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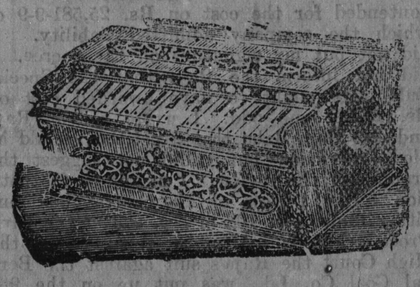

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THE SARAN OUTRAGE CASE.

JUDGMENT.

The following is the full text of the judgment in the case of Emperor vs. G. H. Isac:—

Grounds for Discharge.

The case which it is sought to establish for the prosecution is as follows:

A woman named Mussamat Habiban, aged about 30 years, had occasion to go from her home at Maharajganj in this district to see her husband who was at Sonay Mela in the Gorakhpore district. She got into the female compartment of the 3 up train at Darondha station early on the morning of 11th May having taken a ticket to Salempore. The train is timed to leave Darondha at 2-29 a. m. In the carriage were three elderly Hindoo women. When the train stopped at Sewan a European came to the carriage and asked for her ticket and enquired where she was going. She gave him her ticket and he returned it. He said t oher "Go to sleep (or lie down). Why do you make yourself uncomfortable. Sleep on that bench!" He asked where the other passengers are going but did not look at their tickets.

When the train had gone a little way from Sewan, this same man came along the foot-board of the carriage and entered the compartment. He seized the woman Habiban and notwithstanding that she held on to one of the other women and notwithstanding her and their protests he threw her down between benches and forcibly had connection with her. He then left the carriage and proceeded along the foot-board of the train to the engine.

When the train reached at Bhantapokhar, Mussamat Habiban cried out but she did not succeed in attracting attention. At Mairwa she complained to the Assistant Station Master after the train had started and he wired to the next station, Bhatpur and he Station Master there wired to Bhatni. At Bhatni the complainant and her witnesses had to get out to change. They then made a complaint to the railway officials and police. The Sub-Inspector of Police went with the women to the first, second, third and intermediate carriages and showed them the Europeans there. They failed to recognize any one. Then they went to the engine and the accused G. H. Isac was identified by all the women as the guilty man.

The Sub-Inspector called the accused off the engine and told him of the charge. He asked to be pardoned and that the matter might be allowed to drop. Then "line clear" was given to the accused and the train left. The Sub-Inspector sent a wire to the Police at Gorakhpore saying that a charge had been laid under Sec. 354 I.P.C. against the accused and requesting that his statement might be taken. Subsequently as the case had occurred in the jurisdiction of this district an enquiry was made by the Railway Police of this district and the accused was sent up for trial. The Saree which the complainant was wearing was torn and had stains on it. It was sent to the Chemical Examiner and * * * was detected in the stains. The woman was examined by a Lady Doctor at Chupra on May 13th and some injuries on the private parts were found which might have been due to forcible intercourse. No external marks of injury were found. The accused denies the charge. His story shortly is to the effect that he never left the engine, that at Bhatni some Police men and women came up to the engine. The Head Constable said 'Is this the Sahib' and the women said 'yes.' The accused asked what was the matter and the Inspector said that some European had entered the female compartment and molested one of the women and they identified him (the accused) as the man. He immediately afterwards got the "line clear" and went off.

The fact that some European had connection with the complainant Mussamat Habiban between Saran and Bhantapokhar railway station is proved beyond reasonable doubt by the evidence of the complainant and three women who were in the carriage with her, by that of the Lady Doctor and by the Chemical Examiner's report, nor can there be doubt that the act was committed against her will and without her consent. The learned Counsel for the defence argued that the woman was a consenting party, but there is little evidence to support such an idea beyond the absence of external marks of violence, and this in itself does I think prove that she consented. A weak and timid woman might under the circumstances have yielded with scarcely a struggle when once she felt herself in the grip of a man. The presence of the other women whom she knew were not asleep renders it impossible to believe that she would have consented to the act even assuming for argument that her character was loose. I therefore hold it as proved that rape was committed on the complainant by some European. It remains to consider whether the accused was the person who committed the crime.

The evidence on this point is as follows. First the statement of the complainant and female witnesses that the accused is the man and their identification of him on the platform at Bhatni, secondly the statement of these same witnesses, of the Sub-Inspector of Police and certain others that the accused when identified admitted his guilt and asked to be let off; thirdly the statement of the second guard Bindeswari Prosad that just before the train came into Bhantapokhar he saw the accused pass his brakevan travelling on the foot board from the rear of the train towards the engine.

First as regards the evidence of the complainant and female witnesses Mussamat Daimani (witness No. 4) failed to identify the accused in my presence when placed with several other Europeans. This was in broad day light and after she must have had several opportunities of seeing him. No reliance therefore can be placed on her identification of the accused on the Bhatni platform at night. The identification of the accused by the complainant and the other 2 female witnesses Maharani (P. W. No. 2) and Chanchal (P. W. No. 3) at Bhatni was strong "prima facie" evidence against the accused. No "animus" is suggested and if they have identified the wrong man it must be by mistake and not through malice. When the guilty person came into the carriage at Sewan subsequently during the commission of the offence, they had a good opportunity of seeing him.

On the other hand there are several considerations which taken together cast very grave doubts on the correctness of their identification. The light in a third class compartment is poor and though there is nothing to show that the man was muffled or disguised it is not to be supposed that he gave the witnesses more chances than he could help of seeing his face. The light again on the engine, even if supplemented by hand lantern must have been uncertain and the identification was carried out in a hurry.

The complainant and the witnesses were all together and their combined identification cannot carry the same weight as if each had identified the accused separately.

The complainant and witnesses had laid a serious charge against a European. They had looked into all the carriages in which Europeans were travelling and had failed to find their man. If they failed to identify the driver they would be open to the charge of having made a complaint which they could not substantiate. In these circumstances they would be almost inevitably biased and inclined the more readily to accept this last chance of identification. If further evidence is required of the fact that their identification of the accused was not at the time so convincing as the statements of the witnesses would tend to show it lies in the conduct of the Sub-Inspector of Police. If he had been convinced at the time that the man was indeed the culprit—that he and no other had committed rape on the complainant, he would surely have at once arrested him or at least have accompanied him to Gorakhpore in the train or taken some action on the spot. The fact that he took no steps whatever against the accused beyond sending a telegram sometime after the train had gone asking that his statement might be recorded at Gorakhpore goes a very long way to show that he at least was not at the time satisfied that the accused was the guilty man. It may be said in explanation that he acted in a hurry and that to arrest a driver was a strong measure for a Sub-Inspector of Police to take, but after all the "line clear" was handed to the driver in his presence and it required no great resolution on the part of an officer accustomed to dealing with railway cases to have delayed the train and have gone in it or sent a subordinate with it to Gorakhpore. Again though it is clear that the complainant and her witnesses had no "animus" against the accused in the first instance, it is amply clear that since the institution of the case they have added to their statements in order to strengthen the case against him.

I allude to that portion of their evidence in which they say that after the accused had left the carriage having committed the offence they the witnesses, peered out of the carriage and saw him go along the foot board on to the engine

The statement which was made by the complainant and repeated by all three female witnesses is obviously false and concocted.

It is incredible that had the witnesses really seen the man go on to the engine that they would have allowed the Sub-Inspector of Police at Bhatni to make a fruitless search in all the first, second third and intermediate class carriages, turning out angry Epropeans. They must have told him that they had seen the man get on to the engine. Further there is no mention of this important pieces of evidence in the first information. Thirdly the account they gave of the peering out of window, contains a very material discrepancy. Maharani (witness No. 2) says he got off the foot board at Bhatapokhar and got on to the engine, whilst witness No. 4 says he went all the way along the foot-board. Lastly it would be impossible at night to see a man go along the footboard of the eleven carriages intervening between that in which the occurrence took place and the engine, and get on to the engine.

On this point then I am convinced that these four witnesses have conspired together to deviate from the truth in order to strengthen the case against the accused.

I next consider the statement of the under guard Bindeswari Prosad (P. W. No. 9) to the effect that he saw the accused going along the foot-board of the front brakevan towards the engine as the train was running into Bhantapokhar.

It is only necessary to say that the Head Constable Mansoor Ali (P. W. No. 7) who recorded the statement of this witness was unable to recollect whether Bindeswari Prosad made such a statement to him or not. When pressed the Head Constable said that had he made such a statement he would have recollected it. The piece of evidence is again clearly a concoction. Had it been true, it would have been of the utmost importance and yet it is certain that it was not mentioned before the police. Although this witness was present on Bhatni Platform at the time of the identification of the accused, he made no mention of it then nor did he report to the guard of the train or to any railway authority that the driver had been guilty of a grave breach of the rules in leaving his engine whilst it was running. His evidence must assuredly be rejected as false. Finally there is the evidence to the effect that the accused asked to be pardoned when he was identified by the complainant.

This fact is testified to by the four female witnesses and by the 3 police witnesses (No. 5, 6 and 11). The witnesses belonging to the railway staff Sewbalak Singh ticket Collector (No. 10) and Fazl Huq, Assistant Station Master (No. 12) do not corroborate the fact. Though the former, it is true, was not closely questioned on the point, still the omission of such an important fact, if true, is remarkable. It seems to me exceedingly improbable that a man, who had had the audacity to commit the crime, as alleged, would on being taxed with it at once have admitted his guilt. Moreover the story of a plea of guilty—which is so easily made to strengthen a weak case, that I can not think that it materially adds to the case for the prosecution. The upshot is that the case against the accused rests on the evidence of the complainant and elderly female witnesses, who at night just before the train started, after having searched the rest of the train in vain, pointed him out as the guilty person. Also that the effect of the identification on the mind of the Sub-Inspector of Police at the time was not sufficiently convincing to induce him to stop the train or take any active steps against the accused.

Now to turn to the case for the defence. Eleven witnesses wer examined but the greater number of these were called to prove that the complainant is of loose character; that she did not lay her complaint on the first opportunity, the intention being to show that the act was committed with her consent and that she complained only when her fellow passengers brought to the notice of the station staff and Police at Bhatni what had occurred.

For reasons already given I do not think this argument will bear examination and I confine myself in the first place therefore to the discussion of the evidence of three witnesses only, namely, the fireman Ramdhan (defence witness No. 10) the Khalasi Jhanam (defence witness No. 11) Meherji Bowarji Modi (defence witness No. 6).

The latter who is the Parsee manager for the refreshment contractors say that when the train arrived at Sewan he went to the engine on the night of the occurence expecting to see Driver Lynch. The engine was cut off and went to the water column, before he could see whether Driver Lynch was on the engine or not. So he waited till its return about five minutes later when he saw the accused. He spoke to him for a minute or two and then he heard the whistle for the train to start and he came away.

If this evidence is to be believed it entirely disproves the statement of the complainant and her witnesses that the accused came to their carriage at Sewan. The witness is entirely impartial. He holds a fair position and it is hard to believe that owing to being bribed or any other motive he is speaking falsely. The fireman and Khalasee can not be said to be impartial as both have worked for sometime under the accused, but having regard to their nationality—they are both Mussalman—they would have a very strong incentive to speak against the accused unless they had reason to believe that he was not guilty of the offence. If in fact he was not on the engine between Sewan and Bhantapokhar, they must know that he was guilty of a dastardly outrage on a co-religionist. In this view the evidence can not be lightly regarded or ignored.

But the most weighty fact in favour of the accused lies in the conduct of one of the passengers who was travelling by the train that night, one guard Davidson Swift (witness No. 15 for prosecution and 9 for defence). Guard of No. 8 up train on the night of occurrence says in cross-examination that Guard Davidson rode from Sonepur to Gorakhpur in an intermediate carriage. He spoke to him at Sonepur and Davidson said he was going to Gorakhpur to be paid up.

Harrington, Assistant Station Master of Gorakhpur (defence witness No. 3) saw guard Davidson on the arrival of the train at Gorakhpur and yet it is almost certain that Davidson was not seen by the complainant and her witnesses at Bhatni station nor by the Police or station staff.

Assistant Station Master Fazal Huq (P. W. No. 12) states as follows: "There was no European in the intermediate carriage," but there was a person dressed in European clothes who "did not seem to be a European." There was no one else. I know guard Davidson. He was not there. I did not see him there at all." It is unfortunate that the names of the European in the train were not taken but the evidence of all the witnesses who were present when the carriages were searched except Abdul Wahab (P. W. No 12) who is apparently mistaken agree that there was no European or Eurasian in Intermediate carriages. Sub-Inspector Kesho Lal (P. W. No. 5) says that there was no Christian (meaning thereby native or European dress) in intermediate. Seeta Ram (P. W. No. 6) Sewbalak Singh (P. W. 10) Fazal Huq (P. W. No 12) all say that there was in the intermediate carriages this one native in the European dress and in the 2nd class two Europeans.

I think there can be no reasonable doubt that guard Davidson who started in the train at Sonepur and who arrived at Gorakhpur, at Bhatni during the search was not forthcoming. From the prosecution evidence it appears that the search of the carriages was fairly close and the only inference is that guard Davidson was in hiding whilst the train was at Bhatni. I can only think that the cause for his conduct was that he and not the accused was guilty of outrage on the complainant. Persistent enquiries have been made for Davidson and a warrant for his arrest was issued but he cannot be found. There is another small piece of evidence which is unimportant except that it also points to the guilt of Davidson. In her statement before the Sub-Divisional Magistrate of Sewan the witness Chanchal said he was wearing clothes with button like the Court Sub-Inspector i.e. metal buttons. Guard Swift (P. W. N. 13) has stated, a guard has to wear uniform; a driver does not. The run from Sewan to Bhantapokhar takes about 20 minutes. From the Bhantapokhar "line clear" book it appears that it took 21 minutes on the night of occurrence. (I accept the Station Master's figure and not those of theGuard). For a man to traverse the distance from the engine to the female carriage which was the 12th carriage from the engine [vide evidence of guard Swift (P. W. 15)] along the footboard would take little less than 5 minutes. This I ascertained by actual experiment on a running train at night, the distance being traversed by a native guard. Therefore even if the accused had left his engine the moment it started from Sewan and got back only when the train was actually at Bhantapokhr station, he had only 11 or at the utmost 12 minutes in which to overcome the resistance of the complainant, and do his trousers, commit the offence and do up his trousers again. He must have been aware that the timing of the train run was between Sewan and Bhantapokhar and it seems to me in the highest degree improbable that however much influence by drink or passion he would have attempted a crime under such difficulties knowing that any delay in his journey along the train or any serious attempt at resistance on the part of his victim would render his endeavour futile or else would lead to his dismissal for being absent from his engine at Bhantapokhar. On reviewing the whole evidence and giving my most careful consideration to the fact on both sides I have come to the conclusion that the evidence pointing to the accused as guilty man is open to such grave doubt and on the other hand that the evidence which tends to show that accused did not commit the offence is so cogent that no court or jury would convict.

I, therefore, am satisfied that there are no sufficient grounds for committing the accused for trial and under section 213 (2) I cancel the charge and discharge him.

Saran, June 29 (Sd.) N. Bonham-Carter
Dist. Magistrate.

The Case of Raja Sarada Narayan Singh.

(From Our Special Reporter.)

Giridih, July 8.

BABU AKHAY KRISHNA GHOSE'S DEPOSITION.

(Continued.)

The examination-in-chief of Babu Akhay Krishna Ghose, pleader of Hazaribagh, was resumed to-day. He deposed as follows:—

I shall be able to identify the copies of letters containing the recorded opinions of Messrs. Turnbull, Thomson and Miller which either Babu Tinkari Bose or Gopi Mohan Ray had handed over to me. On two occasions the papers were sent to me, once before the remand of the suit against the Bengal Coal Co., from the High Court and again after the remand. I sent the Bengal Coal Co., case papers in a registered packet to the address of Babu Gopi Mohan Ray. As far as I know Gopi Babu is a good man. I saw the opinion of Dr. Rashbehari Ghose regarding this case. (On being objected to Mr. Turnbull's opinion and Dr. Ghose's opinion were excluded from evidence, and the question in which the witness was required to answer after reading those opinions was disallowed). From the evidence of Mr. Turnbull and other European witnesses, as far as I am aware, the objection of the defendant company about limitation would be met. When the suit against the company was first dismissed the Raja was not in the least guilty of any sort of laches. That suit was dismissed because our witness Mr. Turnbull could not come and Babu Tinkari Bose could not attend court owing to illness. I applied for time on the 8th January 1901 but the special Sub-Judge rejected the application and dismissed the suit. I filed medical certificate of Tinkari Babu's illness. If Mr. Turnbull and Tinkari Babu were present on that day I would have proceeded with the case. No evidence was adduced by the defendant company about the tender of their admitted claim before the first dismissal of the suit. The suit was dismissed with the entire cost. I do not remember whether I contended for the cost on Rs. 25,581-9-9 of which the company admitted liability. I did not put my signature on the decree. I did not inform the Raja that the Special Sub-Judge ought to have awarded cost on Rs. 25,581 and odd. I wrote to the Raja and also Gopi Babu that a petition should be filed for review but I did not suggest the grounds of the review. I meant to file petition for a review of the courts judgment either under sec. 108 or sec. 623 of the Civil Procedure Code. After the remand from the High Court the Raja's suit against the Bengal Coal Co. Ld., was put up on the 9th August 1904 for fixing a date for hearing. The first date for hearing was on 31st August 1904. Before this date either Babu Girindra Kumar Gupta or myself received Rs. 4,000 from the Raja which he sent to us at our request to deposit the cost to be paid to the defendant company in regard to the dismissal of the suit on the previous occasion. A list of witnesses was sent to me by the Raja before the 31st of August. On that day Munshi Firingi Lal, a servant of the Raja, was present at Hazaribagh in connexion with the Deopur case in which the Raja was the plaintiff, and I consulted with Firingi Lal about the list of witnesses. This Deopur case was based upon a mortgage deed, the claim of which was not less than Rs. 40,000. It was decided in August 1904. It was this Deopur case in which, I said that the Raja made "excellent "tadbir." In the second stage of the case against the Bengal Coal Co., I believe it was I who made the suggestion to examine the European witnesses on commission, and this I did as a matter of precaution. The Raja sent me Rs. 300 or Rs. 400 as the cost of the commission, which I received in January last and deposited the necessary cost in court in the same month. In a letter I suggested to the Raja that, as I was then ill Babu Girindra Kumar Gupta might appear before the commissioner to examine those witnesses on behalf of the Raja. On the appointed day the commission was not issued. The delay was owing to the defendant company having raised objection. but there was no delay in the issue of commission on account of laches on the part of the Raja. The commission was issued on 6th March 1905 and made returnable on the 31st idem when the case was fixed for hearing. For the attendance of the plaintiff's witnesses 10th March was fixed, and our witness Babu Tinkari Bose was present on that day to attend the Special Sub-Judge's Court. I sent a telegraphic message to Babu Gopi Mohan Ray to prevent the Raja's witnesses from attending court on the 10th March. Most probably I sent a similar message to Babu Tinkari Bose at Dhanwar. Tinkari Babu applied for cost and I paid him about Rs. 90 on courts' order. I must have told Tinkari Babu to attend the court on 31st March. I knew what Tinkari Babu would prove in this case. Tinkari Babu stayed in my house. On the 10th March I applied for the resummoning of the Raja's witnesses Babus Tinkari Bose, Gopi Mohan Ray and Behari Lal Sarkar and Munshi Harsankar Lal. Babu Behari Lal Sarkar was I suppose the Asst. Manager of the Raja.

(After lunch the witness identified some letters and signatures which passed between the Rajah on the one side and the Dy. Commissioner Mr. Foster and then Mr. Radice on the other, in which the promised subscription of the Raja to the amount of Rs. 2,000 for the construction of the Dublin University Mission College buildings at Hazaribagh was demanded and the Raja repeatedly put off the payment on the ground of the heavy expense he had to incur in connection with his daughter's marriage.)

Then the witness went on.—I informed Tinkari Babu of the date of hearing. On the 10th March I applied for resummoning our witnesses for their attendance on the 31st idem. On reading the service report now. I can say that there was personal service of summons on Babu Gopi Mohan Ray and there was no legal service of summons on Babu Behari Lal Sarkar and Munshi Harsankar Lal. Babu Tinkari Bose was at Giridih when the summons was served in his house by affixing a copy of it there, and that is a service. I have no consideration of what the legal service is. I stated in this court after looking into the service report that summons was served on Tinkari Babu to the extent as fixing it in one's house might mean. I did not see the service report before the case was disposed of on the 3rd April last. On that day I asked my moharir about it and he said that service report did not come. I myself did not ascertain whether the summonses were served or not. On the 31st March the case was adjourned and the date of hearing was fixed for 3rd April on the application of the defendant company. I remember I never agreed to this adjournment and I opposed it; but there is nothing to show in the record of the case that I did so. On the 31st March plaintiff's witness Babu Tinkari Bose came to Hazaribagh. If the case were taken up on that day I would have examined Tinkari Babu if we were ready. In fact we were not ready on that day.

Q.—Do you mean to say that you were not ready on the 31st March and still you opposed the petition of the defendant for adjournment?

A.—(The witness said by looking into the Order sheet)—I did not object on the 31st March. On the 24th March, which was not a date of hearing, the defendant company applied for extension, and the Special Sub-Judge granted the extension up to the 3rd April. On the 24th I informed the Raja and Gopi Babu that the date of hearing was fixed for 3rd April. I have got no copy of this letter in my office. I did not anoly for fresh summonses on the witnesses of the plaintiff as I did on the 10th March. On the 31st March Tinkari Babu came to Hazaribagh, as he said, as a witness of the defendant company, and I told him to come to court to give evidence on the 3rd April. Tinkari Babu stayed in my house from 31st March to 4th April. (To Court). The case was not taken up on the 31st March. (In examination-in-chief). On or before the 31st March the commission did not return executed. I heard at Hazaribagh, 2 to 10 days after the disposal of the case, that some of the European witnesses were examined on commission. Before to-day I did not see the record of the case to acquaint myself as to who were the witnesses examined on commission and when they were examined. When I found that the commission did not return executed on the 31st March, I did not apply for an extension of time or to expedite its execution, as I expected that it would be returned within a day or two and also as I expected to get information from the Raja on any day from 31st March to 3rd April.

Q.—What information you expected from the Raja from 31st March to 3rd April?

A.—I expected that the Raja would inform me of the date of the execution of the commission. I did not send any telegraphic message or any letter to the Raja or to his Naib-manager in any connexion between those two dates.

(At this stage the case was adjourned till Monday the 10th instant 11 a.m.)

THE LATE GENERAL CLAUD MARTIN.

Mr. S. P. Sinha in opening the case said that under the will of the late General Martin there was a fund set apart for the release of debtors. Afterwards the fund was transferred for the release of insolvent debtors and under a scheme framed by this Court Rs. 6000 was set apart in order to make over to the Commissioner of the Police for the purpose of carrying out the trust. The whole of the money has not been expended and there was a good deal of accumulation. In the year 1865 there had been a good deal of accumulation and an application was made to this Court for the disposal of that fund. What was done then was that both Lucknow Martenire and Calcutta Martenire came in and made application. There were four suits—one of which was immaterial here. The other three suits were consolidated, and a decree was made which went up to the Privy Council. After that certain funds were given to the Calcutta Martenire and something was given for the purpose of the Lucknow Martenire. The Calcutta charity asked that the fund should be made over to them and the surplus was made over to the Lucknow Lorato for the promotion of female education. After that they started a school there—the Lorato Girls School. So far as the two institutions—Lucknow Martenire and Calcutta Martenire were concerned they started with practically equal funds. The Lucknow Martenire as originally founded, was only a boys school. The whole of the fund was for the support of the boys' school. They had not had to spend very much for repairs at all, because there was a separate fund under which a large sum of money was set apart for that purpose and others. Further the whole fund was supplied for that one institution. Under the scheme framed in Calcutta there were two schools girls and boys, which were maintained out of the one fund—one fund was for two institutions. The Calcutta Martenire was badly off and large sums of money were wanted. The surplus of the fund was over a lakh of rupees altogether and Calcutta ought to get the same; the whole of that should be given to the Calcutta Martenire as the local charity. The whole question before His Lordship was as to whether the Lucknow Martenire should be allowed to participate in that fund and if His Lordship thought that they ought then the question before His Lordship was as to what extent they would get. In conclusion Mr. Sinha said that he appeared on behalf of the Advocate-General of Bengal.

Mr. Dunne said that the question was not altogether a simple one. There was no doubt about this that this particular fund had already been dealt with by this Court. It was the view of this Court that the fund should be devoted for the purpose of female education at Lucknow. The Governors accepted that view and acted upon it. There could be no question that the Lucknow Martenire was in need of money. They would have to close the whole business if they did not get any money now. The Calcutta Martenire, as they said, —were in need of money also. They wanted money for luxury—for laboratory etc. While the Lucknow Martenire were really in need of it. The Calcutta Martenire now asked His Lordship to reverse the scheme,

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Centre for Studies in Social Sciences, Calcutta

THE
Amrita Bazar Patrika

CALCUTTA, JULY 16, 1905.

