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CORRESPONDENCE



BETWEEN

A

HINDU RAJA,

A REV^d FATHER

AND

A MEMBER OF PARLIAMENT

ON THE

POLICY OF LORD RIPON

(Reprinted from the Indian Mirror)

WITH AN INTRODUCTION

BY

SHAM LOLL MITTER,

PLEADER HIGH COURT.

CALCUTTA

PALMAY PRESS."

72, NEW CHINA BAZAR.

1884.

Price One Rupee.

V2, L.M84

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THE
SERVANTS OF INDIA
PREFACE SOCIETY,
BOMBAY.

About the closing period of the Ilbert Bill controversy, an interesting correspondence on the subject between Raja Rajendra Narayana Bahadar, the Very Reverend Father E. Lafont and Mr. D. M. Macfarlane M. P. was published piece-meal and at long intervals in the columns of the *Indian Mirror*. The object was to bring about a reconciliation between the contending parties, in view of which many ancillary topics of abiding interest, connected with the welfare of the country, were discussed, and important information on the various aspects of Hindu Society, was supplied by the Raja.

The Raja had a very difficult and delicate task to discharge. As a patriot he supported the principle and the necessity of the Bill by coolly arguing out the different points of the question, alluding to facts unqualifiedly admitted and urging others not generally known, and presenting the bright side of our national character with an exuberance of unimpeachable testimony in its proof; as a peace-maker he struck out the pleasing way of bringing into a strong focus, the lustre of the exalted virtues and of the noble achievements of the ruling people, and by that focal light, he endeavoured to exhibit to the gaze of some of their exasperated members, the true lineaments of the bantling (representing the Bill) that it may be hugged to their embrace consistently with the characteristics of their towering national greatness, and not, by ill treatment to their own discredit, be smothered out of its life; lastly he appealed to the generous instincts and feelings, and religious ideas of Englishmen and Englishwomen to be kind to our failings and helpful in our advancement.

The effort of the Raja was highly appreciated at the time by the different classes of the community generally. On these grounds as well as from the circumstance of the Raja's ideas and citations bearing intimately on some important questions of the day, and especially from the eminent character of his writings so necessary to keep down the old irritation which some Anglo-Indian journals are improperly keeping up, and to check the acerbity of feeling, which, even now the discussion of topics involving conflicting interests, threatens to evoke—a desire has been widely expressed to see the whole of the correspondence reprinted in a collected form, in response to which, this pamphlet is issued.

It should be mentioned that as the Raja refers to an agitation similar to the Ilbert Bill controversy, having occurred about thirty years ago, it has been thought desirable to give in this brochure, an extract from a letter of the Raja's late father, Raja Sir Radhakant Dev Bahadur K.C.S.I. read by the late Maharaja Ramanath Tagore C. S. I. at a public meeting held in the Town Hall, Calcutta, in April 1857, in support of the Bill then before the Legislative Council of India referring to the extension of the Criminal Jurisdiction in Mofussil Courts to all classes of Her Majesty's Subjects. This extract will show how about three decades ago, a conservative aged Hindu, distinguished for his learning and loyalty, and whom the late Sir Lawrence Peel styled 'Nature's nobleman,' entertained the same thoughts in respect of the Criminal Jurisdiction law, which occupy the minds of the present generation of the educated Natives of India.

S. L. M.

INTRODUCTION.

The rampancy of certain crimes among the members of the ruling race (including in some cases even public functionaries whose bounden duty it is to check crimes), a glimpse of which has been given by a large number of recent criminal trials, even perfunctorily managed as some of them were—demands a wide dissemination of the views of the Raja on the subject, leading, among other things, to the absolute necessity of separating the judicial and executive functions of the Magistrate.

The sentiments of the Raja on the guiding principles of British statesmanship and their intimate connection with the educational policy in India and its material prosperity which promotes the commercial prospects and wealth of England in an indirect way, are now generally responded to, by the thoughtful portion of the Press. His hints about the evolution of Hindu Society and its present phase, offer topics for various reflections. It is very interesting to find how the opinion of the Raja exactly corresponds with the ideas of observant foreign travellers, notably those of Mr. Wilfred Blunt, in not regarding comessation and symposium as essential to cement friendship or promote familiar intercourse between Hindus and Europeans.

Any reader of the correspondence will also see how many things almost aphoristically alluded to by the Raja, are being developed in Papers of the present day dealing with measures for the advancement of our country's good. There are others again which need further illustration. I would here call attention to two diametrically opposite points—spiritual aims and purely worldly ends—the religious convictions and holy aspirations of the Missionary and the Clergy-

man, and the business thoughts and the cool calculation of Shillings and Pence, of the thorough trader.

The Raja has very clearly shewn how the policy inaugurated by Lord Ripon, is righteous to its very core, how it is called for, by the demands of justice, that it may be meted out alike to the rich and poor and the proud and the lowly ; that it may stay the oppressor's arms and shield the weak and helpless ; how again the sons of India prefer strong claims on the Englishman's high sense of national honor and humanity, specially since they have been under the immediate guardianship of the British Sovereign, and how it is the glory of the British Constitution, " impartially to watch over all its subjects and dependents without regarding the quality of the person or the distance of his abode."

It is level then to ordinary understanding that Churchmen and Evangelists should form a sacred throng to uphold this holy policy, for to do so, would, not only, be a deed of mercy and charity but a proper safeguard against the practice of some of their countrymen here, being systematically at variance with the merciful religion they invite Indians to embrace.—Has not Bishop Tillotson truly said that " Truth is most easily discerned in those reasonings and opinions which tend to practice ; because the absurdity and inconvenience of them is sooner discovered " ? Following this lesson, Christian teachers should preach themselves hoarse, whenever instances of Anglo-Indian wickedness are on the rampage. Self-sacrificing Missionaries dwell in all parts of the country and even in outlying places in the interior, and can easily testify to the many occurrences of high handedness and oppression by members of the Christian race, some of which come to light with more or less frequency, but the more such instances, the greater the difficulty--nay almost the impossibility of attaining their object, for the hearts of the people would be completely estranged by feelings of distress,

resentment and discontent, and when the Gospel would be presented to them for their acceptance, they would give the indignant reply of the Cazique of Hispaniola to the Franciscan Friar trying to convert him when tied to the stake.

If the lower classes of Europeans here, and some specimens unfortunately among the better classes, even in the public services, display truculent manners and worse conduct—if a proud Britannicus bursting in the haughteur of a conqueror, exhibits himself on stilts and with mocking taunts, says : No, we will not allow the Riponian policy to make our 'stature less'—and no admonishing voice is raised from the pulpit, and no lessons of meekness are poured forth by the followers of Jesus, well might the Indian, when the faith of his European Masters, is preferred to him, complain that "judging of the tree by its fruits, to himself and his whole race, it is full of bitterness"—It is therefore hoped that Missionaries and Christians of all sects, should impressively show that it is the first duty of Englishmen to fulfil the sacred obligation of justice to their fellow Indian subjects, and to recognise their rights which some existing institutions violate. In these times the clergy would do well to stir themselves up with a little puritanical zeal, and to be inspired with the indomitable courage of a Luther, and the spirit of that noble sermon which was read to Queen Victoria on the occasion of Her Majesty's coronation.

I know they, who are enraptured with the epos of their martial glory and advocate the omnipotence of the sword in the acquisition as well as in the maintenance of an empire, angrily and despairingly, protest against the sacred character of the Christian religion being implicated in questions of politics or of the internal administration of the country as unjust and invidious, but "the association", as said by an eminent Christian, "is inseparable in

the minds of those who impute their misery to our avarice and ambition. The foreign Sovereigns and foreign Missionaries, both coming from the same country, will be equally objects of distrust and jealousy to a timid people, unless the practice of Christianity in deeds of mercy and charity by the one, precede, accompany and exemplify the preaching of the other."

I shall now turn to the next point—the merchant's interest in the Riponian policy.

In the early days of the East India Company, when the merchant rulers of India were absorbed in projects for the advancement of the prospects of their gigantic monopoly, and no exalted ideas of statesmanship at first actuated their minds, they were impelled, by the beneficent laws of Providence, to study for their purely selfish ends, the condition of the people of India, the state of its internal Government and the means of increasing their comforts and the security of the country. They saw that no nation, however prosperous, could derive any benefit by trading with a people like the Indians, the great mass of whom was steeped in poverty. They set about therefore to purify the Courts and secure justice to the people, and to take steps for the protection of life, liberty and property. How to improve the condition of the peasantry, how under their fostering care, a demand was growing for articles of English manufacture, were subjects of feverish anxiety to them. As despatch after despatch from Bengal, came before the meetings of the Court of Directors, and it was discovered from these reports that English house furnitures were seen in Native houses in Calcutta, and a taste for English goods, was created, there used to be exultations in these meetings.

On the occasion of the renewal of the Charter of the Company, in 1813, benevolent philanthropists asked the question : By what political, by what commercial institutions, by

what policy, can the British Parliament best provide for the happiness of the people of India? and it was suggested in reply: by equal administration of justice, by moderation in the rates and collection of the land tax and by freedom of trade. Violent as were the debates in Parliament on the rival claims of monopoly and free trade, the subject of the distribution of equal justice and the raising of the standard of judicial tribunals, were urged forward on selfish as well as on unselfish grounds. From that day to the date of the assumption of the direct sovereignty of India by Her Majesty, this policy, among other considerations, had been specially recognised as of vital importance for the commercial interests of England, and it found its fullest enunciation on general and higher grounds in the world famed Proclamation of Her Majesty.—Now that monopoly, which received a serious blow in 1833, is broken and trade is almost free, and any foreigner can, according to his pleasure, have his commercial transactions on Indian soil almost unfettered: Is it not the duty of every one of these foreigners for his own interest, keeping in mind the hot competition of the times, to doubly wish for the prosperity of India, and for the realisation of this end to examine, expose, and to remedy, where he can, existing impediments to progress and improvement? But not merely ideas of barter and exchange, of profit and loss, should sway the commercial world in upholding the Riponian policy. There are great English worthies in this sphere, who, while they successfully ply their energies in the acquisition of wealth, are keenly sensitive to the honor and glory of England, and although busy men as they are, they have been made to see through a false glass, a distorted picture of this policy, the more they will ponder, they will see that this policy is no other than that of the true honor and glory of England.

A curious and amusing instance of the purely selfish ins-

tinctions of the English commercial people, leading to an earnest desire on their part to study the condition, manners, customs, religion and ways of thinking of the Hindus and to watch with the keenest interest, every sign of the improvement of their material prosperity, became, the other day, a topic of conversation here. It is no other than Manchester getting furious at the Astrologers of India who had discovered stars inauspicious for marriages in a certain season, and embargoed them for the time. *Ohne Phosphor keine Gedanke* say the Germans. So said the Manchester lords: Without Hindu nuptials—no sale of their goods, and much ire was spent on the Raja of Benares whom they made their escape-goat. It would indeed seem strange how an intimate relationship has been established between the doings of Cottonopolis in England and the mystic theories of the ancient Hindu Astronomer *Varahamihira*.!

Between the two extreme points of spiritual and material interests, on which I have dilated in elucidation of the corresponding topics in the Raja's letters, there are all sorts of interests which may be shewn from texts in those epistles as deeply concerned in upholding the policy in question.

The Raja has also very clearly explained this policy of Lord Ripon—it is nothing more than what is involved in the memorable question of Lord Grenville—"How best can the British Parliament provide for the happiness of the people of India" which, I must add, cannot but result in augmenting the happiness of the people of the British isles.

The solution of this question within little short of three scores of years from the date it was asked, is being attempted step by step though frustrated, checked or retarded, at times, by untoward events and adverse influences. Lord Ripon, than whom a more philanthropic, pure-minded, good meaning and self-sacrificing statesman never filled the Viceroyalty of British India, has, since he set foot on its soil,

taken up the series of the solution—he gives himself no rest until he feels he is taking fresh steps in it.

Disraeli has said that “the freedom and the right of meeting are the two safety-valves of a great nation.” The first valve after having been allowed, for salutary purposes to remain open in India, from its first institution, the Native section of it, was, from lack of wisdom, kept closed by a despotic fiat during the preceding Viceroyalty: One of the first beneficent and wise acts of our present Viceroy, absolutely necessary for the good of the rulers and the ruled, was to remove the closing bar, that through the useful vent, may escape the fumes of discontent whenever they may be engendered in unseen seething cauldrons:—and his latest liberal measures have been distinguished by repulsing disingenuous attempts, not only to restore the bar, but to prevent the growing structure of the other important valve—the right of all classes of people to meet in public to discuss questions of public importance.

In further solution of the momentous question, the Extension of the Criminal Jurisdiction Bill was reframed; the Bengal Tenancy Bill was ushered into being after a long gestation under previous administrations; the Education Bill is about to be drafted on the recommendation of a laboriously investigating Commission; the question of increasing the limit of age of candidates for the Civil Service, has received support; the necessity of adopting a standard of merit by a competitive examination for admission into all departments of public employment in lieu of blind or capricious patronage or self interest, has been impressed upon Local Governments and heads of departments; instances of miscarriage of Justice from diverse causes, with which the Viceroy could constitutionally interfere, he has tried his best to rectify and to see the wrong or rickety screws in the Judicial machinery leading to such acts, removed. These are

some of the prominent instances of the Riponian policy.

It has been said that as the Physical Sciences are improving, their connection with each other, becomes so intimate that no one branch of them, can advance without giving an impetus to the progress of its sister science. It is so with the modern science of Government ; no one department of it can be improved without improving the other. The great measures of our present Viceroy, though some one or other of them would at first impose additional and legitimate charges upon the state, would collectively and in the long run, be a financial success and hence lead to reduction of taxation which, with the co-ordinate scheme of easily accessible and cheap justice, forms the elements of India's prosperity.

I cannot but remark here that in carrying out improvements in such a vast country like India where the people are divided and sub-divided into diverse communities and classes under almost undefinable influences, who have conflicting interests and rival claims, and diverging aims and pursuits, the most beneficent Government, under the most philanthropic statesmanship, must, as a matter of course, give umbrage to some one of them at least—and the difficulty of pleasing all sections, is increased when it is remembered that the varied commercial, industrial, trading and political interests of the Governing country, exercise no small sway here.

The Criminal Jurisdiction Bill created a ferment in the Anglo-Indian community specially in Bengal, the question of the extension of age of the candidates for the civil service, which is linked to the former and is no other than the removal of a seemingly intentional imposition of a bar to the carrying out of the Queen's Proclamation, is regarded with great disfavour by that class and specially by certain members of the bureaucracy here, and its supporters in England.

The Tenancy Bill has offended mostly the Zemindars of Bengal, who view in it, an encroachment of their rights under the Permanent Settlement and other objectionable features, chief among which are the difficulty of realising and enhancing rents, and the certainty of being involved in endless litigation; while on the contrary it must be said that its broad features are akin to the Riponian policy, in as much as its aim is to give fixed homes and security of enjoyment of the fruits of labour, to the peasantry of Bengal forming as it has been called, its very *back bone*, these being measures which underlie any possible scheme of national prosperity and which now, in the proverbial form of three Fs—fixity of tenure, fair rent, and right of free sale, are demanded by Ireland, and which the British Parliament struggling against antagonistic interests, feels its bounden duty to grant.—But the difficulties, in the struggle strong as they are, sink into insignificance by the side of those with which the Imperial Legislature of India is confronted in the shape of the Permanent Settlement. The History of the proceedings,—by which the Bill, introduced in a tiny form in the interest of the Zemindars themselves to the notice of an ex-Proconsul, has been cast and recast into its present gigantic dimensions, and is being further developed under the fostering care of the present Lieutenant Governor of Bengal—is now before the public. The whole responsibility of the law is thrown upon Lord Ripon but he is really concerned with the great principles involved in it, the details of the measure, the data upon which its various ramifications rest, and the *modus operandi* of dealing with obstructions against the aim, provided in its numerous clauses, are the outcome of the recommendations of the Rent Commission and the suggestions of the Local Government under its preceding and present regime.

