

difficulty in getting up a public meeting to protest." A telegram from Meerut says:—"The feeling here against Mr. Ilbert's Bill is very strong." Another despatch from Mussoorie says:—"All the Europeans here, and in the Dehra Doon, are against Mr. Ilbert's Bill, and view the proposed alteration with alarm." A correspondent at Darjeeling, the centre of the important tea district, telegraphs:—"The feeling here against the Criminal Procedure Bill is warm and excited. A public meeting has been called for Monday, and meetings are being held all over the district."

These quotations will suffice to show that the feeling against the measure is not confined to Calcutta. Whether the Government will persist in the face of this strong and united opposition is doubtful. But this much is certain, that, even if the Bill be shelved, the mischief already done by giving fresh life to race feelings, which were slowly dying out, is irreparable and wholly incommensurate with any possible advantages that could be derived from passing the measure.

Another matter which has lately given rise to considerable indignation among Anglo-Indians and Eurasians in the resolution published by Government regarding appointments to the subordinate engineer departments. It was laid down by the late Government that such appointments should, as far as possible, be confined to "natives of India," an expression which was considered to include Eurasians, and also children of Europeans domiciled in India. It has now been ruled that no person of these two classes is to be employed so long as qualified candidates of pure Asiatic origin can be obtained.

Concessions such as these, and such as Mr. Ilbert's Bill proposes to grant, while they cause a bitter feeling of indignation among Europeans and Eurasians—the backbone of the Empire—are naturally welcomed with delight by the natives, or, at least, by the noisy politicians of the presidency towns who claim to represent native public opinion. A great meeting of natives was recently held at Bombay, for the purpose of memorializing the Queen to extend the Viceroy's term of office. The meeting was

very enthusiastic, and a number of speeches were delivered, in which Lord Ripon was praised, in more or less high-flown terms for his gift of local-government, and for bestowing other real or imaginary boons. One speaker went so far as to describe His Excellency as the "Saviour of India." But the speakers did not confine themselves to expressions of gratitude for favours already granted. They wanted a good deal more, and they showed no hesitation in formulating various demands, the most notable of which was that the Legislative Councils should be made "truly representative." Similar meetings are being held in other parts of the country. There can be no doubt that Lord Ripon's Government has succeeded in making itself very popular among the natives; but it may be questioned whether a large portion of the gratitude of which we now hear so much is not of that kind which has been described as a lively sense of favours to come. It is, indeed, the opinion of not a few thinking men in this country that there is great danger of the native community getting entirely out of hand, and that the Viceregal Frankenstein may find that he has created a monster whose demands will soon become insatiable.

The telegram from our Calcutta Correspondent which we print this morning shows that increased familiarity with the Criminal Jurisdiction Bill only intensifies the distrust with which it is regarded by the European community in India. That feeling found its earliest and, perhaps, its strongest expression in Bengal, but it is evident that it exists in equal force wherever there are European capitalists or residents to be affected by the new scheme. The newspapers are filled with articles and letters protesting against the proposed change, and our Correspondent testifies to the widespread and intense indignation it has evoked. The Bengal Chamber of Commerce has passed a resolution declaring its unqualified disapproval and its intention to oppose the measure by every means in its power. A requisition signed by all the leading non-officials, Europeans in Calcutta has been presented to the Sheriff, asking

him to call a public meeting in order that the sense of the European community may be formally taken and made known to the Indian Government and to Parliament. A large and influential meeting at Madras has resolved that the Bill demands the concerted opposition of the European community throughout India, is an unnecessary sacrifice of a highly-prized right to ideal legislation, and will seriously check the introduction of European capital into India. The planters of Assam protest indignantly against the Bill, as calculated seriously to injure existing interests and to stop the progress of the province, besides reviving the antagonism of race which was happily disappearing. The indigo planters of Behar and the tea-growers of Darjeeling join in the general outcry, while despatches from every centre of European activity testify to the universality of the opposition excited by this unfortunate measure. It is, of course, more difficult to obtain conclusive evidence as to the drift of official opinion. Official propriety requires that it should be expressed with caution, and stronger motives are not wanting to prevent excessive candour. But officials are also private citizens, permitting themselves greater freedom in that capacity, and our Correspondent affirms that, with obvious exceptions, they agree, as is, indeed, to be expected, with the general opinion of the non-official Europeans. Those who take their stand upon some abstract theory or sentiment may, of course, exclaim *fiat justitia* after the magnificent manner of sentimentalists everywhere, but practical politicians will agree with us in thinking that the universal opinion of the European community cannot be thus lightly disposed of. We do not govern India exclusively through the Civil Service. Every man who plants tea or indigo or cinchona, who exports wheat, or who runs a mill, is part of an agency for the development of India which is the necessary complement of the machinery of government. Without European capital and enterprise the Government of India might mark

