that (in case it is not thought advisable to amend the law now) still your Lordshp's Government will see its way by the near future to grant us this right of appeal.

Let me come lastly to the changes and additions in the schedules. These seem to have escaped the notice of the general public, and I find that none of my learned colleagues have amendments on the paper advocating their omission. My Lord, I venture to say this is a fact much to be regretted. I can only suppose my learned friends were under the impression that the Hon'ble the Legal Member would accept the suggestion of the Bar and move amendments on the lines urged by them. What do they say?

Schedule II (d).—The Bar feel bound to take exception to a number of other changes in the Second Schedule. A Court of Session should alone be competent to try offences such as those under section 377 (unnatural offences), section 382 (theft, preparation having been made for causing death, etc.), section 455 (mischief by fire), section 440 (mischief committed after preparation made for causing death, etc.), section 465 (forgery), section 468 (forgery for the purposes of cheating), section 469 (forgety for the purpose of harming the reputation of any person), section 471 (using as genuine a forged document). These are all very serious offences which under the present Code, are exclusively triable by a Court of Sessions and with the aid of a jury or assessors: and the Bar think they should continue to be so triable. The maximum punishment is, in all cases, beyond the competence of Chief Presidency Magistrates or District Magistrates to inflict, and this appears to be a valid objection to the proposal.

In my humble opinion, nothing has been said why the right to a trial by jury should have been summarily restricted in this way; and these changes, my Lord, I may point out, do not occur in the Bill as originally introduced in Council, but have all been inserted in Committee. And I venture to express a hope that matters may in this respect be restored to their former condition. The right of trial by jury is highly prized by the people of those districts which enjoy this most valuable right; and I may be permitted to express a hope that, with the advancement of the country the Government will see its way, in time, to extend it throughout the whole of India. While having every confidence in the uprightness and integrity of the judiciary, I am sure the presiding officer will be greatly assisted and aided in coming to a proper decision by those, whether sitting as jurymen or assessors, who are of the same race as the accused, who are acquainted with his habits, his ways, his feelings, and who therefore possess peculiar advantages to offer sensible and valuable advice. Of course, it may be answered that it has been so often found in practice that jury trial in this country has not been a success; that men are acquitted because they are Brahmins; and that the limitation is necessary in the interests of all parties. My Lord, I would beg that in dealing with this as with many of the other changes now proposed to be made in the law, that this is a safeguard given to an accused person, and as such it should be jealously retained. You may say it is abused, but that is no ground for its limitation or abrogation. Let the words of the Hon'ble Mr. Ilbert be borne in mind, when he said from his place in your Lordship's Council on the 25th January, 1884:—

'It must be remembered that every safeguard which is given to an accused person is liable to a similar objection, and we have endeavoured to frame the section (526A in this particular case) in such a way as to minimise the risk of its being abused.'

Similarly the right of trial by jury in this country is already limited and guarded and protected from abuse in a dozen ways. It is still upon its trial: and if any offences ought to continue to be tried by a jury, I venture to say it is those very offences it is now proposed to withdraw from their exclusive cognisance.

There is one more alteration of the most important character to which the Bar have called attention, and which I cannot pass over in silence. Here, again I observe with regret that no amendment has been moved on this head by the professional members of your Lordship's Council: and the reason must, I take it, be the same, namely, that the matter is one which, in their opinion, had only to be stated in order to secure the ready aquiescence of the Hon'ble the Legal Member in its withdrawal. It is with reference to Schedule III, and what the Bar say is this. Here, again, the Bar have noticed that the powers of inferior Magistrates have been increased in a manner which calls for unfavourable comment. No Magistrate of the third class should, in the opinion of the Bar, be empowered to require search to be made for letters and papers under section 95 (No. 7), to use civil force to dispose an unlawful assembly under section 127 (No. 11), to require military force to be used to disperse an unlawful assembly under section 128 (No. 12), to take cognisance of an offence committed by an European British subject under section 445 (No. 16), to recover a forfeited bond for appearance before a Magistrate's Court under section 514 (No. 18) or to make an order as to the disposal of property under section 517 (No. 19). Magistrates of the third class are mostly officers belonging to very junior classes of Deputy Magistrates.

Deputy Magistrates and Sub-Deputy Magistrates generally have not more than a few months' experience of magisterial work. The comparatively unimportant nature of their functions is indicated by the fact that the maximum sentence of imprisonment they can inflict is one month and that they cannot impose a fine exceeding fifty rupees. To give these Magistrates such powers, as for example No. 11 and No. 12 is likely to be productive of the most dangerous consequences, and (in the particular instances) to create unlawful assemblies rather to disperse them. For, as regards Section 517 I wish to ask the question whether there is any necessity of changing the law. I know of many complicated questions which have arisen as to the disposal of property under this section, and which have ultimately had to be settled by the High Court.

As regards Section 108 I beg to state that I entirely agree with the opinions expressed by our honourable colleagues Pandit Bishemhhernath and Mr. Sayani in their able minute of dissent. I do not wish to enter into all the details. Nor do I wish to weary the Council with lengthy quotations. All that I wish to say is that in my humble opinion the arguments against the introduction of this section have not been answered conclusively.

The Hon'ble the Legal Member appears to me, I say it with all respect, to be perhaps under the false impressions, first that Magistrates are individually absolutely perfect, and secondly that the government of this country cannot be carried on unless and until they are made perfectly absolute. My Lord, I have given a string of extracts which I fear must have wearied your Lordship as well as the Council. But I have felt it my duty to say them for the last time before the Hon'ble the Legal Member. To move amendments on the lines suggested in them was not a waste of the time of this Council, unless the Hon'ble the Legal Member had intimated his approval of them. But he has given no sign of any such approval, and we have already a sufficiently long list of 75 amendments to occupy us to-day. But again I ask, my Lord, what answer can be given, what argument can be adduced to combat these eminently reasonable proposals of the Bar to leave the law as it now stands? In what way has the law worked crooked or unsatisfactory in these respects? Even granting that a guilty persot; may here and there has escaped punishmenn does not the noble old legal maxim tell us that that if it were better so, rather than that one innocent person should suffer wrongfully?

My Lord, I am bound to say, and I say it with the greatest regret. that I do not observe in any of the amendments that have been made in the law, and that I presume will become law to-day in the ordinary course of events, any indication of an intention to lessen the rigour of the Criminal law, and to give an accused person further opportunities of successfully rebutting the case made out against him. There is no necessity for such harshness in our penal procedure. India is not a country in which crime is at all rife; if it were, it would be impossible to preserve the public peace with the small staff of Magistrates and Judges that are necessary. In England where the percentage of crime is noticeably greater in proportion to the population, the penal statutes are conceived in a far more lenient spirit.

Take the privilege now allowed to an accused under Section 162 of calling for and inspecting statements made previously by witnesses to Police officers and reduced into writing by them. It is proposed to limit this and leave it to the discretion of the Court to permit an accused to make use of such statements. And why? On what ground is an accused person to be deprived or limited in his full exercise of a right which, if he is innocent, is calculated to be of the greatest assistance to him in estabtishing his innocence? These statements are nothing more than the statements of witnesses who depose as to their knowledge of the occurrence. With their help an innocent man has broken down a false case brought against him. It will be said that the Court in whose discretion the matter will in future lie, may be relied upon to do its duty. I do not deny it; but let any one read as I have done the mass of opinions recorded on the subject by the body of Magistrates and Judges. Many are altogether against the use of these documents by the accused under any circumstances. In what direction are they likely to exercise their discretion. Under these circumstances, it is surely the wisest course to leave things alone. The Calcutta High Court have spoken out in favour of the retention of the existing section, which is all in favour of eliciting the truth, the object as it commonly understood of a criminal trial. The judgment of Mr. Justice Aikman of the Allahabad High Court in the case of Empress versus Manu (I. L. R. 19 Al. 416) is one of the most convincing of arguments that has hitherto been adduced in favour of leaving matters as they are.