THE QUEEN'S PROCLAMATION.

A WASTE PAPER.

The Hon'ble Babu Bhupendra Nath Bose interpellated the Bengal Government last Saturday on the subject of the ostracism of Indians from the public services, for the benefit of the Eurasians and "Poor Whites." He based his question upon a recent act of the Government of Bengal, namely, the reservation of the 30 per cent of the subordinate appointments in the Board of Revenue for the Europeans and Eurasians. He asked (1) whether so many appointments have really been reserved for a particular class; (2) to explain the reasons for the special reservation of appointments for a particular class, apart from any question of merit or ability; (3) whether the Government think such reservation consistent with the terms of the Royal Proclamation of 1858.

The reply of the Government, through the Hon'ble Mr. Carlyle, was:—

"(1) Yes. (2) That it has been held to be important to have a considerable proportion of Europeans or Eurasians in the Board's office, in connection with the work of certain departments (e. g. Opium and Salt.) (3) There appears to be nothing inconsistent with the Proclamation of Her Majesty Queen Victoria in reserving a certain number of appointments for a particular class of the community."

The ostracism of the Indians for the benefit of a particular class is thus admitted; but, it is justified, as one can see, on the most childish ground possible, namely, that a number of Eurasians and Poor Whites are needed for such departments as Opium and Salt. But why are they specially needed there? Are the children of the soil less competent than they to hold appointments in these departments? Of course the Government does not venture to make such an assertion without making itself an object of laughter all over the country; for, it is a well-known fact that the members of the Eurasian and the "Poor White" community are in every respect inferior to the intellectual Bengalee.

So, instead of giving any "reasons," the Government furnished only an assertion. We think, the Government would have saved its face better by frankly admitting that, it has done a gross wrong by reserving these appointments for a particular class, but that it had no help in the matter, because, otherwise these "Poor Whites" and "Poor semi-Whites" would have died of starvation!

As regards the query, why the question of merit or ability was overlooked, the Government vouchsafed no reply, no doubt for the reason that it has none to give. The only proper reply to the query is that, as these "Poor Whites" cannot pass examinations, so their worth is to be judged not by any intellectual test but by their colour.

As regards the Government's reply to the third question, it should be remembered what Lord Curzon said in his last budget speech, namely, the words "so far as may be" in the Proclamation justify the Government to play ducks and drakes with these appointments. "I am familiar with the document", said Lord Curzon, "and I also remember that the late Queen's words contained a qualification, limiting their application by the necessary tests, firstly of practical expediency, and secondly of personal fitness." Now, to say that the question of "expediency" was in the mind of the Queen when she swore that she was terribly sincere at the time of issuing the Proclamation is to libel her.

Sir Andrew Fraser also pactically says the same thing through one of his Secretaries. Babu Bhupendra Nath should have quoted the words from the Proclamation, and then asked the Government whether or not they were consistent with the reservation of 30 per cent appointments for a particular class of his Majesty's subjects. The Government might then have been cornered and obliged to disgorge a suitable reply. These are the words:—

"It is our will, that so far as may be, our subjects of whatever race or creed be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge."

So, you see, the meaning of the words is very plain, so plain that even a child can understand it. What the illustrious Queen, in the name of God, promised was that, in the matter of the distribution of appointments, her ministers would forget all racial considerations; and the only test which would guide them was the "education, ability and integrity" of the applicant for the post, and not his colour. But, what the Government of Sir Andrew Fraser has done is to cast "the education, ability, and integrity" test to the wind, and guid itself by the test of race and colour.

It is far better for the Government to declare once for all that the Queen's Proclamation is a waste-paper than try to throw dust into the eyes of an intelligent people and make itself ridiculous. So, according to some highly-placed Englishmen, Queen Victoria took a false oath in the name of God for the purpose of deceiving the people of India! We do not believe in this sacrilegious statement.

"I am familiar with the document (the Proclamation,)" says Lord Curzon; but is his Lordship familiar with its real history? His Lordship will find the fact officially recorded that the object of the Proclamation was to pacify, and not to irritate, the country. Now the reservation of 30 per cent appointments for the Eurasian and European community by his Lieutenant will not serve the cause of conciliation, and is thus a violation of the term of the Proclamation. His Excellency will also come to know by a little enquiry that the great English statesmen of those days, seeing the Empire slipping away through their hands, adopted a policy of sincere, and not mock, conciliation.

In proof of the above we shall refer here to a well-known incident. After the Sepoy war had been suppressed, the Anglo-Indian papers were warned to adopt a conciliatory tone. But the "Friend of India" of the period, whom the people of this country called "Fiend", wrote an article headed "Centenary of Plassey", the tone of which was considered objectionable. The Government was deeply offended with the "Friend of India"; and, though it was an Anglo-Indian paper, which had always supported the Government policy, it was yet suspended for a year.

The late Queen wanted a really sympathetic Proclamation so as to touch the hearts of the people of India and win them over permanently, and remove, once for all, the chance of any future disturbance. But this order, in the first instance, was not obeyed, and the Queen rejected the first draft Proclamation that was presented to her. A fresh Proclamation, conferring all the rights of British citizenship on the people of India, was next produced, which met with her Majesty's approval, and that is the present document. And thus we find the following paragraph attached to it:—

"We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil."

The sentence in the Proclamation, quoted above, will remove all doubt about her Majesty's real intention. It was absolutely pure, and there was no consideration of "expediency" to soil it,—no, not a drop of expediency—though Lord Curzon would have it. The object of the Queen was to conciliate the people of India by solemnly promising them the same treatment that was accorded to her other subjects, and not to humbug them by some fine vague phrases. She added the above para to the Proclamation with the evident desire of preventing her successors from ever cheating the Indians of their just dues.

Now, is it possible for any English Sovereign to reserve a portion of Government appointments for any particular class in England? Certainly not. And if this is an unjust act in England, why should it be otherwise in India? So, even if the late Sovereign of England did not give a pledge in the name of God, the reservation of 30 per cent appointments for the Eurasian and European community is an unjustifiable act. The act is all the more unjustifiable as there is absolutely no doubt, in spite of the assertions of Lord Curzon and his Lieutenant to the contrary, that the late illustrious Queen really promised in her Proclamation that, Government appointments should be distributed on no other principle than that of merit, irrespective of creed or colour.

PARTITION QUESTION AGITATION.

Weak though the Bengalees are, they have yet the divinity of man in them. Worms, when trodden upon, will turn round and protest. Need we then point out what the duty of the people of Bengal is under the present juncture? Was ever the sentiment of a whole nation trampled under foot so outrageously as has been done in their case?

Recall to mind the state of the country only a year and a few months ago. The whole of the East Bengal people was maddened, as it were, at the prospect of the Province being dismembered. They did all in their power to convince the authorities that the measure was not only gall and worm-wood to them, but it meant absolute ruin. They held more than one thousand meetings to enter protests against the measure. The leaders of East and West Bengal at last assembled at the Town Hall and adopted a memorial in which they showed conclusively that, not only on sentimental but also on very substantial grounds, the measure should not be thrust down their unwilling throats. They were however treated like human sheep—no heed was paid to their appeals and protests, though based upon unassailable grounds.

Our advice to the people is, that they should not only agitate and agitate ceaselessly and in a systematic and sustained manner; but they should agitate as the indigo ryots did in 1860; as the educated classes did eight or nine years after when high education was sought to be injured; and as the whole country, educated and uneducated, orthodox and unorthodox—did at the end of the eighties when an attempt was made to reform the Hindu society by the Age of Consent Act. The method of the indigo ryots was not of the orthodox type; but, it was more effective than any other. Their whole movement was based upon passive resistance.

The indigo planters were more powerful than the District Magistrates, and the indigo ryots as down-trodden as the Carolina slaves, when they sought to organize a movement for their deliverance. True, the then Lieutenant-Governor, Sir Peter Grant, tried to afford them some protection, but he was so assailed on all sides by his countrymen that he was obliged to be exceedingly careful in doing even a barely just act. The first work of the ryots was to send a petition to the Lieutenant-Governor, which however, received a shabby treatment at the hands of the latter. For, Sir Peter not only accused the petitioners of exaggerated language but told them that they had no business to trouble the chief ruler with their complaints when they had Magistrates nearer home to dispose of their cases.

While thus rebuking the ryots, the Lieutenant-Governor let slip an expression which was seized with avidity and utilized by the ryots. The expression was, "Of course it was optional with them to sow indigo or not". What the indigo ryots did was to quote this sentence from the Government reply, and distribute it broadcast all over the land. Why and how was this done? Who did it? Who paid the expenses? Who generated the steam? Well, this much is known, the whole country was up almost in no time. What happened was this. An impression was created by the planters that as the Government had shares in indigo, the ryots were bound to sow it. The distribution of the Government reply had the effect of removing this impression and leading them to the determination not to sow indigo again.

The eyes of the Government were at last opened. It could see that the country was not to be coerced by a mixture of sweet and strong words. Sir Peter Grant, therefore, directed the Magistrates of Krishnagore and Jessore to summon the ryots together and formally read to them the reply of the Government in which they were told that lawlessness would be followed by severe punishment. Mr. Herschell, the then District Magistrate, did his part of the duty in Krishnagore, and Mr. Skinner, Joint Magistrate, did the same thing in Jessore under instructions from Mr. Molony, the District Magistrate.

In Krishnagore, when the ryots had assembled at the summons of the Magistrate, it was found that the planters, headed by their leader, Mr. Furlong, had also come to the meeting. Now thus Mr. Herschell, a descendant of the great astronomer, had the noble blood of his illustrious family in his vein, and he gave every evidence of it when dealing with this matter. The authorities of Jessore, however, held views which were quite different from those of Mr. Herschell. In their opinion, the Government was demoralizing the ryots by patting them on the back, and the best way of putting a stop to their movement was to send a few hundreds of them to jail.

In Krishnagore the gathering of the ryots was so large that Mr. Herschell told Mr. Furlong and his party to leave the place; for, said he, that the attitude of the ryots was threatening, and that their (the planters') presence on the spot was causing irritation, and might lead to a disturbance, which, he frankly admitted he was not in a position to stop, and, considering the large number of men collected he could not guarantee the safety of any body. Mr. Furlong and his followers thereupon left the place in a pet, and made it a subject of grievance to Sir Peter Grant, the Lieutenant-Governor. The gist of Mr. Furlong's complaint was that, Mr. Herschell had, by his nervousness, spoiled everything, and only encouraged the ryots to acts of lawlessness. Mr. Herschell, on the other hand, [illegible] if he had not persuaded Mr. Furlong and his party to leave the place, they would have been torn to pieces by the infuriated ryots.

In Jessore the task of reading the Government reply to the assembled ryots devolved on Mr. Joint Magistrate Skinner. He and his superior officer, Mr. Molony, sided with the planters; so, when Mr. Skinner found himself surrounded by fifty thousand ryots, he lost all the balance of his mind and made Prossanna Daroga to stand by his side and to defend his life if necessary. His nervousness was so great that, in order to remove it, Prossanno Daroga had to arrest forty-nine of the ryots, then and there, on charges of rioting. They were committed to the sessions and were not allowed to be released on bail.

This act of the Jessore authorities, instead of damping the spirits of the ryots, only added fuel to the fire of their patriotism. While in jail these forty-nine ryots declared to the writer of this that they were immensely glad at the treatment accorded to them; and they and the millions who had joined the movement would gladly die a thousand deaths to save their country from the oppression of the planters. These immortal forty-nine, were, however, acquitted excepting one, by the Sessions Judge who tried them, and who expressed his indignation at the arrest of men who were invited to hear a Government declaration. The Magistrate of Jessore privately wrote to the Judge, on the back of a document, that if he let off badmashes, it would be impossible for him to keep the peace of the District. The document was got hold of and published in the "Hindoo Patriot." So the game of tampering with the independence of the Judges is quite old.

Well, in order to make the agitation against the partition question effective, imbibe a portion of the spirit that led the indigo ryots to combine for their deliverance. The planters then were more powerful in the country than the Government itself, but the ruler of the Province, Sir Peter Grant, was forced to stop his steamer and come over to the ryots, as the following incident, described by Sir Peter himself, will show. Now, as his Honour was steaming down the Matabhanga in Nadia, ryots from both banks of the river began to shout with petitions in their hands. But the Governor paid no heed. And what did the ryots do? The Matabhanga is a river of strong current and full of man-eating alligators. Seeing that the "Lat" Sahib was escaping them, they threw themselves down into water and swam towards His Honour's steamer!

And then Sir Peter Grant had to yield. Agitate, agitate, and don't get discouraged, and God will bless your work.

SARAN OUTRAGE CASE.

We fear most people would be shocked to read the details of this case. A Mussalman woman, with three elderly Hindu females, was proceeding to meet her husband at Sonay Mela, by a night train. A European entered into their compartment; and in spite of their shrieks, this ruffian threw down the Mussalman woman and committed a most brutal outrage upon her in the presence of the other women. They tried to lodge an immediate complaint, but found no opportunity till they arrived at the Bhatni station, when their case was taken up by a Railway Sub-Inspector, who brought the women to all the European passengers in the train to identify the culprit. They failed to recognise any one. Then they were taken to the engine, and Driver G. H. Isac was at once identified by all the women as the guilty man.

Other witnesses gave corroborative evidence; but, Mr. Bonham-Carter, the Magistrate of Saran, who tried the case, disbelieved the prosecution story totally and has discharged the accused. The result has naturally caused a profound sensation in the district. For, it was admitted that a grave crime had been committed, but no one was punished. If the Driver was not guilty, the real culprit should have been found out.

The judgment of Mr. Bonham-Carter, though a very lengthy one, ought to be read by all to see how futile and dangerous it has become for the Indians now-a-days to lodge a complaint against a European, however atrocious may be the nature of the injury, suffered by them. We, therefore, trust that our readers will have the patience to go through the full text of the document which is published elsewhere.

One of the reasons why European offenders as a rule, are not convicted in this country is for want of proper identification. Indeed, it is very difficult for a native of India to recognise a European again, after seeing him only once. In the present case, no such difficulty arose except once. A number of European passengers were shown to the four women almost immediately after the occurrence, but they failed to find the proper man. However, as soon as they saw the engine driver, they recognised him as the man who had entered their carriage and committed the outrage. The Magistrate admits that they bore no malice against him.

The Magistrate, however, pays no importance to this identification. He disposes of the matter by the assertion that the light in the third class compartment was not sufficiently bright to enable the witnesses to see the man clearly. But it is not correct that third-class carriages are so dimly lighted that one passenger cannot see another with sufficient clearness. Secondly the man was not muffled. Thirdly the women had absolutely no reason whatever to bring the Driver into trouble when there were other Europeans in the train.

Mr. Bonham-Carter adopts a curious process of reasoning to show that the women had no alternative but to identify the Driver. They had failed to point out any one, and therefore, says the Magistrate, they felt that they might be charged with having made a false complaint if they did not recognize some one. And hence, as the Driver was the last European shown, they fixed the guilt upon him. But as the women were absolutely ignorant of the number of the European passengers in the train, so how could they know that they had the last chance of identification in Driver Isac?

The other argument of Mr. Bonham-Carter to disprove the truth of the statements of the women is that "their combined identification cannot carry the same weight as if each had identified the accused separately." That is to say, if ten men, in one voice, say "we have seen such one do such a thing", it means nothing; but, if these men, entering by ten separate doors, say, one by one, "I have seen it", it is then that any value is to be attached to their evidence! It is in this way that the members of "the ablest service in the world" sometimes argue a question.

In another place Mr. Bonham-Carter says: "The complainant and her female witnesses failed to identify the accused in my presence when placed with several other Europeans. This was in broad day light and after she must have had several opportunities of seeing him. No reliance, therefore, can be placed on her identification of the accused on the Bhatni platform at night." No, Sir; in spite of their failure to identify on the present occasion, it is quite possible to place every reliance on their statement. On the Bhatni platform the man was shown singly immediately after the occurrence. In the Court he was asked to be pointed out, long time after the occurrence, from among a number of similarly dressed Europeans. It is a pure assumtpion on the part of the Magistrate that "she must have had several opportunities of seeing him." Where did the Magistrate get this from? One administering justice has no right to assume any material point.

The next prosecution witness, the Police Sub-Inspector, deposed that, when he told the engine-driver of the charge the women had brought against him, Isac "asked to be pardoned and that the matter might be allowed to drop." Certain other witnesses also deposed that the accused had admitted his guilt and asked to be let off. The third important witness was guard Bindeswari Prosad, who deposed that he had seen the accused pass his brakevan, travelling on the foot board from the rear of the train towards the engine.

Now, evidence of this kind, coming from such parties, would have been considered satisfactory by any court of justice. For, neither the Police Sub-Inspector nor the Railway guard had the slightest motive to invent these lies to ruin a fellow-being. We do not know whether the Sub-Inspector is a Hindu or a Mussalman; but the guard, as his name indicates, is a Hindu and a Railway official. Why should he then go against an innocent brother official for the sake of a Mussalman woman? And why should a Police Sub-Inspector run the risk of falsely implicating an innocent European and bring immense trouble upon himself?

Mr. Bonham-Carter is, however, ready with his reply. He says that, if the Driver had really acknowledged his guilt to the Sub-Inspector, the latter would have taken some active steps against him. It is quite true he did not stop the train or arrest the man, and the reason why he did not do it has been explained by the Magistrate himself. In short, it is not for a "Native" Sub-Inspector to stop a running train or arrest a European on a serious charge on the mere identification of four "Native" women. The Sub-Inspector, however, sent a telegram asking that the Driver's statement might be recorded at Gorakhpur, and as there was no chance of his absconding, the step that he took was quite sufficient for the purpose. The Magistrate similarly rejects the statement of guard Bindeswari on the ground that, if he had really seen the Driver going along the footboard, he would have mentioned the fact to others. But why should he do it of his own motion, and cause injury to a brother official?

The Magistrate, in this way, rejected the evidence of all witnesses, and relied upon the statement of a Parsee defence witness which showed that the accused could not enter the female carriage at Sewan as the complainant and her female witnesses said he did. This Parsee is said to hold "a fair position," for he is "the manager for the refreshment contractors." He is also said to be "entirely impartial." This is all right. But why should not such prosecution witnesses as the three Hindu female witnesses, the Hindu Railway guard, and the Police Sub-Inspector be equally considered "entirely impartial," as they had to depose in a case in which a Mussalman woman, and not a co-religionist of their own, was involved and when they had no animus against the accused? Mr. Bonham-Carter does not explain it.

On the other hand, not only did the Magistrate disbelieve the complainant and her witnesses, but he had not a word of sympathy for the unfortunate woman, though he admitted that a most cowardly and brutal outrage had been committed upon her. Nay, more. He accused the complainant, the Hindu female passengers, and the Hindu railway guard of having "conspired together to deviate from the truth in order to strengthen the case against the accused". This is called adding insult to injury. What Mr. Bonham-Carter has got to do now is to prosecute the complainant and her witnesses for perjury!

The Magistrate, having discharged the accused, found it necessary to throw the blame upon some body. He, therefore says that it was not Driver Isac, but another European, Guard Davidson Swift who must have committed the offence, because, he was travelling by the same train, and he is not forthcoming. But, as Davidson was not on his trial, such a pronouncement on the part of the Magistrate is extra-Judicial and means nothing.

How powerfully has the result of the case moved the people of Saran will appear from the following notice of a public meeting that has been issued by the well-known local Barrister, Mr. R. Ghose:—

"Recent case of Emperor vs. Isac of the B. N. W. Ry., tried by the District Magistrate of Saran has shown us the danger and insecurity to which the female passengers travelling on the B. N. W. Ry. are exposed. The District Magistrate has found that one Mussammat Habiban was raped in the female carriage in the presence of three other female passengers while the train was in motion. The District Magistrate has further found that it was a dismissed guard of the railway and a European who has committed the outrage, but not the accused who has been rightly discharged. The females of this country, high or low, except those who can afford to travel in 1st and 2nd class carriages, and who are therefore accompanied by their relatives, always travel in the female carriages. This occurrence affects the whole community, Hindus and Mahomedans, and points strongly to the necessity of some measures being adopted by Government and the railway company for the protection of these female passengers. His Honour the Lieutenant-Governor of Bengal is expected by the 29th of this month and I suggest that a memorial be presented to His Honour by the people of this District, as the occurrence took place in this District, for the Government to adopt such safe guards as His Honour thinks proper to prevent in future such dastardly outrage. I therefore propose that a public meeting be called to take some step to present such memorial. As time is short and the memorial has to be prepared and printed I request the public to meet on Sunday morning at 8 o'clock in my compound under a Shamianah. As some cost will be incurred I therefore request every Hindu and Mahommedan to subscribe one anna each for this purpose. I propose a small sum purposely so that every one, rich and poor, can show their sympathy and approbation of the measure I have suggested. Any gentlemen who are willing to assist me will realize this one anna subscription and report such realization on the day of the meeting when a committee will be formed to get the memorial ready."

We have no doubt that the matter will draw the serious notice of the Lieutenant-Governor; for, if there is one thing which moves the people of this country most powerfully, it is an outrage upon their females. It is quite possible, as the Magistrate finds, that Driver Isac is innocent. In that case, the real culprit must be found out and punished severely. We also beg to draw His Honour's attention to another outrage of a similar kind which is noticed in a separate article.

THE MYMENSINGH OUTRAGE CASE.

A few weeks ago the "Charu Mihir" of Mymensingh published the story of a most brutal outrage committed upon a Hindu girl by some Mussalman ruffians. This led "New India" to send a special reporter to the spot to collect correct information, and we publish below his report for which we are indebted to the courtesy of our contemporary:—

"On the 27th of Chaitra last, corresponding to the of April, at about half past ten or eleven in the evening, Sushila, the wife of Raj Chandra De, aged, as it is said, about 14 years, went out of her room to attend a call of nature. She was suddenly seized by some ruffians, who gagged her, and carried her away to the house of one Adu Sheik. Two men, Gurudayal Mali and Dinanath Mali who were passing by the road then, heard the moaning of a woman at a little distance, and advanced towards the spot whence the suppressed cries proceeded, and followed the men who were carrying the girl away. Seeing that they were being pursued, three of the ruffians, Abal, Safoo, and Sabir, turned back and facing Gurudayal and Dinanath asked them what they wanted. They said—We wanted to see who are these men who are just running away, and what was the meaning of the suppressed cries that came from them. In answer Safoo and others said that it was nothing, only some people were befooling themselves.

"Sushila says that she was kept that night at the house of Adu Sheik. Towards morning she was removed to the house of Abul Sheik. Next day an old woman Manor-Ma, by name saw her in Abul's house, and communicated the fact to Raj Chandra who was searching for his wife. All these facts are recorded in the complaint made to Sub-Inspector Giris Chandra Roy of the Katiadi Police Station. Saru Sheik told the Police that he had seen Sushila in the house of Abul on that day. After night-fall Sushila was removed to another village, Paiksa, and kept in the house of a Mahomedan whose name the girl could not say. Next night she was taken to the house of one Jainab Bibi, in the neighbouring village of Madhya-Para. Jainab admitted this to the Police. Next night, according to Sushila's statement she was kept in the house of Hazrath Sircar, of Madhya-Para. For the next three nights she was in the house of Damoo Sheik, in the same village, and here she was subjected to a series of most brutal outrages committed by a couple of men. That she was kept in the house of Damoo Sheik is proved by the statement of three or four men,—(i) Oasin Sheik, (ii) Khazoo Mir, (iii) Abbas Moonshi, and (iv) Taiar Sheikh. They admitted it to the Police. Afterwards the poor girl was kept for one day in the house of Alinoaz Duffadar; whence she was brought back to Gachihata, and kept that night in the house of Dokhai Sheik. Hari Mohan De, Chowkidar declared to the Police that he had seen her there. Next she was taken to another village, Bhubirchar, where she was detained in the house of one Garibulla for about seven or eight days.

"Hearing that Sushila was detained in the house of Garibulla, Rajchandra and a number of respectable men of his village went with Giris Chandra Roy, Police Sub-Inspector in charge of Katiadi Police Station, to Kisorganj, as Bhubirchawr was within the jurisdiction of that Thana. Giris stopped at Kisorganj and directed Raj Chandra and his friends to ascertain the truth of the rumour that Sushila was in Bhubirchawr. It has subsequently been ascertained that hearing that Giris Babu had come to Kisorganj, to investigate into this matter her captors had her removed from there. Giris then went back to Katiadi. About three or four days, after this, one Abdul Sheik of Bhubirchar informed Babu Troilokyanath Mozumdar that Sushila had been brought back to Garibulla's house in that village. On this information Sub-Inspector Giris Roy with a Constable and a

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Head Constable of the Katiadi Thana, searched Garibulla's house but found no trace of her there, for she had, it is said, been removed from there before day-break; and while she was thus being removed, she was seen by her husband Rajchandra and Krishna Charan Chowkidar Nabinchndra De and Kaminimohan De. Giris went from Bhubirchar to Kisorganj, but Babu Troilokyanath Mozumdar stayed behind, watching for the missing girl. The same afternoon, between 3 and 3-30 o'clock, Sushila was found in a bush in the back of the house of Sadhu Sheikh in Bhubirchar. At the time she was thus discovered, a lot of people were present namely, Babu Troilokyanath Mozumdar, Rajchandra De, Krishna Charan Chowkidar, Nabinchandra De, Kaminimohan De, and Basaruddhi and Ketu Sheik of Bauli. Information was sent from Bhubirchar to Police Sub-Inspector Giris Babu, and Sushila was removed to the house of Babu Kaminikanta Mozumdar.