time, but it could not advance. Therefore, the opinion of the mercantile community is entitled as a mere matter of statesmanship to serious consideration, and ought not to be disregarded, except for some very cogent reason.

Such a reason we are unable to find for the measure now under discussion. Putting aside for the moment its abstract merits, it does not appear that it was called for at this particular time with that urgency which alone can justify so great an innovation. Mr. Ilbert, in introducing the measure, said that it is meant to sweep away "an anomaly in the law," first pressed upon the notice of the Government by the late Lieutenant-Governor of Bengal. It is greatly to be regretted that any prominent Indian official should find such a dearth of practical work as to tempt him to hunt for anomalies. It

a mischievous quest everywhere, but nowhere more mischievous than in India, where every separate item of the existing order is anomalous, and the anomaly-hunter can find among them all no more indefensible anomaly than himself. It is not pretended that the Bill was called for to put down dangerous agitation, or to conciliate native opinion, or to facilitate the task of Government, or to redress any substantial grievance. It was introduced simply because it occurred to somebody that it is an anomaly to have a native among the Calcutta Police Magistrates and not to have a native in a similar position in the provinces. A more inadequate reason for disturbing existing arrangements it is impossible to conceive especially in view of the circumstance that the whole question was exhaustively discussed eleven years ago and this particular change rejected, while quite recently the whole Criminal Code was repealed and reenacted without any attempt to deal with the anomaly. If we look at the merits of the question the anomaly of appointing a native Judge in Calcutta and not in Mozufferpore is not, after all, so very startling. In Calcutta he is only one among several European Judges equal in rank and jurisdiction to himself. His decisions are compared day by day with those given by his colleagues, and are, moreover subjected to the constant and vigilant

criticism of an influential Bar. From that Bar he at the same time receives valuable assistance, so that he is both helped, to do right and checked if he wilfully seeks to do wrong. Furthermore, he mixes with Europeans, and is constantly under the influence of a public opinion embodying all that is best in European and native thought. A native Judge in an outlying district, where a small colony of European capitalists have to contend with all the prejudices and hostility of the surrounding population, occupies a widely different position. He enjoys neither the example and criticism of brother Judges, nor the influence of an independent Bar, nor the more subtle influence of educated opinion. He has to hold the scales of justice single-handed with everything around him calculated to strengthen the prejudices of race and with appliances for getting at the truth far inferior to those at the disposal of the Calcutta Magistrate. Native evidence can be had in India on payment to any extent and to any desired pattern. Circumstantial and consistent lying is a fine art, and perjury is the ordinary medium of the artist. In many cases the European has no chance of procuring European evidence, and these cases will increase in number when the fear of a European Judge is removed. The alleged anomaly is a theoretical one which does not hinder us from arriving at practically just conclusions, but should this Bill pass, it will be replaced by the substantial anomaly that an Englishman in Calcutta can rely upon fair trial, while an English planter in the provinces will be at the mercy of his servants. The Home Government may, perhaps, profitably consider the further anomaly that while in Turkey or Egypt an Englishman is secured the right of trial according to English law and by English Judges, in India which, we are supposed to control absolutely, he will be compelled to accept the decisions of an Oriental upon Oriental evidence. In countries where we have no rights but those of international law enforced by the knowledge of our power we have for centuries protected our merchants by capitulations; in a country which owes to us the peace and prosperity it enjoys, and whose only chance of feeding its

growing population lies in its development by English capital, we propose to divest the capitalists who are its best friends of ordinary security for personal liberty. That is an anomaly deserving the attention of the people of this country, while the anomaly of having a Native Magistrate in Calcutta and only an English one at Darjeeling is, we venture to say, beneath the notice of any one but a technical purist.