Again, take section 213. Do the Bar make an immoderate demand or an unreasonable request when they ask that in the event of a Magistrate, after he has heard the witnesses for the defence, finding there are no sufficient grounds to justify a commitment, his order should operate as an acquittal and not only as a discharge. It is surely due in fairness to an accused that if he is able to produce rebutting evidence of such a character as to satisfy the Court that there are no grounds to justify any further proceedings against him (or in other words, that he is not guilty), he should be entitled to such an order as will effectually prevent his being harassed by a re-trial on the same charge. And yet in the section as late before Council we find the word 'discharge' and not the word 'acquit.'

Let me take another instance to illustrate my meaning. In Section 231, the recall

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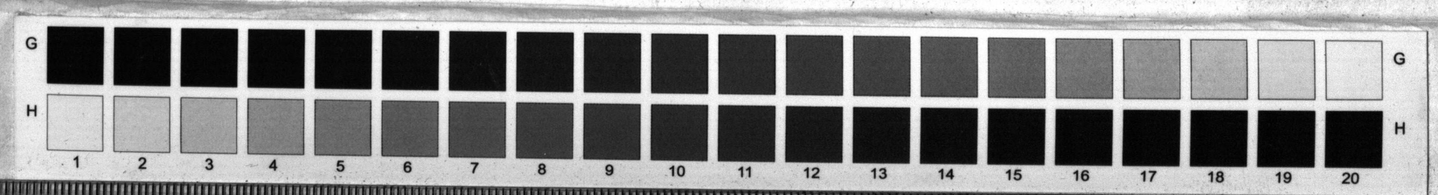

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nesses when a charge is altered or added is left to the discretion of the Court. But it is surely next to impossible for a Court, unacquainted with an accused's line of defence, to know whether a witness is material or not, until he has heard his evidence. What is the objection to giving the accused the right of calling these further witnesses.

I have but one or two more observations to offer. I cannot conclude without recording my protest against the proposal and making cases under the newly enacted Sections 124A, 153A and 505 of the Penal Code triable by certain Magistrates in the future as well as by Sessions Judges. This shall be my last extract:

There is no question," as my honourable friend Pandit Bishambhernath has said in his minute of dissent, "of lending undue eclat or of giving notoriety to proceedings in cases of sedition by publishing their trial by Chief Presidency and District Magistates. The objection is based on more substantial grounds. I give them in the words of Mr. Cotton, the Chief Commissioner of Assam. It appears to the Chief Commissioner that sufficient weight has not been attached to the objections which occur in this connection that the District Magistrate is the executive head of his district and the official representative of the Government in unertaking the prosecution of political offences, and that therefore the trial of such offences should neither lie in his Court nor in that of any Magistrate subordinate to him: that a Sessions Judge is assisted in the trial of such cases by Assessors, whereas a Magistrate is not: and that every offence which is deemed by law to be of such gravity that it is punishable with the extreme sentence of transportation for life ought, whether it is or not, to be triable only by the highest judicial authority in the iand. These objections and the inevitable inference which will be drawn from a proposal to place the trial of political offenders in the hands of the executive authority appeor to the Chief Commissioner to outweight any advantage to be derived from the proposed amendment in the law, and he would recommend therefore that it should not be pressed.

I do not propose, my Lord, to dwell further on this subject. As I understand the position, it is not intended by Your Lordship's Government to withdraw the proposal and under the circumstances, I can do no more than record my spectful reprotest against it.

I now come to the last of the observations which I desire to make on the subject of this Bill. I refer to the amendment that was moved by me when the Criminal Procedure Code was being amended in this Council in the year 1884. I was one of those very few Indians who did not think it advisable to take away any privileges that were enjoyed by the Europeans. All that I wished for was that my countrymen also should get certain concessions. As I then pointed out, the Bill gave every European the right of trial by jury in almost every cases, but it was far from the purpose of my amendment that natives, of India should be given the same wide privilege. My contention was that in all Sessions cases and Sessions cases only, the natives of India should be entitled to demand a jury, and I moved an amendment, as I say, in those terms. But I feel bound to withdraw it in deference to the wishes of the Viceroy. His Excellency pointed out that the time was then not ripe for the consideration of such a proposal, and he further remarked, "I admit that the fact which the honourable gentleman Mr. Kisto Das Pal has alluded to, that there appear to be a strong failing in the country in favour of the extension of the jury system, is a matter which of itself deserves our consideration; but to oblige the Government to vote against the motion at this time would be unduly to prejudice the further examination of the subject. I make no complaint on the score of regularity against my houourable friend the Maharaja of Durbhang for having raised this question, and thereby drawn additional attention to it; but I confess that I should very much regret that, by dividing the Council, he should force the Government to pronounce an opinion upon it prematurely, and at the time when they have not the necessary information before them to enable them to form a deliberate judgment upon it. That the question is deserving of consideration I entirely admit, but that it would injure the cause which the Maharajah has at heart, if he were to press for a motion on the present occasion, I cannot for a moment allow." My Lord, fourteen years have elepsed since Lord Ripon gave this assurance to my fellow countrymen. We have the privilege of claiming a jury of which the majority must be of our own nationality, if the trial in which we are concerned takes place before a Court of Sessions. We do not make an reasonable demand, I submit, in asking that we should not be deprived of this privilege by the mere accident of a change of *venue* to the High Court. I may here mention that this amendment of mine received the sympathy of such an experienced and learned official as Sir William Hunter. I observe that my honourable friend Pandit Bishambar Nath and Mr. Sayani are making amendments on the lines I am indicating.

May I say, my Lord, with reference to them that if your Lordship's Government can see its way to grant us this concession, which as I have said is neither unreasonable nor unseasonable nor likely to produce any serious consequences, we shall not only feel that your Lordship is carrying out the pledge of Lord Ripon, but also a tangible token is being afforded us of that sympathy which your Lordship's public utterances have already assured us, is the key-note of the policy of the Government?

My Lord, I have no more to add. If I have been led to speak strongly, if I have expressed my mind with freedom, your Lordship will forgive me. I have spoken in all loyalty and with every desire to represent to your Lordship's Government the views of those I am here to represent. If I have erred, I have erred in good company, and inasmuch as your Lordship was pleased to assure the Council that nothing was further from the wishes of Government than to hinder honest and well intentioned criticism of public measures, I am confident that nothing I have said will be taken amiss. It would have been impossible for me, in the faithful discharge of my duties as an elected representative of your Lordship's Council, to have done otherwise than to give utterance to what I deem to be the views of my constituents, as voiced by those most competent to offer an opinion on the subject, and that is what I have endeavoured to do to he best of my small ability.

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HON. MR. CHITNAVIS' SPEECH.

Hon. Mr. Chitnavis said:—

My Lord, I think that whatever be the view taken by any member of this Council of the Bill which is before us, there will be a general admission that the task undertaken by the Hon'ble the Legal Member and the Hon'ble Sir Henry Prinsep has been performed by them with great ability, and although I am not prepared to subscribe to all that is embodied in the Bill, there is much in it in which I heartily concur.

My Lord, the Criminal Procedure Code is a law of every-day reference. If an alteration of a few words here, a slight addition there, or an explanation or illustration in another place would add clearness to it, every one ought to be greatful for such amendments. My own experience as an Honorary Magistrate in the Province I have the honour to represent, has forced upon me the conviction that some of the amendments which the Bill proposes to make are necessary, and that the smooth working of the law is likely to be much facilitated by greater plainness of language and the introduction of additional explanations.