Lord Ripon could, long ere this, have passed the Bill into

a Law but his hesitancy proceeds from his recognition of the essence of a contract in the Zemindary Settlement of 1793, and his inability to overlook the iniquity of forcing a breach into it, which the present scheme directly or indirectly must make, he will, it seems, have to leave it to his successor to remould it. All the mischief which, it is apprehended, some provisions of the Bill would produce, is due to a tampering and tinkering process, a timid advance and recoil, and startings from wrong points, which characterise the history of the Rent Law from a date long anterior to the present administration. Some day, "the bull will have to be taken by the horns." Either (though it would be only a partial step) the great blunder of the Permanent Settlement must be corrected by reducing the Government share of the produce of the land, and upon this shearing of the Land Revenue only can some Zemindars be asked to set limits to the enhancement of rents and to give a fixity of tenure to their rayats, or as a thorough advance, the Zemindaries must be purchased by Government at fair valuations and distributed in parts among the peasantry on permanent tenures.

Nor can the Zamindars be exhorted to do so before the Bengal Government, with such sanctions as may be necessary, sets an example by sacrificing a just proportion of those tremendously heavy rents which as land proprietor it wrings from the tenants of its *Khas Mahals*, leaving them scarcely sufficient to live from hand to mouth, as lately evidenced in the recent suits before the High Court.

Thus it will be seen that although Lord Ripon proceeds upon principles of justice and is actuated by one sole aim of advancing India's prosperity, his measures cannot but in some one or other of their aspects, appear unpleasant to some sections of the Indian community, and so long as we do not learn to love our neighbours as ourselves, no

statesman, however wise or however benevolent, can give universal satisfaction.

People who care not to reflect, or to examine the patent facts of history, who are pessimists in all things excepting their selfish concerns, who cannot believe that any great and good deeds can proceed from aught but motives of ambition, self-aggrandisement or popular esteem and who moreover wish to keep back any unassailable measure of public welfare (not suited to their taste) by a dogmatic assertion of the time not being mature for its reception—should pause before they ascribe them to (in the mind of Lord Ripon) sordid impulses for the pronouncement of that Policy of which these measures are the legitimate outcome. If I did not fear transgressing the limits of these pages, I could show that every one of the Riponian projects was long, long ago, conceived by the British philanthropist, argued out by the British philosopher, recommended by the British statesman, discussed in the debates of the British Parliament and insisted upon for the adoption of Government by the British orator with persuasive eloquence or in the thundering language of warnings and threats, and that each of them has from time to time not only taken some kind of practical legislative form and shape but the very words which appear in modern enactments and political parlance, in the Queen's Proclamation itself and in the honest utterances of Lord Ripon, are but the exact echo of those which are found interspersed in political pamphlets, Parliamentary Records and other writings, swelling in number as they approach the present time. I shall only cite as an instance paragraphs from the protest of Lord Monteagle to the last Bill for the renewal of the East India Company's Charter.

“The 87th Section of the (then) last Charter Act provided in unqualified terms for the unlimited eligibility of the

Natives of India to all offices whatsoever without exclusion of any person on account of *caste, colour, birth or religion*. The declarations of the statesmen responsible for the Act of 1833 all concur in giving to this clause the widest interpretation. *It was described as a subject of just exultation and pride that Parliament should have passed this clause announcing 'the only principle on which India could be administered'*. Nor was it intended that this should remain a barren declaration or abstract truth. On the contrary. The question was asked, 'whether England could give knowledge without awakening ambition, and whether it was meant to awaken ambition, and not provide it a legitimate vent?' * * * Yet after these promises and the enactment founded upon them, no sooner had the Statute of 1833 been passed than a regulation which seems to have been carefully kept back from the Committees of both Houses, was boldly announced and has ever since been undeviatingly acted upon by the Court of Directors, the distributors of all civil patronage. This regulation neutralised the effect of the 87th Clause.

The covenanted service of India was declared to be exclusively confined to Europeans. To the uncovenanted or subordinate grades of the service alone the Native Subjects of the Queen were held to be eligible. Thus the unrestricted words of the Statute and the gracious intentions of the Parliament have been practically defeated. To no one office from which the Natives of India were excluded before the Act of 1833 have they been since admitted though it is undeniable *that during those twenty years the Natives have rapidly advanced in education and knowledge, and though in the offices, they have been permitted to fill, the Natives have given the highest proofs of trustworthiness and ability.*"

"Because the conduct of the Home Government towards

the Natives, as above stated, rendered it expedient to have guarded against the continuance of such abuse by a declaratory and enacting law, which has been proposed and rejected; and the only security now obtained for the fulfilment of the intentions of Parliament, is to be found in the unqualified declaration of the minister of the Crown having the conduct of the Bill, *that no distinction between the covenanted and uncovenanted services is hereafter to work the disqualification of any Native of India for public employment.* This declaration when taken in connection with the proposed admission of Natives to Haileybury College and to high offices in India, coupled with the power reserved to Parliament of amending the present Statute from year to year, will, it may be hoped, prevent the intentions of the Legislature from being again frustrated."

After reading the above Extract, Can there remain any ground for insinuating that Lord Ripon in order to attract popularity, has, in a fitful mood and under the radical inspiration of his party, without a statesman's survey of the time, without any necessity, and without any idea of fitness of things, introduced a series of new fangled ultraliberal theories into legislation?—Let those who are disposed to cavil from this point of view, observe that so early as in 1833—the intellectual advancement and the moral rectitude of the Natives as well as their fitness to hold responsible posts, were regarded by the British Parliament sufficient to declare their eligibility to all offices whatsoever. In 1853 Lord Monteagle points to the further improvement of the Natives and their stronger claim to the high offices from which they had been kept out, and with just indignation, condemns the shift by which the intention of the legislature was defeated.

In 1858 after the troubles and perils of the unfortunate

Sepoy Mutiny, and as a sequence of the deliberations following it, the celebrated Proclamation of the Queen of England and of the Empress of India was published embodying, if possible, in words more solemn and emphatic, the self-same policy of the British Parliament:—but to the Oriental mind it was of mighty significance—it was a Royal fiat *unfragile and irrevocable*:—

From that day downwards: Has not that Royal mandate—owing to evil counsels here and in the *Coterie* of one or other of the English ministers of England, with unwisdom and disingenuousness, with timidity and irresoluteness, with a step in advance and paces of recoil, under un-English inspiration and in a Machiavellian spirit—been made mere sound signifying nothing. And the sin of Lord Ripon: the very ‘head and front of his offence’, has been to mark the maturity of time recognised half a century ago, and rerecognised times out of number and to uphold the continuous policy of England—to prevent further shifts to make the Queen’s words unfructuous and to make *that* unfalsified which was ‘a subject of just exultation and pride to England’ and which was declared to be “*the only principle on which India could be governed.*”

When we see therefore that the guiding policy of our ruler is to secure the happiness of the people and to promote the ends of justice, we should keep out of view, any errors in his measures which may be due to the imperfection of human wisdom, or the insufficiency of information before him, we should distinguish his share of responsibility in any specific act from that of others, and hold him as an object of our highest esteem, love and gratitude.

Some erroneously call the law into which the Ilbert Bill has passed, a failure, others accepting it as a failure, attribute it to a want of moral courage on the part of our Viceroy, but the generality of our countrymen are of a different view,

they regard the law as the accomplishment of the small advance it contemplated from the very beginning, and a check against the Queen's Proclamation being whimsically tampered with; the fullest attainment of its object depends upon the success of the agitation in respect of the age of candidates for admission into the Civil Service. The Jury clause which has been tacked to it, may indeed be looked upon as creating a fresh invidious distinction between the two classes of Her Majesty's subjects, but it is transparently seen that it was not in this view, but in the interest of the law itself (which, further agitation in England threatened to smother), and for its speedy enactment, that it was done: nor should it be forgotten that though our Viceroy is vested with very great administrative powers, he cannot, by a despotic fiat, alone carry out a legislative measure.

It is well known that Lord Ripon instead of receiving any aid from those who, he expected, would give him the greatest help, had to contend against their bitterest hostility: the English Bench and Bar, and the English Press, prominently in Bengal, the majority of his responsible Counsellors and of the Civilian Officers, and even it was whispered many members of the military service, not to mention most of the non-officials among the Anglo Indian community—all set themselves in persistent opposition against him, and a kind of 'white rebellion' as it was then said, was threatened, unless the 'obnoxious' measure was withdrawn, and if Lord Ripon like all rulers, as we Hindus say was obliged to 'see with his ears,' and *thus* learnt the character of the opposition, and if moreover he was obliged to carry out the directions of the Secretary of State—he cleared the way for the measure by throwing a sop to Frankenstein and acted like a prudent general, the measure moreover is of a nature which sooner or later, will have to be mended. The law it is believed therefore, is not a failure. nor the

result of Lord Ripon's weakness—if he has shown any weakness, it is a weakness on the side of virtue: he could, immediately after the first inception of the Bill, have passed it into law constitutionally without giving opportunity for opposition, but he purposely gave opportunity after opportunity, as an impartial ruler should give, to hear all people's objections against the proposed measure, he could not moreover gauge the depth of the race prejudice of his countrymen here, nor estimate the variations of the spirit of Christianity according to those of latitude and longitude. I go to the length of saying that even if the Viceroy had withdrawn the measure, and it had been a complete failure, knowing as we do, the generous impulses that sway him, we would have attributed it to the unsurmountable force of circumstances and would not have withheld an iota of our respect, esteem and love for him.

No ruler of men should be judged by his success or failure in a cause, if his aim be just and benevolent and he uses his best energies to promote it, we are bound in gratitude, irrespective of those considerations, to regard him as our benefactor and if, moreover he suffers in making these endeavours for our good, as our Viceroy has suffered by enduring with unexampled self control, the volleys and incessant pourings of abuse, taunts, insults and ridicule from his own countrymen: Can there be any bounds to our gratitude? Here let me quote the noble words of Mr. Gladstone: "Do not believe those who too lightly say, nothing succeeds like success: effort, gentlemen, honest manful, humble effort succeeds by its reflected action upon character, * * * better than success." That we truly understand our Viceroy, the Raja has shown by apt poetic lines which he has quoted in his letters, I wish to add here only, the words of Lord Chancellor Selborne in accounting for the unprecedented popularity of the present great Premier of England, which

apply *mutatis mutandis* with equal force to Lord Ripon: "But the people" of India "understand the man. They know that he has a profound sympathy with them, that he has nothing at heart but truly to promote their interests according to his honest views of them, and whether he judges rightly or wrongly about this question or that—of course we are liable to error, and none pretend to infallibility—they know that he is a man, who is actuated only by the purest motives and that he presents the highest example of public and private integrity."

And now that he is about to resign his Viceroyalty, let India's sons and England's too, join in the movement; worthily to preserve the memory of this great nobleman, it is a spontaneous demonstration of duty, inspired by virtuous enthusiasm—a perfect jubilee of unbounded gratitude, and I must say, a measure of political wisdom too. Let them also whose convictions cannot be removed that some of his measures have proved failures, remember that though we generally attribute greatness to success, the great are not always successful "he is greatest who meets failures without failing" and as to true nobility—Has not the Poet Laureate said:—

"Tis only noble to be good"

The nobleman himself we are now fully assured, is utterly unconcerned, whether or not, any popular demonstration is made to honor him on the eve of his retirement from our country—we but honor ourselves and prove our self respect in such movements, he looks up to his God, cares for his duty and the *true* glory of England and draws satisfaction from the approving echo of that—

—"still small voice that sounds within,

Above earth's tumult and o'er glory's din."

We know too that our retiring Viceroy, long before he

accepted the high trust of governing the millions of India, devoted himself to the study of their condition and the means of promoting their welfare, and we feel sure that in England, when he renews his fellowship with kindred spirits and thus "enters into Communion with the great intellectual fellowship of all time," he will advocate our cause with unflagging zeal and with the power he has acquired by his practical knowledge of our country. In the mean time with the conviction of his ardour to promote public weal, let us stir ourselves to honor him and—

" Each should find his own, in all men's good,
And all men work in noble brotherhood."

Let us grasp the idea that should "help to lift us above ourselves, our petty individual aims, our narrow selfish desires, to feel that we are sharers in a life which is infinitely larger and greater than our own."—*that* life which advances "far above the agitation and strife of man's petty passions, far above the individual cares and interests that seem, for the moment, so important."

Let us raise ourselves to the height of that moral grandeur depicted in the inimitable language of the Revd. J. Caird that "the highest patriotism is that of the man, who thinks not of honor or rewards, but so loves his country that he is content to be forgotten, to lose himself altogether in the larger, dearer life for which he lives." Who then, with a spark of love for his country, can hold back from the present movement which is no other than an outburst of patriotism—a call to the discharge of our highest duty.

I cannot conclude without expressing a hope that our coming Viceroy would take up the threads of the great Riponian policy which, briefly expressed, is no other than a *complete* reversal of that of Taimur and Aurangzeb, and involves the prosperity of the British Empire. It is very reassuring to know from the public utterances and

privately expressed opinions of Lord Ripon, that Lord Dufferin will follow these lines.

In the hope too that the nobleman about to take up the sway of the destiny of the millions of India, would understand the wishes of its people, I quote here, the sympathetic words of James Silk Buckingham, which correctly anticipated these wishes years ago :—

“There is a phrase in constant use, when speaking of the Parent State and her distant Possessions, by which the former is called the ‘Mother Country,’ and the latter are regarded as her ‘Offspring’. These designations are at once appropriate, and pregnant with expression ;—as the relationship in which each stands to the other cannot be more distinctly or advantageously stated than by these relative terms ; while the very conditions of affinity which they imply, at once point out their specific and reciprocal duties to each other.” And in answer to the question in what these duties consist, he says :—“The duties of a good mother to her children, hardly require to be laid down minutely, as the instincts of natural affection not only point them out to every reasonable and conscientious parent, but make their discharge so pleasurable as to require no stimulus for their performance, beyond the delight which their daily exercise affords.”

Then he describes in what order these duties succeed each other and concludes. “Let us henceforth rule India and all our colonies as a Mother Country should govern her Offspring, thinking first only for *their* welfare and prosperity, and in that, making our chief glory and reward to consist. If we do this, they will prove to us great blessings and sources of wealth and strength.”

To deserve the affection, indulgence and protection of this Great Mother worthily and typically emblematised in our August Empress, let us train ourselves under the ad-

vice and with the hope so beautifully expressed in the brave and solemn exhortation of the 'Grand Old Man,' the pride of England :—"Quit you like men, be strong : and the exercise of your strength to-day will give you more strength tomorrow. Work onwards; and work upwards ; and may the blessing of the Most High sooth your cares, clear your vision and crown your labors with reward"—and prove by our demonstrations of unflinching loyalty and by the discharge of our duties in our respective spheres, that we are Hopefuls, who can rejoice Her heart.

See we not the same sun that disappears under the horizon to-day, rise again at tomorrow's dawn : may we with the same certitude see with our mind's eye, the same sun about to journey to-day towards the West in the midst of a transcendent halo of true glory,—' in a cloudless blaze of living light,' to reappear in *spirit* and *aim*, in *that*, now travelling to the East, to commence his career over India, and with a potency to nurture the seeds already sown in its soil and to call forth a fresh harvest for the people's good: at this supreme moment, commingled with fervid farwell pœans to the good and great Lord Ripon who has sought only to achieve the victories of peace, this prayer springing from India's loyal heart, ascends Heavenwards as it escapes from millions of lips.

CALCUTTA
26, TELEPARA LANE,
November 1884.

SHAM LOLL MITTER.

St. XAVIER'S COLLEGE,
10 & 11, PARK STREET, CALCUTTA.
The 2nd December 1853.

TO RAJA RAJENDRA KARAYAKA RAHADOUR.

MY DEAR RAJAH,—Mr. D Macfarlane, a Member of Parliament now on a visit in Calcutta, wishes to see you to find out the true feelings of the Hindu aristocracy on the subject of the Ilbert Bill. He hopes to be able to advise the right-thinking portion of the Native community, to ask Government to withdraw the Bill for the present, in order to allay the dangerous and deplorable animosity between the two races.

As I know how much you deplore this race antagonism, I told the M. P. to see you on the subject, as your personal influence may help greatly in effecting a reconciliation between the races which would bring the blessings of god and men upon you and your family.

Please let me know as early as possible, when you could receive Mr. Macfarlane.

Very sincerely, yours,
E. LAFONT.

SOHRA BAZAR, RAJAH SIR RAJSHA KANT'S HOUSE,
2d December 1853.

TO THE VERY REVD. FATHER E. LAFONT, S. J.

My dear Revd. Father,—I have received your favor of the 2nd instant by post. I offer you my

cordial thanks for the kind sentiments you have therein expressed towards me, and highly appreciate your benevolent endeavour to help a good cause. I shall, indeed, be most happy to receive a visit from Mr. D. Macfarlane. M. P., and feel myself honored by it, but before I appoint a time for it, I deem it meet to explain certain personal matters in connection with the main object of his intended interview with me.