When proposals substantially identical with those now exciting the indignation of the European community were made in 1872, the whole question was fully discussed in the Indian Council. It was held by some that the maintenance of any distinction between Englishmen and natives is unjust, that personal laws are unworthy of the British Government, and so forth. It was then pointed out with great force by Mr. Fitz-James Stephen that, however forcible these arguments may seem in England, they are wholly inapplicable to India. There we meet as a matter of fact with personal laws at every turn, which we uphold at enormous inconvenience in deference to the wishes and customs of the natives. It is difficult to get people in this country to remember that there is no "people of India" in our sense of the words, but a vast congeries of peoples speaking different tongues, professing different religions, following different customs, imbued with different prejudices, and further divided by social distinctions which only residence in India can enable a man to begin to appreciate. Moreover, these various races and creeds are not localized in such fashion that over a given area one set of customs and laws can be made universal and over another area another set can be enforced. On the contrary, in the same district and even in the same village are to be found the most radical differences of race and religion. The Mahomedan has his personal law, and so has the Hindu, while caste and sex introduce further distinctions. The Brahmin has his privileges, the Hindu woman has hers, and every petty prince is surrounded by an etiquette which is scrupulously deferred to. Englishmen have to pay due regard in their legal arrangements to all

these personal distinctions, and are they then to be told that precautions adopted to insure to themselves merely that common justice which is their birthright are, forsooth, infringements of the natural equality of man? In a country where unequal rights meet them at every turn, and where they take infinite pains to respect them, are they to be denied what, after all, are only equal rights, because there seems to be an irregularity in the machinery for securing them? The thing would be too preposterous to bear argument were it not that the real conditions of the case are very imperfectly realized, and a little specious sentiment easily obscures the essential facts. If we really wish to give this spurious equality to the natives of India, there is only one thing that we can consistently do, and that is to terminate our anomalies at once by clearing out of the country. We must either govern it or let it alone, and if every anomaly that strikes an inquiring official or that is pointed out in a native journal is to be forthwith abolished without regard to anything but pedantic symmetry, real government is nearing its end. Well informed natives know very well that our relinquishment of control would bring no extinction of anomalies or of personal laws. It is only our controlling power that prevents these antagonistic races from flying at one another's throats, and only English administration of law that prevents a civil struggle in every village under the shadow of our military occupation. So long as the populations of India remain what they are, there must be anomalies and plenty of them, no matter who holds power, but the part of a practical nation is to see that substantial justice and order are secured so long as it carries the responsibility, and to trouble itself not at all with the varying and anomalous arrangements by which alone these ends can be attained.

THE "ENGLISHMAN,"

*(Calcutta.)**February 6, 1883.*

The speech of the Legal Member of Council on Friday last has fallen like a thunderbolt amongst the European subjects of Her Majesty in this country, and the speech is being eagerly scanned in order to ascertain the grounds relied upon for such an unexpected and apparently unnecessary piece of legislation as is contemplated. It may be well in the first instance to examine these grounds with care, without for the present going more fully into the general question. As to the object in view, the public are told "the only object we have in view is to provide for the impartial and effectual administration of justice." But it is not even suggested that justice is not now impartially and effectually administered, and, if it is, the proposed legislation is clearly unnecessary and therefore undesirable.

Again as to the cases involving charges against European British subjects it is stated "first, that as compared with the great mass of ordinary criminal business, they are exceptionally rare, and secondly, that they are exceptionally troublesome and difficult."

The only sound conclusion that can be drawn from this is that justice being now in these cases impartially and effectually administered, it is eminently unwise to try the experiment of empowering other persons to adjudicate upon these cases, who are not qualified under the existing law to do so. Let us take another passage, very sound and very just, enunciating a principle which has been too much lost sight of in recent years, and the full force of which, it is to be feared, is not even now felt. "In approaching the question there is one consideration of which we must not lose sight, and of which it is not likely we should lose sight, and that is, that this is a subject with respect to which it is eminently desirable to avoid constant tinkering of the law." And further "we should not be justified in reopening this difficult question unless we saw our way to a solution which should be, I will not say final, for nothing in