But the consideration of a measure of such length and importance requires a great deal more time and more special knowledge than I am able to bestow on it. I would therefore leave the consideration of all verbal amendments and of all knotty and subtle points in the Bill to the Hon'ble Members learned in the law, and confine myself to some very brief observations upon two or three matters of general interest.

As regards the proposal that offences under Section 124 A of the Penal Code should be triable by a District Magistrate or a specially empowered Magistrate of the first class, I should be failing in my duty, were I to disguise the fact that it has produced something like consternation amongst all classes of Her Majesty's subjects in India. Personally speaking, I have the highest respect for those Members of the Civil Service who fill the offices of Magistrates in this country. Still it will not be denied that, as a whole, they do not form so experienced and so skilled a body of Judges as the Sessions Judges and the Judges of the High Court. They have not that judicial habit of mind, acquired by a course of long and systematic training which characterises the latter. Magistrates have no jurors and assessors to assist them in their deliberations, and offences under Section 124 A are of a highly technical character and often tax the best abilities and the nicest discrimination of a Judge and a Jury. There is, therefore, much reason for apprehending that the new procedure, if sanctioned by the Legislature, will be attended with injurious results to the well-being of society, and will greatly imperil the sefety of individuals criticising public matters.

Moreover it must be remembered that Magistrates are essentially executive officers and subordinate to executive authority. Public writers and speakers direct their criticism more often against the actions of the executive than against the proceedings of the Legislature or the judiciary. It is therefore feared, not without reason, that it will be difficult for an executive officer to bring an unbiassed mind to the consideration of such cases. The supposed safeguard of the previous sanction of the Local Government will not be sufficient to ensure the confidence of the public.

On the contrary, it is apprehended that the sanction given by Government will make it extremely difficult and delicate for a Magistrate, who in this executive capacity, is subordinate to the Local Government, and at whose instance the prosecution would in many cases have been initiated, to acquit a prisoner and so shake the prestige of the prosecuting Government. Every trial for sedition is a trial of strength between the Government and the prisoner; and it would therefore seem to be an essential principle that such trials should be held in Courts independent of the Executive.

I would, therefore, humbly suggest that all cases under Section 124A of the Penal Code, should continue to be triable by Courts of Sessions and High Courts only, as heretofore.

My Lord, with regard to the power proposed to be given to a Magistrate to require security for good behaviour under section 108, for the dissemination of seditious or defamatory matter concerning a Judge, I would beg leave to observe that such a procedure would amount to a revival of the Vernacular Press Act in an apparently Judicial garb for the effect of it would be that all newspapers would be placed under Executive control, which would not only lower the status of the Press, but even demoralize it by preventing the expression of honest and candid opinion on public questions. It would place the Press under the complete control of the very persons who, as the Calcutta Bar have pointed out, "by virtue of their public position and the very wide powers they enjoy, are likely to be the objects of disapproval and often of strong criticism at the hands of the Press and who, therefore, will be the most intolerant of such criticisim and the most inclined to be prejudiced against the journals publishing such criticism." That the actions of Magistrates will often be subjects of adverse criticism at the hands of the Press cannot be reasonally doubted; that the mind of a Magistrate may be prejudiced by local feelings and a thousand other causes, every one, I believe, will admit. It is for Your Excellency's Council to consider whether the safety of individuals criticising public officials will not be jeopardised by placing them under the thnmb of the very persons who are likely to be criticised, and whether the terrorism of the section will not be fatal to that independence on which the usefulness of the Press admittedly depends.

My Lord, in the consideration of this question, there is one important element which cannot be entirely overlooked, and that si the association of feelings. I confess it is a sentimental consideration at best, but it is very important nevertheless. The power conferred by the section has hitherto been used as a means of regulating the conduct of bad and desperate characters. But Editors and Managers of papers, however faulty and intemperate may their writings be, cannot be classed in that category. These men will feel greatly mortified and terribly humiliated when they come to know that, though respectable members of society, they may, for trival offcnces, which in no way affect the safety or the dignity of the state, be branded as *badmashes* or abandoned wretches whom society looks down upon with contempt. It is for Your Excellency's Council to consider whether such an apprehension is likely to impart a healthy tone to their writings.

Whilst on this topic, I would, with Your Excellency's permission, advert for a moment to a first principle. In matters of inheritance, adoption, religious and social usage, and dealing between party and party, it was determined by an ancient statute that the laws of the Hindoos should apply to the Hindoos and the laws of the Mahomedans to Mahomedans. But as regards crimes, it was settled at a very early period that neither the Hindoo nor the Mahomedan law could with justice be administered, and the criminal law of the country came to be administered according to Engiish principles. So strict was the adherence to these principles that a Hindoo was hanged for forgery, though the Court that passed the sentence knew that it would be abhorrent to the feelings of the Hindoos. I think I speak the sense of all my educated countrymen when I say that the English Criminal Law is highly appreciated for its fairness, and the Indian Criminal Law, being framed on that pattern, is similarly appreciated. I do not see, My Lord, that any circumstances have arisen to justify a departure from the principle of the English Law. In England security for good behaviour is demanded from vagabonds and men of desperate character, and I cannot imagine why in India a writer or speaker should be treated as a loafer merely because he is supposed to have slandered somebody.

To provide that a Magistrate should have power to expose, humiliate and discredit a respectable person on a flimsy pretext is manifestly to aggravate the wrong.

I therefore contend that men charged with defamation or sedition should be dealt with according to no extraordinary procedure but according to accepted principles, by tribunals above every suspicion of bias or incompetency. It has sometimes been contended that England is a free country with a homogenous population in which subject and sovereign belong to the same race, and that, therefore, the same liberal principles of criminal jurisprudence that may be applicable to England will not suit India. Paradoxical as it may seem, I beg leave to submit that the conditions of India call for the recognition of even more liberal principles than those which prevail in England. The history of that country and the records of its state trials show how many have been the trials for treason, conspiracy and other offences of that kind, whereas in our country, under British rule, on the contrary, such cases may almost be counted on the fingers of one hand. I think it necessary also to point out that precisely because races and creeds and therefore interests and prejudices are so numerous and diversified in India, the difficulty of obtaining a fair trial is greater than would be the case in England. In England a prisoner is tried by a Judge and a Jury of the same race and religion with him, who understand his language and appreciate his prejudices. The Judge is subordinate to no Executive authority—is subject to no Executive bias. There is no danger of the prestige of the Government being damaged by an acquittal. The situation here is very different, and I have not the heart to emphasize the distinction by an elaborate reference to details. I can only state my conviction that in this country a person charged with an offence against Government stands in need of special safeguards of a legal character against a fallure of justice.

My Lord, I hope my remarks with regard to the procedure in the trial of offences under Section 124A of the Penal Code, and to the enlargement of the scope of Section 108 of this Code will not be taken as evidence of sympathy with rebels and libellors or as a brief on behalf of their friends. I am afraid sometimes hardihood of statement is apt to be taken as evidence of sympathy with persons disloyally inclined. But I am aware and my own conscience is guarantee for such a statement that that feeling—I mean of disloyalty—does not exist anywhere, in an appreciable form, among a majority of Her Majesty's grateful Indian subjects, and I am sure it does not prevail so largely as to call for any exceptional procedure such as that laid down in the above sections of the Bill.

With regard to the rest of the Bill my observations must be brief.

As regards Section, 256-257, I am of opinion that the procedure in the trail of warrant cases is likely to be rendered more cumbrous by the innovations introduced.

As regards Section 392, I think the law ought to be made clearer to the effect that boys under 14 should be punished with a ight rattan on the hand.

With regard to Section 259 and Section 451,456,457, I have two amendments to propose and I will make whatever observations I have to make on them whilst proposing the amendments which are against my name.