I am stricken in years and weighed down with the infirmities of age, and am subject to various ailments. I have, moreover, almost lost my visual power. Owing to all these circumstances as well as from natural inclination, I am given to retired habits, I have thus failed to acquire that conversational power in English which, I would have gained by constantly moving in European society in my country. I fear, therefore, on an important subject such as that upon which Mr. Macfarlane wishes to discuss with me, we shall misunderstand each other's thoughts and opinions, which is very undesirable. To obviate this difficulty, I have thought proper at once to have my views on the subject (which are substantially the same as those of most of my countrymen) put on this paper that you may be kind enough to send it to him for his perusal, and for any use he may like to make of it.

Yes, Reverend Sir, I deeply and from the bottom of my heart, deplore the bitter and causeless race-antagonism which some of our Anglo-Indian

brethren are exhibiting towards the children of the soil, and sincerely as I wish, and devoutly as I pray, for its disappearance, I do not agree with Mr. Macfarlane as to the propriety and justness of the course he wishes us to adopt for the consummation of this laudable object.

The Bill for the amendment of the Criminal Procedure Code which has been christened in the name of its formal framer, Mr. Ilbert, is, in its present scope and application, a very insignificant measure, but it is the legitimate and inevitable outcome of a great and vital principle which freedom-loving England in the acme of glory, sublimely recognised, which, its wise statesmen boldly enunciated, and are gradually carrying out in practice and its noble Queen, our beloved Empress, emphasised with all the strength of her earnestness and affection in the world-famed Proclamation of 1858.

This fundamental principle of governing the dependencies of a mother-country, is that of equality in the eye of the law of all classes of subjects, of distributing equal patronage among such of them as deserve alike, of entrusting and graduating administrative and judicial functions according to practical proofs of competency and trustworthiness, and making no distinction on account of race and creed, or on consideration of the individual members thereof, belonging to the ruling or ruled nationalities, and keeping constantly in view the greatest good of the greatest number, and as far as

human selfishness under chastening influences allow, deciding questions of a debatable character in the interests of the people of the Country.

Starting from this wise, just, and righteous principle, the British Government, from the days of Lord William Bentinck, has been working it out with beneficial results, and finds its operation in this direction daily facilitated and, in many respects, necessitated by the rapid spread of education and the growing influence of an enfranchised, ramifying and watchful Press, by improved means of ready and easy communication, and by the constant contact of the people with Western civilization in various shapes.

In due development of the principle and in view of the increase of population and the immigration of foreigners, it has been thought desirable, gradually, to bring justice home to the door of every village, and to make it practicable, it is contemplated to appoint gradually larger numbers of competent and deserving Natives, including Eurasians, to the Civil Service. This contemplated measure having several laudable objects in view,—economy, hence lightening of taxation, spread of capital in the country, and the meeting in some way farther, the natural aspirations evoked by the spread of education.

From before the time of the present administration, deliberation on the subject brought out prominently an anomalous fact which would prove a

strong drawback to the carrying out of the principle, this fact being the result of an unfortunate deviation from the principle introduced into the Criminal Procedure Code in 1872.

By this deviation a Native of India, who, though he is deemed worthy sometimes to become a Chief Justice of the highest tribunal of the land, to administer justice in matters, civil and criminal, over Her Majesty's subjects and residents of all nationalities in India, European and Native, including British-born subjects; and as a Magistrate in the Presidency Town, similarly to try all peoples charged with crime; though as a civil functionary he dispenses justice in civil cases in all parts of the country out of the Presidency Jurisdictions, among all nationalities; though as a Magistrate and Judge in such outlying places, he tries in criminal cases, all European and American sojourners, and takes cognizance in preliminary proceedings, of the crimes of British-born subjects and his meanest Native subordinates can arrest and detain such subjects in Police Stations, and bring them into the Court, he, the Native functionary, however high his talents, however exalted his worth, and however mature his experience, cannot in ultra-Presidency tracts, try a British-born loafer, caught bloody-handed in the public streets with the *Habeas Corpus* Act and right of appeal to help him—nay, more such a right is conceded to his Ceylonese and Cape Colony Negro fellow-subjects,

and what is still more surprising he, the Native Magistrate, in such places as aforesaid, will have power to try the highest noble of the land but not his son born of a Negro wife in Demarara, or of his illegitimate issue in England.

At the suggestion, I believe, of the late Lieutenant-Governor of Bengal, this deviation was sought to be corrected, and hence the proposed amendment in the Criminal Procedure Code, which, with extreme precaution, authorises the Supreme and the Local Governments to invest from among the members (Native or European) of the Civil Service, persons of tried worth and judicial experience to try, in the hitherto interdicted places, all persons defined as British-born subjects. Criminals of such classes being still triable by magistrates of the first class with powers of Justice of the Peace, and amenable to a sentence of a maximum term of imprisonment of three months which is the highest punitive power a District Magistrate can exercise over them.

It will thus be seen, with what extreme caution and vigilance, with what tender regard for the prejudices of Englishmen, but purely from a wise administrative necessity (about to be felt), from a worthy adherence to a progressive policy and loyal devotion to the principle already enunciated, this small Bill has been ushered into being. So little is the tangible advance at present that it may be likened to a rung in an ascending ladder, the inter-

val between which and its nether rung being scarcely visible.

On the publication of the Bill, the *Indian Daily News*, a paper, which, though conducted in the interest of the Anglo-Indian community, no less regarded the welfare of the Country, hailed it in the following terms :—

“As we have said, our sympathies are against this change, whilst our reason and experience both teach us that it is inevitable, not only as a result of the demands of administration but as a political necessity, and as a concession on the part of Englishmen to the progress of India and the requirements of her union with England.”

It also expressed an anxiety lest the prejudices, working under the tall talk that may be used against the Bill, should make their ugly appearance.

But another journal, well known to have *at one time* advocated questions of general interest of the country, had too soon sounded the tocsin of alarm and out flew our Anglo-Indian brethren (some of the wise and good among them, official and non-official as well as the mob) to the war *à outrance*, not unfortunately with the weapons of reason against the measure (if they thought it to be wrong) but with those of coarse abuse and vilification against its projectors and the children of the soil, whom it was supposed to benefit only. From the platform and the Press vials of wrath and torrents of vituperation, insulting and threatening language

culminating in seditious utterances, have since been continuously poured on the head of our truly noble Viceroy, and a bitter animosity has been evinced towards the Native races from the Punjab to the Cape, but mostly against the people of Bengal.

The young blood of the Native races resented through their organs and speakers, but generally in a manner as regards tone and spirit, which, compared with those of their fellow-Christian races, was modesty itself; and our exalted Queen's great representative, amidst this furore, fury and fanfaronade, amidst this hurricane of wordy violence, moves on calmly in his righteous course as the moon in the most terrific tempests, undisturbed in its appointed orbit.

In analysing this agitation, we are not a little surprised and deeply sorrow-stricken. As far as I have been able to ascertain, it is believed by our countrymen that some of the intelligent portion of the Anglo-Indian community, men actively engaged in the different spheres of business, have not taken the trouble to study the existing state of the law or the small scope of the Bill in question. And hence ignorance is one factor in the movement, fear is another; it is supposed that by the extension of the appointment of competent Natives to departments into which their entrance had hitherto been barred, Englishmen would be practically ousted out of the Indian soil, the unthinking portion in the lower strata or rather

those who are themselves criminally disposed being apprehensive that while they have opportunities of escape from the clutches of the law by the influence of the sympathy of Judges of their own race, they have none such in the event of their Judges being of an alien race; prejudice and consciousness of superiority of race, make a third factor; undefined motives of designing men, may be a fourth; pressure of influence from kith and kin, wives and daughters, worked up with false and imaginary ideas being also an all-pervading element.

Our countrymen, I repeat again, though grieved and startled, bear no feeling of antagonism towards their Anglo-Indian fellow-subjects whose hostile attitude, they deeply deplore, but they have no grudge or animosity against them. We know how much we owe to our English brethren here, how much it would serve the interests of both by our acting in unison together in all matters concerning the public weal. We are, therefore, willing, nay, most ready to take wisely-counselled and legitimate steps to gain the love of Englishmen here and in England. But the means, which, Mr. Macfarlane advises us to adopt for this purpose, *viz.*, "requesting Government to withdraw the Bill for the present," I and my educated countrymen consider, very wrong and unwise.

Because the Bill, as I have observed, in starting, symbolises a step in a well-matured progressive

policy, and exhibits the fruit of an immutable principle, founded on truth and justice, and, therefore, godly ; because it initiates a movement by slow degrees to meet an administrative necessity which must inevitably grow, and if this movement be not commenced now, an undesirably speedy measure on a stupendous scale, will have to be adopted in time not far off ; because general good will be its result, and if any evil manifests itself, it would be such as is inseparable from all human work, and which, wiser counsels, in future, can endeavour to correct ; and lastly, because following as a corollary from the main arguments for its adoption, it would remove one at least among many anomalies, and a grave international sweeping condemnation of the character of a whole nation, which in effect asseverates that among the people from the Himalays to the Southern Ocean, however high might have been their antecedents in ancient times, however great their present progress under the benignant British sway—not a single worthy individual could be found, though he might have successfully rubbed shoulders with Englishmen in their own Universities and in their own country, though his ability and worth might have been tested by long judicial work,—to try a British-born subject a few inches out of the bounds of the Presidency Towns, though he is found capable of doing so within such bounds.

To ask Lord Ripon to withdraw the Bill, would be to act against our conscience, and our firm conviction of its beneficial tendency, and of the absolute necessity of the fructification of a righteous principle. You, Revd. Sir, accustomed to move in the calm and serene atmosphere of science, to see distant as well as minute things through media absolutely uncolored, you, of all others, are the fittest person to see, judge, and declare, whether the principle in question, is not a fundamental law of nature, and whether the Bill is not its legitimate outcome. If you admit it to be such, you, again, who know to a demonstration how a slight disturbance in the general law prevailing in our solar system, would not only be destructive of it, but make its effects felt in tremors in the remotest systems of the Universe, you, Sir, of all others, would be able to contemplate with terror what would be the result of the disturbance in the fundamental law prevailing in the moral sky, upon which the poor little Bill is based.

Our God-fearing Viceroy is fully alive to this sense ; he we feel assured, is inspired with the spirit of the following noble lines :—

“ Perish policy and cunning,
Perish all that fears the light ;
Whether losing, whether winning
Trust in God and do the right.

Some will hate thee, some will love thee,
 Some will flatter, some will slight ;
 Cease from man and look above thee,
 Trust in God and do the right."

And as our Veda sublimely says he "in God, fights as if in an armour" impervious to all-external influences ; he treads on sure ground "for," he sees, "God is marching on." "He has sounded forth His trumpet that shall never call retreat," and he lowly hopes that from the fountain of His love which has given the *primum mobile* to the measure, nought but good can flow.

To us, Hindus, the esoteric doctrine of whose philosophy, regards abnegation of self, and self-control as exalted virtues, and teaches that in doing good deeds we should not be impelled by any mercenary motives of reward, not even for heaven itself ; to us, Hindus, the present attitude of our Viceroy, presents a sublime spectacle of beauty and grandeur, which calls forth our profoundest esteem and passionate love.

This then, I believe, is the true feeling of most of the members of the aristocracy and of almost all the educated portion of the rising generation of India, whose number is now already great, and is daily increasing. Under this circumstance, you can, I am sure, never ask us to request the Government to withdraw the Bill : Mr. Macfarlane,

when he, according to your statement, adds the words "for the present," seems to think that the measure is a good one, but that as a concession to the oppositionists and for allaying their hostile feelings, this should be done *now*, and the measure can be taken up at some future period.

This, you and Mr. Macfarlane, if you ponder awhile, will see, would not be a wise, prudent, and honest course. For history proves, such commotion, such rending of the air with words of anger and hate had always followed almost every stage of the development of the great principle of statesmanship, when our Anglo-Indian brethren *imagined* they were losing something. By postponing the measure it will be tantamount to wait with certainty for another outburst of passion of, perhaps, greater violence, and to render all this suffering of our Viceroy and the people unfruitful,—not to mention the bad example that would be set to the many millions of uneducated Natives that by mere agitation, with or without reason, by abuse and threats and seditious language, and by bearding the representative of the Sovereign of England, anything they want, can be wrenched out from Government.

What then are we to do, to bring about a reconciliation between the ruling, and subject-races? I would suggest that some wise and impartial European gentlemen, who have not identified themselves with any party, and representatives of

all Christian churches, should call a public meeting of the oppositionists, explain to them the righteousness of the principle, and the Bill being its offshoot, the existing state of the law, whereby, in fact, they do not substantially possess anything that they are to lose by the proposed amendment ; the groundlessness of their fears, as in fact upon the very principle now sought to be subverted, a just proportion of the ruling races must have service in the land, and to tell even the loafing classes that it is not honest to try to escape from the clutches of the law when they do wrong. The ministers of religion can infuse with impressive language, that spirit of humility which would induce our Anglo-Indian friends to regard us as their younger brothers, and not to trouble themselves with imaginary loss of *prestige*. These ministers can, in effect, "create more room for the love of God, whereby there would be more room for the love of man."

We, on our part, ought to hold meetings giving expression to our grateful feelings towards our Anglo-Indian brethren, and to ask them to show their love, and not to see in the Ilbert Bill, any cause for a breach between us, as, in fact, it being a righteous measure, it cannot but lead to good. We would even tell them that if they believe that they have hitherto been enjoying a big apple of privilege, and if our Sovereign-mother has thought fit to give a slice of it to us, you should

not grudge it; you should not fret and frown and disrespect her by reviling her representative, and hating us with bitterness, and make it the apple of perpetual discord. We beg of you, we beseech you that if you are our superiors, plume not yourselves on your superiority, but as befits an elder brother, you should be—

“To our faults a little blind,
And to our virtues very kind.”

We shall point to the grand lesson of humility, taught by our *Rishis*, and hope prayerfully for the return of peace, trusting to the magic of time and patience.

Many a time as fruit after fruit of the great principle began to make its appearance, false views, imaginary fears and pride provoked the ire of our Anglo-Indian brethren, and urged them to make passionate agitations. I shall allude here to one only.

In 1856, a Bill was introduced into the Indian Legislature for the extension of criminal jurisdiction of the Mofussil or country Courts to all classes of Her Majesty's subjects without respect of religion, race, or place of birth. One of the phases of the criminal law, then extant, was that European British-born subjects charged with crime, were amenable only to Her Majesty's Supreme Courts in the Presidency Towns, and exempted from the jurisdiction of even British Civilian Magistrates out of such towns. Many

were the instances of failure of justice and of administrative inconvenience on this defective state of law, and the Bill was proposed to amend this defect. Sir Barnes Peacock, late chief justice of the Calcutta High Court, then in the Council, strongly supported it. Our Anglo-Indian brethren (this time, of course, the non-official portion) opposed the measure, and some thing like the present agitation was got up. The members of the Civil Service were severely attacked, and the non-official Englishmen expressed their determination that they would never forego their right to be tried only by Her Majesty's Supreme Courts and by a Jury, and that they would, on no account, submit even to "full-fledged Civilian Eagles" as they said. They christened it "the Black Act," and the Natives, "the White Act." The "Civilian Eagles," however, got the power, and the illusive vision of mischief vanished, time has healed this rupture. In the agitation that now disturbs the country, most of the members of the Civil Service have thrown in their weight, and supported their non-official brethren. The rift in the lute that was left in 1856, has raised the present jar; Lord Ripon will mend the rift; and time will again restore the harmony. We are before the supreme tribunal of God; the cause is righteous; and in the thought which the expression "*Yehovah Shalom*" conveys, is our firm hope of a speedy restoration of peace and friendship. Nay more,

my and my countrymen's faith is that we, Hindus are by descent, the brothers of the Britons, and that as we and our Moslem brethren and brothers of all nationalities, with the march of education and under various salutary influences, are falling into the same grooves of thought, and cherishing the same ideas and aspirations as those of our ruling race, and as "consanguinity of thought and feelings is higher than the consanguinity of blood" we shall all be welded together with the dominant race as practically one nation, worshipping in many languages and in different shrines, the same God, regarding each other as sons of the same Creator, owing allegiance to the same Sovereign, and blending all individual interests in the one same great interest of that Sovereign's Empire.