"Those who discovered Sushila say that they found her in a half unconscious state and her clothes were covered with blood. But the Sub-Inspector made no mention of this fact in his report.

"The same eveing Giris sent a couple of constables and had Sushila removed to his quarters in Kisorganj. Babu Troilokyanath Mazumdar and others went along with her there. But as Sushila was not in a fit condition that evening to make a statement, no report of her case was drawn up that day—(20th Baisakh) and the Sub-Inspector placed her in charge of her husband Rajchandra for that night, saying that he would take her deposition the next day.

"On Thursday the 21st of Baisakh, Sub-Inspector Babu Giris Ch. Roy, took Sushila to the various houses in Bhubirchar where she had been kept, for local enquiry. From there he went to Gachihata and on that very day, having visited the house of Adu Sheikh, Suddar Sheikh, and Abul Sheikh took her to his own quarters at the Katidi Police Station, with a view to make local enquries on the next day in the villages Madhyapara and Paiksa. Rajchandra and Babu Troilokyanath Mozumdar wanted to keep her in Gachihata but the Sub Inspector said that it would be risky to keep her there, as those who had abducted her before might take her away again. At this Babu Trolokyanath who is a man of substance and holds a respectable position in the village, said that he would keep her in his own house. At this the Sub-Inspector said that the men might set fire even to his house. Babu Troilokhyanath replied, "Even if they should do so, there was no help for it. And no one refuses to give shelter to one's relations or dependents for fear lest one's house should be set on fire." Giris then threatened to hold Troilokhya Babu responsible for any mishap that might happen to Sushila, if he kept her in his house; and said that as she was not well she might be treated at the Government Dispensary at Katiadi, and would have to go with him to Madhyapara and Paiksa, the next day; and so took her away with him. From tht 21st of Baisakh to the 26th Sushila was kept in his own house, by Sub-Inspector Giris. On the 26th having made a local enquiry at Madhyapara he sent her in charge of Krishnacharan Chowkidar and Sivadhari Sing, Constable, and Rajchandra De and Janaki Ghose, to the Assistant Surgeon at Kisorganj, for medical examination, and ordered them to take her to Janaki Ghose's house, after the medical examination was over.

"The piece of cloth that Sushila had on her when she was discovered i nthe bush at the back of Sadhu Sheik's house in Bhubirchar, would have to be presented as evidence in her case, and Rajchandra asked Sushila to keep it carefully away, and gave her one new and another old sari for her use. The very first thing that the Sub-Inspector did after taking Sushila to his house was to get this incriminating piece of cloth washed by Krishnacharan Chowkidar. Krishna Charan admits it himself.

"When Sushila was taken to Janaki Ghose's house, at the instance of the Sub-Inspector, her husband Rajchandra wanted to take her to his own house. But Janaki refused to allow him to take his wife away, as the Daroga had placed her in his charge and he could not let her go without his orders. Rajchandra then went to Giris and asked him to be allowed to take his wife with him to his own village; but was abused and insulted by him. He went to Gachihata and reported all that had happened to Babu Troilokyanath Mozumdar, and Dr. Subodchandra Roy, and appealed to them for help. They went to Katiadi at about 2 o'clock in the morning, and wanted to know of the Sub-Inspector why he had refused to give Sushila in charge of her husband. He said that he would make her over to Rajchandra the next day, and asked them to rest in his house for the night. Next morning he went to Janaki's house at 11, and whispering a few instructions to Janaki, went away on the plea that he had to be present at Kisorganj to give evidence in a case, saying that they might take Sushila away with Janaki's consent. But Janaki refused to allow her to be taken away without, as he said, the order of the Sub-Inspector

"On the 16th of May, an application was made to the Sub-Divisional Officer of Kisorganj, who passed the following orders on it:

"The investigating officer, viz., the senior Sub-Inspector Katiadi is ordered to make over the girl at once to complainant and submit an explanation why he kept her for several days in his own house.

"The investigation is transferred to the Inspector of Police Sections 363 (or 366, I. P. C. as the case may be 376, 354, 368, I. P. C.) who will investigate the case and make an enquiry also in the charge preferred against Sub-Inspector on which a separate report should be submitted. Complainant will produce his wife before the Inspector for the purpose of investigation.

"The case was fixed for the 3rd of July, but as not one of the nine accused were present, it had to be postponed till the 15th (to-day).

"Warrants had been issued against nine men but the Police have failed to arrest a single one of them, in more than a fortnight's time."

Since the above was set up in type, "New India" received information regarding a fresh development of this case. Our contemporary learns from a letter written to a gentleman in Calcutta by Babu Troilakvanath Mozoomdar of Gachihata that on the night of the 7th July last at about 1 a.m. about 30 or 40 men armed with dangerous weapons fell upon his house, and breaking through the bamboo-wall of the house where Rajchandra and his wife were sleeping, committed a most serious assault on the former and carried the latter away when she was almost in a faint. Babu Troilokyanath saw the men carrying Sushila away. The matter has been brought before the Sub-Divisional Officer, and the Inspector of Kishorganj has been directed to enquire into this matter.

Information reached our contemporary night before last (Thursday) by wire that the girl has been found, and three of her abductors have been arrested. The Sub-Divisional Officer of Kisorganj himself went day there to Gachihata, and, it is believed, it was his personal exertions that brought about this arrest.

THE LATEST CASE OF A EUROPEAN OFFENDER.

We have no heart to talk of any other subject except that of the partition of Bengal. But, we cannot also ignore other matters of importance. Mr. Stapylton's case which was disposed of by Mr. Justice Stephen on Tuesday before last furnishes the latest illustration of the way in which justice is administered when a European is the accused person. It presents all the elements of the Bain and similar other cases. The defendant was treated more like a son-in-law than one accused of a grave offence; legality was damned; and the prisoner, though he confessed his guilt up to the hilt, was let off with a small fine to the surprise of all including the defence Counsel. The facts of the case are in brief these.

Mr. A. Stapylton is an Assistant Engineer of the A. B. Railway; and some lands having lately been relinquished by that Railway, he had to see and remove encroachments, if any, on the lands not relinquished by the Railway. He found on the 21st April last that two huts, built by some Muchis about a year ago near the Akhaura Railway station, had encroached on the Railway land. There were a number of huts there, and among them these two were partially on Railway land, namely, the hut of Kishen Muchi was one and half, and that of Gurucharan seven feet on the Railway land. This was found by a local enquiry held by Babu Dakhina Ranjan Ghose, Land Acquisition Deputy Collector, under orders of the District Magistrate.

At the local enquiry were present the accused, Mr. Stapylton, his pleader Babu Dijendra Nath Dutta, Railway Vakil Babu Kamini Kumar Chanda, and the Railway District Engineer Mr. Venters. The huts had been in existence for one year, and the Muchis lived in them peacefully with their families, though Mr. Stapylton disputes (in his written statement) the allegation that Gurucharan's hut was inhabited. However finding that these two huts had encroached on the Railway land, as aforesaid, he told the Muchis to remove the huts at once which they naturally refused to do; being hardly pressed by Mr. Stapylton, they asked for 10 days' time. But he would not let them have more than 15 minutes (vide his written statement,) at the expiry of which he set fire to the hut as he himself says.

Although Mr. Stapylton denies the statement, all the prosecution witnesses deposed that Gurucharan's wife was confined of a child in the hut. The prosecution story, supported by about half a dozen prosecution witnesses, is that Gurucharan put out the fire twice, and was assaulted by Mr. Stapylton for so doing, and the latter set fire to the hut three times. Mr. Stapylton says it was an old woman (not Gurucharan) who put out the fire and not twice but once and that he pushed her hands away for so doing.

The prosecution witnesses say that both the huts were burnt down with all the things such as shoes etc. stored therein to the value of Rs. 200 or so. Mr. Stapylton says that only a "karahi" and a sack (gunny bag) were brought out of the second burning hut, and that there were no shoes. But the Police Sub-Inspector produced in Court burnt shoes and utensils which he swears he found on the site. At the local enquiry held by the Deputy Collector, as aforesaid, there was unmistakable evidence to show that the huts had been tenanted.

The gravity of the situation may be judged from the fact that there were about half a dozen similar huts all close to the burning huts, and also the Bungalow of Mr. Betts (a Jute merchant) on the opposite side of the Railway bank. It is almost a miracle that the whole place was not cleared of all these dwellings and far more serious damage done.

These are the facts of the case. We should mention that the prosecution witnesses were all cross-examined by Mr. Stapylton's pleader Babu Dijendra Nath Dutta, but the evidence of the Muchis, though ignorant and illiterate, was hardly shaken at all. Then note this significant fact, namely, that the committing Magistrate says in the grounds of commitment, "One Ali Hussain has also been examined as an eye-witness but denies that he saw the accused take any part in the affair; his demeanour appeared suspicious and gave the idea that he knew more than he chose to speak of". On the evidence thus given, and the accused having reserved his defence, the case was committed to the Sessions Court.

The Sessions Judge, Mr. Brown, thought that he could not adequately punish the offender in case he was convicted, as the maximum punishment he could award was one year's rigorous imprisonment. The Judge therefore made a reference to the High Court recommending that the case be transferred for trial before itself. At the same time, or rather a little after this, the said Railway Vakil Kamini Babu applied to the District Magistrate, Mr. Scroop, to move the High Court for a transfer of the case from Comilla to Chittagong or Silchar, on the ground that a sufficient number of jurors would not be available in Tipperah where the incident occurred.

One is inclined to suspect that the real motive for this application was something quite different from this alleged ground. However that might be, it was ultimately arranged that, in showing cause to the Rule, which, it was expected, the High Court would issue in Mr. Brown's reference for transferring the case to the High Court, the District Magistrate would recommend a transfer to Chittagong or Silchar or some other District. Fortunately or unfortunately, what was not expected happened. The Criminal Bench, presided over by Justices Pargiter and Woodroffe, did not issue a Rule at all, but at once transferred the case to its own file.

Then came the trial which was over in 20 minutes. It was finished in lesser time than that of Mr. Bain. Mr. Stapylton pleaded guilty to both the charges proved against him, under Sec. 436, (arson,) and Sec. 426, (mischief,) and filed a written statement giving his account of the occurrence. The first thing that strikes one about it is that this candid confession was not made during the judicial inquiry at Comilla; on the other hand, the accused showed fight. As a fact, the prosecution witnesses were cross-examined by his pleader and he reserved his defence. It would thus not be unfair to say that Mr. Stapylton acted on the principle of the inimitable Sir John Falstaff, namely, that the better part of valor is discretion.

Then comes the significant thing. Mr. Stapylton pleads guilty to the charge of arson (Sec. 436) for which the sentence must be a term of imprisonment without the option of fine. Mr. Justice Stephen then enquired if there was a general section which empowered him to inflict a sentence of fine only, although the punishment prescribed for the offence was imprisonment. He was told that there was no such section, but the defence Counsel, Mr. Cotton, suggested that his Lordship might imprison Mr. Stapylton for one day. In the face of this, could the astonishment (of course a most agreeable one) of any one be greater than that of the defence Counsel himself when the learned Judge inflicted only a fine of rupees one hundred?

It would be presumption, to be sure, to question the legality of a sentence given by an Hon'ble Judge of the High Court, but we ask his Lordship in all humility,—was it legal? The accused pleads guilty to the charge, but the Court refrains from passing sentence under the section simply because the punishment provided by the section is a term of imprisonment! What would the High Court say if some subordinate Court were to follow in the wake of Mr. Justice Stephen? Then there are some other points too. His Lordship directed that out of the fine, Rs. 20 was to be paid to the two Muchis as compensation. Would his Lordship be surprised to hear that the accused had himself offered rupees one hundred to the Muchis as compensation which they refused on account of its inadequacy? It is in this way justice is administered in this country when there is a dispute between a European and an Indian.

We shall now say a few words as to the way the accused European was treated by the authorities. It is quite true he did not "my dear" the Magistrate like Mr. Rolt, but the committing Magistrate, Mr. Scroop even after committing him, admitted him to bail. Had he the power to do so? And lastly in the High Court, the accused person was not the accused Stapylton but Mr. Stapylton, who was provided with a seat at the table where the Counsel sit, and had to enter the dock only for a minute. Trivial matters to be sure, but yet not without significance, when all this happened in the High Court.

Granting that Mr. Stapylton did not act from spite; but he was, on his own admission, guilty of an utterly wanton and reckless act which, on the strength of this ruling of Mr. Justice Stephen, will not be culpable. Suppose a native of this country, holding a foremost position in society, was guilty of such recklessness, would there be a similar tenderness on the part of the Crown and the Court? But we forget what is "sauce for the goose" etc. etc.

What the Imperial Anglo-Indian Defence Association have now got to do is to draw the attention of the Government of India to the finding of Mr. Justice Stephen and urge the necessity of amending the criminal laws of India in such a way that the sections providing imprisonment might apply only to the "Natives," suggesting at the same time, that in the case of the European offenders, separate sections, providing fines only, should be inserted in the Penal Code. Such an arrangement will remove a great difficulty that now lies in the way of the Criminal Judge, namely, he cannot let off a European offender with only a fine when the section under which he is convicted leaves him no option but to sentence him to imprisonment. It may also be provided that the fine should on no account exceed Rs. 100.

If loyalty is to be judged by the amount of subscriptions promised to meet the cost of the Royal Visit to India, the Maharajah of Durbhanga is the most loyal man in Bengal, for His Highness has subscribed Rs. 10,000. The next loyal man is the Maharajah of Cooch Behar whose donation amounts to Rs. 5,000. Like His Highness of Cooch Behar, Maharajah Tagore, the Maharajah of Sonebarsa, the Maharajah of Burdwan, the Nawab of Dacca have also subscribed Rs. 5.000 each. So, in the matter of loyalty, Maharajah Cooch Behar, Maharajah Tagore, Maharajah Sonebarsa, Maharajah Burdwan and the Nawab of Dacca stand in the same grade. But how much has the Lieutenant-Governor subscribed? Not only did His Honour preside over the loyal meeting at the Town Hall, but as the ruler of the Province, his position is superior to that of all. He cannot thus afford himself to be beaten in the matter of loyalty by any one. We trust, therefore, His Honour's donation will be larger than that of Maharajah of Durbhanga, and stand topmost in the list of subscriptions. The position of the Chief Justice is next to that of the Lieutenant-Governor. And his Lordship should also subscribe, at least, one thousand rupees more than what has been subscribed to by the Maharajah of Durbhanga, so that no one can dispute his claim as the second loyal man in the Province. It will, indeed, not look well if any native of the country is allowed to beat the first two personages in the land in the matter of loyalty.

Our Monghyr correspondent writes:—

"I am sorry to say that the barbarous and inhuman practice of whipping, which had disappeared from this place with the transfer of Moulvi Amin-ul-Islam, Deputy Magistrate, who indulged in it pretty often, has again been revived with the advent at the station of Moulvi Habib-ullah, Deputy Magistrate. The latter official who has very recently come to this place, inflicted terrible lashes of the whip on three poor creatures in a single day, (7th inst.) for having committed pretty thefts, most probably impelled by pangs of hunger. The sight of three human beings successively shrieking and struggling in agony, bound hand and foot, is utterly sickening and demoralising. We hope the Moulvi Saheb will in future be more considerate, and cease to take recourse to this barbarous punishment, which, instead of reforming, only makes offenders more hardened and desperate, and thus does more harm than good."

A disease of which there was no mention in the Hindu pharmacopœia. In Europe it is called "the poor man's disease." In India also, what we see is that, with the exception of perhaps a few hundreds, all the tens of thousand who have been carried off by it belong to the lower classes. It is thus not very difficult to solve the problem of plague—or, for the matter of that, the problem of malarial fever also, which, in Germany, is called "Hunger Pest",—how they came and how they have made a permanent home in this country.

Well, it is the phenomenal poverty of the people, ever growing in volume and intensity, which is at the root of the evil. Before the English took possession of this country, India was not subjected to any economic drain. The wealth of the people circulated amongst themselves, and they had sufficiency of food. A simple and frugal race, the Indians had enough of rice, wheat, cereals, milk and fish to enable them to lead a healthy and cheerful life. There were also very few towns amongst them, and the vast majority of them lived in villages which were studded with fine tanks and other reservoirs of pure drinking water, and where they had an abundance of fresh air. They were thus free from most of the diseases that have been of late decimating the country so ruthlessly. Cholera, malarial fever, and plague were practically unknown here three scores of years ago.

The Monsoon conditions are now fully established at Simla. The rainfall, however, is still ten inches short.

The "Indian Daily News," we regret to say, does not see much in the partition of Bengal. He thinks that, the agitation in this connection is based on mere sentiment. Granting that it is so; should the sentiment of a whole nation be trampled down under foot in this outrageous manner? Can our contemporary explain the necessity for this measure? But it is on very material grounds also that the measure has been opposed so strongly. Is our contemporary aware of the gigantic nature of the cost and confusion that stares us in the face in connection with this affair? It is not a joke to create a new Province. But the new Province will be a very big one. The initial cost itself will be enormous. Fancy the number of buildings that will have to be created for the residence of the Lieutenant-Governor, his Secretaries, and other big officers. The Board of Revenue will require a building for itself, and so will every new department. Crores of rupees will in this way be wasted for nothing. This is the initial cost. But ponder over the cost of maintaining the two Lieutenant-Governorships. Now the people of Bengal have to maintain 280 Civilians. But, when the new Province is created, another two hundred or more Civilians will be required to administer its affairs. Besides, hundreds of subordinate officers will have to be appointed. In a word, the cost of administration will be practically doubled. Is this not a very substantial ground against the proposal? As regads the confusion, it is simply impossible to describe it. Ask Sir Patrick Playfair, and our contemporary will learn from him how many people were ruined during the transit of the Board's papers from Bengal to Assam, when Assam was cut off from Bengal, and made a separate Province. But that was a very small matter compared with the dismemberment of Bengal. No one who has a drop of sympathy in his heart should make fun of the deep sorrow into which the entire people of Bengal have been thrown by the threatened partition.

The letter of "C," over the heading of "The Advance of the Yellow Race," reproduced elsewhere from the "Spectator," will no doubt be read with intense interest at the present time; for his description of the future of the Yellow Race, apparently based upon incontrovertible facts, will carry conviction to many minds. The writer mainly deals with the possibilities of China, which, though yet in a state of lethargy, are, according to the writer, bound to play an important part at no distant date, now that Japan has shown the way. China is no doubt conservative and slow to move, but this will make the movement, says the writer, "more effective and lasting when it does come." Modern India has of course only an academic and melancholy interest in the progress of the Yellow peoples; yet, it is a fact that China owes its civilization to the Hindus, and the Japanese are only a branch of the Chinese race. In Japan they yet worship some Hindu Gods, and there is a community of the Japanese, who came from Ceylon, who look exactly like the Bengalees. It is a historical fact that Ceylon was colonized by the Bengalees who emigrated there from Tumlook in Midnapur, drove its original settlers, and took possession of the island. The writer of the letter makes a very suggestive remark, namely that it is not possible for the white races to permanently settle in any country where they cannot manage their affairs without the help of the coloured races. The inevitable inference he therefore draws is that Asia can never be the permanent abode of the white races; for, here they cannot do without the help of the natives of the soil. Perhaps heat was created to serve the same purpose, that is to say, to prevent the whites from occupying an Asiatic country permanently. But the electric punkha has removed that obstacle.

A writer has disfigured the columns of the "Englishman" by giving an inaccurate and, here and there, a ridiculous description of the Bengal crocodile. Perhaps his object is not to describe the crocodile but to abuse the people of this country; for he ends his paper with these two following paragraphs:—

"(1) The tiger of the jungle; the crocodile of the river; and the dishonest zamindar and gantidar of the land—who can combat them?

"(2) The tiger for his cunning; the crocodile for his adroitness; and the zamindar and guntidar for their craftiness in oppression—fear them equally."

We too have heard something of these "sayings," but they compare the tiger and the crocodile with the Sahebs, and not Zemindars. As regards the writer's account of the crocodile, it is more amusing than correct. He says:—

"In some parts of the Sundarbans these monsters have been known to follow boats for long distances and even to attack and overturn small ones with a stroke of their tail for the purpose of securing the occupants."

Those Magistrates who cannot resist the temptation of passing whipping sentences upon their fellow-beings would be at once cured of this tendency if they would try the effect of the application of the cane upon their own backs. As we showed the other day, Mr. Magistrate Fardham of the North London Police Court, before sentencing a young prisoner for refusing to break stones, himself tried to do it. He was horrified to find that the boy was asked to do an impossible feat, and he released him at once. It would indeed have a very sobering effect upon the Magistrates and Judges if they themselves had tasted some of the sweets of the punishments which they inflict upon others with a light heart, not that they are very much more moral than their victims, but because, they have the privilege of punishing fellow-beings with impunity.

Of the problems which the human mind has to face in its study of Nature, one of the profoundest questions is that of the origin of life on the earth, and, strange to say, the deeper the scientists have tried to probe into the question, the deeper the mystery has grown. Some thirty years have elapsed since Pasteur, in his controversy with Dr. Bastian on Abiogenesis (spontaneous generation), performed those celebrated experiments in which he shewed that provided an organic infusion was properly sterilised (i.e. freed from all living micro-organisms by sufficient heat) and then kept free from all contamination from outside, no signs of life would ever appear in it. Since then it was believed to be conclusively proved that no living matter could ever proceed from the non-living, and the theory of spontaneous generation was supposed to be exploded for ever. Evidently however, this not only does not remove the difficulty of the question of the origin of life on the earth but makes it all the more perplexing, for, since the earth had been a time a fiery red hot globe, too hot to maintain any form of life, the living matter on the earth must have been evolved from lifeless matter in the past, if not in the present time. Lord Kelvin's humourous suggestion that perhaps the germs of life were brought into this world on a meteorite "from the moss grown ruins of another wolrd" only transfers the scene of the origin of life from the world to some other and leaves the fundamental problem exactly where it was. Further progress seemed impossible and thus the problem has rested stationary for the last thirty years.

Within the last few months however certain experiments have been tried which have brought forth some unexpectedly startling results and shed a new light on the old question of spontaneous generation. Sterilised gelatin, absolutely free from micro-organisms, was exposed to the radioactive influence of that extraordinary substance, Radium, and peculiar growths were observed as when bacteria are grown in gelatin cultures. Still these growths are not exactly bacterial growths, for they are soluble in water, while bacteria are not; but neither are they crystals, for they possess the unmistakable criterion of life—when they reach a certain size they subdivide. According to Mr. Burke, the discoverer, these may perhaps represent a primitive form of life grown in a sterile medium—a case of spontaneous generation in fact, brought about by radioactive influence, which is itself the result of disintegration of atoms by internal forces. Full details of these remarkable experiments with their bearing on the problem of origin of life will be found in another column. In this connection it is also interesting to note that Dr. Bastian has recently submitted a paper to the Royal Society in which he has brought forward evidence to prove the actual occurrence of heterogenesis or production of one form of life from another, which was hitherto believed to be impossible. If Dr. Bastian's observation and Mr. Burke's experiments are established by further tests, it is evident that our ideas on these subjects will have to be profoundly modified and we shall have to unlearn much of what we had learnt before.

The Balfour Ministry is said to be in a moribund condition. But some of its acts show that this is far from the case. Of course it can do anything it likes with India, which is a fatherless and motherless country, and is the property of a number of Englishmen. But, surely, Ireland has a voice, and a very potent one, in the administration of the Empire. The Balfour Ministry has, however, devised an excellent plan to cripple Irish agitators. It is to pass an Act whereby seats in Parliament will be redistributed on the principle of population. The effect of the redistribution would be a loss of 22 seats to Ireland, which are to be divided among England, Scotland, and Wales in the proportion of 17, 4, and 1 respectively. Of course, Mr. Balfour has only introduced his redistribution resolutions and have not yet resorted to legislation; but, with a standing majority the Ministry is the master of the situation—nay, it can depose even God from His throne by bringing forward a motion and putting it to the vote. The Irish will no doubt resist the measure in their Irish style, but, Mr. Balfour may, by closuring them, try to defeat them. So the Irish are now almost in the same boat as the Bengalees. It is in the name of the "redistribution of territories" that the Bengalee nation is going to be ruined; it is in the name of the redistribution of seats that the Irish are being threatened with the same fate. The balance of power in Parliament is now practically in the hands of Ireland: and hence the attempt to maim Ireland and weaken it. But will Mr. Balfour succeed? We have yet to see it; for, the Irish know how to agitate. We hope Bengal will take its lesson from Ireland in the matter of political agitation when the latter opens its campaign.