legislation is absolutely final, but which should contain in itself the elements of stability and durability." What is there that requires solution? As has been shown above, there is a small class of cases exceptionally rare and exceptionally troublesome and difficult, and these are also described as "a class of cases which, as will be admitted by all impartial persons are apt to put an exceptionally" severe strain on the judicial qualities of tact, judgment, patience, and impartiality, and at present there is no complaint that justice is not well and truly administered. What then can be the problem that requires solution? It seems to be this: "In the early part of last year, Mr. Gupta, a native member of the Bengal Civil Service, submitted to the Lieutenant Governor of Bengal a note in which he pointed out that the existing law, if maintained, would give rise to an invidious distinction and to very practical inconveniences in the case of those natives of the country who might expect in due course of time to attain the position of a District Magistrate or of a Sessions Judge." The far seeing eye of Mr. Gupta had discerned in the dim future certain difficulties which he thought might arise. How did the wisdom of Sir Ashley Eden solve the problem? The answer is that "he postponed the submission of Mr. Gupta's note to the Government of India," and it is much to be regretted that the Government of India have not imitated the wisdom of Sir Ashley Eden by postponing the consideration of the prophecy of Mr. Gupta.

February 7.

Mr. Gupta's prophecy of certain remote inconveniences as we have already shown, has moved the Government of India, to propose an immediate amendment in the Code of Criminal Procedure. It may be well that, before Mr. Gupta's prophecy is fulfilled to so great an extent as to cause practical inconvenience, that race jealousy which undoubtedly exists and of which it may from his note be doubted whether Mr. Gupta himself is wholly free, will be extinguished, and if so the time will have

arrived for the elimination of all the sections from the code relating to European British subjects. That would be a solution which would in the words of Mr. Ilbert "contain in itself the elements of stability and durability." But Mr. Ilbert conclusively shows that the time has not yet arrived for such a step. There are in the present code over twenty sections dealing with the subject, and the only proposal is to increase the number of natives qualified to try European British subjects, leaving the rest of the native officers who have the power to deal with natives disqualified from dealing in like manner with Europeans. Is not this a mere playing with the fringe of the question? Is not this, distinctly what, as we have shown, is condemned in the very speech as "constant tinkering of the law?" and this is not a tinkering of the law on account of any failure in the administration of justice, but simply and solely on account of a sentimental grievance which Mr. Gupta prophesies will be felt at some future time, not by those subject to the jurisdiction, but by the Judges. Nothing can be more true than the view expressed by Sir Fitzjames Stephen and now cited by his successor "that we were not to consult the feelings of the Judge, but of those who were to be subjected to the jurisdiction." No attempt is made to answer this, except by quoting the so-called answer of Mr. Ellis, that he saw no reason why that which did not hurt the feelings of Europeans in the Presidency towns should hurt them in the Mufasal. Probably no one but Mr. Ellis could have been found to make such an answer, and he would not have made it if he could have found a better. The difference between Presidency towns and out of the way Mufasa-stations, where there may be no Europeans, where their certainly is no High Court, and where there are no counsel, one would think was patent to everybody. And any one who, living like Mr. Ellis in a Presidency town, could see no reason for a difference in procedure in that town, and in an out of the way Mufasal Station, might be competent to express an opinion about the requirements of Presidency towns, but he could not

well expect his opinions with regard to the Mufasal to carry weight. The question has not been open to argument since the debate in Council in 1877 upon the Presidency Magistrates Bill, when Sir Ashley Eden said he should "have thought that if in any place it was safe to leave these large powers in the hands of Magistrates it would be in the Presidency towns, where every judgment and every word uttered was taken down by reporters and published in newspapers, and subjected to public criticism and opinion, and where all orders would be subject to an immediate appeal to the High Court on the spot." And Sir Arthur Hobhouse in the same debate, speaking of the Town Magistrate, said that he "has the advantage of a Bar, a Press, a public and the close proximity of the High Court, to which the prisoner may appeal, or which can of its own motion, directly it hears of any thing going wrong, call up any case from a Magistrate to itself."

The reasons put forward by Mr. Ilbert himself on behalf of the proposed change being, as we have seen, so entirely condemnatory of it, he seems to have been driven to rely chiefly upon what he calls "the formidable weight of official authority" which was arrayed against the compromise agreed to in 1872. Is not this leaning on a broken reed?

February 8.

Let us see how far the formidable weight of official authority which was arrayed against the compromise agreed to in 1872, goes to justify the present proposal for the amendment of the Criminal Procedure Code.