When next any great measure would be proposed by Government, we hope to be able with one voice to make our wishes known, with reason to support, and couched in the language of loyalty and respect. I again say "*Jehovah Jereh* and *Jehovah Shalom*," and you cannot but only say *amen*.

Reverend Father, yours is the loving object of bringing about peace and reconciliation, and mine is an humble effort, honestly, loyally, and conscientiously to help it. If you, therefore, think that the publication of this private correspondence in the public interest, would be of any avail, I would

repuest your permission to give it publicity.

After Mr. Macfarlane's perusal of this paper, which, to make myself explicit, has, I fear, run to great length, if he be kind enough to see me, he can honor me with a visit any day in the morning at 9 A.M., only previously informing me of it.

Trusting you are in the enjoyment of perfect health.

I remain,
My dear Revd. Father,
Yours very sincerely,
RAJENDRA NARAIN DEB.

ST. XAVIER'S COLLEGE,
10 & 11 PARK STREET,
Calcutta 17th December 1883.

TO RAJA RAJENDRA NARAYANA BAHADOOR.

My dear Rajah,—I send herewith the reply of Mr. Macfarlane; he proposes, as you will see, to call on you to-morrow.

Very sincerely yours,
E. LAFONT.

I have no objection to the publication.

12, MISSION ROW,
The 17th December 1883.

TO THE VERY REVD. FATHER E. LAFONT S. J.

My dear Father Lafont,—I have read the Rajah's note on the subject of the Ilbert Bill with deep interest. It is a great advantage to have the

views of a distinguished Native gentleman so clearly and ably expressed, and I hope the Rajah will allow me to express the feeling of profound respect and admiration for his character and sentiments with which I have perused his letter to you. If all are actuated by such high and honorable feelings, the task of governing this country for the good of all classes would be comparatively more easy, I have spent a good many years in India, and take a deep interest in the welfare of the people, and have a strong desire to see them more extensively employed in the work of governing their own country. But I venture to submit that this is not the question at issue. I have no sympathy with extravagant language or demands, whether they come from Natives or from Europeans. I condemn, as unwise and unjust, the attack that has been made upon Natives in connection with the Ilbert Bill, and all the recrimination that has followed. But when that is done, the question still remains as to whether it was wise or prudent for so small an object (for it is exceedingly small to the Natives) to raise a needless cause of contention. I deplore it on many grounds, but most of all in the interest of the Natives themselves, for I fear that this agitation will prove to be an obstacle in the future to the introduction of reforms, destined to confer substantial benefits upon the Natives. No Government in the future will be willing to incur the risk of raising such another storm, unless compelled by actual

necessity. In this case, in my humble opinion, the Natives are fighting for a shadow, an unsubstantial phantom, which, if they obtain it, will be of no real value to them. What does it matter to the mass of the Natives of India, whether ten or hundred Native gentlemen have the power to try Europeans or not? I foresee that the government, when they have passed this Bill, will be compelled by prudent considerations to abstain from appointing Natives to places where it will be likely that he might be called upon to exercise jurisdiction under its provisions. Can any one doubt that if, having passed the Bill, the Government were to send a Native Magistrate or judge to Assam or Behar, a very serious condition of affairs might arise which might bring the Government into actual collision with the whole Anglo-Indian community? The Government, for the sake of consistency, may pass the Bill, but it will be a dead-letter for another generation. This will prove, if I am right in my prediction, a serious source of injustice to Native members of the Civil Service, for it will confine their appointments to undesirable stations or places, where there are no Europeans. Would it not have been better to have waited for another generation? In the meantime, Europeans have had time and opportunity for judging the actions of Native Civilians, and confidence might have grown to such an extent that there might have been no opposition. I discard altogether any idea of imputing to Native Civilians

a want of judicial uprightness and integrity, but when that is done, there is left one view of the case which is very serious to the Europeans, and it is this, what will the lower-class Natives in the Mofussil do, or be tempted to do, if this Bill becomes law, and the Native Magistrate or judge is appointed? What will they think they can do? They will not take the honorable and lofty view of our enlightened friend, the Rajah, but being corrupt themselves and untruthful, they will believe their countrymen to be same. That belief, however erroneous it may be, will tempt them to bring false cases before him, which they would not have dared to bring before a European. It will be said that the Native Magistrate or Judge will soon, by his action, remove such a false impression. I am afraid that it would be a slow operation, although I do not deny that it might be done in the course of time. But suppose that a great many Europeans have, in the meantime, to undergo the misery of false accusations, while the lesson is being taught, is not that a heavy price to pay for so little? Let me quote here the words of one who is a strong supporter of the Ilbert Bill, and not rest this view of the possibilities of the case upon my own inferior opinion. Dr. Hunter says in his book upon Bengal:—"The Bengali, whether rich or poor, seeks his revenge against an enemy not by inconsiderate violence, but by due course of law. He uses the Courts for the same purpose for which an Englishman em-

loys a horse-whip. A criminal prosecution is the correct form of inflicting personal chastisement. The Police Returns in India disclose an overwhelming proportion of false complaints to true ones, and the Bengali has reduced the rather perilous business of making out a *prima facie* case to an exact science." If there is any cause of offence in this, the Rajah will forgive me for the words are not mine. If the power proposed to be given to Natives to try Europeans, would have a tendency to increase the number of false cases which Dr. Hunter says, are, under the old system, "overwhelming," it would be better to wait for a better state of things. Why not wait for a more advanced state of education and enlightenment amongst the Natives in general before trying experiments that can be of no advantage even to those who obtain power, and may be a serious matter to many who might suffer? No one can doubt that the alarm created in the minds of Europeans, is very genuine, and even if you think it unreasonable and unreasoning, is it not worthy of serious consideration?

The European is told that he is already subject, in civil matters affecting his property, to Native Courts; and that being so, it is illogical to object to the same jurisdiction in criminal cases. I cannot see that this argument is at all conclusive. The Anglo-Indian has submitted to the one but is not prepared, if he can help it, to submit to the other. And what does this prove? It proves that

he values his liberty and his reputation more than he values his money. Natives and the supporters of this Bill say that his fears are a delusion, based upon race animosity, and that they will vanish as other delusions have vanished. In the meantime, they are very real and nothing short of absolute necessity can justify the Government in ignoring them. If it could be shewn, or if it could be even reasonably pretended that the Anglo-Indian's privileges constituted an injustice to the Natives or a very serious inconvenience to the Government, or that the Natives had petitioned for their abolition, there would have been at least some excuse. But it is not so, for this measure has been thrust upon the Natives. They did not ask for it; they did not care for it; and they would not advocate it now, if it had not been made into a race question. It is natural that they should take what is offered. It is natural too, that small and unasked for as it is, they should object to having that which was offered, snatched out of their very mouths by violent agitation. The Rajah says that the Bill is a very small one, but it is clear that his admiration for it, is not due to its own beauty or magnitude, but because he looks upon it as a stepping-stone to much more. He looks upon it as an indication that all the privileges of the "ruling race" are to be abolished, and that, at no distant time.

This finger-post points the way to the consid-

eration of a branch of the question which the Rajah seems to have unaccountably overlooked. If the "ruling race" is to be deprived of every privilege, will it be content to have, unassailed, the many privileges, enjoyed by the "ruled race?" The Rajah says that "the fundamental principle of governing dependencies of a mother-country, is that of equality in the eye of law of all classes of subjects." Has this fundamental principle been attained in India, and is it attainable? Are the Natives prepared to make an exchange with the Europeans? Supposing all the privileges of the Europeans to be utterly abolished. Are the Natives prepared to conceive what must sooner or later follow? If there are to be no distinctions "in the eye of law," or rather in the matter of tribunals, to enforce the law in favor of Europeans on the ground of justice and on the plea of equality, how can those in favor of Natives be maintained? Are Native ladies to be excused by law from the obligation of appearing in a witness-box where their European sisters can be forced to place themselves for examinations and cross-examinations? Let me put a case to the worthy Rajah. Let us suppose that I bring a suit against him, involving a large sum of money. It may be all I have in the world, and that my wife, having been put into the witness-box, sworn, and cross-examined, I demand that the wife of the other party to the suit shall also appear in the box as a

witness essential to my case. I am ignorant of there being any obstacle to this course, for I have been told, and have believed that as the Rajah says, there is equality "in the eye of law" I imagine my astonishment when the Rajah's Counsel oppose my application, and, as support of his refusal, reads Clause 640 of the Code of Civil Procedure as follows. :—

"Women, who according to customs and manners of the country, ought not to be compelled to appear in public, shall be exempt from personal appearance in Court," there is a note to this clause saying that the exemption "cannot be claimed by all women of rank," but it goes on to say "but out of respect to the customs of this country, the *invariable* practice has been to allow respectable females, who are not accustomed to appear generally before the public, to be examined in their *palkis*. There is another note which says "there is no appeal from an order refusing to summon a person under this section."

I may think this exemption a serious obstacle to justice in my case, but what am I to do, there is the law and it cannot be broken, and even if I could get the lady into Court in a *palki*, how is she to be identified, and is the Judge to watch the demeanour of a witness who is invisible? I have a happy thought; I will summon the Rajah himself; again the Counsel intervenes and reads Clause 641 of the same Code, exempting "from

personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the privilege of exemption." The Rajah has been so exempted and will not appear, but I may have him examined by Commission. In this case too the demeanour of the witness cannot be watched, and I lose my case. Surely these two clauses lead to some administrative inconvenience, and are likely to help a miscarriage of justice and constitute one, if not two anomalies. It is surely a greater anomaly and obstacle to the course of justice that a large mass of persons, some hundreds of thousand, if not millions, should be exempted from appearing in Court at all, than that Europeans should have the privilege of being tried by their own countrymen. I could cite some other privileges that are conceded to Natives, but I think the illustration I have given will suffice. To an English mind, it is as incomprehensible that a Native lady should object to being seen as it is to the Native mind that Englishmen and women should object to being tried before a Native Judge. It is true of every country to some extent, that people can only live in harmony with each other, by a system of mutual toleration and by carrying into practice, the principle of give and take, but there is no country where it is so urgently needed as India. I need not tell the Rajah, of the difficulties caused by the caste system, for he knows them far better than I do, but I may say

that the intercourse between Europeans and Natives, which would have given them a better knowledge of each other, has been rendered impossible by no lack of good-will on the part of Englishmen, but by Native social customs. It is social intercourse, the visiting, the eating, drinking, and smoking in each other's houses that tends to remove race prejudices, and not an occasional meeting in public places. The Rajah knows that it is no fault of ours that this is not done. Is it not true that highly as the Natives esteem the Viceroy, those who have not given up their caste, could not eat out of the same dish or drink out of the same cup with him. What would the Rajah and his co-religionists say and do if the Government were to nominate two or three clever *mehters*, *chamars*, or *domes* to the Civil Service? I ask the Rajah honestly to say if such a thing is possible in the existing state of things in India, and if it is not, where is your "equality in the eye of law?" Is not this a disqualification due to race and creed, which is insisted upon by Natives themselves? Was this disqualification of caste abrogated by the Queen's Proclamation? It was in theory, but would the Natives like to see it carried out in practice by appointing such castes as I have named (there are many others) to places on the Bench? It cannot be done, and the Natives who talk of race disqualifications, would not allow it to be done. I am against race disqualifications as

much as any one, but I do not oppose the Ilbert Bill on any such ground. It is the Natives who are real supporters of distinction, which have not even the poor excuse of being on the ground of difference of race, for they enforce them against their own people. They have decreed that no man shall rise out of the rank in which he was born, and while they are demanding equality with the ruling race, refuse it absolutely to their own countrymen. It would be easy to say much on this subject, but I desire to say no more than will suffice to show the inconsistency of the claim of equality on behalf of those whose fundamental principle is that the Creator has forbidden it.

I have said that I am opposed to race distinction, and I think that I have shown that Natives are in favor of them in the case of their own countrymen. I will say no more against Native Magistrates and Judges than this, and I say it without an idea of giving offence, nor do I think it will do so. I believe that residence of two or three years in England, is not sufficient to give any Native, however able, such knowledge of the English people and their ways, as a criminal Judge should have, and if that is the case with the Native gentlemen who have been in England, how much stronger will the objection be to those who have never been out of India, that is, the Native Civilians appointed under the Statute 33 Vict? They are to be specially selected, and

will be specially watched during a good many years before they attain the position that will entitle them to try Europeans. They will, in the meantime, have gained much experience; yes, that is so, they will have had much experience in trying Natives, but hundred years spent in that work, will not add one grain to their knowledge of European character. To my mind it is nearly all the argument against the Ilbert Bill that is required to show that Europeans have a genuine dread of it. I do not think it just, unless an absolute necessity can be shown to subject any class to tribunals they mistrust. They mistrust these tribunals mainly, because they have not had a long enough experience of Native Magistrates and Judges to create confidence, and perhaps they mistrust them partly because of the intense eagerness shown by a few Natives to attain this power. Would it not then have been wiser to have waited until necessity had arisen, and until confidence had grown? Time might have done this, and all that the Rajah deplures, and that I and every well-wisher to India and its people, deplore, might have been avoided. I fear the future of this question as much as I regret its past. The evil will not be at an end when the Bill passes if it does pass, for the spirit of discord has been evoked, and I fear that it will not readily subside. War and strife are bad enough when they cannot be avoided and the object is an adequate one,

but they are far more unbearable when they are stirred up without cause. This miserable Bill has laid a foundation of future discord which cannot be contemplated without alarm. If you take away the privilege of the European, he will agitate for the removal of race distinctions in favor of Natives, and his claims will be unanswerable, for all the arguments of the Natives and other supporters of the Bill, will be ready-made to his hand to be used against them. It will be no use to talk to him of the obstacle presented by Native prejudices, for he will reply that his, have not been respected, and why should theirs.

I have tried to make these notes in reply to the Rajah's paper short, but they have run out in spite of me, and I have not said half of what could be said. Please send this letter to the Rajah, and I hope I have written no word that will give him annoyance or offence. If, by any accident I have done so, I am sure he will accept my assurance that it is unintentional, for I have a high respect for his position and character.

I shall do myself the honor of calling upon him next week.

Believe me, dear Father Lafont,

Yours very sincerely,

D. M. MACFARLANE.

RAJAH SIR RADHA KANT'S HOUSE

1st January 1884.

TO THE VERY REVD. FATHER E. LAFONT, S. J., C. I. E.

MY DEAR REVD. FATHER.—Since I heard from you last, Mr. Macfarlane has been good enough to honor me with a visit, and with reference to the conversation I had with him, he wrote to me several times for my notes on his reply to my letter to you on the Ilbert Bill. I promised to send my paper to your care. If he has not left Calcutta which he intended to do soon, I shall feel greatly obliged by your kindly forwarding it to him (after your perusal, should you have leisure for it), otherwise to his present destination. If you find time to read my letter, you will see that, at this terminal stage of the discussion of the question, a great part of what I have written, may not have an immediate interest, but I have tried so to connect it with topics of general importance and with information, not widely known to European gentlemen, that I hope you will not disapprove it.

The Jury system, now intended to be introduced in the Mofussil, if dispassionately and historically looked into, will be found by all concerned to be “a remedy worse than the disease.” Offering you all the compliments of the season, and wishing you a happy New Year, and many many happy returns of the same, I remain,

Yours very sincerely,

RAJENDRA NARAIN DEB.

RAJAH SIR RADHA KANT'S HOUSE,
The 1st January 1884.

TO D. M. MACFARLANE ESQ. M. P.

MY DEAR SIR,—I have had your reply to my letter on the general features and scope of the so called Ilbert Bill read to me, I have listened to it with great interest. It has raised many important points, some of which, I humbly believe, are met by what I have already said, and by the explanations given in some public journals, the rest is founded upon much wrong information and misconception, chiefly in connection with Hindu society and ways of thinking, which I deem it my duty to endeavour to correct. I shall also try to be more explicit on certain matters, which, I fear, I was not able to clear up, in my first letter. In this attempt, my rejoinder threatened to assume the form of a lengthy disquisition, but since you were kind enough to honor me with a visit, I have, in view of the conversation I had with you and of your approaching departure from this country, thought fit to cut it down in the shape of the following brief notes.

The prosperity of the country and an extensive employment of its people in the work of governing the country in the point of view in which I wish the matter to be seen, are intimately connected with the question at issue, because the Bill is the outcome of a great principle which, I have tried to define, and which, advanced statesman-

ship, I humbly think, must recognise.