I think a provision which is likely to facilitate the ends of justice would be that when two or more accused persons have to be tried at the same time, and for the same offence and in the same Court, the Court should have the discretion to examine the accused together or separately as it thinks fit.

With regard to the clauses 561, 562,563, those which relate to the release of first offenders, I feel confident that the operation of these sections would prove very wholesome. The power to release first offenders upon probation of good conduct is, I understand, very extensively made use of in England, and the carrying out of the same principle in this country is urgently needed both in the interest of the prisoners and of society. This I had the honour, my Lord, to point out to Your Excellency's Council in the course of my observations on the Prison's Bill of 1894. I then observed that the trivial offender of tender years, and yet undepraved morals, the honest and industrious critizen whom a momentary impulse of passion or violence of provocation had betrayed into the commission of an assault, the modest female whom the strength of temptation had impelled into a breach of trust or a petty theft, the young and artless who had been the dupes of the designing,—"the serious consequence of sending such offenders to prisn, and of allowing them to be contaminated by association with confirmed and hardened criminals, in whom the moral sense was altogether dead, would be at once apparent." In the interest of justice and humanity, such culprits ought to be restored to society with warnings to amend their morals and to cultivate habits of honest industry. I, therefore, give my hearty support to these new provisions regarding the treatment of first offenders, which, while securing for the prisoner the element of punishment (for to a first offender the ignominy of standing as a felon in the dock is often a sufficient punishment) and of protection and reclamation, will act as a preventive against a prolific generation of crime.

As regards Section 565 requiring habitual offenders on release to give notice of their intended residence to the Police, I may observe that I would have gladly welcome the retention of the section as it was originally drafted, for I am of opinion that very strict police supervision is necessary in the cases of habitual offenders. I am aware that, even after the recasting of the section by the Select Committee, it has been held by many that too much power has been left with the police—a power that will lend itself to abuse in their hands, as the Indian police are notoriously unscrupulous and deficient in detective skill. I myself do not share these apprehensions. Having regard to the state of things in my own Province, I welcome these provisions as most useful and necessary. That the framers of the law have been actuated by the very best intention, will never be questioned. That surveillance ought to be exercised over habitual offenders, and that a system which has worked well in England, France and other continental countries should have a fair trial in this country, every one will admit. Whether the rules laid down by the Local Governments will be worked with discrimination, or otherwise, by the police, is a different matter altogether, and one that rests entirely with the Executive. But the provision itself I consider a move in the right direction.

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A LESSON FOR THE WEAK.

Do you see that locomotive engine standing on the side-track? Something has broken down about it. There is not a hiss of steam from its valves; it is still and cold as a dead whale on a beach; it can't draw a train; it can't even move itself. Now, tell me, do you believe that any amount of tinkering and hammering at it would make it go? Not a bit. Nothing on earth will make it go except steam in the boiler, and even that won't unless the engine is in order. Everybody knows that, you say. Do they? Then why don't they act on this principle in every case where it applies?

Here is such a case. Writing concerning his wife, a gentleman says: "In the autumn of 1880 my wife fell into a low, desponding state through family bereavement. Her appetite was poor, and no food, however light, agreed with her. After eating she had pain and tightness at the chest, and a sense of fulness as if swollen around the waist. She was much troubled with flatulence, and had pain at the heart and palpitation. At times she was so prostrated that she was confined to her room for days together and had barely strength to move.

"At first she consulted a doctor at Ferry Hill, but getting worse, she went to see a physician at Newcastle. The latter gave her some relief, but still *shedid not gether strength up* and after being under his treatment for six months she discontinued going to him. Better and worse, she continued to suffer for over a year, when she heard of Mother Seigel's Curative Syrup. She began taking it, and soon her appetite revived and *her food gave her strength*, In a short time she was quite a new woman. Since that time (now nearly twelve years ago) I have always kept this medicine in the house, and if any of my family ail anything a few doses puts us right Yours truly, (Signed) George Walker, Grocer, &c., Ferry Hill, near Dnrham, October 25th, 1893."

We call attention especially to those words in Mr. Walker's letter which are printed in italics. You can pick them out at a glance. They show how fully he understands where human strength comes from—that it comes from digested food and not from any medicines the doctor or any one else can give us. Let us have no mistake or confusion of mind on this important point.

For example, Mrs. Walker was ill with indigestion and dyspepsia. Her symptoms, and how she suffered, her husband tells us. The disease destroyed her power to obtain any strength from food, and Nature suspended her appetite in order that she might not make bad worse by eating what could only ferment in the stomach and fill her blood with the resulting poisons, The only outcome of such a state of things must be pain and weakness—weakness which, continued long enough, *must* end in absolute prostration and certain death.

Well, then, she failed to get up her strength under the treatment of either doctor. Why? Simply because the medicines they gave her—whatever they may have been—did not cure the torpid and inflamed st6mach. If they *had* cured it then she would have got up her strength exactly as she afterwards did when she took Seigel's Syrup. But the trouble is this: Medicines that will do this are rare. If the doctors possess them they would use them, and cure people with them, of course, Mother Seigel's is one of these rare and effective medicines. If there is another as good the public has not yet been made acquainted with the fact. But even the Syrup does not impart strength; it is not a so-called "tonic;" there is no such thing. It (the Syrup) *curez the disease*, drives out the poison, repairs the machine.

Then comes the appetite (all of itself) and digestion *and strength*. You see the order—the sequence, Yes. Well, please bear it in mind, The mechanics set the engine in order; then the stoker gets up the steam.

And of the human body—the noblest of all machines—Mother Seigel's Syrup is the skilled mechanic.

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Telegrams.

[FOREIGN TELEGRAMS.]

ST. PETERSBURG, MARCH 10.

An Imperial ukase has been issued which ordains an extraordinary expenditure of ninety million roubles on the construction of war-ships.

The *Times* in a leading article to-day says that never since the Crimean war have the British people been less disposed to brook tamely infringements of their just rights in any quarter, and they are convinced of the justice of the cause and the magnitude of the issues in both China and West Africa.

LONDON, MAR. 10.

In the House of Commons this evening, Mr. Goschen introduced the Navy estimates, and in doing so dwelt upon the continued expansion and improvement in our Navy, and said the nation may look forward with increasing confidence that if we are to have peace then it will be peace with honour, and if war, which God forbid, it will be war crowned with ivctory.

LONDON, MAR. 10.

Mr. Curzon, replying to a question, said Count Muravieff had informed Sir Nicholas O'Conor, the British Ambassador at St. Petersburg, that Russia was negotiating for a lease of Port Arthur and Talienwan for a certain number of years, and also for the construction of a Railway across Manchuria. Russia had not demanded sovereign rights, nor threatened to sent troops there. Count Muravieff added that Talienwan, if leased to Russia, will be open to foreign trade like other Chinese ports. Sir Claude Macdonald reports that there is no indication pointing to an ultimatum from Russia to China.

DR. BISWAS

ACIDITY PILL

ACIDITY and DYSPEPSIA are the two most common disorders of the day, and very few are so ortunate as to declare their immunity from these. In few of the fact that though apparently harmless in the Aimbryone stage, Acidity and Dyspepsia shatter and undermme the constitution in the end and lead to its total wreckage, it must bc held that they are dangerous in their insidiousnes.

After years of incessant toil and experiment, I have discovered a medicine which, I can confidently say, will cure the patient of acidity, and its worse stage of Dyspepsia in a short time, effectively and radically. However chronic and long-standing the complaint, however violent its attack, the Acidity Pill will give instant and permanent relief as has been proved in hundreds of cases. Here are a few unsolicited testimonials:—

The **Amrita Bazar Patrika** says:—Dr. H. Biswas's Acidity Pill has an extraordinary digestive power so that men suffering from Dyspepsia may give a fair trial. It is exclusively prepared from some native herbs and hence is perfectly safe.