We have already referred to Mr. Ellis, and we would only say further, that he is, we believe, not an Englishman by race, that he obviously did not understand the feelings of Englishmen, and that he looked at the matter from quite a different point of view. Putting him then out of the question, we come to Sir George Campbell, who, referring to the Civil Service of his day, said he would adhere to the decision that the Judge must be a European British subject, or a

covenanted Civil Servant. The Commander-in-Chief expressly based his vote upon the fact that any native who might have to exercise these functions must necessarily have been to Europe, and have become acquainted with European feelings, ideas, and customs. Lord Napier of Merchistoun showed his acquaintance with the country by adopting Mr. Ellis's view as to there being no difference between the Presidency towns and the Mufasal. Lastly, Sir Richard Temple characteristically founds his views, apparently, upon this, that any one who had entered the sacred ranks of the Civil Service must be competent to try Europeans for trivial offences. This disposes of the formidable weight of official authority in 1872.

We are not told what the unenlightened majority said for themselves, except that Sir FitzJames Stephen made the unanswerable observation referred to before, that in this matter we were not to consult the feelings of the judge, but of those who were to be subjected to the jurisdiction: that Mr. Chapman, who undoubtedly was a conscientious man, considered that a pledge had been given to the European community and that he was bound by it. No further reference is made to the pledge, and probably it is thought that the provision in the statute of limitations, with reference to pledges applies, or else that it comes under the six years' clause relating to things not otherwise provided for. The case is not much stronger when we come to the Local Governments, who are also called in to answer for the proposal. Their replies to the circular sent them are, of course, confidential, and no doubt it would have been embarrassing to the supporters of the measure if the dissentient opinions had to be published. Suffice it to say that from the statement now made with reference to these confidential communications, there appears to have been a great divergence of opinion, and the conclusion drawn, that "it has become abundantly clear that the existing law cannot be maintained," is unwarranted.

We may add that no Government can rely for the justification of any measure upon confidential communications which it

is unable to produce. No doubt those who will be affected by the proposed legislation will assist the deliberations of the Legislative Council by letting their views be clearly known. Mr. Ilbert expresses a confident hope that the proposals he puts forward, when judged by the test of whether they will promote the impartial and effectual administration of justice, will commend themselves to the European subjects of Her Majesty, and we quite believe that he is sincere in the expression of that hope, but we cannot help feeling at the same time that a little more experience of the country would have enabled him better to appreciate the views of his fellow countrymen. We think it is clear, from his own speech, that the proposed legislation is a breach of a pledge given to the European community in 1872, that it is a wholly unnecessary and uncalled for tinkering of the Code, and that it is merely put forward owing to a sentimental, and not a real, grievance, which it is suggested will arise at a future time, but which certainly has not as yet assumed a practical and substantial shape.

February 10.

In our opening article on the Bill by which Mr. Ilbert proposes, on grounds of administrative convenience, to deprive Englishmen in India of the privilege, hitherto enjoyed by them throughout British dominions, of trial by their peers, we adverted among other things to the fact that Sir Ashley Eden postponed submitting Mr. Gupta's case to the Government of India till the new Code of Criminal Procedure had become law. Mr. Ilbert has not placed us in a position to enter into an examination of the reasons on which Sir Ashley Eden based the "strong" recommendation with which he is said to have ultimately submitted the case. For Mr. Ilbert has chosen to rest his defence of the Bill on confidential communications, which, for some reason or other, it is apparently thought prudent to withhold from the public. We have already commented

on the unsatisfactory character of confidential communications as a basis of legislation. In the present case concealment of the kind is specially unsatisfactory, because, if the views of Sir Ashley Eden were of the nature which Mr. Ilbert would have us infer from the imperfect statement of them placed before the Council, our late Lieutenant Governor must, since 1877, have been the subject of an extraordinary conversion which finds no explanation either in that statement or in any circumstances that are known to have occurred since that date. We have already pointed out what Sir Ashley Eden's views were in 1877, as to the distinction between the Presidency towns and the Mufasal. He then stated those views both clearly and forcibly, and as they amounted virtually to an admission of the main objections to the change in the law now proposed, it is not only of the utmost importance that the public should be placed in possession of the reasons which have led Sir Ashley Eden to change his opinion, but no defence of the proposed change which does not contain a convincing refutation of the grounds for that opinion deserves the least consideration. No one who appreciates the character of those grounds can for a moment accept arguments based on "administrative convenience," whatever that may be, as a sufficient basis for setting them aside. To put forward such arguments in support of the change, without at the same time showing that the distinction between the Mufasal and the Presidency towns then recognised has ceased to exist, is tantamount to telling the English community in India that they must be content to live in constant peril of injustice, merely in order that the apparatus of justice may be made to look a little more symmetrical than before, and that a veil may be drawn over antagonisms which are as pronounced as ever.