An absolute sense of security of honor, life, and property, and hope of material improvement to cheer the mind, lie at the very bottom of this prosperity. The organization of Courts for Civil and Criminal Jurisdiction was, from the commencement of settled British rule, felt as an absolute necessity in the interests of the governing and the governed. This organization improving with every decade, has been bearing fruit till it has arrived at the present stage, when it is found that, in the interests of all classes of Her Majesty's British Indian subjects, it requires considerable expansion and amendment which the Bill contemplates to effect by the removal of the legislative shackle, imposed in 1872 on all Magistrates and Judges out of the Presidency Towns, who do not belong to the race of the British-born subjects.

The practicability of the intended wide scheme, depends much upon the economical way by which it can be carried out.

Thus the Bill is not only a necessary measure on theoretical grounds (though I submit, a theory involving an immutable moral law, must form a fundamental principle of statesmanship) but for its thoroughly practical character, it constituting with other co-operative agencies, a means for the increase of national prosperity, and hence of the commercial prosperity of England. That it is insignificant in its present scope and application,

I have already said. It, however, initiates a necessary movement which must gain in amplitude as the scope expands. Whether the Natives asked for the Bill or not, that would not affect the question if it is really a necessary measure, that it is so, I believe, I have been able to show above ; That it is cared for by the Natives, is sufficiently proved by their earnest and unflinching advocacy now and in 1856 ; that it was not in a fitful mood of generosity, " thrust upon " them by Government, and that, therefore, it is valued by them, will appear from my explanation that it is the inevitable and gradual outcome of a fundamental principle and from the whole history of the criminal law and criminal administration of justice in the country. Even if it is maintained that it was thrust upon them, it may be regarded as one of the many fruits of the great principle which, in times past, were thrown upon them, and will continue to be flung to them; otherwise there would be an administrative Nihilism deprecated even in England ; English education itself was brought to their doors, and a past generation of Natives, upwards of sixty years ago, instead of seeking for it, closed their doors against it. I have heard from my late father, Rajah Sir Radha Kant Deb Bahadur that, when in the early part of the present century, Sir Hyde East, one of the Chief Justices of the late Calcutta Supreme Court, first tried with other noble spirits

to lay the foundation of the late Hindu College—that first properly-constituted nursery of Western culture in India, he (my father) had to move about from house to house of the respectable Hindus, persuading them of the necessity of such education, and assuring them against harm therefrom to our religion by any direct teaching against it. Such measures and their co-operative institution, the Press, are now multiplying throughout the length and breadth of India, and doing their noble work.

That the educational policy of the British Government, which is progressively expanding, redounds to its glory, and is a proof of its far-seeing wisdom, not the bitterest opponent of the Bill, can deny; that this is a policy akin to the one we are discussing, is also undeniable; that the Bill may also be viewed as a necessary result of this policy also, a little consideration will show, I shall have to revert to it again. One of the objections to the Bill is stated to be the abolition by it of a privilege, claimed by the Anglo-Indian community. Privileges, whatever their character may be, and however derived, a wise Government which has plenary power to interfere with them, will tolerate, so long as they are innocuous, and whenever it deems necessary to abrogate any of them on account of its mischievous tendency, it would do it at such times and in such manner as would be judged right and proper. Power is invariably coveted,

and monopolised by the ruling races to the detriment of the ruled, and the former create for themselves and retain as extensive privileges as possible. No nation on earth has respected so much, the laws and customs of a conquered country, and tolerated its religion and privileges as the British; and as the history of British administration will show, with the improvement of the standard of statesmanship, have the appropriated privileges of the ruling class and the tolerated prejudices and practices of the ruled, been gradually abolished, whenever they were found to jar against the first principles of humanity or to be inimical to the public weal.

In the present case, the privilege claimed is, as I understand it, that Her Majesty's British-born subjects, when criminally charged in India, shall, among other things, enjoy the immunity from trial by Native and European Magistrates and Judges.

The privilege, in question, in the form that it is claimed, is, in the first place, non-existent as I have endeavoured to show in my first letter, and as has been ably shown in some public journals. In the next place, in the form that it exists from 1872, it operates as an injustice notably to the Natives but to all classes of Her Majesty's subjects, in this wise: a British-born subject, in some outlying village in the Mofussil, murders a Native or Eurasian, and being arrested by

Native Policemen, is brought before the nearest Native or Eurasian Deputy Magistrate, on a charge of felony on several counts. That functionary investigates the charge, and sends the felon for trial before a British-born District Magistrate in the District Civil Station, who, again, in the event of his suspecting him guilty of the charges, commits him to the Sessions of the High Court, or a still more distant place in any of the Presidency Towns, or if the Magistrate finds him guilty on any minor count but deserving a punishment which can be awarded by the next higher functionary—the District Sessions Judge, to this authority he is sent and by him tried, and, if the case be proved, duly punished. Moreover, under the right of appeal reserved to the felon of the British-born class, only *his* case comes for trial before one or two Appellate Courts. Now some relatives of the murdered man and witnesses (it may be of the peasant classes as any other) collected by the Police in support of the charge, will have to peregrinate from place to place, it may be in the cultivating or harvesting season, or in any critical times of business, and under various troubles and discomforts. The idea uppermost in the minds of these people, naturally would be how to get rid of the trouble as soon as possible, and their fate (in respect of protracted trouble and anxiety) deters their neighbours in future to avoid coming as witnesses under the clutches of

the Police, and even the murdered man's relative or at any rate, of a victim of minor injuries, prefers, to lay his complaints before the tribunal of God in the well-known form, "Thou livest, Thou knowest, Thou wilt do justice," rather than be tossed about in a state of bereavement in pain and misery. Such is the present state of things, and under it, want of proper witnesses, apart from other causes, would make the guilty escape, and the more such escapes, the greater becomes the rampancy of such crimes. I beg now the great as also the good among my Anglo-Indian brethren, who have ranged themselves in support of the so called privilege, would prayerfully brush away the mists of passion from their minds, and with their hands on their bosoms, ask their conscience, whether this exemption, in the light I have put it, does not lead to miscarriage of justice, and if it does (as I think I can prove also in other ways, but which, I shall not attempt now) whether it operates as an injustice to the Natives, Eurasians, &c., and to the law-abiding classes of the British-born subjects themselves; that it proves, or, at least, is about to prove, a serious administrative inconvenience to Government, is I believe, admitted to be certain. Justice, the needs of Government and the requirements of the prosperity of the country, therefore, demand the abolition of this privilege.

It has been urged that while the privilege of the ruling class is sought to be abolished, why

should the ruled classes retain some of theirs, such, for instance, as the immunity of ladies of genteel families and of certain titled gentlemen, from attendance in Courts as parties or witnesses in civil suits; why, when they cry for the abolition of race-distinction, they (the Hindus) themselves not only respect distinctions between different races, but between sub-divisions (casts) of their own race. The immunity referred to, which, a few (most insignificant in number in respect of the population) titled men of all classes of the Natives of India, enjoy, is akin to such things as ribbons, feathers, stars, and medals, which all Governments privilege their recipients to wear as badges of dignity, devised for good purposes. In the light in which you have put the question and addressed it to me, I can say for myself that old and infirm and helpless as I am, and, therefore, naturally disinclined to stand the trouble and discomfort of an attendance in Court, if, in any particular instance you (as plaintiff in the case supposed) would insist that a duly appointed Court Commissioner, with learned Counsel to aid him, will fail to examine my demeanour and note it down, and thereby a miscarriage of justice might arise, and if, moreover, the Judge agree with you, I should waive the otherwise innocuous privilege, and, even if I fail, to have the courage of my conviction, there certainly are not a few amongst my countrymen, who

would, for the nonce, make their dignity succumb to so holy a cause. I should say *en passant*, from what I had heard on a former occasion, that Government intend to be very chary in the bestowal of such favors in future.

As to the immunity (under the clause cited) of the respectable ladies of Indian nationalities, or rather of those who lead a strictly intermural seraglio life, I shall not now trouble you with a narration of the circumstances from which the custom of leading such a life arose, especially in Bengal, but accepting it as a fact and the easily deducible aspect of character which results therefrom, coupling it moreover with points of religion as well as with the custom (not generally known to our European brethren) of these ladies, guarding against touching the shadows of some of the nearest male relations of their husbands, though living in the same family, against even their voices being heard by their mothers-in-law—it will be seen how such timid creatures standing in the witness box, with their veils drawn up and commanded to reply to a torrent of questions, would be flurried and confounded, and thus lead to a miscarriage of justice—it is then, among other reasons, to prevent such miscarriage that the law, very guardedly and with many provisions, grants this immunity, and that only in *civil* cases.

As regards the caste system, a very large subject as it is to dwell upon, I shall briefly say that

both in respect of its theory, its bearing on Hindu society, the changes it has undergone, and is undergoing in its practical features, and of its actual present phase, a very great misconception prevails among foreigners, due, not in a small measure, to the writings of some sciolists, and the hastily adopted notions of its crystalised structure. It is our holiest teaching that all castes and races of men proceed from *Brahma*, and thus "partake of the same substance," and are, therefore, equal in the eye of God. Many popular legends and allegorical descriptions contributed to cloud this idea, though it has never been lost sight of; it is also believed that the barriers of caste are unsurmountable, but our mediæval literature discloses that castes arose from division according to occupations, there having been no such distinction before, and the separation having been effected by different Princes at different times, promotions to higher castes by merit, and degradation to the lower by demerit, were admitted; intermarriages were allowed, and social intercourse in all forms, was not interdicted. In later ages, a very strict order of things prevailed though breaches, under various influences, were, from time to time, made in it. Under the Mahomedan domination, the system was greatly affected, observable now in many social and political matters. Throughout all this period, esteem for intellectual greatness and moral purity and a

practical reliance upon merit have stood out in bold relief as a feature of national character, smothered and diminished at times under evil influences. Ministers of Princes, Judges, Professors of Arts and Sciences, Officers of the Army and various important functionaries have, during a long range of ages, been chosen for merit, without any regard to caste. When to this indigenous movement of the Hindu mind was applied the potent impulse of Western education, an education distinguished not only in its character (much still to be developed,) but in respect of its dissemination by which mind reacts upon mind—it has progressed in a wonderful manner. The result of the potent influence of this education, of extended commerce and trade, of an increasing love for the comforts, conveniences, and luxuries of life, requirements of speedy travel, the necessity of recourse to the alien healing arts, and of many such operating causes, manifests itself (I can say of Bengal) in almost extinguishing the vital principle of our caste system. Assigned occupations formed the essence of caste. Now people from the highest to the lowest caste, make choice of their pursuits and professions, and work according to their tastes or necessities—the performance of the sacred rites only being (except in cases of certain sects) strictly confined to the priestly class.

The educated and wealthy among them mix with each other in social intercourse on terms of perfect

equality in *private* convivial parties with whom Mussulmans and Europeans join in many cases, where no distinction, I have heard, is observed; there are some who keep themselves aloof from such entertainments, not from any scruples of conscience, but on principle, not wishing to hurt the feelings of relatives; others go the length of openly joining their European friends at the festal board, and not a few object to do so on account of difference of tastes, or on account of their not having been accustomed to the rules of English society in these matters. The strictly orthodox members, certainly, look askance at these practices, and see the approach of the time when, according to our *Puranic* prophecy, all Hindus would be *ekavarna*, or of one caste; but they do not think of the old system of persecution by boycotting (a fit word to express my idea) on prudential considerations, and on discovering recusants in most of their own houses. Thus, the fabric of caste is being undermined on all points of its foundation, except that of matrimony—which even would have been made havoc upon, if the Hindu law in this respect had not been protected by the Civil Courts. Such, then is the real picture of our society now laid bare.

In view of this, it will not be difficult for our European and Anglo-Indian brethren to understand that the high-caste men neither—the really orthodox Hindus whose number is fast declining, nor those who merely keep up an orthodox

form, care what low-caste man sits upon the Bench provided he possesses the due qualification and unimpeachable integrity; and pointing to the special query, I venture to say that scarcely any of our countrymen would demur to see a man of the *mehter* caste of exalted worth and solid learning, of requisite experience and good manners, dispensing Justice in the highest Court of the land. It would only give an extra blaze of glory to English education. Learned arguments based upon the influence of heredity and atavism, may be adduced by some to justify mere prejudice but they would apply to all nations and countries, and cannot but be ignored in a practical point of view. The equality in the eye of the law, of Her Majesty's subjects, is not only theoretically (so far as the levelling influence of education is concerned) within the purview of the celebrated Proclamation, but is being practically carried out among the caste-bound Hindus. As a matter of fact, now-a-days, men of high-caste, and low-caste and out-castes, indifferently occupy not only the Bench, and pervade the Bar but fill the higher rungs in the political ladder, and when found to be possessors of real worth, command our esteem and become objects of our pride.

In one respect, our opinions vary considerably from those of the civilised people of Europe; we recognise an intimate and unseverable connection between private and public character. We cannot

reconcile ourselves to a belief that a man who, in the private affairs of his life, habitually defies any fundamental moral law, can habitually act with justice and exhibit a transparent integrity of purpose in his public character. Intricate questions of casuistry and transcendental philosophy may be involved in this matter, but I do not pretend to solve them. I have, I believe, thrown sufficient light upon our present social structure and our ways of thinking to enable my Anglo-Indian brethren to believe that not an iota of our esteem and regard for our Viceroy, can be affected in the minds of the members of the strict orthodox community, or of many nominally so, if they fail "to eat out of the same dish with our noble Viceroy," and for the matter of that there are, perhaps, not a few who would gladly avail themselves of the honor; I may remark in passing, that we do not consider eating and drinking together as *essentially* necessary to understand character or to cement friendship, though, of course, it gives an additional zest to the pleasures of society. So much so, this is the case that, when an orthodox Brahman of the highest class describes the intensity of his intimacy with one of a subordinate caste, he says "we are identical, thread and cookery only divide us." Even orthodox Hindus, now-a-days, will not object to sit in the company of European gentlemen when they are taking their dinner, and enjoy with them the

“feast of reason and flow of soul,” though they may not touch a single delicacy that may be grateful to the palate or a drop of “the liquid fire” out of the cup that inebriates, or of that which only cheers. In times gone by, under the Mahomedan sway, an accidental or punitively-contrived contact of the flavour of the Mogul *cuisine* with the olfactories of a high-caste Hindu, threw him out of its pale from generation to generation.

It is stated that no one should be brought before a tribunal he distrusts: the grounds of distrust of the Anglo-Indians to appear in Criminal Courts presided over by Natives (I must add, in the Mofussil) being—

1. That “residence of two or three years in England is not sufficient to give such knowledge of the English people &c., as a criminal Judge should have” and that this objection is stronger in case of those who have not gone to England, and that a hundred years’ experience will not give them a grain of experience of the knowledge of English character.

2. There has not been “a long enough experience of Native Magistrates and Judges to create confidence.”

3. “Intense eagerness is shown by a few Natives to attain this power” *i. e.* to obtain the privilege of trying British-born subjects.

4. That though the Anglo-Indian has submitted to Native authorities in civil suits, they are not

prepared, if they can help it, to submit to them in criminal suits, in which their life, liberty, and honor are concerned.

Almost all of these objections have been very rationally answered in some journals, and can be met by much of what I have said above. I would like, however, to say something with reference to each of them.

1stly and *2ndly*. Our *Shastras* say that "one fact is stronger than a thousand texts." I should say then the suppositions, theories, and inferences, which make up the first objection, ought to succumb to the thousands of facts in the shape of criminal suits, in which British-born subjects are concerned, tried by Natives (who had gone to England or not) in the several High Courts, and Police Courts, in scarcely any one of which that I remember, has there been a failure of justice on account of the Native Judge or Magistrate not understanding the character and ways of Englishmen. Nor also any such failures have been seriously taken notice of, in respect of many more suits in which were implicated Europeans of other nationalities, and tried by Native Magistrates and Criminal Judges in the Mofussil. The character and ways of members of these nationalities being in many essential points the same as those of Englishmen. I believe a thinker approaching the subject with his mind—a perfect *tabula rasa*, grasping the above data and taking the long range of

years, which has supplied them, would conclude that there has been a sufficiently long experience of Native Magistrates and Criminal Judges to create confidence in the minds of the members of the Anglo-Indian community. As to Native judicial functionaries not having acquired that knowledge of the English character as to enable them to try them when charged with a criminal offence, it occurs to me here humbly to ask the question : Was it ignorance and incapability to understand the character and ways of their own countrymen, for which even the "full-fledged civilian eagles" were thought by our non-official Anglo-Indian brethren in 1856, unfit to sit in judgment over them in criminal cases ?