Mr. Brodrick, in his speech on the Indian budget, "lamented the great mortality from plague in India and the indifference of the natives to precautions." What the Secretary of State means is that it is the people who are responsible for the plague; for if they had taken proper precautions they might have long ago put a stop to its progress. But can he, and those who accept his opinion, explain why was plague unknown in India before the advent of British rule into this country? When this terrible disease first broke out in Calcutta, there was a meeting held at our office of all the noted Indian Kabirajes of the town to discuss the subject. Nearly one hundred and fifty of them met and they all came to the unanimous conclusion that, plague was

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Now this is going too far. A crocodile no doubt follows a boat now and then; but it can never use its tail to overturn one, however small. How the crocodile takes its dinner is thus described by the writer:—

"As a meal is wanted the crocodile tears up the animal, piece by piece, tosses each bit into the air and drops it into its mouth."

How the writer came to see it, he does not explain. Surely he was not invited to any of these dinner parties! But every one, who resides on the bank of a river infested by crocodiles, can testify to the fact that they take their food without tossing it into the air.

SCRAP.

A defamation case, under rather peculiar circumstances, has, says our Malabar correspondent, cropped up there. A Nambudu woman of Ernad was excommunicated for her alleged misconduct. Among those who are said to be on intimate terms with her was a Nayar youth and he was also excommunicated. The result is, a case of defamation has been instituted against the priests concerned in the affair.

Calcutta and Mofussil.

Registration Department.—Syed Kasim Ali Khan, Rural Sub-Registrar of Rajmahal, in the Sonthal Parganas, is appointed to be Rural Sub-Registrar of Madhipura, in the district of Bhagalpur. Babu Ashutosh Buxi, Rural Sub-Registrar of Madhipura, in the district of Bhagalpur, is appointed to be Rural Sub-Registrar of Rajmahal Parganas.

Examination of Opium.—An examination of the Patna and Benares provision opium of the season 1903-04 will be held at the New Opium Godown, No. 14 Strand Road, on Thursday, the 20th instant at 11 a.m. Merchants, dealers and others interested in opium are invited to attend. Samples of the opium examined will be given to merchants and dealers only, in small tins, which will be placed on the table, labelled with the names of the persons requiring the sample.

The Paikparah Estate.—At the High Court, on Friday, before the Hon'ble Mr. Justice Bodilly, Mr. Rose applied in the suit of Kumar Sarat Chundra Singh vs. Nitay Chundra Singh and others. The attorney submitted that he applied on behalf of Rani Devendra Bala Dassi executrix of the estate of the late Kumar Satish Chundra Singh, for an order that Mr. Halder, the Receiver, might have the liberty to bring certain suits in the Court of the first Munsiff at Kandi against certain persons for recovery of rents etc. His Lordship granted the application.

Hony. Magistrates.—The gentlemen named below are either appointed or re-appointed to be Hony. Magistrates of the Benches opposite their names:—Maulvi Kazi Abdus Samad—Madaripur Independent Bench, in the District of Faridpur; Babus Nanda Dulal Dhar, Haricharn Sen, Surendra Narain Roy, Punendu Narain Roy and Purna Ch. Sen,—Sadar Independent Bench in the district of Dinajpur; Babus Abhay Sankar Ray Choudhury Narmada Sankar Roy Chtoudhury, Durga Charan Majumdar, Sarada Kanta Das Gupta and Jagadish Chandra Goswami—Independent Bench at Taota in the district of Dacca.

Public Works Department.—Babu Gobind Chander Banerjee, Overseer, 1st grade, is transferred, in the interests of the public service, from the Arrah to the Eastern Sone Division, which he joined on the forenoon of the 30th June 1905. The following temporary promotions are made in the Upper Subordinate Establishment with effect from the 26th May 1905.—Rahman, Golam from Supervisor, first grade to Sub-Engineer, third grade; Bahaduri, Hari Das from Supervisor, second grade to Supervisor first grade and Mookerjee, Prithwiraj from Overseer, first grade to Supervisor, second grade.

Alleged Assault by a "Shaheb."—On Friday, before Mr. D. H. Kingsford, Chief Presidency Magistrate, Babu Kala Chand Chowdhry on behalf of a young man named Sarat Chander Bhattacharjee applied for a process against Mr. Garett of Messrs. Newman and Co., on a charge of assault, under the following circumstances. The allegations were that the complainant was employed under the defendant as a compositor in the Printing Department. He made certain mistakes and for this, the "Shaheb" is alleged to have given slaps to him and also made use of abusive and filthy languages towards him. His Worship after examining the applicant ordered the issue of a summons against the defendant.

Political Department.—Rai Narayan Chandra Naik Bahadur, Deputy Collector, is appointed to be an Assistant Superintendent of Survey, for the purpose of carrying out the survey of the Angul Government Estate in the district of Angul. Babu Upendra Nath Mohanti is appointed to be an Assistant Superintendent of Survey, for the purpose of carrying out the survey of the Angul Government Estate in the district of Angul.

Riot in a Granary.—Mr. R. A. N Sing, Deputy Magistrate of Sealdah, is investigating a case in which Court Inspector S. Chatterjee charged one Ramprotap Sing, owner of a granary in Ahiretollah, and six of his men, with being members of an unlawful assembly, trespassing and assaulting one Bissesswar Shah also the owner of a granary in Sham Bazaar, his workmen, and his mother. The accused are further charged with doing mischief by causing considerable damage to the grain stored in the complainant's granary. The case is proceeding.

Subordinate Educational Service.—An exchange of appointment is sanctioned between the following officers:—(1) Babu Mohendra Chandra Som, Head Master of the Noakhali Zilla School (2) Babu Rajani Nath Gangopadhyaya, B.A., Assistant Head Master of the Bogra Zilla School Babu Mohendra Chandra Som, Head Master of the Noakhal Zilla School under orders of transfer to the Bogra Zilla School is allowed leave of absence for three months. Babu Kedar Nath Das Gupta, B.A., Head Master, Purnea Zilla School is allowed leave of absence for thirty days. Babu Girindra Nath Chatterji, M. A., Assistant Head Master, Purnea Zilla School is appointed to act as Head Master of the same institution. Maulvi Abdul Quddus, an Assistant Master in the Purnea Zilla School, is appointed to act as Assistant Head Master of the same institution. Maulvi Zahirul Haq, B.A., Head Master, Anglo-Persian Department, Chittagong Madrasah is appointed on probation for six months to be Additional Deputy Inspector of Schools, Mymensigh, vice Maulvi Atai Elahi, who has been appointed a substantive pro tempore Sub-Deputy Collector.

Inspector of Cotton Mills.—Mr. H. E. Girard, Head Appraiser, Calcutta Custom House is appointed Inspector of Cotton Mills within the jurisdiction of the Collector of Customs, Calcutta. vice Mr. A. Wolferstan.

Breach of the Explosives Act.—On Tuesday, before Mr. D. Swinhoe, second Presidency Magistrate, Captain Ferwick of the S. S. Akara, was fined Rs. 5 for having in his possession on board the ship five rockets in excess of what was allowed by the Port Rules.

Alleged Assault.—On Tuesday, before Mr D. H. Kingsford, Chief Presidency Magistrate, Babu Amarendra Mohun Bose, on behalf of his client. Promotho Nath Mukerjee, obtained summonses against one Lalit Mohun Ganguli and Mohindra Mohun Ganguly on a charge of assault. The allegations were that there were misunderstanding between the parties and hence the assault on the applicant.

Survey of India.—It is now officially announced that the Secretary of State has sanctioned the appointment of six additional imperial and twenty additional provincial officers to the Survey of India during the next two years, pending the orders on the Report of the Survey Committee, which sat cold weather to go into the whole question of the reorganisation of this department. A detachment of the Survey Department is being organised to map the scene of the coming Delhi manœuvres, the area to be examined amounting to no less than 950 square miles.

An Acquittal.—On Tuesday, before Moulvi Bazlal Karim, third Presidency Magistrate, the police at the instance of Babu Kalidas Chatterji prosecuted a woman named Benodini, his cook woman and an Ooriah bearer, for stealing a box containing Rs 1,700 and some gold ornaments. Babu Suresh Chander Mitter and Shoshi Bhusan Mukerjee appeared for the defence. The Court on the evidence adduced, ordered the acquittal of Benodini, but sentenced the Ooriah bearer to two years' rigorous imprisonment.

Alleged Bigamy.—On Tuesday, before Mr. D. H. Kingsford, Chief Presidency Magistrate, the case in which one William Lewell stood charged, by one Mrs. O. T. Sato, with bigamy was called on for hearing. Babu Monoj Mohun Bose appeared for the prosecution Mr. Sandell for the defence urged that if time were given the matter would be settled amicably. Babu Monoj Mohun said that it was a case of bigamy; how it could be settled. The Court quesioned the complainant what was her object in proceeding with this case. She replied that she wanted to see the man sent to jail. After this, the case was adjourned for a week.

Suit against a Prince.—At the High Court, on Friday, before the Hon'ble Mr. Justice Bodilly, Babu Hirendra Nath Dutta applied for the admission of a plaint on behalf of Srish Chundra Mullick against Prince Mohamed Bukhtyar Shah for the recovery of Rs. 4,600 and odd being the balance of money due for works done. The plaintiff repaired certain houses belonging to the defendant in the year 1902. On the 11th February 1903 the defendant accepted the Bill which the palintiff had submitted. The bill was for Rs. 9,000. The defendant paid a bill was for Rs. 9,000. The plaintiff paid a portion of the bill; the present suit is for the recovery of the balance. His Lordship admitted the plaint and ordered written statements to be filed.

Suit against an Administrator.—At the High Court, on Tuesday before the Hon'ble Mr. Justice Bodilly the case of Radhika Mohun Roy vs. K. S. Bonnerjee came on for hearing. Mr. A. Chowdhury, Mr. C. R. Dass and Mr. S. N. Halder instructed by Babu Manmotho Nath Dutt appeared for the plaintiff. Mr. Jackson and Mr. Chakravarty instructed by Messrs. B. N. Bose and Co. appeared for the defendant. The plaintiff in this case is the son of the late Babu Mohini Mohun Roy. His case was that his elder brother the late Babu Dakshina Mohun Roy borrowed money from him from time to time to the extent of Rs. 13,000 which amounted to Rs. 15,000 and odd on account of interest. Mr. K. S. Bonnerjee was the administrator "pendent lite" of the estate of the late Dukshina Mohun Roy and hence the suit has been brought against him. The case is proceeding.

Gopal Lall Seal's Estate.—At the High Court, on Friday, before the Hon'ble Mr. Justice Henderson an application was made in the goods of the late Gopal Lall Seal and in the suit of Srimati Kumudini Dassi vs. Srimati Nayan Manjari Dassi. Mr. S. P. Sinha instructed by Messrs. K. N. Mittra and Sarvadhikari appeared for Kumudini Dassi. Mr. B. Chackerverty and Mr. S. R. Das instructed by Messrs. S. D. Dutta and Gupta appeared for Nayan Manjari Dassi. Some properties belonging to the estate of Gopal Lal Seal were needed to be sold, in order to pay off debts, which was over nine lacks. The question was as to how much of the properties and what properties were to be sold. With regard to some of the properties the widows agreed. With regard to others they differed. His Lordship directed that the properties, which were agreed upon between the parties should be sold by the Administrator "pendenti lite," Mr. Balchembers. The rest would stand over for the present. The cost of the application would be borne by both parties, which would be paid out of the estate.

A Sensational Riot Case.—On Friday, before Mr. G. C. Ghosh, Honorary Presidency Magistrate, the case in which one Upendra Nath Law charged Manick Lall Dey, Hari Das Addy, Gour Mohun Nandy, Kanai Lall Biswas, Ruckinny Mukerjee, Hemanto Kumar Dey and Panch Cowri Mullick, with rioting, by forcibly entering into the house of the complainant and committing mischief by breaking venetians etc., on the 6th of May last was called on for hearing. It appears that on the day in question the accused were removing a bamboo scaffolding erected on their gymnastic ground in front of the complainant's house. Whilst thus engaged, an altercation ensued between the complainant and some of the accused, which ultimately ended in a riot. Mr. Cotton instructed by Babus Tarak Nath Sadhu and Kristo Lall Dutt appeared for the prosecution and Messrs Manuel, Moses, and Babus Jotindra Mohun Ghose Vakil, Gyan Chundra Guha, Suresh Chander Mittes and others for the defence. The Court convicted the accused Nos. 1, 2, 4, 5, 6, 8 and 9 of rioting under section 147 and sentenced accused Nos. 5, 6, 8, and 9 to pay a fine of Rs. 10 each and No. 2 to pay Rs. 25 in default to suffer one month's rigorous imprisonment. The Court also warned the defendants not to molest the complainant again. One of the defendants was discharged before the charge was framed, while two others were not yet found.

TELEGRAMS.

REUTER'S TELEGRAMS.

THE RUSSO-JAPANESE WAR

London, July 11.

Count Shuvaloff, Brefect of Mascow, on receiving petitions, was assassinated with a revolver. The murderer has been arrested.

London, July 11.

General Stoessel has been arrested at St. Petersburg.—"Englishman."

London, July 11.

The Peace Plenpotentiaries will assemble in the Government Navy yard at Portsmouth, which is a cool and comfortable town. They meet first in New York and proceed in two cruisers to Oyster Bay to greet President Roosevelt, and thence they depart in vessels for Portsmouth.

London, July 11.

It is reported that the Russian Government has chartered fifteen Hamburg American liners to convey prisoners from Japan.

London, July 11.

The Japanese have now occupied Cape Notolo on the southernmost point of Saghalien.

London, July 12.

Reuter at Peking says, China has notified the Powers that she will refuse to recognise any arrangements made at the Peace Conference concerning Chinese interests, unless she is consulted. Japan has replied that the notification will in no wise affect her plan of action.

London, July 13.

The appointment of De Witte, which is highly probable as chief of the Plenipotentiaries in place of Count Muravieff, whose attitude at the Hague Conference offended Japan, is regarded as highly satisfactory.

London, July 13.

The appointment of M. de Witte as Chief of Plenipotentiaries in place of Court of Muravieff, resigned, is officially confirmed.

London, July 13.

Russia has been given distinctly to understand, that there will be no question of armistice until the bases of peace are accepted.

GENERAL.

London, July 11.

Martial law has been proclaimed at Tiflis, indicating the gravity of the situation, but no news have been received from there.

London, July 12.

It is asserted at Berlin that the Franco-German negotiations have not concluded Now Mr. Rouvier has accepted the Conference Germany is prepared to enter into a more detailed discussion on the aims and purposes of the Conference.

London, July 12.

The Turks are preparing to advance a great force against Saana from Hodeida and Taiz simultaneously. It is feared the rising has become general.

London, July 12.

The Princess of Wales has given birth to a son.

London, July 13.

Count Muravieff has resigned his appointment as one of the peace Plenipotentiaries, ostensibly on the ground of ill-health. The "Daily Telegraph" states that he will be replaced by M. De Witte.

London, July 13.

The Cretan insurgents, having ordered the Gendarmes to quit a village in the Candia district, a British detachment was sent to support the Gendarmes, and a conflict en-

London, July 13.

Twenty-four naval ring-leaders at Odessa have been hanged. On the contrary the Municipal Magistrates have acquitted 74 persns arrested for robbery and incendiarism on the occasion of the great conflagration. The other 28 have only got six weeks' imprisonment. This is regarded as a political demonstration against the bureaucracy.

London, July 13.

Reuter's correspondent at Tokio says that the Russian warship "Novik" has been raised.

London, July 13.

The Ukase appointing Biriliff Minister of Marine, directs him first to provide for the defence of the coasts, then gradually to build up a fleet and pay particular attention to education and training and personnel.

London, July 14.

Admiral May and other Naval officers were prominent at the great review at Long Champs to-day on the occasion of the celebration of the storming of the Bastile.

Sir Francis Bertie, British Ambassador, presented Admiral May to M. Loubet. The British officers at Brest likewise attended the review of the Marines and Seamen. Much international enthusiasm was displayed.

INDIAN TELEGRAMS.

THE KRISHNAGORE DEFAMATION CASE.

Krishnagore, July 12.

The District Judge's defamation case has been adjourned till the 21st July. Both the accused prayed for time to compromise the case with the Judge. The public prosecutor to whom the accused went to get the case compromised is trying his best to have it settled amicably.

THE ARMY REORGANIZATION SCHEME.

Allahabad, July 14.

It is now considered certain that the Army Administration Scheme will not be given effect to before 1st October at the earliest.

EXPLOSIVES.

ITS MANUFACTURE POSSESSION OR SALE.

Simla, July 14.

The draft rules under the Explosives Act of 1884 for the manufacture, possession and sale of explosives which were published in the last issue of the "Gazette of India" have now been forwarded to local Governments and administrations with a covering letter inviting criticisms which should reach the Government before the 2nd November. It is explained that when consolidated rules come into force the existing provincial rules will be cancelled and no additions to or alterations of rules which, it is now proposed, to issue governing the manufacture, possession or sale of explosives will be permissible without the express sanction of the Government of India. It is considered that the necessity for special rules applicable to particular local areas will seldom arise. But provision can be made for such cases by insertion of provisions, if necessary, in consolidated rules.

TELEGRAMS.

INDIAN TELEGRAMS.

THE SUBORDINATE GOVERNMENT SERVICES.

Simla, July 13.

Mr. R. M. Dane, Salt Commissioner for Northern India, is to be Chairman of a Committee to consider the question of revising the allowances of the Government of India subordinate services. The committee is expected to meet shortly, and its members are Mr. W. S. Harris, Home Department; Major R. S. Maclaghlan, R.E.; Mr. Heseltine, Finance Department Mr. A. R. Tucker Revenue Department; Mr. S. C. Mitra, and Mr. J. C. Mitra, the latter acting as Secretary.

THE PARTITION OF BENGAL. THE SURVEY COMMISSION'S REPORT.

Simla, July 11.

The resolution on the partition of Bengal is now in course of preparation. It is not yet possible to say whether it will be issued this week or next.

PLAGUE MORTALITY IN INDIA.

Simla, July 13.

During the week ending the 8th July, plague mortality in India stood at 1,742 against 2,201 in the week previous. The Punjab had no less than 1,112 deaths; Bombay 321; Bengal 157; Madras 61; Mysore 47 and Madras 13.

Arboriculture in India.

A GOVERNMENT RESOLUTION.

Simla, July 14.

An interesting Resolution has just been published on measures for promotion of the arboriculture in India. It is an interesting study of the subject of maintenance of avenues of trees along roadsides from early British period up to the present day. In course of the resolution, the Government of India briefly recounts steps taken in various provinces for the formation of arboriculture and observes that progress made in recent years varied greatly in different provinces, and in consequence they are inclined to lay down certain general principles in order to ensure the maintenance of a continuous and intelligent line of action throughout the country. The first and in some respects the greatest difficulty in arranging for extension of the existing operations is the provision of funds but the Government of India are of opinion that recent liberal grants given to the District Boards from general revenues ought to enable them to make better provisions of all their duties including arboriculture details for future working. The Govt. of India direct that in taking up new work preference should be given to those roads which are most frequented and where avenues can be established at the least cost; and no more should be attempted at one time than can be thoroughly established by means of the money and supervision available. Care should be taken that most suitable kind of tree is chosen, preference being given to fruit trees where otherwise suitable and to trees which will give shade rather than to trees which merely develops a rapid growth. Character of timber must also be selected with special reference to dryness or moisture of soil. In some cases it may be possible to provide means of watering of trees by utilization of neighbouring sources of supply. Local Governments are requested accordingly to see that where this has not already been arranged for, a clear working plan similar to those prepared for Government forests and accompanied by necessary maps is prepared for each district or public works division concerned. Working plans should be passed by some responsible officer such as the Conservator of forests or the Director of Land Records and agriculture or in the case of Government roads, Superintending Engineer and arrangements should be prescribed for ensuring that they are not lost sight of by local bodies or officers concerned. The Supreme Government also suggest that arrangements should be made in each province to issue a manual containing in clear and reasonably concise form information required and to publish for guidance of subordinates vernacular translation or abstract of this manual or leaflets dealing with particular duties entrusted to them with a view to secure continuous action so essential to this class of work. It may be found advisable in some provinces to arrange for general supervision, administrative and financial, of arboricultural work of local boards by Home. The Central authority such as the Conservator of Forests or the Director of Land Records and Agriculture and Government of India, without wishing to lay down any rule on the subject, commend this arrangement to the consideration of the local governments. Subordinates in direct control of arboricultural work, whether under local bodies or under Public Works Department, should, as far as possible, receive a training of some kind in technical branches of subject, either at some Government garden or at a forest school or plantation and every facilities will be given for such training in forest and agricultural institutions under Government. Encouragement of private tree planting is in the opinion of Government of India worthy of special attention of local governments and they are requested to consider whether anything further can be done in this direction than is effected. At present it is essential that, as far as possible sympathies of neighbouring population should be enlisted in preservation of road side trees and in case of fruit trees produce of which is of little value. Cultivators of adjoining fields should be allowed to take fruits on condition that they protect trees from serious damage and when a fodder famine is prevalent judicious arrangements should be made to utilise edible leaves of trees along road sides as fodder for cattle at reasonably cheap rates. There is one practice that calls particular depre cation—it is that of lopping or otherwise injuring a beautiful avenue when preparations are being made for reception of a high government official Officers of Government should maintain vigilant watch in order to prevent this unthinking and regrettable form of depredation. Finally as regards means taken by local Governments to keep themselves informed of progress made in road side arboriculture the Goverenment of India are content to leave them to prescribe such arrangements as they think best whether these entail separate annual reports or a special section of some departmental report. They would suggest however advisability of reviewing results attained every five years and at the same time revising all working plans so as to keep them up to date and improve them where necessary.

TELEGRAMS.

INDIAN TELEGRAMS.

RAILWAY POSTINGS.

Simla, July 13.

Major S. L. Craster R. E., Executive Engineer, officiates as Deputy Engineer-in-chief, North-Western Railway. Mr. R. H. Tait officiates as Chief Store-Keeper of the North-Western Railway.

THE RANGOON MURDER CASE.

Rangoon, July 12.—To-day the Chief Judge was moved by Mr. Eddis on behalf of Hla Gyi to revise the order of the District Magistrate of Rangoon, directing a fresh inquiry on a charge of murder with a view to committal to the Chief Court. He based his application practically on the same grounds as those urged before the District Magistrate, the main reason being that there was no provision of law by which two trials could proceed simultaneously against an accused person on the same charge. The Chief Judge admitted the application and fixed the hearing for Monday next before a Full Bench, the proceedings in the lower Court being stayed in the meantime.

ARMY MOVEMENTS.

Simla, July 14.

Information has been received that the N. and S. Batteries (1st Brigade) Royal Horse Artillery and the 78th, 81st and 82nd Batteries (10th Brigade). Royal Field Artillery from South Africa and 1st Northumberland Fusiliers from Mauritius will arrive at Bombay on the 9th February 1906. The 2nd Battalion, Yorkshire Regiment will leave Bombay for South Africa on the 16th February 1906. The 4th Hussars will probably leave Bombay for Durban about the middle of Octoer.

SUPREME COUNCIL MEETING.

Simla, July 14.

The first meeting of the Supreme Legislative Council was held this morning. The Viceroy presided. On the motion of the hon. Sir A. T. Arundel the Bill to amend the Court Fees Act was referred to a Select Committee consisting of Sir A. Arundel and Messrs Baker and Erle Richards.

Sir Edmond Elles introduced a Bill to amend Indian Articles of War. He said that under the new distribution of the Army (Indian Army Order No. 768 of 1904) the general and other Officers Commanding Brigades are to have the same powers as were formerly exercised by Office s Commanding Districts. It is, therefore, necessary to amend Article 4 (4), (6) and Article 161 of the Indian Articles of War which confer certain power on Officers Commanding Districts in order to enable Officers Commanding Brigades to exercise the same power. It is to effect these amendments that the present Bill has been proposed.

The Council was adjourned to Tuesday next.

FACTORIES IN ASSAM.

Simla, July 14.