Babu Preonath Banerjee, Executive gineer, writes:—"The acididy pills have pr charm in the case of my relative for whom hey procured. Many valuable Allopathic and Homœopathic medicines were before tried, but they failed to cure the complaint parmanently. It was after the use of your pills for a fortnigh that the patient is now free from acidity for more than two months, aud consider this relief to be stabie."

Babu Amrita Krishna Mullik, B. L. Pleader, Calcutta Court of Small Causes, writes: have very great pleasnre to testify to the efficacy of your Acidity Pills. I have used the above and I can recommend the same to others suffering from acidity and dyspepsia.

Babu Nitrya Gopal Dutt, Zemindar, Mozilpur, writes:—"I have used your Pill an can bear testimony to its marvellous effects. Before I had ued your Pill for a week it cured me of acute Acidity which all other remedies failed to cure."

Babu Nilmoni Dey Assistant Settlement Officer prite from Camp Patepur, Dt. Mozafferpu:—"I have wried yonr Acidity Pill and found them to be an excellent remedy in removing aciditx immediately. They are a great boon after a heavy dinner. They are invaluable in the Moffussil. Thex should find place in every tourist's bag. Please send me two boxes immediately.

Babu Hari Pada Mukherjee, Pleader, Barasat, writes: I have derived much benifit by the use of your Acidity Pills. Really I did not expect so happy a result. Pleased send me without delay one box per V. P. P.

Babu P. De, B. A., Head-Master, Shibpur, H. C. E. School, writes:—Dr. H. Biswas's Acidity Pill is a sovereign remedy for Acidity and Dyspepsia in general. It is prepared from innocent drugs, and therefore, perfectly harmless. Those that have been suffering from Acidity and Dyspeps.a will find in the said Pill a speedy and permanent cure. Dr. Biswas deserves the patronage of the public at large.

Babu Kalipada Chatterjee, Pleader, Palamow, writes;—"Many thanks for the Acidity Pills sent by you. They have so far done much good to my mother-in-law, who has been for the last few yeare constant sufferer from Acidity and Colic pain. Pleass send me by V. P. P. one box of the Acidity Pills without elay.

Pundit Satya Charan Sastri, the well-known author of the lives of Protapaditya and Sivajee, writes:—"I have hardly seen a more efficacious medicine han Biswas's Acidity Pill. It not only cures acidity and dyspepsia, for which it is a sovereign remedy, bu laso proves of great use in cold. I believe every house holder should keep a box by him."

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INDIAN FRONTIER.

OFFICIAL CORRESPONDENCE AT LAST.

(Daily Chronicle.)

WE received last night two lengthy Blue-books, entitled "Papers regarding British Relations with the Neighbouring Tribes on the North-West Frontier of India, and the Military Operations undertaken against them during the Year 1897-1898." They are closely packed with details—historical, geographical, local, personal, political, epistolary, and telegraphic. These, and the jumble of dates usual in Blue-books, make it exceedingly difficult to produce in so short a time as that to which we are necessarily limited any comprehensive narrative summary. At the same time, we may extract from them certain connected facts and opinions which our readers will we doubt not, note with interest, in view of the fact that the whole Frontier question will be for the next few months one of engrossing concern for the country. We will only add that these two Blue-books show Red Tape "in excelsis," and might serve as text-books of official letter-writing and inconsequent diplomatic procedure.

Part I. relates to Waziristan, and begins with a long letter from the Government of India to the Secretary of State—then Sir Henry Fowler dated July 10, 1894, with three enclosures, and showing the proposals of the Punjab Government to the Government of India, with the reply of the former and a minute of dissent by three members of the Indian Government. These occupy thirty-nine of the large pages, but they are sufficiently summarised in the reply sent by Sir Henry Fowler. The latter says :—

"Your letter dwells on the frequency of raids and outrages, especially during the first five months of the year, subsequent, that is to say, to the arrangement with the Amir, by which Waziristan was definitely brought within your sphere of influence; on the extreme difficulty you have had in obtaining any reparation for these outrages, and on the unsatisfactory and undignified conditions under which even this slight reparation has been obtained; on the necessity more than one imposed on you already of moving troops into the Gomal; and on the absolute inability of the Waziri headmen, in existing conditions, to coerce their recalcitrant tribesmen. You lay stress also on your responsibility, not only for protecting your own territory and the trading caravans that make use of it, but also, under the recent engagement with the Amir for preventing Waziri raids into his highness's territory, you express your conviction that the policy of controlling these tribes entirely from without by means of tribal subsidies and levy posts without a military backing has failed, and you consider that the time has now come for substituting a policy of more effective protection and of closer relations with the headmen of the Waziri tribes."

The proposal of the Indian Government, in a word, was that a portion of the military force collected for the protection of the Delimitation Commission should be left as a permanent garrison. Sir Henry Fowler added :—

"I have likewise given very careful consideration to the minute recorded by the three members of your council who dissent from the policy advocated in your letter. They are of opinion that the measures proposed, while not going far enough to secure effective control, will inevitably lead to resistance and involve the ultimate destruction of Waziri independence and the assumption of administrative control. They deprecate the assumption of any responsibility towards the Amir to prevent raids across his border, as a consequence of the recent agreement with him, and are of opinion that the existing difficulties may be met by a continuance of the past policy of control from without, supplemented by strengthening our defensive arrangements on the Gomal, and punishing the tribes, when absolutely necessary, by means of hostile expeditions sent into their country. And, finally, they draw a strong argument from the present state of the finances against incurring at the present time any avoidable expenditure."

With regard to this dissent Sir Henry Fowler said:—

"I should certainly have preferred to adopt the apparently less costly and less extensive programme which their minute advocates, if it held out and hope, in my opinion, of enabling you adequately to fulfil your obligations in regard to your own territory and the trade routes which go through it, and to the Amir and to the well affected among the tribesmen themselves. But your letter and the correspondence which it encloses convince me that this is not the case, and I concur with you that recourse to punitive expeditions from a distant base would in the long run prove far more expensive, and that, in the existing state of our relations with Afghanistan and with the tribes, it is essential that your Government should be in a position to maintain, if necessary, an effective control over Waziristan.' '

Sir Henry consented therefore to the policy of the Indian Government on the understanding that its interference with the tribes and its outlay of money in Waziristan should be kept within the narrowest practicable limits. Sir William Lockhart accordingly advanced, and was attacked at Wano. The frontier, however, was demarcated, and the bulk of the troops was withdrawn. Then the Government of India entered into negotiation with the Home Government upon the positions to be permanently held by Indian troops in Waziristan. Therefore, disturbances having occurred in the Tochi Valley, Mr. Gee, the Political Officer, was sent forward with an escort to fix the site for the boundary post and realise the fines which had been inflicted, when, as everybody remembers, upon June 10, 1893, he was attacked in a treacherous manner at Maizar, and three British officers were killed and three severely wounded. Then follow many pages of discussion about the causes of the attack, the terms, of punishment and pardon, &c. By Sept. 30 the Indian Government had begun to doubt whether a permanent post at Wano was desirable at all. Long details now intervene of the expedition against the tribes, in the course of which at one or two points significant remarks about the Ameer of Afghanistan are made by the Indian Government. For example, in a dispatch dated Nov. 4, 1897, they say :—

"Notwithstanding the Amir's long silence regarding the demarcated but unratified Waziristan boundary, the Afghans maintain their contention that the line is incorrect and refuse to recognise it. In September, Khalifa Nur Muhammad Khan wrote to General Bird complaining of transgression into Afghan territory near Char Khel. General Bird replied that none of his men had crossed the frontier demarcated by Mr. Anderson The Khalifa answered (Sept. 25) that no Afghan Commissioner was present at the time the boundary was demarcated, that the British Commissioner had erected wrong pillars and had overlooked the map signed by the Amir and Sir Mortimer Durand, and that his Highness had suggested that a joint commission should be appointed to redemarcate the line."