3rdly. As regards this objection, I submit that what has been pictured as a fact, is not really so, nor in the nature of the thing can it be such. Arguments, which have been strongly urged for the abolition of the claimed immunity in the public interest, should not be viewed as set forth for the purpose of acquiring the privilege of trying persons who belong to the ruling race, and even, if an improbable supposition would credit our soundly educated young men with the miserable ambition of possessing the privilege *per se*, it would vanish when it is remembered that they are already exercising it in many places.

4thly. Half a century ago, there was not an inconsiderable agitation among Englishmen here

to protest against Government placing them under Native civil tribunals, but it was a protest against reason and good statesmanship, and, therefore, failed. Rightly viewed, not only civil suits may involve questions of life, liberty, and honor, as well as in criminal suits—(but the judicial distinction of civil and criminal suits, is, if I mistake not, of recent date, and there are many matters including adultery, which can be brought before any of these Courts optionally), and if, in the adjudication of them by Natives in hundreds and thousands of cases, they have earned a well-merited reputation, testified to, by the highest competent authorities: Do not these facts, (more than sufficient for a scientific induction), I again beg to ask, create a presumption in favor of the power of the Native mind to fathom English character? in forming an estimate of any particular feature of which in an individual case, the opinions of your own countrymen (as it must) often vary and contradict each other.

In pointing to a future effect of the Bill upon the Anglo-Indian community in the event of its being passed, it has been urged that corrupt and untruthful Natives of the lower classes believing their countrymen to be the same, will be encouraged to bring false cases before Native Magistrates, and that although the Native Magistrates' action will take away the wrong belief, it will take time, during which that community will suffer from

false charges, and this opinion is supported by a quotation from the learned Dr. Hunter's book. In expressing my view on the subject, I beg most respectfully to ask : Do not all classes of Natives know the broad features of the character of each other ? Have thousands of years failed to produce this necessary knowledge, without which no society can subsist ? I beg also to call the attention of my Anglo-Indian brethren to the well-known fact that a large class of Hindus style the Judges, European or Native, *Dharmavatars*, or incarnations of Justice, and the criminal classes fear the Native *Hakims*, in one sense, more than alien authorities, in as much as they know that they run greater chance of being detected by the former than by the latter; and now-a-days, far from erroneously ascribing their own corruptible nature to Judges of their own race, they know them to be so immaculate and their betters imbued with such a high sense of honor and good breeding that a Judge and suitor, however intimate friends they may be, decline to see each other, or when they do exchange visits, they seal their lips as regards the pending suit, although it is a fact that in former days, not unoften, recommendations on behalf of suitors, used to be received by Native and British Judges alike.

Depravity in morals is to be found in our country as well as in all parts of the civilised world, and any argument derived therefrom to support the

adverse theory in question, can have no force: Elphinstone, in his History, says that, comparing class with class, "no set of people among the Hindus are so depraved as the dregs of our own great towns." The citation by which the apprehension of an increase of false charges against Europeans (or rather British-born subjects only) is attempted to be justified, should be examined properly. The first part of the extract given, runs thus:—

"The Bengali, whether rich or poor, seeks his revenge against an enemy, not by inconsiderate violence, but by due course of law. He uses the Court for the same purpose for which an Englishman uses a horse-whip, a criminal prosecution is the correct form for inflicting personal chastisement."

In this passage taken by itself, I do not see any condemnation of the Bengali national character, supposed to be conveyed by Dr. Hunter, nor do I think the wise Doctor prefers the avenger who takes the law into his own hands to him who abides by the law, approves the conduct of the man who seeks redress for a wrong (real or imaginary) by handling his whip, steel or revolver, and deprecates the action of him who, for the same purpose, repairs to the temple of justice. Permit me, Sir, to illustrate this view by a recent instance.

A military officer on horse-back, the other day took umbrage at a High Court Pleader (a perfect

stranger to him), failing, while walking in the street before his own house, to make obeisance to him, and flagellated him—the officer, no doubt, thought that a grave wrong was done to him (in having been balked of a mark of respect which a Hindu freely accords to any Brahman, he sees) and wished to exact it in the fashion of the alien Governor of Helvetia, who had hoisted his hat in a market to be bowed to, by the Swiss, but he forgot or did not know that the Brahman receives the honor due to the race of Rishis he belongs to, for their wisdom, knowlege, love, and benevolence, and that honor is no honor when it is extorted at the point of the bayonet. Now, what was the upshot of the case? The man of Law had recourse to legal means, and got his injurer legally punished. How better it would have been, if the irascible gentleman had resorted to a Court of Justice and there learnt that what, he could not demand as a matter of right, he could earn as a spontaneous offering for his love and kindness. To my mind, then, the good Doctor seems to level a censure at some of his own countrymen for their impulsiveness, violent temper, thoughtlessness and pride, in contrast with the self-control, patience and reverence for the law, of the Bengali.

I now come to the second part of the extract :—“The police Returns in India disclose an overwhelming proportion of false complaints to true ones, and the Bengali has reduced the rather

perilous business of making out a *prima facie* case to an exact science." Assuming the full force of the charge of untruthfulness of the Bengali, which this passage *seems* to express, and which would appear to vitiate the spirit of the first if it be coupled therewith, I wish to observe generally, at first, that if the Bengali only be tainted with a loathsome vice there are other many noble races in India not so denounced to whom, all objections, based upon such denunciations, cannot apply. Next let us see what term the Bengali implies I think it means all Natives of Bengal—Hindu and Mussulman and followers of other religions, domiciled there for a number of generations—from this category then will be excluded European sojourners only ; again, out of the Bengalis so defamed, only those are spoken of, who frequent the Courts, or whose business lies there (in the case of the rich, by their agents) or who hang about their purlieus—just the class of persons, from an observation of the character of whom, most thoughtful writers of your country warn against any general conclusions of national character being drawn. Lastly, it should be noticed that "Police Returns" and "*prima facie* cases" are spoken of. It would seem, therefore, the Doctor has in view the character of the Bengal Police underlings (whose duty it is to bring *prima facie* cases) not very worthy people all over the world. Moreover, it should be observed

that the false cases and true cases here spoken of, are determined to be so by the Police people themselves. If this be the drift of the passage quoted, I have nothing to say to it.

There is another point of view from which the passages may be regarded. The Doctor is a very learned man, very kind-hearted, and a true friend of our country, but he is not infallible. Let us suppose that in the concluding portion in the second passage, he means that all Bengalis, rich or poor, (nevertheless the educated classes seem to be excluded) exhibit a thorough untruthfulness in matters in which they are concerned either as parties or witnesses in a criminal suit, and let us see whether this conclusion has been arrived at by following the rigid rules of induction. The data are furnished by Police Returns, showing that false cases of complaints are overwhelmingly greater than true ones. Now my cue being to deal with the character of the Hindu Bengali, I should naturally like to be enlightened on some such points as the following :—

1. What proportion of Hindu Bengalis were found to have brought false charges ? What witnesses were adduced by the Police, and what, by the parties, and what was their nationality ?

2. How many of such cases, when determined as false by proper authorities (supposing that to be the Doctor's meaning), were not appealable, or though appealable, were not brought up in appeal.

3. What, in each of such cases, were the grounds of the conclusion arrived at? In which instances, the witnesses (in the sense Mr. Justice Phear had to explain) tried to prove too much, and therefore failed? In which case, owing to their simplicity—they were confounded; and in which they really perjured themselves.

4. In how many cases, the victims of an injury failed to obtain justice in Courts, though the whole neighbourhood knew it to be true.

Without these data, the induction could not be true, and many of such data, in the nature of the thing, could not be forthcoming.

It is needless however to beat about the bush in this way with reference to the particular passage cited. Let me at once face the fact that some historians, some hasty observers, some writers habituated to look at things through colored media, some, if for nothing else, only to "stretch a point" as authors and journalists are said to do, have propagated the absurd and injurious belief that the Hindus are, as a rule, addicted to falsehood. To refute this I cannot do better than refer you and my Anglo-Indian brethren, who at all care for it, to the second Lecture of Professor Max Muller in "WHAT CAN INDIA TEACH US," in which he has arranged a host of unimpeachable witnesses of many creeds, races, and ages, historians, travellers, missionaries, public functionaries and statesmen of vast experience and

noted for their observing powers, critical acumen and impartial judgment—who have given unqualified evidence of the truthfulness of the Hindu character. I shall give a few pertinent extracts from that splendid work—splendid for its conception, for its benevolent spirit, for the logical precision of his arguments and the eloquence which breaks out from true earnestness. On the thoughtlessness of sweeping charges against a nation, he says :—“So often the charge of untruthfulness has been repeated, and so generally is it now accepted that it seems almost quixotic to try to fight against it. Nor should I venture to fight this almost hopeless battle, if I were not convinced that such a charge, like all charges brought against a whole nation, rests on the most flimsy induction and that it has done, is doing, and will continue to do more mischief than anything that even the bitterest enemy of English dominion in India, could ever have invented.”

“The rules of induction are general, but they depend on the subjects to which they are applied, we may follow an Indian proverb, judge of a whole field of rice by tasting one or two grains only, but if we apply this rule to human beings, we are sure to fall into the same mistake as the English chaplain who had once, on board an English vessel, christened a French child, and who remained fully convinced for the rest of his life that all French babies had very long noses.”

* * * * "I can hardly think of anything that you could safely predicate of all the inhabitants of India, and I confess to a little nervous tremor whenever I see a sentence beginning with "The people of India" or even with 'All the Brahmans' or 'All the Buddhists,' what follows is almost invariably wrong."

The worthlessness of international judgment, he illustrates thus :—

"Read the account of English travellers in France, and you will find very little said about French honesty and veracity, and the French accounts of England are seldom without a fling at "Perfide Albion."

Only the other day an English paper was being read to me, in which the French nation has been described as worshipping the 'Goddess Lubricity,' and therefore soon going to ruin.

The Welsh and the Irish have, also of late, been described in odious colors. Respecting criminal populations, basing his (Muller's) information upon Elphinstone, he states that the number of capital sentences was one in every 10,000 in England but only one in every million in Bengal.

On other important subjects I beg to quote yet more fully, though I am not sure whether I shall, in all instances, be able to give exactly his own words.—On the litigiousness of the Natives.

"Dr. Robertson seems to have considered the litigious subtlety of the Hindus as a sign of high

civilization rather than of barbarism, but he is sharply corrected by Mill who tells him that nowhere is the subtlety carried further than among the wildest of the Irish." That Courts of Justice like the English in which a verdict was not to be obtained as formerly in Mahomedan Courts by bribes and corruption, should at first have proved very attractive to the Hindus, need not surprise us."

Then he asks the question :—" But is it really true that the Hindus are more fond of litigation than other nations ?" and replies to it in the words of Sir Thomas Munro—" I have had ample opportunities of observing the Hindus in every situation and I can affirm they are not litigious," and refers very properly also to the following passage from our great Law-giver Manu:—"Neither the King himself nor his officers must ever promote litigiousness nor ever neglect a lawsuit instituted by others."

Here I beg to add a few facts well known to my countrymen in support of the above reply : for one injured man among the Hindus, who goes to law, how numerous are wronged men who keep aloof from it for various reasons according to varying circumstances.

There are kinds of injuries in respect of which certain respectable people (in our country, respectability is not the monopoly of rank or affluence) are over-sensitive ; others are of a to

phlegmatic nature, a third class does not like to fall into the clutches of the Police to undergo trouble and discomfort, to neglect their affairs in critical times, to provoke the ire of, perhaps, a tyrant, and the last class poverty stricken keeps ice-bound in his cell. What do most of these people do when they become the victims of myriad forms of wrong inflicted upon them, either by their own countrymen or foreigners? Why, in the spirit of Chryses, in silence they pray to their God to witness the deed and to avenge the wrong. Some, in a more subdued spirit, breathes out a prayer—"Thou *Bhagavan* (adorable Lord) livest and seest. Let Thy will be done," and even there are sturdy natures who, like another Anaxagoras, can exclaim "strike on tyrant, thou strikest but my case, thou canst not touch the man within."

If the Hindus had been as litigious as they have been described, the Civil and Criminal Courts would have had to be multiplied manifold. In the light I have put the question, the words of Warren Hastings should be regarded as corroborative testimony.

"They (Hindus) are gentle and benevolent, courteous, intelligent, more susceptible of gratitude for kindness shown them, and less prompted to vengeance for wrongs than any people on the face of the earth: 'faithful, affectionate, submissive to legal authority.'"

On the truthful character of the Hindus, and

how it should be judged, Colonel Sleeman says in his "Rambles" to the effect, that "no one knows the Indians who does not know them in their village communities, and that these communes present true features of their character which are almost unknown" The collective evidence of Hindu writers, Greek, Chinese, Arabian, Pathan, general Mahomedan, Italian, and of British Historians, from hoar antiquity through successive Governments down to modern times having been drawn to a focus by Professor Max Muller (and in doing which the great *savant* seems to have been rather overpowered by the exuberance of the testimony before him than troubled to seek for it) he concludes, "so I could go on quoting from book after book, and again and again we should see, how it was love of truth that struck all the people who came in contact with India as the prominent feature in the Native character of its inhabitants. No one ever accused them with falsehood. There must surely be some grounds for this, for it is not a remark which is frequently made by travellers in foreign countries, and even in our time, that their inhabitants invariably speak the truth." And in another place he observes "Are these 253 millions of human beings to be set down as liars because some hundreds, say some thousands of Indians, when they are brought to an English Court of Law on suspicion of having committed a theft or a murder, do not speak the truth, the

whole truth and nothing but the truth? Would an English suitor, if brought before a dark skinned Judge who speaks English with strange accent, bow down before him, and confess at once any misdeed that he may have committed; and would all his mates rush forward and eagerly bear witness against him when he had got himself into trouble?" Nor is the great German scholar unmindful of the damaging influence of Mahomedan misrule—he says:—"Historically I should like to draw a line after the year 1000 A. D. When you read the atrocities committed by the Mahomedan conquerors of India from that time to the time when England stepped in, and whatever may be said by her envious critics she, at all events, made the broad principles of our common humanity respected once more in India. The wonder to my mind is how any nation could have survived such an *inferno* without being turned into devils themselves."

* * * "I can only say that, after reading the accounts of the terrors and horrors of Mahomedan rule, my wonder is that so much of national virtue and truthfulness should have survived. You might as well expect a mouse to speak the truth before a cat, as a Hindu before a Mahomedan Judge. If you frighten a child, that child will tell a lie, if you terrorise millions, you must not be surprised if they try to escape from your fangs."

And affected as were the Indians by the Upas

tree shade of the preceding rule, what does Sir John Malcolm say of them :

“ I by no means wish to state that our Indian subjects are more free from this vice than other nations that occupy a nearly equal position in society, but I am *positive* that they are not more addicted to untruth.” And Sir Thomas Munro’s testimony is still higher. Speaking of the moral character of the Hindus, he says—

“ They are not inferior to the other nations of Europe and if civilization is to become an article of trade between England and India, I am convinced that England will gain by the import cargo.”

Rickards, in his history, after comparing the prostration of ancient Europe under its conquerors as described by Dr. Robertson, with the effect of Mahomedan conquest upon the Hindus, says:—
“ In this respect the advocates of Hindu degeneracy would be forced to admit that a comparison between the inhabitants of the East and West, is not favorable to the assumed innate superiority of the latter.”

Accepting the fact, as it is, that there is not any very extraordinary feature of untruthfulness in India, that is not to be found in other countries, no arguments against the new system, based upon the assumption of its existence, can stand. When, again, a false case, in the ordinary course of things, may be supposed to be instituted before a Native functionary by a Native against a British-born

subject, supported by Native witnesses, there is a greater chance of falsity being detected by such an authority than by a European. The Native functionary would be obviously more able to unravel the skein of any supposed conspiracy, and there is comparatively less chance of false evidence in such cases.