The report on the working of the Factories Act in Assam during 1904 has just been published. Factories are of small importance in Assam, the largest being the Railway workshop at Dibrugarh, the Sissi saw mills and the petroleum refiney at Digboi. Twelve factories were at work compared with thirteen in 1903, the difference being due to the closure of the Marangial saw mills in the Naga Hills district on the 30th December 1903. Of the twelve factories eight are located in Lakhmipur district, the remaining four being in Cachar, Darrang, Sibsagar and Khasi and the Jaintia Hills districts. Seven of the factories are saw mills engaged chiefly in the manufacture of tea chests and tea shooks. The average daily number of operatives employed in these mills was 996 compared with 1076 in 1903. The daily average of operatives employed in the Dibrugarh Railway workshop increased during the year from 293 to 392 while the number at the Digboi petroleum refinery fell from 408 to 325. In the Sisse saw mills 347 labourers were employed, approximately the same number as in 1903. The average daily number employed in all the factories fell from 2221 in 1903 to 2180. The general health of the operatives were good and no prosecutions were instituted under the Act during war.

GAZETTE OF INDIA.

HOME DEPARTMENT.

Simla, July 14.

Mr. J. A. Ross, C.S., from leave, is posted to the Punjab.

Lieutenant-Colonel T. E. L. Bate, I.M.S., to be Inspector-General of Civil Hospitals, Punjab.

Captain J. G. Swan, I.M.S., is posted to plague duty in the Punjab.

Surgeon-General Greany, I.M.S., is posted permanently to Bombay.

Captain F. N. Windsor, I.M.S., from the United Provinces is posted permanently to Burma as Chemical Examiner.

LEGISLATIVE DUEPARTMENT.

Mr. Gordon Walker, Officiating Financial Commissioner, Punjab, to be an Additional Member of the Viceroy's Legislative Council vice Mr. Harvey Adamson resigned.

REVENUE AND AGRICULTURAL DEPARTMENT.

Captain E. A. Tandy of the Survey of India, is granted fifteen months' leave from 18th instant.

FOREST DEPARTMENT.

Mr. Bryant, Conservator of Southern Circle, Upper Burma, is granted three months' leave; Mr. H. Carter to officiate.

Mr. Manson, Conservator of Forests, Tenasserim Circle, is granted six months' leave; Mr. J. H. Lace to officiate.

CIVIL WORKS.

Lieutenant-Colonel H. V. Biggs to officiate as Secretary to Public Works Department, in the N.-W. Frontier Province vice Colonel Dickie on privilege leave.

FOREIGN DEPARTMENT.

The following postings of the Indian Medical Service Officers in political employ are notified: Lieutenant-Colonel A. M. Crofts to be Agency Surgeon, N.-W. Frontier Province; Lieutenant-Colonel H. N. V. Harington, Rajputana States, Captain J. W. Little to be Agency Surgeon, Kota and Jhalawar.

Major P. J. Lumsden, I.M.S., is granted seventeen months' leave.

RAILWAY BOARD.

Captain M. F. Osborne, R.E., is granted three months' leave.

Major S. L. Craster to officiate as Deputy Engineer-in-Chief, North-Western Railway.

P. W. D. SECRETARY.

Simla, July 14.

The Hon'ble Mr. L. M. Jacob, Secretary to the Government of Burma, Public Works Department, has been appointed Secretary to the Government of India, Public Works Department, in succession to Mr. S. Preston, C.I.E., who retires in September next.

Centre for Studies in Social Sciences, Calcutta

High Court.—July 14.

CRIMINAL BENCH.

(Before Justices Rampini and Mookerjee.)

DECISION WITHOUT HEARING PARTIES.

Babu Jyotiprosad Sarbadhikari on behalf of one Bonwari Lal Mukherje, 2nd party in a proceeding under section 145 Cr. P. C. moved against the order of Mr. Lang, Deputy Commissioner of Manbhum declaring the 1st party to be in possession of the disputed land. On 29th May proceedings were served upon the parties. On 2nd June, the petitioner applied for an adjournment for 20 days in order to enable him to take a copy of police report and to get back the papers from his pleader. On 22nd June the Deputy Commissioner without giving petitioner any opportunity of filing his written statement and documents and of adducing evidence in support of his claim passed the above order. The petitioner also alleged that there was no likelihood of a breach of the peace and that the police sent up a report under instructions, from Mr. Lang.

Learned Vakil urged that the Deputy Commissioner not having examined even the 1st party as regards the actual possession of the disputed land and not having given any reasons for being satisfied as to the likelihood of a breach of the peace, the proceeding was without jurisdiction and the order was "ultra vires."

Their Lordships issued a rule on the Deputy Commissioner of Manbhum to show cause why the order complained of should not be set aside.

ALLEGATIONS AGAINST A ZEMINDAR.

Their Lordships disposed of the rule issued on behalf of the petitioner Lalit Mohun Adhicary to set aside the order of compromise passed by the Sub-divisional Officer of Munshiganj, district Dacca. On 1st June 1904 while the petitioner was making preparations for a Mahatsab (feeding of Brahmins and the poor) a Durwan in the employ of Babu Harendra Lall Roy, a very rich and powerful Zemindar of the place, came to him and wanted him to go to his master. The petitioner refused to comply with the demand as he was then too busy in arranging things. On this the Durwan left the place threatening the petitioner that he would feel the consequences of his conduct. A short time after a second Durwan came and the petitioner was again asked to go to Babu Harendra Lal Roy. Seeing the peremptory nature of the order he could not disobey it a second time. So he accompanied the Durwan to the house of Harendra Babu. On seeing the petitioner, it was alleged, Babu Harendra Lal angrily demanded an explanation for disobeying his order and after hearing the explanation imposed a fine of Rs. 100 on him and ordered a Durwan to confine the petitioner until the fine was paid. The petitioner sent words to his men and sometime after two of his men came and stood surety for him. The petitioner was then ordered to go home. The petitioner lodged information with the Srenagore police of the above incident and a formal complaint was made before the Magistrate. A police enquiry followed which resulted in the issue of an warrant against the zemindar, but he was then in Calcutta and the warrant could not be executed. Subsequently he surrendered himself before the Sub-divisional Officer of Munshigunj, who on 25th July allowed him to appear by agent. The Magistrate after several adjournments and putting undue pressure on the complainant, as alleged by him in his petition, (full particulars of which appeared in these columns when the rule was issued) passed the above order.

Mr. S. P. Sinha instructed by Mr. P. M. Guha and Babu Provash Chunder Mitter appeared in support of the Rule.

Mr. Jackson instructed by Babu Baikanta Nath Das showed cause.

Their Lordships after hearing both sides passed the following judgment:—

In this case a rule was granted to show cause why the order made in the case under sec. 345 Cr. P. C. should not be set aside and a further enquiry directed on the ground that the compromise upon which the order was based was not, under the circumstances stated in the petition, voluntary.

In the petition upon which this rule was granted there were a number of allegations made that pressure had been put upon the petitioner in order to make him compromise the case against the accused, one Harendra Lall Roy, who is said to be a rich man. Among other things it was alleged that the case had been adjourned from time to time by the Magistrate with the object of harassing the complainant and with a view to force him to withdraw the case. It was also alleged that the case had been fixed and heard at different places in the muffasil at long distances from the sudder station with the same object. In the petition also it is stated that on various occasions the Magistrate directly put pressure upon the complainant by threatening that if he did not agree to compromise the case, the case should be dismissed.

The Magistrate has given an explanation regarding all these matters. The most important point upon which an explanation was necessary was with regard to the threats alleged to have been used by him in order to compel or induce the complainant to withdraw the case or enter into a compromise. The complainant in his petition had set out the occasions on which threats were used and the terms in which the threats were conveyed. The Magistrate had not in his explanation categorically denied the allegations ascribed to him; but it appears to us that it was his intention to deny all of them. He has denied various allegations which were made into heads, and under one head we have the allegation that the complainant was forced to come to an amicable settlement by holding out threats that otherwise his case would be dismissed. With regard to this he says: "The fourth and the last allegation that the complainant was forced to the last to compromise the case by means of threats is a plain myth. There was absolutely no reason why I should insist upon him to compromise the case even after the case was closed and was ripe for judgment, as all the troubles which had to be taken in bringing the case to a close had already been taken." That being so we are satisfied that the Magistrate really intended to give an absolute denial to all the allegations directed against himself or his conduct in the case.

In addition to this, we have a denial by the Muktear conducting the case on behalf of accused Harendra Lal Roy. The Muktear has denied upon oath various other matters besides the allegations about the compromise It seems to us that upon the petition of the complainant on the one hand and the explanation of the Magistrate on the other hand, it is impossible for us to come to the conclusion that the compromise which the petitioner entered into was not voluntary.

The rule is therefore discharged.

PROSECUTION UNDER THE ARMS ACT.

Babu Shamaprosonno Mozumdar appeared in support of two rules obtained on behalf of Ashutosh Ghosh, late Sub-Inspector of Ghatshila upon the Deputy Commissioner of Singbhum to show cause why the convictions and sentences passed on the petitioner in the two cases under sec. 19 cl. (a) of the Arms Act.

In the first case petitioner was convicted under the above section for selling a gun to a servant of the Rani of Dalbhum and sentenced to pay a fine of Rs. 20. The defence was that the petitioner sold the gun to the Raja who was exempt from the operation of the Arms Act. The servant who purchased the gun was a common servant of the Raja and the Rani who were living in the same house at Ghatsila, the Rani being the aunt-in-law of the present Raja.

Rampini, J.—But you must have inquired who was the purchaser.

Vakil.—The evidence is not clear on the point. But supposing that he sold the gun to the Rani, the Act is not penal unless it is shown that she is prohibited from keeping a gun. It has been notified that 6 members of the Dalbhum Raj family are exempt from the Arms Act and there is nothing to show that the Rani is prohibited from keeping a gun.

Rampini, J.—But you ought to have given notice to the Magistrate.

Vakil.—But then the charge would have been under another section of the Act.

Their Lordships held that the Magistrate before convicting the petitioner should have found that the Rani was prohibited from possessing a gun and that there was not sufficient evidence to sustain the conviction. The rule was accordingly made absolute.

In the second case the same petitioner was convicted on a similar charge and sentenced to pay a fine of Rs. 15. In this case petitioner sold a gun at first to one Gangadhar but kept the gun with him as the purchaser could not pay the full amount. With the consent of the purchaser's heir the gun was re-sold to another gentleman, but the latter too did not take delivery of the gun.

Learned Vakil contended that there was no sale as the article sold was not removed.

Rampini, J.—But he took money from the purchaser.

Vakil.—There was no actual parting of the gun.

Rampini, J.—He should have given notice as required by section 5 of the Arms Act.

Vakil.—He being the Sub-Inspector there was no necessity of giving a notice.

Rampini, J.—He ought to have given notice to the Magistrate and some notice to himself as police officer.

akil.—He asked the purchaser to take license.

Mukerjee, J.—Then you mean that any Sub-Inspector can dispose of any number of guns without giving notice.

Their Lordships held that the sale was complete and that he should have given notice to the Magistrate and some notice to himself as police office. The rule was accordingly discharged

A ZEMINDARI DISPUTE.

Mr. S. P. Sinha appeared in support of a rule obtained on behalf of one Mohesh Chundra Das upon the District Magistrate of Mymensingh to show cause why the conviction and sentence passed upon the petitioner by the Sessions Judge should not be set aside on the ground that the Sessions Judge having disbelieved a great part of the evidence for the prosecution should not have convicted the petitioner.

Petitioner is a servant of the 6-anna Santosh Zemindar. He was prosecuted before the Deputy Magistrate of Tangail on a charge of dacoity. It was alleged that on 12th August last petitioner with a large number of men, armed with all sorts of weapons, came to a village called Malancha. Petitioner was said to have given orders and the men looted 6 houses whose owners refused to sign a Kabuliat, they being tenants of 5-anna Zemindars. The Deputy Magistrate convicted the petitioner of rioting and sentenced him to 3 months' rigorous imprisonment. On appeal the Sessions Judge confirmed the conviction but altered the sentence to a fine of Rs. 500

Mr. Sinha urged that the Judge's idea was that the Zemindars were at the bottom, and hence he fined the petitioner heavily. The sentence showed that the Sessions Judge disbelieved the story for the prosecution.

Their Lordships however took a different view and did not see any grounds to interfere. They discharged the rule.

AN ILLEGAL ORDER.

Mr. Sinha with Babu Bidubhusan Ganguli appeared in support of a rule issued on behalf of Saroda Churn Halder on the Magistrate to show cause why the order of prosecution passed by Mr. Craven, Sub-divisional Officer of Habiganj, should not be set aside.

The petitioner, an employe in the cutchery of Babu Har Kumar Pal under instructions from his master prosecuted one Norendra Mohun Dhar, another servant of the same zeminder, before the Sub-divisional Officer of Habiganj under sections 408, 403 and 477 I. P. C. in respect of certain accounts. Mr. Majid, the S. D. O., however after taking evidence discharged Norendra Mohun. Mr. Majid was then transferred and he was succeeded by Mr. Craven. On 3rd March last Norendra Mohun made an unverified petition to Mr. Craven for sanction under section 195 Cr. P. C. to prosecute petitioner for offences under sections 193, 195, 465 and 471 I. P. C., and Babu Harkumar Pal for abetment of the above offences. Mr. Craven without issuing any notice to the petitioner and without examining any witness at once sanctioned the prosecution of the petitioner and his master and ordered the issue of warrants against both. Against this order petitioner moved the High Court and obtained the rule.

Their Lordships after hearing Mr. Sinha held that the sanction was invalid and the proceedings were irregular because the matter did not come to his cognizance in the course of a judicial proceeding as required by section 476 Cr. P. C. and also because the particulars as required by Cl. 4 Sec. 195 had not been specified. Their Lordships remarked that the Magistrate was not justified in issuing warrants at once before examining the complainant and issuing notice to the petitioner. Their Lordships in the end said that the sanction was bad and must be set aside. The rule was made absolute.

A RULE GRANTED.

Mr. Sinha and Mr. Rahim with Babu Probhas Chunder Mitter instructed by Messrs. Manuel and Agarwallah on behalf of Wali Mahammed moved for a rule on the Chief Presidency Magistrate to show cause why the proceedings drawn against the petitioner should not be quashed or why the prosecution should not be stayed during the pendency of the Insolvency proceedings at Bombay.

The petitioner was a Monib Gomasta in the employ of the firm of Ibrahim Hazi Solaiman and Co. who were until lately carrying on business as merchants at Bombay and Calcutta and that he was in charge of their firm at Calcutta. On 23rd May last one Daud Mohammed filed a petition before the Chief Presidency Magistrate alleging that the petitioner on 17th idem fraudulently removed, transferred and delivered certain properties of the firm of Ibrahim Hazi Solaiman and Co., insolvents, and which properties had been vested in order of the Bombay High Court in the Official Assignee of Bombay. The Chief Presidency Magistrate on the same day passed the following order: "G. Town enquiry and report 6th. The case under section 206 being cognizable the accused may be arrested and held to bail." Subsequently on the same day another petition was filed on behalf of the complainant before the Chief Presidency Magistrate praying for a warrant to issue against the petitioner under sections 406 and 421 I.P.C. Thereupon the Magistrate passed order granting warrant with bail on two sureties of Rs. 2,500 each. The petitioner then surrendered himself and was released on bail. On 15th June when the case came up for hearing the case was transferred to an Honorary Magistrate, before whom the petitioner raised a preliminary objection to the trial of the case on the ground that as no sanction had been granted under section 195 Cr. P. Code by the Court for the Relief of Insolvent Debtors at Bombay, the proceedings were bad in law and without jurisdiction. But the Honorary Magistrate on 24th June overruled the objection and granted an adjournment to enable the petitioner to move the High Court.

Their Lordships after hearing learned counsel granted a Rule.

ATTACHMENT OF CROPS.

Babu Bankim Chundra Sen moved on behalf of the 1st party in a proceeding under section 145 Cr. P. C. for a rule upon the District Magistrate of Faridpur to show cause why an order by the S. D. O. of Goalundo keeping the standing crops on the disputed land in the custody of the police should not be set aside. It would appear that after drawing up the proceeding under section 145 the S.D.O. ordered the parties to put in written statements of their respective claims to the possession of the disputed land. In the meantime acting at the instance of the second party he passed an order directing the police to reap the crops and keep it in the custody of the third party. Later on he dropped the proceeding holding that the question of possession was involved in survey proceedings before the Collector of Faridpur and that there was no further likelihood of a breach of the peace. He, however, maintained the "ad interim" order keeping the standing crops in charge of the police. An application by the 1st party to releave the crops after proceedings were dropped, was refused. Against this the first party made the application of rule.

Learned Vakil contended that the proceedings having been dropped, the order maintaining the attachment of the crops was bad in law and without jurisdiction.

Mukerjee, J.—The crops could have been attached only under the second proviso of Cl. (4) of the section.

Vakil.—Yes, my Lord.

Mukerjee, J.—There is no other provision of the law under which he could do this.

Vakil.—No, my Lord.

Their Lordships granted a rule.

(Before Justices Pratt and Pargiter.)

AN ACQUITTAL.

This is an appeal preferred by one Sourendranath Mitter and his conviction under section 409 I. P. C., and sentence of three years' rigorous imprisonment passed on him by the Sessions Judge of Burdwan. Appellant was branch post-master of Kulingram post office. Jonabali, an inhabitant of Terapur, a village served by that office, used to serve in Burma and returned to his village in July 1904. When coming to India he made over his savings to one Abdulla to be sent to him by money-order. On 3rd July 1904 Abdulla remitted Rs. 100 to Jonabali. The appellant was supplied with money by the postal authorities to pay to Jonabali, but it was alleged the appellant without paying anybody returned the money-order form as paid and the amount was shown in the account book as paid. The matter came to the knowledge of the remitter. A complaint was filed and an enquiry followed when Jonabali was tendered the amount but he refused to receive the same. The appellant and the peon were sent up for trial and committed to the Sessions. The trial was held with the aid of jury who found appellant guilty under sections 409 and 477 A. and the peon not guilty. The Sessions Judge discharged the peon and convicted the appellant under both the sections and sentenced him on the first charge to 3 years' rigorous imprisonment. The Sessions Judge however did not pass any sentence of the second count.

Babu Dasarathi Sanyel with Babus Amarendra Nath Bose and Sarat Chunder Lahiri appeared for the appellant and Mr. Douglas White represented the Crown.

The appeal was admitted on the ground of misdirection of the Sessions Judge in his charge to the jury.

Their Lordships after hearing both sides delivered judgment setting aside the conviction and sentence passed on the appellant and ordering retrial of the appellant. After stating the facts their Lordships said:—

"The Sessions Judge, although dealing separately with the evidence against the appellant and the evidence against his subordinate peon, never told the jury that the statement of the peon was no evidence against the appellant. This has been held in 8 Bombay H. C. Report 10 as serious misdirection. On this ground the verdict is liable to be set aside." Their Lordships further remarked: "No doubt the Sessions Judge is entitled to express his opinion but it is advisable that he should tell the jury that they should draw their independent conclusions and that they are not bound by the opinion of the Judge."

THE N.-W.P. HIGH COURT.

THE AGRA ARYA SAMAJ CASE.

Judgment was delivered on Saturday in an appeal which appears to have excited considerable local interest at Agra presumably from the connection, or supposed connection of the case with the celebrated Arya Samaj. One Hari Singh was convicted by the District Magistrate of Agra under Section 292 of the Indian Penal Code for circulating a certain obscene pamphlet, or rather broad-side, styled "Itr Korani" or "Essence of the Koran." This conviction having been upheld in appeal by the Sessions Judge, came to the High Court in revision upon the main ground that the publication in question was not an obscene publication within the meaning of the law. The pamphlet complained of contained, amongst other matters, a series of quotations from the Koran with the author's comments thereon. There were other passages of a more or less objectionable nature, but that more particularly forming the basis of the charge consisted of the quotation of a part of a passage from the Koran relating to the Virgin Mary. The true sense of this passage being in the first place perverted by the incompleteness of the quotation, comments were added which amounted to an attack in the crudest and most unpublishable language upon the doctrine of the Immaculate Conception, a doctrine which, it may be noted, is held alike by Mahomedans and by Christians, though many of the latter only uphold the Divinity of the Son. At the hearing of Hari Singh's application, which took place before Mr. Justice Banerjee on the 17th June last, the Hon'ble Pandit Sundar Lal, who was supported by Mr. R. K. Sorabji, stated that the pamphlet, though described was printed for the Arya Samaj, was really in no way the handiwork of that body. He submitted that the pamphlet was no more than an ordinary controversial work. The quotation from the Koran was a correct translation into Urdu of a passage actually to be found in the Koran. As to the comments, though no doubt, they were not couched in very refined language, still the language which was used was employed only for the purpose of rendering the author's views more intelligible to the class of people the not very well educated general public, which he wished to reach. The learned advocate relied mainly on the interpretation of the word "obscene" adopted in the case of The Queen vs. Hicklin (3 v. B., 360) and contended that the publication which was the basis of the present conviction did not fall within the scope of this, the leading case on the subject. The officiating Government Advocate, Mr. Wallach, in support of the conviction, argued in the first place that the question of whether the particular publication was or was not obscene was a question of fact, and therefore, the matter being now before the Court in revision, the Court should not, according to the usual practice, disturb a concurrent finding by the two lower courts. In the next place the publication was undoubtedly an obscene publication, and for this he relied upon the ruling of the N.-W.P. High Court in Empress vs. Indarman (3 All., 837) and of the Bombay High Court in Queen Empress vs. Parashram (20 Bom., 193). Reference also made to Webster's dictionary, and it was submitted that there was no reason for supposing that the framers of the Penal Code used the word "obscene" in any other than its usual everyday meaning.

The judgment was as follows:—

This is an application for revision of an order of the District Magistrate of Agra confirmed by the Sessions Judge of that district, convicting the petitioner of an offence punishable under Section 292 of the Indian Penal Code and sentencing him to one month's rigorous imprisonment. It has been found that the petitioner, who is a member of the Arya Samaj, distributed a pamphlet called the "Itr Korani," or "Essence of the Koran," containing extracts from the Koran with the author's own comments on some of the extracts. It is in respect of one of these that the pamphlet has been held to be obscene. The passage in the Koran and the comments on it are set forth in the judgment of the learned Magistrate. It is the comments put in brackets which the prosecution alleges, and the Court has found, to be obscene. The first contention raised on behalf of the petitioner is that the learned Magistrate has placed a wrong construction on the words used. I have carefully examined the passage in question, and, judging by the context, by what precedes and what is clearly suggested, I think the interpretation put on the words in question is perfectly correct. It is next contended that the words used are not obscene within the meaning of Section 292 of the Indian Penal Code. It is argued that the intention probably was to ridicule the Koran and the Mahomedan religion, but the language used is not obscene within the meaning of the law. The question what constitutes obscenity under the Indian Penal Code was considered by this Court in Empress vs. Indarman (3 All. 837) and by the Bombay High Court in Queen Empress vs. Parashram (20 Bom., 193. The test applied in thsoe cases was that laid down by Cockburn C. J., in The Queen vs. Hicklin (3 Q. B., 360)., His Lordship said:—"I think the test of obscenity is this, whether the tendency of the matter is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this kind may fall." If a publication is detrimental to public morals and, as observed by Cockburn C. J., in the same case, "calculated to produce a pernicious effect in depraving and debauching the minds of the persons into whose hands it might come," it would be an obscene publication which it was the intenton of the law to suppress. The learned Magistrate has held in this case that the publication in question is one of the nature mentioned above. That finding is one of fact, and is also in my opinion correct. If the effect of a publication is to corrupt the morals of those who may read it, the object with which it was published is immaterial. To quote the words of Blackburn J. in the Queen vs. Hicklin, to which I have already referred, "it can never be said that in order to enforce your views you may do something contrary to public morality: that you are at liberty to publish obscene publications and to distribute them among everyone—school-boys and everyone else—when the inevitable effect must be to injure public morality, on the ground that you have an innocent object in view." Besides, every person must be presumed to intend that which must be the natural and necessary consequence of his act. As was observed by Alderson, B., in Gathercole's case (2) Lewin's C.C., 237), "Every man, if he be a rational man, must be considered to intend that which must necessarily follow from what he does." And in the King vs. Dixon (3 M. and S., 11) Lord Ellenborough, C. J., said that "it is a universal principle that when a man is charged with doing an act of which the probable consequence may be highly injurious, the intention is an inference of law resulting from the doing of the act." Therefore, even if the object of publishing the pamphlet in question was innocent (which I cannot say it was in this case), the contention that no offence was committed is not in my judgment well founded. It is the effect of a publication which is to be taken into consideration. In this case it has been found that the pamphlet was distributed among students, whose morality it was likely to corrupt. Under these circumstances I think that the Magistrate was right in holding that the accused had committed an offence punishable under Section 292 of the Indian Penal Code. Having regard to the nature of the publication, I do not think I should interfere with the sentence. I accordingly dismiss the application. The applicant must surrender to his bail and serve out the remainder of his sentence.

AN IMPORTANT JUDGMENT.

STRICTURES ON THE POLICE.

DEFENDANT ACQUITTED.