By the end of November this particular frontier outbreak had been quelled, the fines paid, and promises given to restore Indian property. It was, however, too late to reconstruct the boundary pillars. Therefore, the boundary in connection with which the whole trouble began still remains undelimitated.

The Blue-books then proceed with "Correspondence relating to the Enhacement of the Duty on Kohat Salt," which enhancement the Indian Government agreed to without getting the permission of the Secretary of State for India now Lord George Hamilton—a neglect for which they were somewhat severely snubbed. The Indian Government officially admits, as by this time troubles upon other parts of the frontier had broken out, that—"it is not improbable that the increase in the price of salt has been utilised by mullahs and other persons desirous of creating disturbances as a means for exiting discontent and disaffection among the tribes across the border; and at the present time the Khyber Afridis and some of the Orakzai clans have included the enhancement of the salt duty with the occupation of the Samana and the Malakand as one of their grievances against the British Government."

This we fancy is putting the case mildly, for it is well known to all students of the Frontier that the enhancement of the salt tax and the refusal to restore Afridi women who had crossed into British territory were two of the chief grounds of the disaffection of the tribes. The increased salt tax, it may be well to bear in mind, was imposed from July 13, 1896.

Part III. consists of a selection of the telegrams passing between the Viceroy and the Secretary of State for India relating to the Frontier War. As all the events of this have been duly reported in our cloumns, there is no need to dwell upon it. The last telegram, however, from the Viceroy, dated the 25th of last month, contains the following ominous words: "I cannot promise a speedy settlement." In an appendix to this part of the Blue-book there is given a translation of the letters, to which allusion has often been made in the press, found in Saiyed Akbar's house in the Waran Valley. One of these, from one of the Afridi delegates to the Ameer of Afghanistan, written to a friend and dated Oct. 25, 1897, is so interesting and important that in spite of its length we must give it in full :—

"There is a British Agent at Kabul who has on his establishment many Hindustani Mussulmans. One of these became our acquaintance. This man is a good Mussulman and a well-wisher of his co-religionists. He has given us a piece of good and correct news which is to the following effect :—

"You Mohammedans must take care lest you be deceived by the British, who are at present in distressed circumstances. For instance, Aden, a seaport, which was in possession of the British, has been taken from them by the Sultan. The Suez Canal, through which the British forces could easily reach India in twenty days, has also been taken possession of by the Sultan, and has now been granted on lease to Russia. The British forces now require six months to reach India. The friendly alliance between the British and the Germans has also been disturbed on account of some disagreement about trade, which must result in the two nations rising in arms against each other. The Sultan, the Germans, the Russians, and the French are all in arms against the British at all seaports, and fighting is going on in Egypt too against them. In short, the British are disheartened nowadays. The Viceroy and the generals who are to advance against you have received distinct orders from London that the operations in the Khyber and Tirah must be brought to an end in two weeks' time, as the troops are required in Egypt and at other seaports. In the case of the Mohmands and the people of Gandab who killed 10,000 British troops and had inflicted a heavy loss of rifles and property on them, the British, in their great dismay, concluded a settlement with them for twenty-four riflies only, whereas thousands of riflies and lakhs of rupees should have been demanded. This peace with the Mohmands is by way of deceit, and when the British get rid of their other difficulties they will turn back and demand from the Mohmands the remaining rifles and compensation for their losses They will say that, as the Mohmands have become British subjects by surrender.ng twenty-four rifles, they must make good the remaining loss, too. The British are always giving out that their troops will enter Khyber and Tirah on such and such dates, but they do not march on those dates, and remain where they are. This is deceitful on the part of the English, who wish to mislead Mussalmans by a payment of five rupees, and seek for an opportunity to make an attack by surprise. I have thus informed you of the deeds and perplexities of the English."

'We, the Jirga people, consider it necessary to inform you of this, so that you may be aware of the distress, confusion, and deceitfulness of the British, and may communicate the information to all the Mussalmans of the lashkar, in order that they may be on their alert against being cheated by the British in any way."

The concluding section of the Blue-books consists of correspondence covering the same ground as the foregoing telegrams. The principal interest in these is a very long dispatch from Lord George Hamilton to Lord Elgin, dated the 28th of last month, and obviously intended to be presented to Parliament and the nation as a statement of the views of the British Government upon the deplorable events of the past year in India. It consists in a large degree of historical summary, which is, however, in great part an argument to show that the frontier outbreaks were fanatical in their origin, and not due to discontent of the tribes or mistakes in the policy of the Indian Government. Lord George Hamilton professes to give an exact account of the intentions of the Government for the future, but these are couched in large part in vague generalities. His first principle is that "no new responsibility should be undertaken unless actually required by absolute strategical necessities and the protection of the British-Indian border" ; and particularly that the gain in any fresh action shall be commensurate with the expense. The second principle is "the avoidance of any interference with the tribes which can be avoided with due regard to the interests already set forth." Lord George Hamilton adds that while the disarmament of tribes living in a lawless country, and in danger from their neighbours, is impossible, it is necessary to make full inquiry into the sources of supply of the arms which the tribesmen recently used against us ; and he makes the following significant remark :—

"I have only to add here that, whenever the trade routes to Afghanistan are reopened and the export of arms and ammunition for his Highness the Amir is resumed, special arrangements should be made to keep an account to the class of arms exported, with a view to future identification should occasion arise, and to prevent any of them passing into the hands of the tribes en route."

The hope is also expressed that the safety of the Khyber Pass must be assured, and Lord George Hamilton trusts that it may still be possible to give the Afridis some share in your new scheme, and thus to enlist their good will and assistance in the future protection of the road." In concluding he pays a high tribute to the Indian Government for the skill with which they have met unprecedented difficulties.

THE JUBBULPUR MURDER CASE.

THE case in which Anthony Doyle, a private in the Royal Irish Regiment, was charged with murdering a woman at Jubbulpur, was concluded in the Allahabad High Court on Saturday.

Mr. Justice Aikman, in summing up, pointed out to the jury that they must not lose sight of the fact that the *alibi* of the prisoner while it undoubtedly held good as to 10 o'clock on the evening in question did not hold good with regard to 11 o'clock, the hour at which the crime must have been committed. If the case depended solely upon the evidence of the two women, it was clear that the prisoner's *alibi* was fatal to it; but they must remember there was other evidence to be considered. If the jury believed the story told by the police and the other witnesses as to the capture of the prisoner the women's allegation as to the hour at which the prisoner arrived at their house, would not in itself be sufficient to prevent a conviction. The same remark applied to the women's allegation that prisoner had been in the military police. If the case depended on the evidence of the women only, the jury would have to disbelieve them, but it did not. As the prisoner's counsel remarked there was nothing inherently improbable in the suggestion that a soldier might outturn his pursuers and that another soldier might be arrested instead of him. The question they had to decide was whether it was what happened in this case. The police witnesses swore that the prisoner was the man who ran past the *chauki*, that they never lost sight of him, and that they caught him close to the bridge and several paces off the road. If the jury believed that story they must undoubtedly convict the prisoner. They must remember that the road was an open one, bare of trees, and of anything which could create a shadow, while the moon was within a few days of the full. If there were no clouds it would be quite possible to see the man for 100 or 200 yards. They must also take into consideration the evidence as to the prisoner's character, which appeared to be excellent. There seemed no reason why the *alibi* should be discredited so far as it went. The main issue was whether the soldier who struck Chutia got such a start of his pursuers that he was lost to view, and whether that rendered the prisoner's story that he was arrested for another man probable. The jury most remember it was only the evidence of the two women that was materially shaken, and if they found the evidence of the police, of Saif Ali, and of the others true, then the only reasonable conclusion would be that it was the prisoner who struck Chutia. The prisoner had stated that he was walking along the road towards the bazaar about 10-35. Now supposing he was not arrested until 11 o'clock, and it seemed clear that he was not, there was a difference of some 25 minutes to be accounted for, and it appeared to his lordship that if the prisoner were the man who struck the fatal blow he could not have arrived at the house of the women much if any before 20 minutes to 11. His lordship went fully into the details of the evidence and explained to the jury the two counts of the indictment—murder, and culpable homicide not amounting to murder. Before dismissing them to consider their verdict his lordship reminded the jury that the prisoner's counsel had objected when the jury was empannelled to everyone who was of the same race as the women. He was not only within his right in so doing, he was adopting a very proper procedure in objecting to any person whom he thought might be inclined to approach the case with prejudice. But at the same time the jury must remember that this laid a very heavy responsibility upon them. They must be most careful not to allow race prejudice to influence their verdict in any way. It would be a most deplorable thing to convict an innocent man, but it would also be deplorable if any sympathy with the accused should lead a jury to return a verdict which was not in accordance with the evidence.