We are told that Sir Ashley Eden's opinion was a "strong one," but the question is not so much, whether a man whose habit it always was to express strongly whatever opinions he held, showed himself true to that habit on this particular occasion, as whether the arguments by which he supported his

opinion were strong ones. They may have been so, though the fact that they are withheld is not calculated to suggest that this was the case, and though to any one acquainted with the course of events in India since Sir Ashley Eden held an opposite view, it is scarcely conceivable that it should be the case. However this may be, it is sufficiently apparent that Sir Ashley Eden attributed no very urgent importance to the matter. Whether some so-called administrative inconvenience had really arisen, or whether, as is more probable, his action referred to contingencies that might arise in the future, he did not think the case sufficiently serious to be dealt with in the new Code then before the Council. Whether Sir Ashley Eden had any independent evidence of inconvenience actual or possible, before him, or whether his representations were based merely on Mr. Gupta's speculations, we cannot say. We at all events have not heard of the Government having been inconvenienced. Nor does the administration of justice appear to have suffered by Mr. Gupta's not having had the power of trying Europeans in the Mufasal.

As we have pointed out above, however, the matter is not one in respect of which Englishmen will be content to accept arguments based on mere convenience, or references to a policy of factitious equality, as possessing any weight that can be for a moment placed in the scale against the momentous interests at stake; interests which are not merely personal, but which if the progress of India is still contingent on independent British effort and capital, are indissolubly connected with the future welfare of the natives of the country quite as much as of Europeans.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—On the evening of the 5th I got your paper and blushed to read such a proposal as emanated from Mr. Ilbert last Friday at the meeting of the Viceregal Council.

I read your account of the proceedings late in the evening on Monday last, but could not address you until to-day, as I have been absent. Mean-

while, however, I see by your papers of 6th and 7th instant you have grasped the most salient point of Mr. Ilbert's speech. 1st. If cases are few, why not leave them so? Introducing the native element will multiply them a hundred-fold. 2nd. That a European tried in Calcutta and the same in the Mufasal are two very different things.

The *Times*, I see, has expressed the home public's view of the matter. As you remark, quoting many distinguished men, what with reporters, the Press, a first class Bar, public opinion, and the High Court, a European's liberty is as safe in Calcutta as in London.

Figure to yourself a Mufasal Court where every pleader and underling is the slave of the presiding officer, a native; where every man's hand is against the European, if but from the mere fact of his being an alien, where witnesses are procurable at two annas per head. The very pleader who conducts his case would rejoice in his conviction and imprisonment. The hero of the hour would be the native convicting officer, and while his name would be glorified by the press and natives of Bengal, the wretched European would be suffering imprisonment while an appeal was made to the High Court. He would eventually (after incarceration with common felons,) be released, and no sort of satisfaction could be got from the native officer who convicted unjustly. It was not malice, or a question of race, or a desire to be popular with his fellows! It was all done in good faith. Moreover, remember that no distinction is made as to sex. One's wife may be walked off for an imaginary offence and in like manner become a victim. What would more please our fellow subjects than to bully and disgrace a wretched European woman? The higher her husband's station and the greater her respectability, the greater the delight of the torturer. The Penal Code can be made to cover any accusation, and witnesses can be got to swear to anything.

I do not suggest possibilities. I speak of certainties. Is there a native officer in Bengal so indifferent to the opinion of his fellow-countrymen, and so callous to the question of race, that he could or would attempt to withstand the luxury of posing before his countrymen as Mr. Ilbert delights to do before the British public?

The legal member speaks of a strong consensus of opinion in favour of his motion. Now, it would be interesting to know who were consulted? Not a single non-official, I'll guarantee. No doubt a number of Executive Officers were, but poor fellows, after the terrible snub they have all got of late, on the subject of Local Self-Government, their opinions won't be worth much for many a year to come. It was rough of Lord Ripon asking for a candid opinion, and then cutting to pieces every official who differed with him.

I don't think much of a consensus of opinion after the last fiasco in that line.