On Wednesday, Mr. D. Swinhoe, second Presidency Magistrate, delivered judgment in a petty case which was rather important in its own way. In this case a Mahomedan, named Mahomed Bisi was the accused. He had been arrested by a Constable, Sahajada Khan, on charges of being drunk and disorderly and using obscene language in Machooa Bazar Street on 28 June last. Babus Khetter Mohun Dutt and Monoj Mohun Bose appeared for the defence.

Here is the full text of the judgment:—

"The accused is charged with being drunk and disorderly. He denies the charge. He was arrested and taken to the Jorasanko Thannah. Inspector Gupta states that as it was a case of drunk and disorderly and the accused could not give bail he was sent to the lock-up. It is very strange that although the case was one of drunk and disorderly the pass sent by Inspector Gupta with the accused to the lock-up, contains the words "charged with section 68 Act IV of '66 disorderly conduct, in default of bail." The words 'drunk' and 'disorderly' appear at the right hand top corner but have been carefully crossed out and 'disorderly conduct' entered in the body of the pass. Inspector Gupta states that he does not always put in the word 'drunk' as it is not necessary. The fact that the case was sent up under section 68 was sufficient to show that the accused was drunk. This explanation is obviously untrue as section 68 deals with a number of offences other than that of being drunk. It is clear that the words 'drunk' and 'disorderly' were struck out as being inapplicable and the word "disorderly conduct' was entered in the body of the pass as being applicable to the facts of the case. Accused was sent to the lock-up and was immediately examined by the lock-up doctor who swears he saw no signs of drunkenness and the accused was not smelling of liquor. The lock-up Jamadar also gives evidence to the same effect. Inspector Gupta says that the Jamadar should have reported the matter at once to him when he found that accused was not drunk. The Jamadar says he had nothing to report as the lock-up pass charged the accused with being disorderly and not 'drunk and disorderly,' that he had the accused examined as he complained of pains due to his being assaulted by the police. In my opinion the charge of being drunk was an after thought. Under the circumstances, I do not believe the story put forward by the prosecution. I regret to find a man in the position of an Inspector in charge of a thana trying to bolster up a charge by giving evidence which on the face of it is untrue. I therefore order the accused to be acquitted."

A GOOD SNAKE STORY.

A Daring Python.

Mr. D. Bannerman, of Perak, writes to the 'Times of Malaya,' a Federated Malay States paper, under date 22nd ult.mo, as follows:—"On Sunday evening last, about 8 p. m., I had just finished dinner and was enjoying a long chair and listenin to the gramophone when I suddenly heard my dog bark at the back, by the kitchen. I took no notice at the first, but a little after he gave a great howl, followed by another half stifled, and then I heard a third and another groan, I ran to my bedroom window with a lamp and saw a large python wound round the dog—in fact the only part visible of the dog was his tail. I got my revolver, got the boy to bring a lamp, when the snake then uncurled his head, fortunately, and I was able to put a shot through his head without injuring the dog. I got the snake by the head and the boy got his tail, when we managed to uncurl him from the dog, which dropped as if dead. He slowly recovered, however, after giving him some brandy, and is now getting on quite well, although one of his hind legs has been nearly chewed off by the snake. The snake is exactly 15 feet 2 inches long. I have had him photographed, and am keeping the skin. The dog is a black pariah, about the size of an Irish terrier. I find that the dog has been barking round the place where the snake attacked him for the last few days. I may state that I shot the snake within three feet of the house, and within fifteen feet from where the gramaphone was plying.

A singularly interesting discovery was made last year by Mr. Vredenburg of the Geological Survey of India near Kishengarh in Rajputana. It appears that some one sent to the department some specimen of blue sodalite which he believed to be corundum. Subsequent examination of the ground resulted in the discovery of a new series of the remarkable family of eloelitesyenties, which present characteristics so far unexplained and unique among minerals. When freshly broken the patches of sodalite are carmine in colour, and the fresh rock-face gives the appearance of being splashed with blood, but in daylight the colour rapidly, and in direct sunlight almost suddenly disappears. The remarkable thing is, however, that when kept in the dark for a few months many of the specimens recover their colour, losing it again on exposure to daylight or to electric light The sodalite does not appear to differ in chemical composition from the ordinary varieties of the mineral, and neither the loss nor the recovery of colour is affected by the humidity of the atmosphere. Though specimens have been sent to Europe for more critical examination no explanation of the remarkable phenomenon has been offered, but there is now no doubt that both the disappearance and reappearance of the carmine colour are real and regularly recurring phenomena.

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STRANGE MARRIAGE VOWS.
HUSBANDS WHO MUST NOT KISS THEIR COUSINS.

When Miss Marian Townsend, of St. Louis, in the United States, became the wife of William Jefferson, of the same place, the other day, she exacted from her newly-acquired husband the vows which are usually, if not cheerfully, made by the wife.

Before the ceremony was performed she insisted on his drawing up and signing a document in the following terms: "I, William Jefferson, do solemnly promise, vow, and declare that on Marian Townsend becoming my wife I will obey her in all things, without question and without demur; that she shall always enjoy full freedom of action, without remonstrance or hindrance from me; and that she shall be at liberty to spend any money received from me at any time as if it were her own, and without having to give any account to me of same, for which I promise not to ask."

This modest undertaking having been duly signed and witnessed, the bride coolly took possession of it for future use. She can be relied on to see that it is carried out.

Jealousy would seem to be the leading characteristic of a certain New York bride, who was married to a wealthy young broker a few months ago. She made him register a vow that henceforward he would never kiss any woman but herself, with the exception of his own mother and sisters.

He tried hard to get the exception extended to two of his cousins, but the damsel would not hear of it, and when he suggested that her mother and sisters might expect the osculatory form of salutation from him she curtly intimated that she could, if necessary, keep her own relations in check.

The fair daughters of Albion sometimes extort whimsical vows from their husbands. One who was married at Easter made her lover solemnly promise that he would never, without her permission first obtained, shave off his moustache, with which she was very much in love and considered the handsomest in the world.

Very foolishly the young man told some practical-joking friends of this vow which he had made; and when a few evenings later they sent him home to his wife minus his moustache, of which they had bribed a barber to deprive him, a scene ensued which can be better imagined than described.

As soon as he had explained the trick which had been played on him the partner of his joys and sorrows made him rush off and take out a summons against all the parties, who in the result had to pay substantial fines and coats.

A Liverpool girl, possessing a lover who was much addicted to poetry, made him give her a written undertaking, as a condition of marrying him, that he would never write another verse. He had been in the habit of inflicting upon her long poems of his own composition, some of which sang her praises and others which had not that personal interest for her.

One of the former, headed "To Emma," which was, of course, her name, she one day had the misfortune to drop, and it was picked up by a girl friend, who, after reading it herself, showed it to all her acquaintances. For weeks after, whenever Emma was encountered, she was greeted with a quotation from the lost poem, until she fervently wished that her poet-lover had never been born. Hence the vow she compelled the budding author to make.

There was something more practical about the obligation which a Pittsburg damsel insisted on her husband taking upon himself. When she took him for better or worse she also took everything of which he was possessed, and even required him to declare in writing that it was a purely voluntary and free gift.

He not only handed over to her all his property, but undertook to be satisfied with whatever sum she should be pleased to allow him for pocket-money each month. She further insisted on his undertaking never to visit any of his relatives without being accompanied by her; and, finally, he had to vow that he would never let any other woman occupy his thoughts by day or his dreams by night, as if the latter were subject to his will.

KINGS WHO HAVE ESCAPED ASSASSINATION.

The bomb outrage in Paris directed against the young King of Spain recalls to memory many similar and fortunately abortive attempts on the lives of Royalties.

Our late Queen was on seven separate occasions the object of a dastar's attack. As far back as 1840 Edward Oxford, a demented potboy, fired twice at his Sovereign; two years later John Francis was transported for life for a like crime; while a month had barely elapsed ere the boy Bean was found guilty of having presented a pistol loaded with powder and wadding, "in contempt of the Queen and to the terror of divers liege subjects."

Seven years afterwards a man named Hamilton fired at Her Majesty; while the next year an ex-captain of Hussars cut her face open with a cane. In 1872 she was threatened by Arthur O'Connor, a youth of eighteen, with an unloaded pistol, and in 1882 she was shot at as she was entering her carriage at Windsor Station by Frederick Maclean.

The present Emperor of Austria has twice escaped the assassin's hand—once in 1882, when the soldier Overdank suffered the extreme penalty of the law, and once on February 18th, 1853, when walking on the ramparts at Vienna, he was stabbed from behind by the Hungarian Libenyi and severely wounded in the head.

Twice ere its tragic end was the life of King Humbert of Italy attempted, the first time being at Naples in 1878, when a cook called Giovanni Passannante approached the King's carriage with the apparent intention of presenting a petition. He held a small flag in his left hand, and as the monarch leant forward struck at him through it with a dagger. His Majesty promptly hit the would-be regicide across the head with his sheathed sword, and the Premier, Signor Cairoli, throwing himself in front of his master to intercept a second stroke, was slightly wounded.

William I. of Germany three times narrowly escaped assassination. In 1861, while out walking, he was fired at from behind by Oscar Bekker, the bullet inflicting a slight wound in his neck, and in May, 1878, he was the object of one Hodel's cowardly attack. Three weeks later Dr. Karl Nobiling a professor of philology, fired at his Emperor with a double-barrelled gun, loaded with shot, from a shop window overlooking the Unter den Linden. Over thirty pellets lodged in His Majesty's arms, and shoulders.

Thrice also was Napoleon III, in like peril of his life, the attempts of Pianori and Bellemare, in April and September, 1855, preceding by less than three years that of Orsini and his accomplices, when, although the Emperor escaped, two persons were killed and many wounded by the explosion of the shells which were flung at the Royal carriage as it drew up at the door of the Italian Opera.

Louis Philippe bore a charmed life; seven times did he, as it were by a miracle, escape a violent death. Though forty persons were either killed or wounded by Fieschi's infernal machine, he himself was unscathed; though Alibaud thrust the muzzle of his walking-stick gun through the carriage window ere the trigger was pulled he was struck only with the wadding; though he was in full view of Henri when he fired the pistol the bullets missed their mark.

Numerous unsuccessful attempts preceded the heinous crime of March 13th, 1881, when Alexander II. of Russia lost his life; while the existence of his son was blighted by his constant dread of assassination. Thrice within a month alone was his life in fearful jeopardy. On March 13th, 1887, a man was arrested almost in the very act of hurling a bomb at the Imperial carriage; on the 29th, while walking in the Gatchina Park, he was fired at by an officer; and a week later another attempt was made upon his life by three men and a woman as he was driving through the streets of his capital.

Among other Sovereigns who, within comparatively recent times, have narrowly escaped the knife or bullet of the assassin are our own Kings George III. and George IV., Queen Isabella of Spain, Alfonso XII., Amadeus, Fredrick William of Prussia, Milan of Servia, Pedro of Brazil, and William Prince of Wurtemberg.

KING CHRISTIAN AS A TOURIST'S UNCONVENTIONAL ADVENTURES OF GUIDE.

That is a pretty and characteristic story which is being told in the Mecklenburg papapers of the Crown Prince of Germany and his charming bride.

The Prince and the Duchess Cecile (it was in their courting days, a few months ago) were riding together on the outskirts of Schwerin when they halted to chat with a gang of road-workers, in one of whom the Crown Prince recognised an old private in his regiment of Footguards. "This is such a pleasant meeting," said the heir to an Imperial throne to his humble friend, "that we must celebrate it"; and he forthwith dispatched a groom to the nearest village to fetch beer and eatables. When the groom returned, laden with substantial fare, the Crown Prince and the Duchess sat down with the workmen by the roadside and enjoyed a hearty meal with them, chatting and laughing gaily with their lowly and delighted guests.

This story of Royal unconventionality reminds us of an adventure of Margherita, Dowager Queen of Italy, on one of her mountain-climbing expeditions. In her peasant costume, with stout boots and Tyrolese hat, and alpenstock in hand, she was scaling the Alpine "Peak of the Giant," with a few attendants, when a severe snowstorm drove her party for refuge to a hut belonging to the Alpine Club. The hut was already full of belated climbers of all nationalities, who recognising Her Majesty, offered to leave it entirely at her disposal. "On no account," promptly exclaimed the Queen; "the hut is large enough for us all. I will be hostess, and we will spend the night together right comfortably"; and so charming a hostess did she prove that when morning dawned in a clear sky one and all were sorry to part from their gracious entertainer.

One day last summer Margherita's son, King Victor Emmanuel III,, and his beautiful Queen Helene also entertained a humble guest unawares. They had wandered away, as they love to do, into the depths of the magnificent forest surrounding Raccogni, and had spread the contents of their luncheon-basket on the turf in a shady glade, when their privacy was disturbed by the appearanec of a young forester, who not recognising the Royal picnickers, ordered them to "move on" under threats of what would happen if they didn't. "At any rate," said the King, with a simile, "you will share our meal first," an invitation which the young fellow, no doubt tempted by the delicacies spread at his feet, was at last induced to accept.

During the meal which followed the forester was so thawed by the trespassers' amiability that before leaving them he apologized to his hosts for his roughness, and assured them that they might wander where they would so far as he was concerned; and it was not until some days later, when an enquerry presented him with a silver wtch from the King "as a reward for his diligence," that he learnt to his horror the identity of the lady and gentleman whom he had treated so cavalierly.

It is, too, of the young King of Italy that the following story is told. He had shot a chamois while hunting alone in the mountains, and a peasant lad who had seen the animal roll over and fall down into some chasm offered to go and fetch it. "Very well," said the King; "I will wait here" "But what will you give me?" "What do you ask?" "A franc and half your luncheon." "Very good; you shall have

The lad went off down the mountain-side, and soon came back with the chamois over his shoulder, and the King handed him a franc and proceeded to divide his lunch into two equal portions. But the peasant turned away in contempt, for the lunch consisted of a small loaf of black bread and a large raw onion. "I thought you were a gentleman (unsignore," said the boy, "but I see you are only a poor fellow like myself."

Some time ago an English tourist was walking along the Norre Gade in Copenhagen when he overtook an old gentleman sauntering along in company with two dogs. "Can you direct me to the Rosenborg Palace?" the tourist asked of the stranger. "With pleasure," was the answer, in excellent English." I am walking that way myself;" and the two men proceeded together, the old gentleman chatting amiably and pointing out the principal sights, such as the Church of St. Peter and the University, as they went.

The tourist, however, began to have a suspicion that his genial cicerone must be a man of some importance, since he was saluted with the utmost respect by everyone they met; and when, on reaching the palace, the sentry presented arms his suspicions amounted to a certainty. "May I ask, sir, who you are?" he said to his companion. "Oh! I am King Christian," was the smiling answer; "and I am delighted to have the privilege of showing you something of my capital." And in spite of the tourist's protest His Majesty insisted on escorting him through the palace and showing him its treasures of coins, medals, tapestries, and its silver throne, before bidding him a friendly good-day.

INDIAN NOTES.

THE JOY-DEVA GOWNDAN CASE.

The accused in the above case, Deva Gowndan, has filed an appeal in the Sessions Court of Coimbatore against Mr. Hammyngton's judgment fining him Rs. 500. The grounds of appeal set forth are: (1) That the Divisional Magistrate erred in law by not recalling the complainant, at the final trial, for cross-examination. (2) That he failed to notice the discrepancies between the statement of the complainant and his witnesses, in respect to the use of the word "liar" by the appellant, and that its use was an invention of the complainant, to counteract the effect of the assault he admitted to have made on the appellant, in the first instance. (3) That the complainant having first broken the peace, the conviction of the appellant was wrong. (4) That the appellant's version of the affair is supported by the third witness for the prosecution, and contradicts both the complainant and the second witness for the prosecution, when they state that they heard the appellant say "You are not gentlemen." (5) That the complainant and second witness for the prosecution give contradictory accounts of what passed outside the office. (6) That the Magistrate should have found that the dispute arose over the complaintant wanting to use, without extra charge, a carriage and horses outside Municipal limits that he had hired for use within those limits. (7) That the appellant and not the complainant is the injured party and that the Magistrate, on the evidence, should have so found. (8) That the appellant was not properly treated by the Magistrate, and had not an opportunity of cross-examining the complainant, as the summons for him to appear was received by him only late on the day preceding the hearing. (9) That the fine is excessive.

FOREIGN TRADE OF THE U. P.

The report on the Foreign trade of the United Provinces with the countries of Tibet and Nepal, during the year ending the 31st March, 1905, demonstrates the fact that the volume of trade exceeds that of the preceding year by 60,228 maunds in weight, but the value declined by Rs. 5,76,101. Imports from both the countries taken together were better than last year by 36,051 maunds in weight, but the value exhibits a decrease of 10¾ lakhs of rupees. Exports, on the other hand, rose by 24,177 maunds in weight and five lakhs of rupees in value. The transport difficulties in Tibet are so enormous that the trade with that country is insignificant, and comprises about 5 per cent. only of the total foreign trade of the Provinces. The expedition of last year also retarded trade, as the Tibetan traders were, it is said, requisitioned by their Government to serve in the war, and Bhutia trades from this side would not venture into the country whilst it was in a state of unrest. Imports from Tibet consequently dropped from 87,722 to 75,892 maunds and exports from 65,272 to 60,569. Exports to Nepal rose from 3,13,962 to 3,42,842 maunds, or by 28,880 maunds, and their value was better than last year by Rs. 5,18,417. The exports of cotton goods which in 1903-1904 dropped by 4,297 maunds, rose by 3,290 maunds in weight and Rs. 2,81,460 in value. Slight increases also occurred in the exports of metals, oils, salt, species, tobacco, provisions, other kinds, and fruits and vegetables; the export of sugar, however, declined by 2,401 maunds. The seasons, which largely influence the trade with this country, are reported to have been favourable and a larger amount of traffic was carried on than in the preceding year. The volume of imports rose from 23,20,385 to 23,68,266 maunds, or by 47,881 maunds, but the value declined by Rs. 9,75,761, owing chiefly to smaller imports of timber, which is returned in cubic feet and not in maunds.

WHAT PARTITION OF BENGAL MEANS

The formation of a new Province out of Eastern Bengal and Assam is not of course an arrangement that has been adopted on the score of economy; and before the new administration is fairly launched, there will certainly be a big bill to meet. Hitherto when a Chief Commissionership has been raised into a Lieutenant-Governorship it has merely been a question of an increase of establishment comparatively as imperceptible as that which occurs in private life when the head of the household advances from Collector to Commissioner or from Colonel to Brigadier. Thus it was at Lahore, for instance, and thus it was again recently at Rangoon. But in the case of the new Province we are confronted with the necessity of providing it with a brand new official capital. Dacca is certainly a historic city; but its glories belong so much to the past, that it will probably be found that all the building required will have to be done afresh. Not only will a Government and public offices be wanted, but one cannot bring a crowd of officials down into a mofussil station without supplying them with houses to live in. Then much land will have to be taken up and reserved for future developments, such as a High Court, which will have to come some day, when circumstances and the growth of business demand it. When a project was lately drawn up for the creation of a new capital for the United Provinces on the north bank of the Gumti at Lucknow, the expense seems to have been estimated at from 50 to 75 lakhs. As the only certainty in these matters is that the cost will grow as the scheme is in progress we may judge that the new capital at Dacca will certainly not come to less than the latter sum. In addition there is the recurring annual charge represented by the difference in expense between the more elaborate and the cheaper forms of Government, and this will probably be a matter of some seven or eight lakhs per annum.
—"Pioneer."

THE INDIAN SUGAR INDUSTRY.

Mr. A. E. Jordan writes in the "Madras Mail" from Kodai-Kanal under date the 5th instant:—

As Mr. Pandurangam has not given details of the cost of manufacturing one ton of jaggery, which he says is, according to his test, Rs. 25, and as Mr. Subba Rao gives it at Rs. 44, it might be interesting to know what the cost really is, with an Improved Power Mill and juice-boiling pan. We will suppose the canes to be at the mill, as the transport from the fields ought to come under harvesting, and the following will then be the detailed cost of manufacture, which, however, is open to correction by Mr. Pandurangam from his own actual experience.

		Rs.	A.
2 men to feed canes to mill	each at 3 as. p. day	0	6
1 man to clear cane refuse from mill	„ 3 „	0	3
6 boys or girls to carry cane refuse for sun drying, and to furnaces	„ 2 „	0	12
1 man to attend to the straining of the juice and pumping to tank above	„ 3 „	0	3
1 man to attend oil engine and to act as mechanic	„ 8 „	0	8
1 man to attend Juice Boiling Pan	„ 3 „	0	3
1 stoker for Juice boiling Pan	„ 3 „	0	3
3 men for finishing pans.	„ 3 „	0	9
2 men for assisting in making moulds	„ 3 „	0	6
3 men for odd jobs	„ 3 „	0	9
1 Overseer		1	0
22 hands	Rs.	4	14
Liquid fuel for oil engine per day, say,		5	2
	Rs.	10	0

Mr. Pandurangam's plant is capable of turning out 1½ ton of jaggery per day or 10 hours equal to 1½ ton of the cane dealt with per hour, but as I guarantee 1 ton of cane per hour. I make no deduction for the extra half ton produced.

It might be an advantage to those going in for such improved plants as Mr. Pandurangram's to know, that while an oil engine is suitable for driving the mill for the manufacture of jaggery, if "white" sugar is to be made it is necessary to have steam; consequently, a steam engine and boiler would have to take the place of the oil engine, and of course would be more costly.

One of Mr. Pandurangam's correspondents (a gentleman in Government Service) stated that if it is possible to get Rs. 200 per acre, he would resign his appointment and utilise his energy and knowledge in cultivating his land, of whic he has 70 acres in the Nannilam Taluq of Tanjore District. This is just what the Government of India desire, and is what has been advised time after time of Lord Curzon, the Hon'ble Mr. A. E. Castle-stuart Stuart and other Government officials. I have shown him in my letter dated the 17 ultimo, which appeared in the "Madras Mail," that Rs. 400 per acre profit can be obtained by making "white" sugar, and Mr. Pandurangam gives Rs. 750 as the gross income (per acre) if the sugarcanes are sold for eating purposes, and Rs. 200 as the profit when making jaggery, and I am wondering if he has yet resigned. It is educated men of his stamp that are required to develop the agricultural industries of the country and it might also be interesting to know how many Vakils and Government servants are landholders in the Madras Presidency, for it is surely not too much to presume that as long as another profession requires their whole attention, the land must suffer. In that case the Government might do worse than debar from service such persons holding land which requires only applied energy and knowledge in order to make it fruitful.

VARIETIES.

Bird's flight.—Ballonists say that bird's flight is limited to 1,315ft. above the surface of the earth.

Watch in Mont Blanc.—A watch taken to the top of Mont Blanc will gain 36sec. in twenty-four hours.

Czar's estate.—The Czar has a single estate covering over 100,000,000 acres—three times the size of England.

Company Works a Volcano.—An American company has acquired the volcano of Popocatepetl, in Mexico, and is now erecting machinery, for exploiting on an extensive scale the vast supply of sulphur which is known to exist in the crater. It was from this volcano that Cortez obtained sulphur for manufacturing gunpowder when its supply ran short during the Conquest. Von Humboldt, who made a careful study of the interior of the volcano, believed that the sulphur bed was the largest in the world, and the quantity has since been estimated to amount to 100,000,000 tons.

An Artificial Storm at Sea.—The inhabitants of Aboukir, near Alexandria, were recently treated to a wonderful spectacle. It became necessary to destory some sixteen tons of powerful dynamite, and the explosives—sufficient to blow up a town—were taken to see and placed beneath the water. Something like a submarine earthquake followed the explosion, which was heard for miles around. A waterspout shot into the air to a height of about 2,000ft. and fell back in lazzling spray. Simultaneously the sea became a whirlpool of seething water, as if agitated by a hurricane.

Where Cooiness Reigns.—The largest mass of ice in the world is probably the one which fills up nearly the whole of the interior of Greenland, where it has accumulated since before the dawn of history. It is believed to know from a block about 600,000 spuare miles in area, and averaging a mile and a half in thickness. According to these statistics, the lump of ice is large in volume than the whole body of water in the Mediterranean; and there is enough of it to cover the whole of the United Kingdom of Great Britain and Ireland with a layer about seven miles thick. If it were cut into two convenient slabs and built up equally upon the entire surface of "gallant little Wales" it would form a pile more than 120 miles high There is ice enough in Greenland to bury the entire area of the United States a quarter of a mile deep.

WONDERFUL BURMESE TREE.