Mr. Justice Aikman occupied nearly two hours in his summing up, and the jury were absent three quarters of an hour. On their return to Court they returned a unanimous verdict of not guilty on either count, and the prisoner was at once discharged. —*Pioneer.*

A SEDITION RESOLUTION.

WE published a Bombay, telegram in our Saturd by issue, on the suspension of the Head Master and other Masters of the Ahmed nagar High School on account of addresses delivered by them on the occasion of the celebration of the annversary of Shivaji, in May last and published in a paper called the "Sudarshun" on the 15th, 22nd and 26th May and 12th June last. This paper is the property of a company, called the Oriental Merchantile Company, of which certain schoolmasters of the Ahmednagar and Punderpur Shools and a student of the former are members.

The following are a few passages from the speech:—

"Will the mere meditation of Shivaji restore past glory? I reply that even this will happen, as I have already shown on the authority of the word of God. Besides, the history of the world shows that the dictum 'the state of nations goes down and rises up like the tyre of a revolving wheel', is without any exception. And, therefore, this our distressful state must come to an end some time or another.'

"I therefore only say that though at present we have fallen upon evil days we must not lose heart, and that every one should bear in mind that our glory has been mortgaged to a stranger for a couple of days, and that to-morrow, if not to-day, it will be redeemed by us. I think that if his is borne in mind by every one it will inspire much courage. We have a saying, 'ten persons may die but not the supporter of ten'. So I say, it does not matter that we once lost our glory, but the remembrance which cherishes that glory must not be lost. We must not lose the idea of it. And from this point of view I say that the plunderers who carried away many camel-loads of wealth from India inflicted on us no loss whatever. A loss lakhs of times greater than the above is inflicted on us by those who put into our hands books containing mischievous, base, and false statements like these : 'For the Hindus to fight with Europeans is like lambs fighting with a wolf.' 'The Hindus are uncivilized,' &c.

"In short, my only prayer is this: Keep alive the idea of your past glory and of your Maharashtra origin, though at present you can do nothing more. At present that idea might appear to you unsubstantial. May it so appear. I, however, positively tell you that to-morrow, if not to-day, it will assume a form and prove substantial.

"Our Shivaji having for his followers only a handful of men in loin-cloths, had an ubiquitous rival like Aurangzeb, who showed no respect even to his father, and who was a terror even to death. The poor fellow had neither the Lancashire nor the Middlesex Regiments. He had nothing. Again, his mode of warfare was not like that of the present-day warriors, firing from a distance, but of hand-to-hand fight. Even his father was on the Badshah's side. Despite this, he went on pruning (i.e., destroying his enemies). How different is this from the valour displayed in firing from behind! No sooner did the crown-lock (Hindus) and the beard (Muhammadans) combine for only a day and a half in 1857, than preparations were made the same night to start for the White Isle (England) with the gowns (*i.e.*, ladies). This is not a mere rhapsody. Bravo! Bravo! Shivaraya!"

The speech concludes with a signficant reference to Rama, who single-handed destroyed the Rakshasas, and conquered Ravan with the aid of monkeys only.

The Director of Public Instruction, on the representation of the Acting Educational Inspector, held an investigation on the spot, and reporting on the matter, said :—

'I may say at once that the members of the Board did not attempt, to defend their employes at the meeting, and have not attempted to do so subsequently. It was manifest to me that many of the gentlemen, who were present to meet me, were astonished and shocked at the language of their Head Master, and were entirely opposed to the maintenance of a political newspaper by their subordinates. Probably, as has happened elsewhere, a certain clique of people in Ahmednagar have been infected by the unholesome utterances which have characterised a portion of the press, though the action and sentiments of the members of this clique have obtained neither notice nor sympathy from the more respectable members of the community.

"The result, therefore, of my negotiations is that the Society has decided to dismiss from their service the following persons :—Mahadev Hari Modak, Head Master, Ahamednagar High School ; Ganesh Krishna Dabholkar, Fourth Assistant Master, High School; Shivram Eknath Bharde, Fifth Assistant Master, High School; Dhondo Atmaram Dhuse, sub-protem First Assistant Master, City School but serving temporarily in the High School; and Rangunath Gajanan Nisal, sub-protem Fifth Assistant Master, City School. A student of the High School, Lalchand Punamchand Marwadi, who was a Director of the Oriental Marcantile Company Limited, is also dismissed from the school.

"The Society has also passed a resolution, under which their present and future employes are forbidden to speak in public on political matters, or to have any connection with any newspaper, and under which the rules applicable to government servants are applied also to employes of the Society.

"It will be seen that the Society has recommended to the clemency of Government Messrs. Dhuse, Nisal and Marwadi, on the ground that they are young and inexperienced. As regards this recommendation I am inclined to think that the following distinction might be made between the case of the last three and the first three persons. . . . . I think that the first three should be dismissed and that Government should notify that they will not be employed in future in any Government Department or in any school aided by Government, while latter persons may be allowed to leave the school without any further disabilities.

"I append to this report, for the information of Government, a copy of the Rules of the Society and of the last Annual Report. The constitution of the Society differs from that of the Deccan Education Society in that there are no life members, and that the Managing Board is created from among the members of the Society and is a genuine governing body. I have little fault to find with the constitution, though I think it would be much to the benefit of the Society if they would co-opt on their managing board one or two persons of local influence. The circumstances of the Society are peculiar, for they have replaced Government, which formerly managed their schools. The connetion with the former management might be judiciously preserved by the co-optation of a resident official like the Sessions Judge or the Collector on the board of management."

The following Government Resolution has been passed in the matter:—

"His Excellency the Governor in Council approves of the terms offered to the Ahmednagar Education Society, and, as the Society has accepted them, is prepared to continue the grant-in-aid hitherto enjoyed by the Society, notwithstanding the grave misconduct of the Head Master and some other masters of the High and City School. Government, however, do not consider it necessary to insist on the expulsion of the student Lalchand Punamchand as he is not a paid employe. That matter may be left to the discretion of the Society. If the Head Master and the other masters, mentioned in paragraph 14 of the Director of Public Instruction's letter, have been dismissed, the usual grant may be paid by the Director to the Society. The three principal offenders, Messrs. Mahadev Hari Modak, Ganesh Krishna Dabholkar and Shivram Eknath Bharde, should not be employed again in any school maintained or aided by Government without the express permission of Government, and the Director of Public Instruction is requested to see that the officers responsible for seeing that this order is obeyed ohave due notice of it.