According to the proofs that Colonel Sleeman brings forward, there is very little of untruthfulness even among unscrupulous characters, when confronted with elders of their own tribes, because they are afraid of a speedy exposure, of which they would be ashamed. "In *punchayets*," he says, "men adhere habitually and religiously to the truths, and I have had before me hundreds of cases in which a man's property, liberty, and life have depended upon his telling a lie, and he has refused to tell it. Could many an English Judge say the same?" Such views then, in addition to what have been set forth in their proper places, point to the necessity of the new system in favor of our Anglo-Indian brethren. In connection with this subject, I wish to set in another light, the flagellation and deadlier punishments which some European gentlemen of good breeding even, think as the proper mode by which they can, of themselves, take revenge. Contrasting it with the attempt of a wicked Native to enmesh his enemy in a net of lies in a Court of Justice—Who is the greater offender against the State? He

who is conscious of doing a greater wrong against the law than he has received, whose vengeance takes a form which cannot be corrected, when its cause is found to be untrue, and from whom education and Christianity have failed to wrench the castigating whip and more dangerous weapons? or he who flies to the Hall of Justice, has not learnt as yet that a just end can not sanctify foul means, and whom education and higher teachings (they may be of his own or of another country) hope to induce to drop his enemy-catching *Reticulum* for ever? not even to use it for his life, liberty, and prosperity?

In making these remarks I beg to be understood that it is not my intention to give a rose color picture of my countrymen. We have many defects and many vices as *all nations* have, and which need to be remedied,—my sole aim being to show the other side of the question more strongly than is usually seen, and my meaning will be fully illustrated by the following passage of Professor Max Muller: “No doubt, there is moral depravity in India, and where is there no moral depravity in the world? But to appeal to international statistics would be, I believe, a dangerous game. Nor must we forget that our standards of morality differ, and on some points, differ considerably from those recognised in India, and we must not wonder if sons do not at once condemn as criminal what the fathers and grandfathers

considered right. Let us hold by all means to our sense of what is right and what is wrong, but in judging others, whether in public or private life, whether as historians or politicians, let us not forget that a kindly spirit will never do any harm."

I ask your indulgence to introduce here a few of the many sayings of our ancient teachers on the subject of truthfulness, as a good deal of wrong notions prevail on the subject, and more so because the ethics of the Hindus are inseparable from their true religion, and its influence is weaved in every tissue of a Hindu's life. It is a good warning given by a *Rishi* that "our ancestors watched the answer of a witness, because, according as it was true or false, they themselves would go to heaven or hell." The same *Rishi* says:—"Practise righteousness, not unrighteousness; speak truth, not untruth; look far, not near, look up towards the highest, not towards anything low." *Manu* teaches:—"Self is the witness of self; self is the refuge of self; do not despise thy ownself, the highest witness of men." Again: "Oh friend whatever good thou mayst have done from thy very birth, all will go to the dogs, if thou speakest an untruth." One of our great epics points a lesson which you will recognise as a fundamental doctrine of Christianity:

"With meekness conquer wrath, and ill with ruth.
By giving, niggards, vanquish; lies with truth."

Another :—

“ Whene’er thy acts, the source must be,
Of good or ill to other men,
Deal thou with them in all things then,
As thou wouldst have them deal with thee.”

I have yet some other points of your reply to touch upon. Among some of the future effects of the Bill (if passed) upon the Natives, it has been stated that—

(1) Government will be obliged to make at first appointments under the new system, where there is a paucity of Europeans, and therefore, generally, to undesirable places.

(2) That if Natives are sent to such localities as contain a large number of those inhabitants, a serious state of affairs would arise bringing Government into collision with the Anglo-Indian community.

(3) It will, by the agitation it has given rise to, prove an obstacle to the bestowal by Government, of substantial benefit upon the Natives, inas much as no Government would like to face another such storm.

(4) It would become a dead letter.

I should say generally of most of these objections that they appeal to the selfish instincts of the Native functionaries, under the new system, they must be prepared in this respect to sacrifice the interest of their individual selves, if Government, in its wisdom, see fit to inaugurate the policy

in this way; moreover it should be seen that there are already Magistrates and Judges in undesirable places, and as by just transfers from time to time they are sent to better places, so in due time the new appointees can hope to get out of bad localities. Not to mention that a sense of duty and a sufficient leaning to altruism, should reconcile them to their fate, knowing, as they do, that it is the initiation of a progressive and fructifying measure by which the country is to benefit. If, on any future occasion, it should, unfortunately, happen that the Anglo-Indian community would oppose any boon being conferred by Government upon the Natives, because the latter have not yielded to its wishes in the present matter, it would be the duty of Government, that wishes to rise above a mere Astynomocracy, to decide the problem as to whether it should yield to the demands of passion of a few of the ruling nationality or to act according to the dictates of reason, justice, and good statesmanship in the interest of the overwhelmingly many who constitute the ruled nationality. If, again, the Government is brought into collision with any section of Her Majesty's subjects for its doing what is right, it should know its own strength to face it or not. As to the Bill becoming a dead-letter, I should rather think it would prevent the Queen's Proclamation being so.

Now, I believe, I have met in the best way I

can, all the broad questions involved in your reply, underlying all of them however, my countrymen would say there is a feeling to keep up a race-distinction—a desire that the ruling race is not to submit to be tried by a tribunal presided over by a Native in a criminal suit, because he is a Native and belongs to the ruled nationality. This feeling and this desire are the elements of a strong prejudice, and unreasoning, as is the essential character of all prejudices, they too have to be taken into consideration by a statesman, or, in other words, that a statesman should not only see that a law is the best law on principle, but that it is the best adapted to times and circumstances, and it is in this sense, I believe, you say that even as an “unreasoning alarm, it deserves serious consideration.” As regards the measure in question and the people of the country, our Government has slowly and cautiously bided its time, and has been rather dilatory than hasty, and although in view, sometimes, of the prejudice of the Hindus, and sometimes of that of our Anglo-Indian brethren who assist Government in working its machinery, or in developing the resources of the country, it has often had to check legitimate progress and improvement in the art of ruling, the question is whether now it should withdraw its hands from the good direction in which they have been stretched. For its solution, let us first see how the British Government of

India has all along proceeded in battling with any form of prejudice which it has had to encounter. Its own clearness of vision must precede all its efforts, it takes into cognizance the character of the prejudice, in the effects it produces, the men who entertain it, and the extent to which it pervades amongst them, and whenever it has seen that the prejudice, whether religious or political or merely traditional, were subversive of the fundamental doctrines of humanity and justice, it has looked round, and if it found it to be very deep and disseminated and thickly imbedded in an impenetrable mass of ignorance and its (Government's) power weak, it waited for its time, and when it arrived, the baneful Upas was uprooted with a gaint's wrench. In this way Governor Job Charnock could only rescue an almost perishing beauty from the funeral pile, and, as the story goes, took her for his bride, because she could not return to her family. But a Bentinck, strong in his power, stamped out religious suicide from one end of India to the other, and in this way also in the maturity of time, the Government made the Ganges "cease to claim her infant victims."

Next, let us see what is the character and tendency of the prejudice in question, who entertain it, and whether Government, in its strength and wisdom, ought to allow it to work out its results. That in its aspect as a privilege claimed, it operates very injudiciously against the interest of

the country and hampers the machinery of Government, and also in its simple unreasoning feature, it brings out into strong relief, one element of inconsistency in submitting to a Native Judge in one room, and not submitting to him in another in which again he did submit to him only eleven years ago—I have already shown.

Again who show the play of this prejudice in their minds? A few gentlemen of our ruling race, and of those few, in some, it is genuine, and in others, the exhibition of it, is said to be factitious by certain English gentlemen of great experience, and in those even in whom it is real, it has been studiously evoked, and has not burst out spontaneously, as would have been in a strong form in our case in the pre-Bentinck days, if the *Sati*-abolition agitation had then been attempted, and which did break out in a comparatively weak form on that occasion.

Moreover, what is this race—a race, which has reached the topmost pinnacle of civilization, which has, not only by the valor of its arms, acquired, and which domineers over, all the expanse of earth and ocean “over which the sun never sets,” but is truly proud of its more extensive and splendid acquisition in the unbounded domain of knowledge—a race which has not only advanced wonderfully in material prosperity themselves, but has been endeavouring to make the whole world partakers of it—a race whose giant intellects (an army of

poets, philosophers, men of science, orators, priests and reformers) have been speaking to all nations with persuasive arguments, and in strong and thrilling accents to spurn all prejudice,—to cultivate love and altruism, to promote unity and to recognise equality, at least in the eye of law—a race above all, chastened by Christianity and I may say, more determined iconoclasts than the prophet of Islam or his followers could conceive: the latter with their clumsy clubs could only break the visible idols in visible temples, while the former with the polished arms of education and science, with persistent energy, vanquishes the secretly worshipped *idola* enshrined in our minds.

Now, my good Sir, I ask your countrymen: Is it wise, is it kind, is it charitable to request the present Government to wait in the same spirit in which the pre-Bentinck Governments waited to abolish the *Sati*—waited for their want of strength (spiritual and physical) and for the fear of the depth, extension and antiquity of the prejudice in all the millions of Hindus who had not then sufficiently appreciated the blessings of a new rule, and would have rebelled against it. I cannot believe they can, with a little introversion, give the answer in the affirmative. That we may not receive such an answer from them, I would appeal to them in this wise. ‘Brothers and friends; your ancestors rescued India from a tyrant’s sway, from galling thralldom; you have given us the

blessings of a good government, which is gradually improving ; you are heirs of freedom ; you are giving us free institutions ; you owe much of your material prosperity to India, and you are gratefully endeavouring to promote her prosperity which will react upon your own ; you are possessors of vast treasures of knowledge, and you are scattering them broadcast upon us ; you have just commenced giving us boons in physics, in politics, in commerce, in the development of industrial arts, and removed the load of oppression under which lay smothered the lofty and sublime teachings of our hoary sages—those spiritual forces which are regaining their elasticity—your western culture has awakened new hopes and aspirations in our young men, and led them to ways of thought and modes of feeling, congenial to your own, and has all but demolished the barriers of caste, and priest-ridden, and superstition-ridden India, as it is called, has so far risen over the prejudice of race and class distinction, as not even to grumble, if a truly worthy *scavenger* becomes a Judge of any of its Courts. You know well from your histories how the Briareus of prejudice, in its guise of religion or politics, has spread havoc and ruin in Europe ; how it always brandishes its myriad hands to sate itself with a holocaust of good measures, how all nations in the world have always been busy to lop off its limbs, and to point with pride to that Valhalla of your immortal

heroes who battled successfully with the monster, and Will you, mighty nation as you are—will you ensconce this mutilated monster before the palladium of justice, obscuring the majesty of Law? Will you, after sedulously nurturing qualities and virtues in our youngmen, you most require for the administration of justice, ignore them when they fructify, and distrust these men when you have most reason and need to confide in them?

What is the sum total of all my notes on your comprehensive reply, the present Government, at the recommendation of our late experienced Lieutenant-Governor, has taken up a just and righteous measure, a portion of which was past into an enactment after I believe 1856, and the remaining portion, but for the scare of Briareus, or perhaps for a mere accident, would then also have been the law of the land; the objections now started against it, are, in some shape or other, the repetitions of those which had been urged in 1833, 1856, and 1872, and some of them were used long ago in support of the trade monopolies of the East India Company, and have been declared by impartial authorities as not founded on valid reason or applicable to the present state of affairs: to keep it back would be a wrong done to the country. In the interest of peace, many good and kind-hearted men like you, who are above all race-prejudice, but who may have wrong notions regarding our state of society, which I have endeavoured to

dispel, wish for a further postponement till the mass of Indian population is duly educated and polished. This, Sir, excuse me if I say, would be waiting till the arrival of our *Satya Yuga* or the Millennium.

I can illustrate this view by drawing the attention of good men like you to the condition of your own countrymen in respect of education, in respect of a *quasi*-caste system that prevails there, and even in respect of opposition to the free dissemination of knowledge. Speaking of the arguments of the objector to the education of the people, Professor Huxley says "The first is what I will venture to term the caste arrangement, for if logically carried out, it would end in the separation of the people of this country into castes as permanent and as sharply defined, if not as numerous as those of India." It is maintained that the whole fabric of society will be destroyed if the poor as well as the rich are educated; that any thing like sound and good education will only make them discontented with their station and raise hopes which, in the great majority of cases, will be bitterly disappointed. "It is said there must be hewers of wood and drawers of water scavengers and coal-heavers, day laborers and domestic servants, or the work of society will come to a standstill. But if you educate and refine every body, no body will be content to assume these functions, and all the world will want to be

gentlemen and ladies." The learned Professor proceeds to smash this caste argument by replies of the *tu quoque* sort and of other kinds, and if this be the way of thinking of a section of the people in enlightened England towards the close of the Nineteenth century, which brought out a sage from his laboratory to demonstrate its fallacy, what eons would pass before the 253 millions of India could reach the desired proper standard of high education, and before this comes to pass, and in the mean time: Shall one of the elementary duties of a great government, the dispensation of equal justice, in the sense I have explained, be neglected? That should not be done, says your great Carlyle: "Knowest thou the meaning of this day? What thou canst do to-day wisely attempt to do." Thus says Locke on the subject "and so whoever has the legislature or supreme power of any common-wealth, is bound to govern by established standing laws promulgated and known to the people and not by extemporary degrees, by indifferent and upright Judges who are to decide controversies by those laws and to employ the force of community at home only in the execution of such laws, or abroad to prevent or redress foreign injuries and secure the community from inroads and invasion. And all this to be directed to no other end than the peace, safety, and the public good of the people." And again in view of the toleration of a prejudice so fraught with evil

consequences. “No opinion contrary to human society or to those moral rules which are necessary to the preservation of Civil society are to be tolerated by the Magistrate.”

I have also been endeavouring to show that our Government, under a lofty sense of responsibility and duty, with due care and caution has ushered forth even in a tentative form for the good of the people, a measure, founded upon truth, right and justice. At this moment, happily our great sovereign's will, an exalted ministry's policy, the views of the Parliament, and the general tendency of thought of a good many thinkers in England, and shall I say the freedom-loving instinct of the British people, at large, unswayed by local influences are all in unison on the subject, and if even *now* those great principles be departed from, owing to any reason, the wrong assumes a magnitude the gravity of which and the stern duty of guarding against which, as well as the holy character of the principles themselves, could only be adequately conceived and grandly expressed by your own countrymen. Thus writes your great sage of Chelsea : “Alas ! How many causes that can plead well for themselves in the Courts of Westminster, and yet in the general Court of Universe and free soul of man have no word to utter ! Honorable gentlemen may find this worth considering in times like ours. And truly the din of triumphant law-logic and all shaking of horsehair-wigs and

learned-sergeant gowns having comfortably ended we shall do well to ask ourselves withal, what says that high and highest Court to the verdict? For it is the Court of Courts; that same, where the universal soul of Fact and very Truth sits President;—and thitherward, more and more swiftly, with a really terrible increase of swiftness, all causes do in these days crowd for revisal, for confirmation, for modification, for reversal with costs,” * * * “For the gowns of learned sergeants are good: parchment records, fixed forms, and poor terrestrial justice with or without horse-hair, what sane man will not reverence these? And yet behold, the man is not sane but insane, who consider these alone as venerable. Oceans of horse-hair, continents of parchment, and learned sergeant eloquence were it continued till the learned tongue wore itself small in the indefatigable learned mouth, cannot make unjust, just. The grand question still remains, Was the judgement just? If unjust, it will not, and cannot get harbour for itself, or continue to have footing in this universe which was made by other than One Unjust. Enforce it by never such statuting, three readings, royal assents; blow it to the four winds with all manner of quilted trumpeters and pursuivants, in the rear of them never so many gibbets and hangmen, it will not stand; it cannot stand. From all souls of men, from all ends of Nature, from the Throne of God above, there are voices

bidding it : Away, Away ! Does it take no warning, does it stand strong in its three readings, in its gibbet and artillery parks ? The more woe is to it. It will continue standing for its day, for its year, for its century, doing evil all the while but it has *one* enemy who is Almighty. Dissolution, explosion, and the ever-lasting Laws of Nature incessantly advance towards it, and the deeper its rooting, more obstinate its continuing, the deeper also and higher will its ruin and overturn be ”