Native District Judges and their superiority are spoken of by the

Legal Member. It is said that they are responsible and picked officers, and as such are fitted equally with their European fellows to hear suits against European British-born subjects. Now, as a matter of fact, little is known about Native District Judges. There are but few, and those are on their trial and therefore on their good behaviour. Besides, who can assert with absolute knowledge that they mete out justice with even hand to European and Native alike? Has any one taken the trouble to go into the details of the subject and ascertain the number of decisions against Europeans by Native Judges that are upset by the High Court.

With the gap between European and Native widening, and the race antipathy becoming daily more intense as it is doing, the less the European is subjected to the malignant eccentricities of Native Executive Officials the better. The time will come when the Government will find a contended and loyal European population useful beyond Calcutta. Once pass such a law as the Legal Member suggests, and every man whose friendship is worth having becomes a bitter foe to the Government. Not one amongst the European Members of Council (official), has a stake in the country, and not one of them will be in it five years hence. They cannot be depended upon for assistance. As to the Native Members they will not let the opportunity slip if they can help it. Now is the time to insist upon the withdrawal of the motion. Let there be a monster meeting at the Town Hall to insist upon the motion being quashed. In this matter every class should be represented—Military, Civil, Railways, Planters, Landholders, Jute and Silk manufacture, in short, every industry, and every individual whose house is not within the limits of a Presidency town. Steps should be taken without delay to refer the matter home. Recollect that the powers given to a District Judge or any native to-day mean that within five years every Deputy Magistrate in the country will be invested with the same power of annoying Europeans.

X.

February 13.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—I have perused with much interest the able letter of your correspondent "X" on the subject of the alarming proposals for the amendment of the Criminal Procedure Code recently brought forward in the Legislative Council. Allow me, however, to point out that his remarks implying that a number of Executive Officers, (by which I imagine District Collectors and Deputy Commissioners to be meant), are in favour of the motion, would appear to indicate a total ignorance on his part of the real feelings of such officials on the question. At any rate, the functionarie whom

he has apparently had the misfortune to meet, must be of a widely divergent stamp from that of the average district officer. I can only say, that during some 16 years, intimate acquaintance with district officers of very various types, I do not recollect a single individual among the number who would not have recoiled with amazement and indignation at the very notion of these alarming amendments becoming law. The question is one of the most vital importance to the whole European community in this country, and one to which, I feel convinced, no class of that community can possibly remain indifferent. In my humble opinion your correspondent is far from appreciating, correctly, the full extent of the contemplated mischief. Does he really suppose that assuming these amendments to be passed, the matter will end there? Not a bit of it. "X" talks about "a European suffering imprisonment while an appeal was made to the High Court." But has he ever contemplated the possibility of no appeal lying to any court at all? It is true the present Bill does indeed leave the privilege of appeal with regard to European British subjects untouched, and the amount and character of the punishment which Mufasal Courts may award in the case of such persons unaltered. But would this state of things be likely to continue? If the present measure passed our Aryan brethern would not be slow to discover that complete equality between Europeans and Natives as regards the jurisdiction of Mufasal Courts had nevertheless, not been arrived at. Why, it would next be asked, should a Native be liable to whipping or to three months' rigorous imprisonment by the sentence of a Mufasal Magistrate on summary trial, without appeal, while in the case of a European an appeal was permitted from the imposition of the most trivial fine? Why again, it would be urged, should a Sessions Court which can sentence a Native to death, be restricted in the case of Europeans to the award of a pecuniary penalty and a years' imprisonment at the most? Depend upon it, Sir, if this Bill passes we shall in a very few years, have Native judicial and executive officers invested with powers in the exercise of which they will be able to do a vast deal more than merely "annoy" Europeans—to use your correspondent's phrase. Apologizing for the length of this letter.

AHMAQ.

February 18, 1883.

The following letter from a Manager of an Indigo Factory in the North-Western Provinces to his proprietors in this city, expresses in very moderate terms what we believe to be the universal feeling among European British subjects in the Mufasal regarding the proposed amendment in the Criminal Procedure Code.