"The Director reports that the constitution of the Council of the Society is free from some of those defects which were found in the constitution of the Council of the Deccan Education Society, when Government was recently compelled to turn its attention to that body in consequence of events resembling those which have occurred at Ahmednaggar. The thoroughly unwholesome spirit, however, indicated by the mischievous and disloyal speech uttered and published by their employes, betrays a serious lack of control by the Council in the past, and justifies a doubt whether the resolution to debar their employes in future from political agitation will be consistently enforced in future unless the Council is strengthened by the addition of members who will make it their special care to attend to this point. The suggestion of the Director of Public Instruction that the Collector or the District Judge should be a member of the Council appears therefore judicious, and if may be desirable also that the Deputy Educational Inspector should have a seat on the board. The Director is requested to address the Society on this point and report the result to Government. In the meantime the negotiations for executing a lease should be suspended.

"Government cannot allow this occasion to pass without a public expression of the principle that the instruction of youth should be wholly dissociated from politics—a principle which involves as a consequence that teachers and professors should not take a part in political agitation. The observance of this rule must be insisted on, not only in the case of educational institutions under the direct control of Government, but in the case of all institutions which receive aid from the public funds."

GAZETTE NOTIFICATIONS.

Mr Brojendra Nath De, Magte. and Collr, Balasore, is appointed to act, as Magte and Collr. of Bankura.

Mr F R Roe, Jt-Magc. and Dy. Collr. Monghyr, is appointed to act as Magte. and Collr. of that district.

Mr C R Marriott, Offig. Secy. to the Board of Revenue, is appointed to act temporarily as Magte and Collr. of the 24-Parganas district.

Mr. Satis Chandra Mukerjee, substantive pro tempore Jt-Magte. and Dy. Collr., Rajshahi is appointed to act, as Magt. and Collr, of Khulna.

Mr. C. H. Bompas, Officiating Deputy Commissioner, Singhbhum, is allowed leave for three months. Mr. W B. Thomson substantive *pro tempore* Joint-Magistrate and Deputy Collector, Shahabad, is appointed to act for him.

Iskunder Kadr Syud Naseer Ali Mirza is appointed to be a Probationary Deputy Collector and is posted to the head-quarters station of the district of Murshidabad.

Mr. E. N. Baker, Collector of Customs, Calcutta, is allowed leave for two months and three days. Mr. C. R. Marriott, Officiating Magistrate and Collector, 24-Parganas, is appointed to act for him.

Babu Nilratan Mookerjee, Special Sub-Registrar, Burdwan, is allowed leave for one month, without allowances in extension.

Babu Atul Chandra Kerr, substantive *pro tempore* Deputy Magistrate and Deputy Collector, is appointed to be an Assistant Settlement Officer in the district of Muzaffarpur, Champaran, Saran and Darbhanga.

Mr. S. S. Day, substantive *pro tempore* Sub-Deputy Collector, is appointed to be an Assistant Settlement Officer in Orissa.

Babu Karuna Das Bose, Subordinate Judge, Birbhum, on deputation at Bankura, is allowed leave for fifteen days. Babu Khetra Mohan Mitra, Munsif of Baukura, is appointed to act for him.

The Lieutenant-Governor empowers Babu Ashutosh Dutta, Offig. Dy. Magte, Mymensingh, to take down evidence in criminal cases in the English language.

Babu Nogendra Nath Mitra, M.A., B.L., is appointed to act as a Munsif in the district of the 24-Parganas, to be ordinarily stationed at Alipore.

Babu Durga Das Chuckerbutty, B.L., is appointed to act as a Munsif in the district of Tippera, to be ordinarily stationd at Chandpur.

The undermentioned gentlemen are appointed to be Honorary Magistrates of the Independent Bench at Baranagore, in the district of the 24-Parganas, and are vested with the powers of Magistrate of the third class :—Mr. Stewart Macpherson, Mr. William Stewart Malcolm, Babus Saroda Prosad Banerjee, and Jotindra Nath Chowdhury.

Maulvi Syed Nurul Hossain, an Honorary Magte. of the Darbhanga Sadar Independent Bench, is vested with the powers of a Magte. of the second class. He is also authorized to sit singly for the trial of such cases as may be made over to him by the Magte. of Durbhanga.

Ram Gopal Sen, late Nazir of the Court of the Judge of Shahabad, has been dismissed from the Service of Government, and declared incapable of serving Government again in any capacity.

Surgeon-Captain F. O'Kinealy, Civil Surgeon of Noakhali, on temporary military duty, is allowed furlough in India for three months.

Babu Sarat Chandra Sur, a student of the Medical College, Calcutta, is admitted into Government Service as an Assistant Surgeon.

Brigade-Surgeon-Lieutenant-Colonel D. D. Cunningham has been granted an extension of furlough on medical certificate till the 25th June, 1898.

Babu Lolit Mohun Pal, Sub-Dy Collr, Meherpur, Nadia, is transferred to the Pirojpur subdivision of the district of Backergunge.

Babu Khudiram Podder, Sub-Dy Collr, Raniganj, Burdwan, is transferred to the Meherpur sub-division of the district of Nadia.

Babu Boloram Moitra, sub-Dy Collr, on leave, is posted to the Raniganj sub-division of the district of Burdwan.

Babu Mati Lal Chakrabarti is appointed to to be Rural Sub-Registrar of Ranaghat, in the district of Nadia.

Maulvi Syed Muazzam Hossain, Rural Sub-Registrar of Gadkhali (Jhingurgacha), in the district of Jessore, is appointed to be Joint Sub-Registrar of Magura at Sripur, in the same district.

Babu Banwari Lal Base, Joint Sub-Registrar of Magura at Sripur, in the district of Jessore, is appointed to be Rural Sub-Registrar of Gadkhali (Jhingurgacha), in the same district.

Maulvi Abdus Samad, Joint Sub-Registrar of Lakhmipasa at Alfadanga, in the district of Jessore, is appointed to be Rural Sub-Registrar of Sibehar, in the district of Faridpur.

Maulvi Abdul Jalil, Rural Sub-Registrar of Sibchar, in the district of Faridpur, is appointed to be Joint Sub-Registrar of Lakhmipasa at Alfadanga, in the district of Jessore.

Babu Atul Krishna Ghosh is appointed to be Rural Sub-Registrar of Pandua, in the district of Hooghly, vice Sahebzada Muhammed Amiruddin.

Babu Syama Prasanna Roy, Head Master of the Murshidabad Nawab's High School, is allowed leave of absence for two months. Maulvi Mahammad Azizul Huq, M. A. & B. L., Second Master, Murshidabad Nawab's Madrasah, is appointed to act for him.

Babu Adhur Chandra Mukerjee, Second Assistant to the Director of Public Instruction, is allowed leave of absence for two months and fifteen days.

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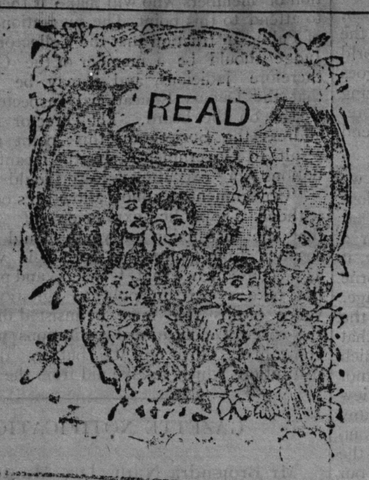

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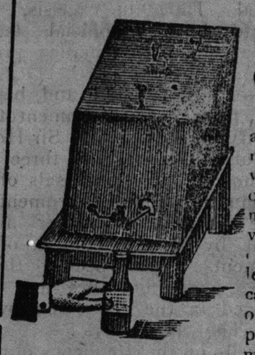

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