And what says Rickards (whose words I have once quoted above), than whom no historian dived more deeply into the inner life of India, who wrote in 1829 in view of the (then) approaching expiration of the East India Company's Charter, a work entitled “India or Facts submitted to illustrate the character and condition of the Native inhabitants with suggestions for reforming the (then) present system of Government,” and dedicated it to a past generation of the Native inhabitants of India. In that great work after taking an elaborate review of a particular phase of the affairs of our country, condemning the policy of the period and adverting to the proofs of the education of a few self-taught Natives (before there were any proper English Educational Institution) and amongst whom he brought forward the instances of Rajah Ram Mohan Roy, my late father, and Ram Raz of Madras, he thus concludes in burning words and in

the enthusiasm of philanthropy. "With all these facts before us, with the sincerest conviction in my own mind of their importance as well as truth, I now again appeal to the constituted authorities in England, and solemnly say, Beware ! Recollect, gentlemen, that knowledge is power. You have now laid the foundation of it among acute and intellectual people. Its diffusion is inevitable, the school-master is abroad with his primer, pursuing a course which no power of man can hereafter arrest. A light is now rising in the East, destined to attain meridian strength and splendour, and to shine more and more into the perfect day. Through the medium of schools, literary meetings and printed books, all the learning and the science of Europe will be greedily imbibed and securely domiciled by the Hindus of India. Knowledge, gentlemen, is power, the immortal tree is at length planted in India ; and if its growth be skilfully directed, may yield to Britain the fruits of everlasting honor and of permanent prosperity. But Beware of error ! and above all beware of *injustice* ; for deviation into these crooked paths will now be fatal and may shake the props of your own imperial existence to the very base. You have now reigned over India for upwards of half-a-century ; but however good your intentions, you have persevered in a system not to be reconciled with reason, with justice, or humanity ; and for which you have no better apology than that it was the system of

your barbarous predecessors. Your institutions *must* be reformed. The Natives of India will soon learn, if they know not already, all the horrors and inapplicability of your system. They have long felt its overwhelming pressure. They will soon know that rights and duties are reciprocal, that if you assume the right to govern, duty requires you should do it, *first*, for *their* benefit, *next* only for your own ; if on the contrary, the course of your future government be to dethrone, and pension independent monarchs, to control others by dictating Residents, and the presence of subsidised armies ; to make treaties and to break them at the suggestion of self-interest ; to compel all the powers of India to acknowledge your superiority, and yield obedience to your will ; if your domestic institutions be ever changing, and the object of every change, perpetual increase of annual tribute ; you will find for the future, or I grossly miscalculate, that an acute, discriminating, and enlightened community will no longer be disposed to place blind confidence in your professions ; but to judge you by your deeds. You have a heavy debt of justice to repay. It will be demanded at your hands ; and the opportunity is about to be afforded you of discharging it liberally, with equal satisfaction to the claimants and immortal credit to yourself. But if you neglect the opportunity, and determine to follow up your past erroneous courses and oppressions, I say, again Beware ! The knowledge now

diffused and diffusing, throughout India, will shortly constitute a power, which three hundred thousand British bayonets will be unable to control. That Government, which has been so often called Government of opinion, must, for the future, have some better support than the idea of its military superiority. The Natives of India are now in a state to desire your protection; and they will gratefully return the boon, if it be granted with real liberality and justice. The ground-work of the future fabric should be co-operation with the Natives in the Government of themselves; and for which, under due control they will be found far better qualified than those to whom it has hitherto been entrusted. But if you persevere in merciless exactions and in enforcing the doctrine of passive obedience—if your domestic policy be a system of expedience, and the object of your foreign policy, military supremacy, the day may not be far distant when you shall feel, in disappointment and disgrace, how feeble is physical, compared with moral, power; and in the downfall of the magnificent empire of India.

*“ tot quondam populis terrisque
superbum Regnatorcm Ase ”*

may add one more page to the proofs given by history, that the fleshy arms, and the instruments of war, are but a fragile tenure, and ‘soon to nothing brought when opposed to the interest and the will of an enlightened people.’ ”

Another fifty years have now rolled over India and our benignant Government has struck deep roots in its soil—it is borne upon the shoulders of the loyalty of the people—a loyalty that can be cast into glooms of sorrow by adverse influences but can never shake so as to affect the props it bears.

Of the agitation, strife, and discord, which have arisen, and which every good man like you wishes, should end as soon as possible, but which you fear, will continue in some shape or other if the Bill is passed, I have said some thing in my first letter, and I have only to add that I and my countrymen believe there are ample resources from which to draw our hope that all will end well. We believe that the countrymen of Bacon will not shut their eyes to his teachings which form the fountain of modern science, and that they will use in their calmer moments, the widely-spread results of rigid induction to banish all grounds of distrust of Native character ; we have great faith in the peculiar virtues of your countrymen. We say, if the British Lion is now furious at sight of phantoms through a *mirage* raised from the reflected glare of the heated sand of race-prejudice on which he stands ; if his eyes flash fire, his roaring fills the air and reverberates from England's shores ; if he paws the earth and lashes his tail ; in the cool and calm of reason's evening, the *mirage* will vanish, and he will be hushed into

peace, his proverbial generosity will prevail and in remembrance of the humble services of many dark Androcli of old, lick their children with tongues of affection, and look round and find none but his well-wishers—yet more, we esteem highly the noble qualities of English women.—we see many of them leave hearth and home, encounter unnumbered privations and hardships, and, while leading lives of voluntary exiles here, visiting Native houses and endeavouring to enlighten the minds of their dark sisters,—we see them like true heroines follow in the train of armies, and in camps pitched on hostile lands of unchristian foes, amid the flash and roar of artillery, and the grim scences of slaughter and carnage—undaunted and with steady hands doing love's work, healing wounds or nursing the sick ; and we have hope enough in the sisters of these “ ministering angels” when their unfounded fears disappear in the light of truth, when they see that their dark sister, a timorous window-peering cage bird can be brought into a Crininal Court, whether presided over by a Native or European (where both are the same in this respect) they can have no objection to come before a British tribunal in which presides a Native British subject, well educated in English (perhaps in England), of tried ability and inviolable integrity, administering British law and specially well-skilled in untangling the intricacy of false Native evidence (if it at all happen to be so), and who,

moreover, according to the custom of Hindus of good breeding, accosts a female of another's family as "mother" or "daughter." These noble women have only to hear the key-note of humanity underlying the (now to them represented) obnoxious Bill, and they will be busy to use the alchemy of their words and affection, successfully turn the ungainly metal of race-prejudice in the stronger sex into the purest and genuine gold of philanthropy. Yes! that hand so ready to pour balm on the reeking wound, will surely pour "oil on troubled waters" of the present agitation. The season too will help us; our Christian brethren regard it as peculiarly holy when hate is drowned, and affection and charity rule the mind. May they forget the past and regard with kind feelings their dark brethren, remembering that dark or brown or white skins are but so many iridescent caskets which by the Great Magician's art hold the same jewel.

I have to touch upon the last phase of the question, into which the controversy is drifting in its terminating stage. Rightly or wrongly, wittingly or unwittingly, a soulless Frankenstein has been raised, he hopes for victory. The Government and the parties to the controversy by the force of human nature have not only been wearied of it, but they regard it as an obstacle to the consideration of many equally or more momentous questions, and are, therefore, disposed to offer it

something to keep it down. So the greatest vigilance is required to examine the character of any proposed offering. The best suggestion that strikes us with reference to this rather low aspect of the topic, is not to see *who* but *what* gets the victory, to discover that it is not a question whether the Native and Eurasian gentlemen or the Anglo-Indian community, not whether the Executive Government, the majority of the Imperial Legislature and the Viceroy or the high Government functionaries win the battle, but whether truth, justice, and humanity ought to triumph, and in this light who dare grudge the triumph to those immutable principles of nature which "time that devours every thing cannot gnaw, and which the more smothered the more effulgent grow." But we are soon reminded that Frankenstein cannot be put down in this wise, and, in this view the Jury system has been offered for its acceptance. This system, however so peculiar to England, is unsuited to India, as has been evidenced by the prolonged discussions, which at one time prevailed, for its abolition from the Presidency High Courts and by the law passed long ago under which Mofussil British-born subjects have become amenable to the criminal Jurisdiction of European Civil Magistrates and Judges. If this system be now introduced into the Mofussil Courts, it would in the light of those discussions, prove an additional clog to the many

difficulties in the shape of procedure which give rise to a miscarriage of justice, and modify the onward progressive movement of Government into a pendulous motion oscillating between progress and retrogress. Such being the case and, as it will not do to say for Frankenstein's sake

“To live by law,
Acting the law we live by without fear.
And because right is right to follow right,
Were wisdom in its scorn of consequence.”

We must leave it to the wisdom of our responsible Government “to draw expedient from obstacle, invention from difficulty, safety from danger.”

And when the agitation ends, as end it must, what shall we have learnt—one more confirmation of the lesson that “God educes good from evil.” It will be found to have served as a great flail, by which many important truths have been threshed out and gleaned by the Government and all classes of its subjects—by which communities have had opportunities of more intimately understanding each other in their modes of thinking and ways of acting and of more vigilantly and perseveringly watching the movements of, and applying new forces to, the counsels of Government to which this is a great gain, inasmuch as, however high its statesmanship and benevolent its motives it is but fallible and cannot but commit errors in

public measures, and the more the light it receives from all quarters the greater are those errors avoided. Its results will be long remembered in having caused a great upheaval of the Native mind, in drawing together the ties between the educated minds of all Indian nationalities warmed with the fervour of loyalty, and inspired with the love of their country—in having made as Carlyle would call it “a strange to-day” in India, when a Native in many ranks of society thinks the thoughts and lisps the language of politics which your countrymen are now trying to reduce to a science, complex though it be. It is rightly said that as civilization advances, every individual’s property advances that of his neighbour. So it must be with communities constituting one subject population. As larger views of the interests of the Anglo-Indian community cannot but be taken by the new banding which the agitation has evoked, they will be found to be intimately connected with those of the Native community at large, and as the views of both in the direction of their corporate interests expand, they will serve under the new influences that would survive the controversy, to bridge over completely the gulf between them.

In anticipation of this *denouement* of the great drama when played out by the inscrutable ways of Providence and in view of the facts now patent, let us all subjects of Her Majesty burst out in one

acclaim of *Hallelu Yehovah*, and let us all Indians in a chorus, singing in the spirit of Davis thus address our Anglo-Indian brethren.

“What matter that at different shrines
 We pray unto one God
 What matter that at different times
 Your fathers won the sod.”

“In fortune and in name,* we’re bound
 By stronger links than steel ;
 And neither can be safe nor sound
 But in the others weal.”

“And oh it were a gallant deed
 To show before mankind
 How every race and every creed
 May be by love, combined.”

* * * * *

“We heed not race nor clead nor clan
 We’re hands and hearts for you.”

And now before words are met by words, let us revert to the great question, who is right and who is wrong—how can we do this ? Let us each one of us of all nationalities bearing the common name of *subjects of England’s* sovereign, pray to heaven.

If I am right thy grace impart,
 Still in the right to stay ;
 If I am wrong, oh teach my heart
 To find that better way.”

* British Subject.

Then after our struggle in the direction of right,
let each of us again breathe out—

“ Save me alike from foolish pride,
Or impious discontent,
At aught thy wisdom has deny'd,
Or aught thy goodness lent.”

One word more, and that regarding myself, I have already informed you of the difficulties I labor under. I have had no time to see these notes compressed, duly examined and sifted. I beg, therefore, in the first instance to be excused for the length of the paper, next to ask your and your countrymen's forgiveness, if any thing, without my cognizance, might have crept into this paper calculated to give the slightest offence to any body. I have honestly tried to see a full expression being given to what I believe to be the views of most of my countrymen on the subject, and if I have erred, they will kindly correct me. Many errors in diverse matters might also have been committed for which I expect the indulgence of all. My aim has also been to throw light upon what I believe not to be generally known and to lay bare my own feelings. I should also say that in view of the present aspect of the controversy, much that I have said should have been expunged, but I could not, in that view, see the whole recast. I could not moreover in advertence to your wish expressed in your last note, dilate further upon

the caste system and the present phase of our social structure than what was desirable in connection with the immediate question, it is a very comprehensive subject, and should be taken up by some of our able and experienced countrymen in different parts of India. We want more light, more to learn, much to unlearn—more of humility and charity. Offering you all the compliments of the season and wishing you a happy New year and many happy returns of the same, I subscribe myself—

Yours very truly,
RAJENDRA NARAIN DEB



Extract from a letter of the late Raja Sir Radhakant Bahadoor K. C. S. I. to the late Maharaja Ramanath Tagore C. S. I. read at a Public Meeting—6th April 1857.

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The object of your meeting is to consider the propriety of supporting that portion of the Draft of a Law now before the Legislative Council of India, which refers to the extension of the Criminal jurisdiction of the Muffasil Courts to all classes of Her Majesty's subjects without respect of religion, race or place of birth.

The Penal Code of India with reference to the jurisdiction of the Company's Criminal Courts as it now exists, is of a most objectionable character. It would not I believe, be irrelevant to state here its principal features.

1st. Natives and all Europeans (not British born subjects) are amenable to the authority of the Magistrates and Sessions Courts, within whose jurisdiction they are apprehended and brought to trial, but European British subjects, for all acts of a criminal nature, are amenable only to Her Majesty's Supreme Courts and exempted from the jurisdiction of the local authorities in the administration of the Penal Enactment of the Government of India—53 Geo. III Chapter. 155 Sec. 105 Beng; Beng: Reg. II, 1796 Sec. 2 Cl. 1. Ceded Prov. Reg. VI, 1803 Sec. 19, Cl. 1 and Const No. 1296.

2nd. In the event of any charges being preferred against European British subjects which may render them liable to a Criminal prosecution on Her Majesty's Courts, the process is so circuitous, dilatory, expensive and productive of such infinite inconvenience and trouble to the prosecutors and witnesses especially if they belong to the class of poor Rayats and cultivators, that they (the European British born subjects) are virtually allowed to commit crimes of the most heinous nature with impunity.

3rd There are petty offences for which indeed, a European British subject can be tried by a Muffassil Magistrate but such cases are removable by a writ of Certiorari to the Supreme Court—53 Geo : 111 Chap. 155, Sec. 105.

4th. So great is the privilege of a European British subject that if a Native, happily, happen to be a brother felon with him, the Magistrate will not be able to try him (the Native) without a reference to the Nizamut—C. O. No. 79 Vol I.

5th. The Magisterial authorities have not even the power to interrogate a European British subject before them, for any alleged offence upon matters charged against them—C. O. No. 99 Vol III.

Such are some of the most odious features of a Law unworthy the enlightened principles of the liberal Government of one of the most civilized nations in the world, which the proposed humane enactment intends to obliterate from the Penal Code.

It is indeed strange that the British Legislature should have delayed so long to pass a law founded upon the broadest principles of justice and humanity, and stranger still that many of the British inhabitants of India should protest against the enactment and stigmatize it by christening it "the Black Act."

The Law proposed would strike at the foundation of an inhuman principle.

Far from deserving the epithet "Black Act" I would call it the "white Act." It should be likened to the sun in his meridian splendour shedding the refulgent beams of justice on all classes of people equally, and dim indeed are their eyes with prejudice, who can not behold its genuine lustre. A celebrated Persian poet has aptly said :—

"If bats' eyes cannot see in the day.—

What fault is there in the rays of the sun ?

Desirest thou the truth? it is better that a thousand eyes were thus blind, than the sun dark."

There needs no argument to prove the necessity of a law dictating that justice should be administered without distinction of creed color or caste. Our most cordial and grateful thanks are therefore due to the Hon'ble Mr. Peacock who, I am told, has, wisely and with a feeling of noble disinterestedness, framed an Act which proposes to render administration of justice at large but as there are always two sides of the question, we should examine the sum total of the objection raised against the passing of the Act by the oppositionists: it is no other than the standing imperfection of the Muffosil Courts.

I admit there are many serious defects in the constitution of these courts and I have, all along both privately and publicly expressed this my opinion but this circumstance should not, in any wise, interfere with the question at issue which is simply this, Whether there should be one Penal Code for the "Whites" and another for the "Blacks?" one for the Christians another for the Heathens? What unbiased individual would not answer in the negative? What man of common sense would not see the injustice of a *Shahob* in the Muffassil maltreating a Native under the most aggravating circumstances and going unpunished owing to the difficulties of a prosecution in the Supreme Court? Who would not call it a strange perversion of justice that whilst a Native is amenable to local courts in Civil and Criminal cases, a European British subject can be tried there only in matters of certain civil controversy and would be penally liable to the jurisdiction of Her Majesty's Courts. The defects of the Muffassil courts should be enquired into and corrected by the Legislature but because they are not yet reformed, it is no reason that justice should be made to assume a mild form for the conquering, and a

harsh one for the conquered, race.

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I beg our fellow British subjects would not regard our proceedings with a hostile feeling, it is not our wish that they should in any respect suffer, all that we look for, is that justice should be dispensed with an even hand to all Classes of Her Majesty's subjects.