Reports tell of a case, writes a Rangoon correspondent, into which botanists might perhaps inquire. A banyan tree, it is said, has been discovered in the village of Chaung gaday-Oppo, in the Pantanaw Township, Maubin District. It is a banyan tree, but very unlike any other banyan. First of all, it grew up in one night, and not from the ground, as is usual but from the trunk of another tree, a leingbin (terminalia blalata.) It is as big as a man's arm, and is rapidly growing round and round the other just like a creeper. But this is not the strangest thing about it, for we are told that it is of gold, or at least has all the appearance of pure gold, so much so, that all the persons who came to see it, wishing to make more of the fact cut little bits of it with small knives or scratched it with their finger nails, and always with the same result, that is, that the interior of the tree has the same golden hue as the bark; but the little bits cut off soon become white. The people do not doubt at all that it is the best kind of gold, and they explain the chips becoming white and common wood by saying that it is a sacred tree, and that if it preserved its wonderful character when cut off, it would soon be destroyed by greedy but impious persons. Near its upper end, or summit there is a cavity, and from it incessantly flows a continuous stream of pure water. A remarkable feature about this stream is that whenever anybody goes up to look and enquire into its source it suddenly stops flowing and does not flow again as long as the curious naturalist prys into its secret. But as soon as the person comes down, down again comes the sparkling water. It will be easily understood that such water must certainly be possessed of very uncommon-properties, and here again the judgment of the people has been unerring. It has indeed been discovered that it can cure all the diseases humanity is heir to, of which the Burmese reckon ninety-six principal ones, branching off into many hundreds. The news of wonderful cures was soon all over the district, and believers from every town and village came to see and worship the miraculous banyan. The water is carefully put into bottles and other vessels and stored up for future use. Although thousands of persons drink and take away the water every day, there is no sign of its diminishing. On the contrary it is said to flow more and more steadily.

A SANDOW SENSATION.
WARRANT FOR HIS ARREST APPLIED FOR.

At Singapore on the 27th ultimo Mr. Farrer Baynes applied to His Honour Judge Thornton for a warrant for the arrest of the "strongest man in the world," a little job which if the modern Samson were not quite civilised would be tough undertaking for the Sheriff officer. The application was made on behalf of another strong man, Emery Harvas, a German who has become a naturalist British subject. Harvas' claims $1,555 for wrongful dismissal from the show while in Penang. In Penang, Harvas was summarily dismissed on the ground that he was intoxicated, and incapable of carrying through his share of the show with credit to himself or his employer. It is alleged that he frequently interrupted and partially spoilt Sandow's lecture on physical culture. Accordingly Harvas was left practically marooned in the northern settlement. Sandow had dropped him. He had, presumably, no means of getting home. This being the case he followed Sandow to Singapore and hence the present action.

A SEQUESTRATION ORDER MADE.

Harvas contends that he was wrongfully dismissed, he having complied with all the regulations and provisions of his agreement. He denies "in toto" that he was in drink. He was suffering from fever, had been unable to eat for two or three days, but otherwise was as he should be. He asserts that the story of his having interrupted the lecture is a fabrication, and says that he is bringing up eighteen other strong men to give evidence in support of his statement. He claims $540 due for three months' salary, $500 due on the two year agreem at, $500 for his passage home, and $15 for his passage from Penang to Singapore—$1,555 in all. His claim for arrest was made on the grounds that Sandow's plans were uncertain, that he was a bird of passage and should he get without the jurisdiction of the Straits he (Harvas) would not be able to obtain redress for his alleged injuries. The Judge made a sequestration order, the Sheriff to take possession of Sandow's property and keep possession until a security of $2,000 was forthcoming from him.

UMBRELLA A RAG TO THE BULL.

A strange complaint of offensive military haughtiness comes from Kasauli. A very respectable native gentleman was out walking one wet morning and, of course, had his umbrella on. To his great misfortune he met on the road two Englishmen, probably military officers. On coming close to the said gentleman one of the Sahibs struck at his umbrella with the stick and peremptorily ordered him to shut it; while his companion began to shower upon him abuses which only Tommy Atkins can utter. The gentleman protested against the treatment and asked to know their names. But he received in reply nothing but a volley of filthy abuses, supplemented by the threats couched in the following words "we will maro you and if you are a baboo, you will lose your jagah (appointment)."—"Panjabee."

A Sydney correspondent wrote on the 21st ultimo:—The German steamer "Prinz Sigismund," which arrived from Japan today, encountered Russian cruisers in the Far East, and was chased and fired upon. Captain Lenz states that on the 1st June, when off the north coast of Luzon, one of the Russian volunteer cruisers tried to catch up to the "Prinz Sigismund." The Russian vessel hoisted signals which could not be made out, and the German steamer signalled to come closer, and steamed on. Then a shot was fired by the warship, which proved to be the "Dnieper." The latter's officers went on board the German steamer. They stated that they had been away for eight days from the main fleet, and, when they saw telegrams announcing the Russian disaster, they could scarcely believe it. Subsequently the "Prinz Sigismund" sighted three large Russian warships, which seemed to have been engaged in battle, as they bore signs of having been badly injured. They took a westerly course and appeared to be the Russian vessels that afterwards reached Manila.

Centre for Studies in Social Sciences, Calcutta

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DARING VENTURES WITH SUBMARINE BOATS.

Having in mind the recent terrible disaster to the "A8," one of our newest and finest submarine warships, many people are inclined to say that in such matters we are progressing too fast and that we are not yet ready to fight under water. It may surprise them to know that submarine warfare was conducted over a hundred years ago and before even steam propulsion was invented. There is also a general impression, and it has been freely stated, that in the recent great naval battle the Japanese made use of the submarine for the first time in naval warfare, which is another entirely inaccurate idea.

No other than the great Napoleon himself, who was nothing if not up-to-date, and who had great ideas about naval fighting beneath the waves, engaged a celebrated American engineer and inventor, Robert Fulton, in 1801, to build a little ship for him that would be capable of attacking his enemy's boats concealed under the waves. He had already experimented with some success in the matter in America. Therefore, for Napoleon he built the "Nautilus," made of wood with iron ribs and sheathed with copper, and propelled by manual power, two horizontal crews being utilized for propulsion and two vertical screws for ascending and descending. The "Nautilus" was supplied with compressed air for respiration, and in her the constructor descended to a depth of more than 24ft, and remained there four hours, during which time he placed below a vessel, provided for the purpose, a torpedo by which it was blown into atoms. A commission of naval officers watched the experiments, but there seemed to be some prejudice against Fulton, and his invention was never practically applied.

It is declared that there were submarine boats two hundred years before this, and it is certain that twenty-six years before, in 1775 that is, one was made use of in a naval battle. It was invented by an American named Bushnell, and was worked by one man, for whom it provided just sufficient room. In general appearance it was somewhat similar to two upper tortoiseshells of equal size joined together, the entrance to the vessel being represented by the openings in the swellings of the shells at the animal's head. By an oar in the form of a crew, with its spindle passing through the top, the vessel was sunk or raised, and valves also admitted water when submergence was required, while hand-pumps discharged this water when it was desired to come to the surface again. Moreover, a detachable weight of 20lb. was also supplied for emergency use. The air in the boat was sufficient for the respiration of its crew of one for half an hour.

Behind this vessel in its short submarine voyages there was dragged a magazine containing 150lb. of powder and a time-control for causing its explosion. A rope connected the magazine with a wood screw at the forepart of the boat, and this screw, being worked from the inside, could be driven into the object to be destroyed in such a manner as to keep the magazine in position near the object after the submarine had been detached from it. The idea was to attach the magazine to the bottom of an enemy's ship, set the fuse going, and then hasten away with the submarine before the explosion came.

Whilst the War of Independence was going on the Americans determined to try this invention in an attack on the British ship "Eagle," and would have been entirely successful but for the thoughtlessness of the operator. He duly got the Magazine into position under the British ship, but could not get sufficient upward pressure to drive the screw in as he would have done if he had fulfilled his instructions and released the detachable weight, which he quite forgot to do. The magazine was let loose and exploded shortly afterwards, but, fortunately for us, some distance from the "Eagle."

About forty years ago a wonderful hand-worked submarine, to which was given the name of "The Intelligent Whale," attracted great notice in America and was entirely successful. An officer with two other persons dived with the ship in water about 16ft. deep. Then the officer, who had fitted himself up in diver's dress, left the boat through a manhole in the bottom, placed a torpedo under a large, flat-bottomed boat which had been specially provided for the purpose, and blew it into a thousand fragments.

About the same time, during the progress of the American Civil War, a hand-worked submarine boat was employed by the Confederates, which had a crew of nine men aboard her, who successfully attacked and sunk, by means of a torpedo, the Federal ship "Housatonic. However, the submarine was herself sunk in the process, though the disaster was not due to any fault of her own, but a blunder on the part of those who navigated her. When floating near the surface with just her top part visible, and one of her batches open, she was swamped and sunk by the wave thrown up the explosion, and this was the last time that there was loss of life in connection with a submarine until the two recent disasters in the British Navy. However, from time to time, four different crews were lost on the "Housatonic" which cost thirty-six lives before she finally went to the bottom of the Atlantic.

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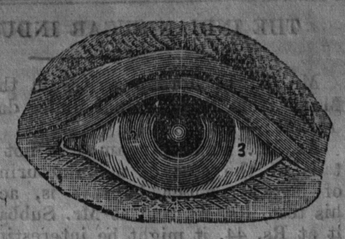

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THE ADVANCE OF THE YELLOW RACE.

—o—

WHERE WHITE MEN FAIL.

"C." writes to the "Spectator":—Because a branch of the yellow race is now carrying on a successful war on sea and land against one of the white nations of the West, it is supposed by some that, if finally successful, one result will be an armed advance of the whole yellow race against the white,—and this has been called "the yellow peril." The "advance" of the yellow race to which I propose to draw attention is not an armed advance, the result of a victory to Japan in the present war with Russia, but an advance which is the inevitable result of an evolution of races that has been going on almost since man first appeared on this earth. As regards the present war, it must be remembered that the white race, as represented by Russia, is the aggressor; Japan is on her defence, fighting for her life and national existence.

At the dawn of history the races inhabiting this earth may be divided by colour distinctions into five groups,—"red," "white," "yellow," "black," and "brown." The evolution of mankind involves a struggle between these groups for possession of the world, the fittest surviving. Whether these different groups of the human race had originally one home and colour, which colour was changed in the course of countless ages to suit the circumstances of the new homes to which they migrated, or whether each group had its own home and colour and other special characteristics "abinitio," can only be a matter of conjecture. What is usually called "the home of the human race" in Central Asia can only really be called "the home of civilisation." One thing we know which would appear to support the latter theory, —viz., there is an inherent antagonism between these groups amounting almost to a natural law which prevents them from living together in the same country and keeping their independence and separate identity. One group either exterminates, drives out, or absorbs the other; or, as in India, rules it for a time as an alien race. Let us see what is the teaching of history as regards this racial fight. In North America the red race has almost disappeared before the white. In South America it is the same though here, owing to a larger inter-mixture of races, there is a brown race, which, however, calls itself white. What the future of the imported negro race will be is a question which it is not easy to predict. Everything points to extermination or expulsion, for the character and anti-race feeling of the white race preclude absorption. In so much of South Africa as is a white man's country the native races are being displaced. In Australia the blacks, save a few tribes in a degraded state, have passed away, and soon the race will be extinct. The brown man has made a better stand simply because he mostly inhabits countries where the white man cannot take up a permanent abode. The white man can only displace the coloured races when he can in every way take their place. In every case where the white race has met the brown and red, and it was a white man's country—that is, a country where the white man can live, labour, and reproduce himself without deterioration—the coloured races have been displaced.

THE CHANGELESS EAST.

In the West and South, therefore, we find the white race dominant and advancing, and the red, black, and brown either nearly extinct or decadent. In the East a very different state of affairs meets us. Here, although the white man has established political rule in several countries, he has not displaced the native races, for he cannot get on without them nor take their place. The East is not really a white man's country. The white man comes and goes, but he does not take root in the soil. Here the white and yellow races came face to face for the first time and with small advantage to the white. What the white man has done in the West and South, the yellow man, whenever he has emerged from his seclusion, has done in the East, and the racial struggle of the future will be between these two, Singapore and Penang are practically Chinese towns. In the Malay Protected States the shops and mines are in the hands of Chinamen, and they are fast acquiring so much of the land as is worth having, whilst the native Malays stand by idle, sullen, proud, and decadent. Here, as in India, the white man rules but does not really possess; the yellow man is fast gaining possession, and will soon want to rule also. China, the home of the yellow race, has, so far as the civilisation of the West is concerned, been asleep for centuries, but the awakening is at hand. Japan, a branch of the yellow race, has wakened up in a generation to some purpose. It is a commonplace of history that a people usually have the kind of government they deserve, but this does not imply that it is the kind of Government best suited to their needs or the kind they desire. If a people choose to put up with a bad, corrupt government, it is because they are not sufficiently advanced to make a united effort to get a better. There is an evolution of governments as well as of races and individuals. The initiative in the desire for better things is usually with the individual, then it passes to the community, and the community forces its will on the rulers. He with whom was the initiative may be at the top or bottom of the social scale. He may be a ruler or noble, or a poor peasant who has a soul seeking after better things for himself and his fellows. If it begins at the top the movement will be quick and immediately effective as is Japan; if at the bottom, as in China, it will be slow secret, spasmodic, and in its course temporarily destructive, but none the less effective in the end. There is unrest in China and a desire for a better government. China is conservative and slow to move, but this will make the movement more effective and lasting when it does come. It is not to be thought that in view of the great onward movement towards a higher standard of government by the nations, and especially in view of what Japan, a branch of the same yellow race, has done, China alone will always stand still. China will realise that it was by adopting and applying what was best in the civilisation of the West that Japan, on whom she used to look with contempt, was able to take her place as a first-class World Power and defeat the feared and hated Russian on sea and land. Every one who knows China appreciates the potentiality of the race and the great future before it.

FEAR OF THE YELLOW MEN.

In America and Australia the white man has shown his fear of the yellow by passing exclusion laws against him. In South Africa the white man first displaced the black, and then, finding he could not do the work of the country alone, he has called in the yellow race. At present the Chinamen are brought in under restrictions. They are not to engage in any work save mining; they are not allowed outside the camps, nor can they settle in the country, after their term of service is over they are sent back to China. All these restrictions show the same fear as in America and Australia. How long will they be effective? Just so long as the Chinaman chooses. He is at present having what he would call "a look see," and his numbers are few. The whole of China is permeated by secret societies, and the Chinamen have a power of combination well known to all who have had to do with their management. They will carry all this with them to South Africa. It may be possible to hold a small number in leading strings, but when it comes to fifty or a hundred thousand who will act together as one man, how are they to be coerced should they refuse to stay in camp or return to China? Before the foundations of Rome were laid there was a homogeneous people dwelling in China with a form of government and no mean degree of civilisation. Rome flourished for eleven centuries and became the Empire of the Western World, then decayed and passed away, and her civilisation became the heritage of others. But China remains as a united Empire to this day. In this marvellous continuity in the past lies the promise of the future. It took the nations of Europe two thousand years advance from barbarism to their present position. It took the Japanese, a branch of the yellow race, a generation to adopt and apply all the best results of this long struggle. We are told that when the present Emperor of Japan was a boy, the sort of training that was supposed to fit him for the part he was to be allowed to take in the Government of his country was making artificial flowers. He is only now just over middle age, yet he rules as a constitutional Monarch over an Empire with which the most powerful and most advanced Empire of the West was glad to form an Alliance as with an equal. Its Navy has driven the Russian flag from the China seas. On land the tactics and strategy, the endurance, self-sacrifice, and bravery, the care for the wounded in the field, and the splendid hospital arrangements of the Japanese Army are the admiration of the civilised world. In the world's history there is nothing like the advance of Japan in the last generation. We see some of the results of the adoption of the civilization of the West by thirty millions of the yellow race. Will any one who really knows him venture to say that the Chinaman is less well equipped mentally and physically than the Japanese? What, then, will be the result when the five hundred millions of China follow the example of their kindred of Japan? On the northern borders of China the white and yellow races have been face to face for some time, and the advantage appeared to be with the white. But the tide soon turned, and to-day the aggressive armies of the white Tsar, under his ablest generals, have had to retire hopelessly beaten before the yellow race. These are the long shadows which the coming event—the advance of the yellow race—casts before it for the information of those who care to see.

TROPICAL DETERIORATION.

The white race can only live, flourish, and reproduce itself without deterioration in countries where it can labour without the help of coloured races—i.e., in cold or temperate climates—therefore the sphere of its existence is limited. On the other hand, the yellow race can live work, thrive, and reproduce itself without deterioration in nay country in the world. The yellow man can adapt himself to his surroundings, whether it be the cold of the North or the heat of the Tropics. His equipment is all in his favour. He is intelligent, hardy, frugal and industrious, and his instinots are those of the permanent settler. The Chinese branch of the race never were fighters. They left fighting to others, and went on cultivating the soil, reaping where they had sown. The phrase "the meek shall inherit the earth" has a more extended meaning and application than it usually obtains, and the history of China is proof of its truth. Timur and Ghengis Khan, and the many others who invaded China were not of the meek of the earth. Their Empires have passed away like a tale that is told, and hardly a trace of them is left; but the Chinaman remains still where history first finds him. The Chinese are not by instinct a fighting race (though they may well be trained to war, as Gordon's "Ever Victorious Army" proved), yet they are a dominant race withal. If a Chinaman marries a white woman in Australia or America, or a Malay woman in the Straits, the children take after the father, hardly ever after the mother. Horde after horde from the North and West invaded and conquered China; alien dynasty after alien dynasty occupied the throne, but it had but a passing and superficial effect on the Chinese. The Chinaman did not adopt the ways or language of the conquerors; they adopted his and often became more Chinese than the aborigine. The successive invading hordes were absorbed by the Chinese as rivers are absorbed by the sea, and the Chinaman always remained. Every one who has been to China knows how he fell himself fascinated and dominated by the land and its people. The teeming millions of China will not always stay at home, and the nations of the world cannot always go on shutting their doors against them.

The final racial fight will be between the white and yellow races. But it will be a "war of peace," unless the white race chooses, as in the present war, to make it other. It is a significant fact that the white, black, and red races are on the decrease all over the world, and the yellow race is increasing. This world existed probably for countless ages before the first man appeared on it—where his home was, and what his colour, who can say?—and it may exist for countless ages after the last man has passed away; but everything points to that last man being of the yellow race.

TWO CAPE COLONIALS.

CURED OF INDIGESTION BY MOTHER SEIGEL'S SYRUP, AFTER THREE YEARS OF SUFFERING.

No man or woman living in Stellenbosch or Queenstown, Cape Colony, and who is afflicted with indigestion in any form, should suffer any longer if they will read the following letteres of Mr. Bernard John Bergstedt and Mrs. Ann Fechter and act upon the information and advice which these letters contain. That advice is to buy and use Mother Seigel's Syrup!

Mr. Bergstedt and Mrs. Fechter are both young people, but each had endured three years of wretchedness from the unfortunate condition of their stomachs before they found the remedy that finally relieved and cured them. It is an old saying, "What is one man's meat is another man's poison," and so ordinarily it is with medicines. But Mother Seigel's Syrup has scored hundreds of thousands of cures of indigestion in all of the many forms it assumes and with all the varieties of sympton. Just look over these two letters and you will perceive different symptoms are mentioned by the writers, but the complaints gave way beore the curative power of this sovereign remedy, after other medicines and even medical attendance had failed.

Mr. Bergstedt lives at Railway Statino Stellenbosch, and is a Colonial born in Cope Town. He is now a goods foreman in the service of the Cape Government Railway. In his letter, dated December 23, 1904, he says:—"For over three years I suffered all the torments of acute indigestion. My appetite was very por, and after meals I had severe pains and a weighty feeling on my chest. I got little sleep at nights; I would wake up, my feet feeling quite clammy, and during the day could not have proper rest. At intervals I had a feeling as though the blood had left every part of my body and rushed to my head. After these flushes I always felt weak and depressed. I obtained medical advice, but the medicine I took might as well have been thrown away.

"A friend of mine asked me if I had used Mother Seigel's Syrup. I remembered used Mother Seigel's Syrup. I remembered, at once, seeing on our station platforms a plate reading: 'Mother Seigel's Syrup Cures Indigestion,' and I immediately decided to give it a trial. I bought a bottle of the Syrup at Joering's Chemist Shop, and I am pleased to say, after finishing the first bottle I felt relieved and decided it would cure me, and my decision was correct, as I stand by Mother Seigsl's Syrup for indigestion, as mine was very severe, and I will always speak well of it."

Mrs. Fechter lives in Komani Square, next to Supt. Native Location, Queenstown, C.C., and her letter is dated January 13th, 1905. She is a native of Alice, C.C., and was born on her father's farm, known as Poppiejan Kloof.

"For three years," she writes, "I suffered from severe pains under my heart, caused by the pressure o wind in my stomach and intestines. These pains always attacked me after meals, and distressing headaches always came with them. My bowels were never in real good order, having at all times to resort to purgatives. I could retain nothing in my stomach, and became worse day after day. My condition became so serious that it was necessary to obtain medical advice, but I derived no actual benefit from the medicines prescribed for me."

"I heard of Mother Seigel's Syrup whilst living in Cookhouse, and there commenced using the Syrup with splendid results. After taking bottles and using two Plasters I regained my old strength and good health, and it was due only to Mother Seigel's Syrup. I have recommended it to several of my friends."

PARTITION OF BENGAL.

The Viceroy in the course of a speech made during his short trip to Eastern Bengal allowed it to be inferred that the Government of India had come to be of the opinion that the Bengal agitation against the partition of the Lower Provinces was artificial in character, and, therefore, the less likely to be taken seriously. In a sense of course, all agitation is artificial. No means exist of giving expression to popular feeling except through meetings and the columns of the press, and public meetings need organisation. In the case of the partition of Bengal public meetings have been held throughout the Province, and it is idle to denounce these gatherings simply because the usual methods were followed of arranging them. The point is that Bengal sentiment was sufficiently stirred by the prospect of dismemberment to induce an outcry of a kind that presupposes a determined effort to be heard. The partition scheme was denounced not by a few Bengali journalists, but by educated Bengal at large, and the question arises whether the protests that were raised were due only to a desire to object to everything the Government did, or because there has grown up in Bengal a feeling of solidarity and nationality which was shocked and offended by the official proposals. We think that on the whole those who have been in a position to survey the agitation and who know something of the Bengali character will come to the conclusion that the partition scheme has really caused distress of mind amongst the protestants. Loyalty, patriotism, race-feeling, and kindred qualities may be philosophically described as aspects of sentiment, but even the most practical people hesitate before they trample all sentiment under foot. Probably there is no nation the characteristics of which have excited so much division of opinion as the Bengal. Friends and foes, however, are inclined to credit them with possessing a great deal of sentiment. When, therefore, a proposal is made which would amongst any races excite sentimental opposition, why should the Government go out of its way to assert that Bengali opposition must be artificial? Lord Curzon and the Secretary of State may have found a number of grave reasons why Eastern Bengal should be rapt from the rest of the Province and added unto Assam, but they certainly go too far when they will have it that there are no reasons why the thing should not be done.

Reasons against the partition continue to be found, and not by the Bengalis only. For several years past an uneasy suspicion has been growing up amongst the non-official European class that a reactionary spirit prevails in the circle which has it in its power to control the constitutional form of Government in India. Our correspondent "Observer" has summarised very effectively the aspect in which the action of the Secretary of State with regard to Bengal must present itself to all who have watched with dismay the successive attacks that have recently been attempted on the freedom of the Indian judiciary. The High Court of Fort William in Bengal has always been the bulwark of the people against attempted despotism. Fortunately—or unfortunately—within a period which synchronises with the rule of the present Viceroy the High Court alone has stood between innocent persons and the colossal machinery employed by the Government to crush them. In these circumstances any proposal which will have the effect, whether designed or otherwise, of limiting the powers of the High Court and confining its jurisdiction should meet with the keenest opposition from the non-official class in every community. "Observer" points out that, although it is now stated that the partition scheme does not involve the creation of a new chief court at Dacca, it will not be long before the Government will be in a position to assert that such a court is a necessity in a Province which has its own administration. Suitors may even be found who will complain of the expenses and delays involved in coming up to Calcutta, and presently a chief court will be created is Dacca. But if the Calcutta High Court is shorn of half its jurisdiction, it will also be shorn of half its dignity, and then there will seem no impropriety in some official proposal to reduce the status of the Calcutta Court to one in keeping with its altered circumstances.—"Englishman."

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TOGO HEIHACHIRO.

"THE SILENT MAN OF THE SEA."

"A Resident of Tokio" writes in the "Pall Mall Gazette":—The eight million gods of Nippon must surely have smiled upon the little son of Togo Kichizaemon, who was born in 1851 of our era and to whom was given the name of Heihachiro. There is no more impressive thing in history than to reflect that at the time of little Togo's birth his country was simply steeped in mediaeval, mysticism; yet that child, grown to manhood, beholds in the prime of his life his beloved country a naval and military Power of the very first rank, and is himself a sufficient sailor, scientist, and strategist to sweep from the seas the steelclad armada of Imperial Russia.

At this very moment his Samurai clansmen of Satsuma are celebrating Togo's victories in the undemonstrative manner of their kind. I will pass over the period when this silent little yellow man was drinking in modern Naval Science from his instructors on the Thames, and pass to details of his life not so available from English sources. One thing is well known, and that is the amazing thoroughness of the man; and it was a sight to see him ten years ago on the Naniwa, showing his officers how to translate technical naval terms from English into Japanese—and then teaching his men how to scrub the decks in a manner combining the maximum of result.

Of course, young Togo had immense experience in the naval and military academies of Europe and America; but it speaks volumes for the intelligence of Japanese Officers of State that they chose such a man to build up the navy of the Empire. In 1903 we find Togo acting as chief of the naval station at Maizuru. Suddenly he was stricken down with sickness, and his devoted wife brought to his beside a message from his old friend and schoolfellow, Baron Yamamoto, Minister of Marine, calling him to Tokio.

The news indeed "raised the sick man," and he called for his uniform.

"But you are too ill," Mme. Togo said; "how can you undertake the journey?"

"The sea is good for me, was the quiet reply, "I shall be better the moment I step upon my quarter-deck."

What manner of man is this latter-day Nelson of the East? Togo Heihachiro is extremely short of stature even for a Japanese, and a little inclined to stoutness. The most unobtrusive of commanders, he is yet the strictest disciplinarian, quite phenomenally silent, and literally knowing no fear. The man not only shrinks from public homage; it is both painful and harassing to him, and he seems to lose the poise of perfect self control, and that quiet which is so suggestive of his unlimited resources and unerring judgment.

Doctor Jokichi Takamine tells me that during Togo's three years' command in the naval harbour of Maizuru he was known as "The Silent Man" yet the children of the streets would swarm to meet him when ever he appeared.

"So far as the people of the town could see, he seemed to spend day and night in his office, and he was never seen to speak to anyone, merely saluting his officers morning and evening as he went to and fro."

The home life of Admiral Togo has ever been of the simplest, not to say the humblest. The furnishing and decorations of his house in Tokio are those of a man of the ordinary middle classes. To imagine the great Admiral as a "society" man is simply laughable. Last summer a party of distinguished visitors, including naval and military attaches, sailed on the Manshu Maru to the rendezvous of the Japanese fleet and looked forward with intense anticipation to meeting the great Togo. He received them on board his flagship, the Mikasa, which took so prominent a part in the recent great battle.

"We could hardly believe our eyes," remarked one of these officers to the writer "so small was he, and so modest, with the almost blushing shyness of a young girl! Personally, I kept on staring at him, noticing his slightly bent shoulders and shrinking manner, and marvelling that this tiny little man bade fair to be classed with the Caesars, Napoleons, and Nelsons of history.'

Mme. Togo herself told me when I called upon her in Tokio that even among his own servants the Admiral's extraordinary taciturnity is apt to be misunderstood. "They have got to know," said the little lady, "that it is only his way, and now they look to his smiling eyes to reassure them. Why the only thing he said, even to me, as he left me to take command of the united squadrons of his Imperial Majesty was "Be kind enough to look after my dogs!" His gun and his dogs—yes, I think those are my husband's weaknesses."

As I left Togo's house I thought it not at all wonderful that foreign envoys and other distinguished visitors should have difficulty in finding the house of this world-renowned fighter, since it looks too modest for one of even his own petty officers!

It is said at Sasebo that the day before Togo's united squadrons sailed, the Admiral called his captains on board the Mikasa and remarked simply: "The squadrons will sail to-day. And, gentlemen, I have the honour to announce to you that the enemy of our country flies the Russian flag." And the nfollowed a weird rate. In front of Admiral Togo was placed a white paullownia-wood tray, upon which rested the traditional three-and-a-half inch dagger wherewith the Samurai of Old Japan took away their lives in the event of failing to accomplish their duty. And as each officer passed his Admiral their eyes, met, and the sacred rite of "kappuku" was understood between them.

I have seen no reference to Togo as a "litterateur."—And yet when he was appointed Admiral-in-Chief of the Fleet and was about to sail, his friends gave him a farewell banquet, at which he read an original poem of his own, whose burning eloquence and exquisite rhythm were the astonishment of everyone present. His love for plants and flowers (he has a wonderful chrysanthemum garden) are quite proverbial in Tokio; and to see and hear this wonderful little man playing and singing on his "biwa"—a kind of Eastern guitar of pathetic note and wide compass—is indeed a revelation.

During the summer and autumn months Togo's favourite recreations are fishing in the cold swift streams that run down from the mountains, and hunting with his dogs. He often comes back loaded with pheasants rabbits, and small deer, which he invariably divides among his poor friends and neighbours.

One more word about the Togo household in Tokio which is a perfect model of what family life should be. Besides Togo himself it consists of his wife, Totsuko (she was the daughter of the Viscount Kaieda), two sons, Hyo and Minoru, and Yachyio, Togo's only daughter. Mme. Totsuko Togo is assisted in her household work by a relative named Arimura. Both sons attend the Peer's Schools.

Amazing as it may seem, considering how deeply the great Admiral is attached to his family, he neither received nor wrote a single letter to them. In Tokio, however, one may daily see Hyo Togo cycling down to the Admiralty to get the latest war news.

WHERE.

Mr. M. Links, a storekeeper at Carcoar, N. S. W., Australia, says: "I never fail to recommend Chamberlan's Colic, Cholera and Diarrhoea Remedy, because I know if is good." You make no mistake when you buy this medicine. Dealers all over the country will tell you the same thing. Sold by

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Rangoon Notes.

—o—

(From Our Own Correspondent.)

Rangoon, July 6.

THE GYI CASE.

This case was pending before the Chief Court for a long time. Hla Gyi was charged with the offence of murdering one Hock Kan on the occasion of the latter's marriage and as a consequence Hla Gyi was sentenced to death. In the meantime one San Maw turned up before the Magistrate and confessed that he is the real murderer. This case has been creating a sensation in the town. Before the full Bench composed of the Chief Justice, and Justices Fox and Irwin, the culprit Hla Gyi was tried. The Chief Judge and Mr. Justice Fox agreed that there was no evidence against the accused and so he may be released from custody. Mr. Irwin differed but the majority being for the release Hla Gyi was released. The case of San Maw has been proceeding. The order for enquiry will be passed on Monday the 18th.

SUPPRESSION OF OPIUM TAKING.

The Government of Burma has been trying its best to suppress opium taking. They are now trying to follow the Japanese method adopted in her own country and the colonies. So, Japan is now regarded as a model for everything. This shows that the Government of India has now fully appreciated the merits of the Asiatic nation.

MAIL DELAYED.

Great anxieties were felt here when the S. S. "Zibingla" of the B. I. S. N. Coy. carrying the Calcutta mails did not arrive here in time. The steamer left Calcutta on Friday morning and nothing was heard about it till Tuesday evening though she was due at Rangoon on Monday morning. The S. S. "Bihara" which left Calcutta with the English mails on Sunday morning and was here on Tuesday evening informed that she met the S. S. "Zibingla" with the Calcutta mails on Tuesday and that the latter signalled to her that she would be delayed a day more. S. S. "Zibingla" arrived Rangoon on Wednesday at about 2-30 p.m.

ILLICIT GIRL TRAFFIC.

Endeavours are now being made by the Government of Burma to put a stop to the girl traffic which is still prevalent in Lower Burma. The usual system followed by the Rangoon brothel-keepers is somewhat as follows. A handsome lad is deputed to make love to a minor girl. He tries to gain a hold over her heart with all his might and main and then induces her to run away with him, which is the usual practice with Burmese lovers, and, if successful, brings her to Rangoon, stays with her in a brothel for some days and then deserts her. The unfortunate girls who are thus deserted feel ashamed to admit who her parents are and would even give a false address and probably also state, under instructions of the brothel-keeper, that she had attained the age of sixteen. Hence proposals are now being made to make the legal guardians or parents from whose custody girls are kidnapped report the matter to the nearest Police station and circulate their personal descriptions through the Police to the place or places where there may be any chance of their going. It is also suggested that all enquiries and questionings should not be delegated to the lower ranks of the Police. All enquiries, it is proposed, should be made by or under the direct supervision of Police officers at least in charge of Subdivisions. This system of Police surveillance over women of ill-fame and brothel-keepers with a view to protect minor girls from a dishonourable career is surely commendable and should be strictly adhered to.

Centre for Studies in Social Sciences, Calcutta

THE BENGAL JUTE CROP.

PRELIMINARY FORECAST.

The following is the preliminary forecast for the jute crop of Bengal for 1905:—

1. Explanatory. The forecast relates to the 27 Jute districts of Bengal Hooghli and Howrah have now been treated separately. By arrangement between the Local Government and the Chamber of Commerce the materials on which the forecast is based have been already placed at the disposal of the public. Criticism and suggestions have been invited. Only the Director's own summing up has been kept confidential until the time of its publication. I desire to express my thanks to those who in the public press and otherwise, have helped me to form an opinion on the local reports and estimates.

2. Trade conditions. The demand for Jute has been keen and high priceshave ruled during the cultivation season. The figures for the crop of 1904 are not yet complete, but everything points to the conclusion that the estimate of my predecessor Mr. Maddox, namely 74 lakhs of bales will be justified by the event. The approximate figures of the previous seasons, based upon trade statistics, are noted below for easy reference—

Season 1900	64½ lakhs of bales.
Season 1901	73½ lakhs of bales.
Season 1902	65 lakhs of bales.
Season 1903	71½ lakhs of bales.

3. Weather conditions. The season of 1905 has had clearly defined characteristics. The winter was unusually cold and unusually prolonged; in spring and early summer the showers were copious and the thunder storms were severe; the monsoon was late in coming and the heat of June was excessive. There has been a fair amount of rain in July up to date, but it is too early to say whether a heavy monsoon may be expected. Taking the province as a whole the weather has been moderately favourable to the Jute crop, but in some tracts (particularly in the Rajshahi Division) weeding operations were seriously impeded by the spring and summer rains. A caterpillar has also, during the last few weeks, been attacking the plant in some of the South-Gangetic districts. The fields in the neighbourhood of Calcutta show evident signs of this pest. So far, no reports of damage by caterpillars have come from the chief jute producing districts and it is not anticipated that the provincial outturn has been seriously affected. The inter relationship between the rain fall and the jute outurn is so close that I have added a special appendix to this forecast showing from 1902 onwards the rainfall, district by district, between March and June in the jute producing area of the province. The figures for rainfall, read in conjunction with the trade statistics quoted in paragraph 2, cannot fail to be of interest to the trade. They give a solid basis upon which any one who desires can build up a calculation for the present crop. In this summary I need only draw attention to the following instructive figures, showing the rain fall in inches for April and May (the important weeding months) in the six great jute districts of the province—

	1902	1903	1904	1905
Mymensingh	23	11	29	23
Rangpur	17	8	27	23
Tippera	30	7	21	17
Purnea	8	8	9	7
Dacca	31	5	17	21
Pabna	16	4	20	18

It should be explained that these figures relate to district headquarters. In Purnea the bulk of the jute is grown in Kissenganj subdivision, where the rain fall is heavier than at the headquarters. The figures however give a fair indication of the character of the present season compared with the preceding years. It only remains to add that in these six districts the rain fall of June 1905 has not been greatly dissimilar from the rain fall of June 1904. In Mymensingh and Rangpur the rainfall of June 1905 has been heavier than in the preceding year; in Dacca and Pabna it has been lighter; while in Purnea and Tippera there has been little change.

4. District Returns. The area under jute last year, as worked out by Mr. Maddox, was 2850000 acres. (The detailed district returns according to the figures which he accepted came to 2850900). In the present season the district returns show an area of 3161400 acres. In arriving at this figure I have reproduced the area reported by the District Officers except in the case of Rangpur. It will be remembered that in 1904 the Collector of Rangpur estimated the jute acreage of his district at 428900, but Mr. Maddox reduced the figure to 387000. The earlier reports from this district for the current year pointed to a figure approximating to the Collector's figure of 1904. I have however received a telegram from the Collector yesterday in which he places the acreage for the current year at 366900. I have myself visited the district in May and have made enquiries from a number of cultivators. I cannot but think that the Collector's present estimate is somenow below the work. On the whole it will I think be safe to take the figure of Mr. Maddox, namely 387000, until further information can be obtained. Turning to the outturn per acre I find that the district figures work out to between 86 and 87 per cent. The important district of Mymensingh and Purnea report full outturns per acre, Tippera 90 per cent per acre, Dacca and Pabna 80 per cent, and Rangpur only 66 per cent. On the one hand the tendency to under estimate must be discounted; and on the other hand the damage done by caterpillars in certain districts, after the preparation of the returns, must be taken into consideration. On the whole I think it safe to take 87 per cent as the provincial outturn per acre. This is slightly larger than the figure accepted by the District last season, and the general similarity between the climate conditions of the two seasons points to a somewhat similar outturn per acre. To sum up, if the climatic conditions of July, August, and September 1904 are approximately reproduced in 1905 we may expect an outturn per acre in the current year 2 per cent greater than the outturn per acre of the preceding year; but the area under jute will be 11 per cent greater.

5. In the detailed statements which are being printed district by district I have omitted all mention of a "normal area". The expensive condition of the Jute industry makes any obstruction of this sort entirely misleading. The area worked out by Mr. Maddox for 1904 will be found in the detailed statements. This area, which has been justified by events, will be found more useful than an imaginary "normal". It only remains to add that where figures taken from cadastral surveys are available I have embodied them in the detailed statements with a note as to the year in which the Survey took place. These figures are of considerable use in testing figures for unsurveyed tracts.

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REFORMATORY SCHOOLS AT ALIPORE AND HAZARIBAGH.

ANNUAL REPORT FOR THE YEAR 1904.

The following resolution on the Annual Report on the Reformatory Schools at Alipore and Hazaribagh for the year 1904 appears in the "Calcutta Gazette":—

The number of boys admitted to the Reformatory Schools in 1904 was 101, this being the lowest figure recorded since 1899. It is reported that the lists of admissions were, in accordance with the instructions issued by the Government of Bengal in 1901, examined by the Boards of Management with a view to ascertaining whether any of the inmates might not have been better dealt with under section 31 of the Reformatory Schools Act, 1897, or section 562 of the Code of Criminal Procedure, 1898, which provide for the discharge of youthful offenders after due admonition, or for their being set at liberty on probation or on security for good conduct being furnished by their parents or guardians. The result of this scrutiny was that 17 boys were released, as against 28 in the previous year. It is noticed with satisfaction that the provisions cited above are being more freely resorted to; for, as has been ascertained from the judicial returns for the year under review, 42 youthful offenders were dealt with under section 31 of the Act of 1897 and 366 under section 562 of the Code of 1898, the corresponding figures for 1903 having been 30 and 269, respectively.

The health of the boys in the Reformatories was on the whole good. The number of admissions to hospital in the Alipore institution showed a marked decrease, while the total for the two schools was 141 as against 173 in 1903. There was a distinct and satisfactory improvement in discipline, the number of punishments falling from 172 to 158, and the decrease being most marked in respect of cases in which confinement was ordered. Due attention has been directed to sports and amusements; and this is especially the case at Alipore, where a bugle-class has been formed and sanction was obtained for the creation of a school band.

The training of the boys at Alipore is mainly industrial, and that at Hazaribagh agricultural. Of 148 boys who were under training in the Alipore school during the year, 138 were taught trades, while at Hazaribagh 82 out of 147 were taught agriculture. There has been during the last three years but little variation in the figures showing the occupations of the boys discharged. A considerable proportion, 69 out of 333, were untraced. Of the others, 70 out of 125, who had been taught agriculture, were found to be engaged in that occupation, in addition to 18 who had not been so trained. Only 52 out of 208 were following the trades which they had been taught, while 46 were engaged in other industries, 32 were unemployed, and 25 relapsed into crime and were reconvicted. The results of the training, if tested by the working of the licensing system, are, however, not very satisfactory. There has been a marked falling off in the number of boys licensed out during 1904, as compared with the preceding year; the figures being 75 as against 114. The decrease occurred chiefly in Hazaribagh, where the question has been under consideration, and the conclusion seems to have been arrived at that the conditions are not favourable for an extension of the system. An improvement is observed in the conduct of the boys licensed out from Alipore, and it appears that only 8 of these absconded from their employers, as against 19 in 1903. The partial failure of the system is attributed to the small remuneration which the boys can earn, and this again is said to be partly due to the fact that most of the boys are licensed as millhands, an occupation for which they have received no previous training. The Government has sanctioned the introduction of a weaving class at Alipore, and when it is opened, an improvement in this connection may be anticipated; but this has had to be postponed, as a scheme for the removal of the school to a new site is under consideration. The Lieutenant-Governor is glad to observe that boys under license are now being assisted with money during their probationary period, and that this has led to a decrease in the number of failures. An offer recently made by Messrs. Cooper, Allen and Company of Cawnpore to receive boys from the schools and train them in the manufacture of leather, or as carpenters, iron-workers, blacksmiths, and mechanics has been welcomed by the Lieutenant-Governor as affording an opportunity to the boys to follow occupations which they learn at school; and it is hoped that, by means of a sensible relaxation of the licensing rules, a considerable number of boys may eventually find profitable employment and useful careers in this way.

During the week ending the 10th instant, rain was fairly general and moderately heavy in portions of the eastern half of the Province. The fall in Bihar, though not well distributed, has done much good to the standing crops, but more rain is wanted there for transplantation of paddy seedlings and other agricultural operations. Prospects of crops in other divisions of the Province are generally good. Cattle-disease is reported from eleven districts. Fodder and water sufficient. Price of rice has risen in ten and fallen in five districts.

THE N.-W.P. HIGH COURT.

THE AGRA ARYA SAMAJ CASE.

Judgment was delivered on Saturday in an appeal which appears to have excited considerable local interest at Agra presumably from the connection, or supposed connection of the case with the celebrated Arya Samaj. One Hari Singh was convicted by the District Magistrate of Agra under Section 292 of the Indian Penal Code for circulating a certain obscene pamphlet, or rather broad-side, styled "Itr Korani" or "Essence of the Koran." This conviction having been upheld in appeal by the Sessions Judge, came to the High Court in revision upon the main ground that the publication in question was not an obscene publication within the meaning of the law. The pamphlet complained of contained, amongst other matters, a series of quotations from the Koran with the author's comments thereon. There were other passages of a more or less objectionable nature, but that more particularly forming the basis of the charge consisted of the quotation of a part of a passage from the Koran relating to the Virgin Mary. The true sense of this passage being in the first place perverted by the incompleteness of the quotation, comments were added which amounted to an attack in the crudest and most unpublishable language upon the doctrine of the Immaculate Conception, a doctrine which, it may be noted, is held alike by Mahomedans and by Christians, though many of the latter only uphold the Divinity of the Son. At the hearing of Hari Singh's application, which took place before Mr. Justice Banerjee on the 17th June last, the Hon'ble Pandit Sundar Lal, who was supported by Mr. R. K. Sorabji, stated that the pamphlet, though described was printed for the Arya Samaj, was really in no way the handiwork of that body. He submitted that the pamphlet was no more than an ordinary controversial work. The quotation from the Koran was a correct translation into Urdu of a passage actually to be found in the Koran. As to the comments, though no doubt, they were not couched in very refined language, still the language which was used was employed only for the purpose of rendering the author's views more intelligible to the class of people the not very well educated general public, which he wished to reach. The learned advocate relied mainly on the interpretation of the word "obscene" adopted in the case of The Queen vs. Hicklin (3 v. B., 360) and contended that the publication which was the basis of the present conviction did not fall within the scope of this, the leading case on the subject. The officiating Government Advocate, Mr. Wallach, in support of the conviction, argued in the first place that the question of whether the particular publication was or was not obscene was a question of fact, and therefore, the matter being now before the Court in revision, the Court should not, according to the usual practice, disturb a concurrent finding by the two lower courts. In the next place the publication was undoubtedly an obscene publication, and for this he relied upon the ruling of the N.-W.P. High Court in Empress vs. Indarman (3 All., 837) and of the Bombay High Court in Queen Empress vs. Parashram (20 Bom., 193). Reference also made to Webster's dictionary, and it was submitted that there was no reason for supposing that the framers of the Penal Code used the word "obscene" in any other than its usual everyday meaning.

The judgment was as follows:—

This is an application for revision of an order of the District Magistrate of Agra confirmed by the Sessions Judge of that district, convicting the petitioner of an offence punishable under Section 292 of the Indian Penal Code and sentencing him to one month's rigorous imprisonment. It has been found that the petitioner, who is a member of the Arya Samaj, distributed a pamphlet called the "Itr Korani," or "Essence of the Koran," containing extracts from the Koran with the author's own comments on some of the extracts. It is in respect of one of these that the pamphlet has been held to be obscene. The passage in the Koran and the comments on it are set forth in the judgment of the learned Magistrate. It is the comments put in brackets which the prosecution alleges, and the Court has found, to be obscene. The first contention raised on behalf of the petitioner is that the learned Magistrate has placed a wrong construction on the words used. I have carefully examined the passage in question, and, judging by the context, by what precedes and what is clearly suggested, I think the interpretation put on the words in question is perfectly correct. It is next contended that the words used are not obscene within the meaning of Section 292 of the Indian Penal Code. It is argued that the intention probably was to ridicule the Koran and the Mahomedan religion, but the language used is not obscene within the meaning of the law. The question what constitutes obscenity under the Indian Penal Code was considered by this Court in Empress vs. Indarman (3 All. 837) and by the Bombay High Court in Queen Empress vs. Parashram (20 Bom., 193. The test applied in thsoe cases was that laid down by Cockburn C. J., in The Queen vs. Hicklin (3 Q. B., 360)., His Lordship said: —"I think the test of obscenity is this, whether the tendency of the matter is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this kind may fall." If a publication is detrimental to public morals and, as observed by Cockburn C. J., in the same case, "calculated to produce a pernicious effect in depraving and debauching the minds of the persons into whose hands it might come," it would be an obscene publication which it was the intenton of the law to suppress. The learned Magistrate has held in this case that the publication in question is one of the nature mentioned above. That finding is one of fact, and is also in my opinion correct. If the effect of a publication is to corrupt the morals of those who may read it, the object with which it was published is immaterial. To quote the words of Blackburn, J., in the Queen vs. Hicklin, to which I have already referred, "it can never be said that in order to enforce your views you may do something contrary to public morality: that you are at liberty to publish obscene publications and to distribute them among everyone—school-boys and everyone else—when the inevitable effect must be to injure public morality, on the ground that you have an innocent object in view." Besides, every person must be presumed to intend that which must be the natural and necessary consequence of his act. As was observed by Alderson, B., in Gathercole's case (2) Lewin's C.C., 237), "Every man, if he be a rational man, must be considered to intend that which must necessarily follow from what he does." And in the King vs. Dixon (3 M. and S., 11) Lord Ellenborough, C. J., said that "it is a universal principle that when a man is charged with doing an act of which the probable consequence may be highly injurious, the intention is an inference of law resulting from the doing of the act." Therefore, even if the object of publishing the pamphlet in question was innocent (which I cannot say it was in this case), the contention that no offence was committed is not in my judgment well founded. It is the effect of a publication which is to be taken into consideration. In this case it has been found that the pamphlet was distributed among students, whose morality it was likely to corrupt. Under these circumstances I think that the Magistrate was right in holding that the accused had committed an offence punishable under Section 292 of the Indian Penal Code. Having regard to the nature of the publication, I do not think I should interfere with the sentence. I accordingly dismiss the application. The applicant must surrender to his bail and serve out the remainder of his sentence.

W. F. CARROLL, THE MARVELLOUS HEALER.

On Saturday morning Mr. Carroll, the healer who has come from Bangalore, told a reporter of this paper that he had treated over 14,000 cases in Bangalore alone, and that as soon as he concluded his visit to Madras—which will be a brief one—he will be returning to Bangalore to complete the work that he has been doing there. Mr. Carroll declares that neither medicines, mesmerism nor hypnotism are employed by him. "A pass of the hand or a few raps over the affected part is all the means I use to cure my patient," and continuing he went on to say: "This gift of healing came to me suddenly about 10 months ago. How long it will last I cannot tell. Already I have cured thousands." "Yes, in many instances, the cure has not been permanent" Mr. Carroll replied, in answer to a question, "and I attribute this to those cases which I have treated after having exhausted my power on a large number of others whom I had treated previously. The cases I treat first are always those who receive most benefit. Sometimes I fear I have over reached myself by attending to hundreds of cases in one day, and for the furture I intend to treat a lesser number of patients at a time. I wonder at my powers sometimes—it is all such a mystery." Mr. Carroll will treat patients at the Elphinstone Hotel, and he invites members of the Press to attend and see the nature of his healing process. "Medical men," Mr. Carroll observed, "admit the benefit of my treatment, but they, like me, are baffled as to how it is done! Perhaps the best description that has been given of me is that which describes me as "a human magnet, who is able to draw the currents from the air into the human body. Mr. Carroll, who has done most of his treatment free of charge, has decided to impose a fee ranging from Rs. 20 to Rs. 100 on those in a position to pay, while to the poor he will continue to give his wonderful treatment free of charge.—"Madras Times"

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