MY DEAR—, —I feel very strongly opposed to this new measure of the Government to give jurisdiction over European British subjects in the

Mufasal to Native Magistrates, and I think my opposition is fair and just. I am, however, like many Europeans in this country overworked and unable for want of time and health to ventilate my views in the public press. But I am willing to subscribe my mite towards a combined, able, intelligent and persevering agitation in regard to this matter, and therefore I write to ask you if you know of any association in Calcutta competent and determined to move in this matter? It is a matter which deeply concerns the future welfare of every mercantile concern in the Mufasal. Even as matters stand, the interference of the law in every branch of our business is increasing year by year and takes up a growing amount of valuable time. With European District Officers reduced to a minimum, and European managers amenable to Native Magistrates, the working of any factory or concern would depend solely and wholly upon native caprice. The law is such even at present, that one or more ill-minded and malicious native could so worry and persecute with trumped up charges the manager of a factory that he would be left no time whatever to attend to the business entrusted to him. Why this persecution does not yet exist to any marked extent, is simply because the ill-minded natives cannot depend upon the European District Officer adhering to a prejudiced view of any case. His national characteristic of fair play is very disquieting to them. They know not at what moment it may arise and they be caught in their own nets. Natives daily defraud and persecute one another with false charges in the Government Courts; but as a rule, they have not considered Europeans fair or likely game for such attempts as yet. But with a Native Magistracy empowered to deal with Europeans this immunity would pass away. A native has great adhesiveness and is seldom unprejudiced. What is worse he sticks to his prejudice and will even get himself into trouble over it. This is a grave drawback. With a prejudiced and an ethnologically hostile magistracy an isolated European manager might at any time be worried out of his time, his means, and his health (even if he did not lose his liberty), and the business entrusted to him be demoralised. Such a consummation is not a desirable or just one, or politically expedient, and, therefore, I think it behoves every European and real well-wisher for the natives to protest against this alteration in the present law. You know my good feelings and good will towards the natives. They—or rather a very insignificant number of them—affect to desire this change. But it will be worse for them at the last than it will be for the European at the first. I like the natives, and I also love my boy. But I do not like either the Natives or my boy on the top of my head. Such a place is not the proper one, and such a position would not bring any real good or benefit to any one concerned. Least of all will it bring any benefit to the Native. Had I time, I could enlarge very much upon this topic, but I consider the existing privilege of a European British subject in the Mufasal an indispensable one, and I will be glad to contribute my mite towards any movement which will oppose the slightest infraction of it.—Feb. 8, 1833.

THE LEGISLATIVE COUNCIL OF INDIA.

At a meeting of the Council held on the 9th of February there were present —

His Excellency the Viceroy and Governor-General of India, K.G., G.M.S.I., G.M.I.E.; His Honour the Lieutenant-Governor of Bengal, C.S.I., C.I.E.; (1) His Excellency the Commander-in-Chief, G.C.B., C.I.E.; (2) the Hon'ble J. Gibbs, C.S.I., C.I.E.; Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.; Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.; the Hon'ble C. P. Ilbert, C.I.E.; the Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.; the Hon'ble C. H. T. Crosthwaite; the Hon'ble Rajah Siva Persad, C.S.I.; the Hon'ble W. W. Hunter, LL.D., C.I.E.; the Hon'ble Doorga Churn Laha, the Hon'ble H. J. Reynolds; the Hon'ble H. S. Thomas; the Hon'ble G. H. P. Evans, and the Hon'ble Kristodas Pal.

ACT XXVII OF 1854.

* * * *

BILL TO AMEND THE CRIMINAL PROCEDURE CODE.

The Hon'ble Mr. ILBERT—I have now the honour to introduce the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects. The step which I am taking to-day is purely formal, and I shall not expect the Council to discuss the particulars of the Bill until full time has been given for its consideration by the outside public.

LITTLE COCOS AND PREPARIS ISLANDS BILL.

* * * *

February 15.

The public have now before them the opinions of the various Local Governors and other high officers of State consult-

(1) Mr. Rivers Thompson. (2) Sir Donald Stewart.

ed by the Government of India regarding the advisability of Mr. Ilbert's proposal to subject European British subjects in the districts to the Criminal Jurisdiction of certain Native Magistrates.

There are three points about these opinions which must strike every one who reads them. The first is that while a majority of the authorities consulted are in favour of the proposed change, not one of them has made any attempt to meet the arguments which induced Sir James Stephen and the rest of the majority in 1872 to vote against the amendment of the Hon'ble Mr. Ellis in favour of putting Native Covenanted Civilians on a footing of equality with their British brethren as regards the trial of European British subjects. They rest their opinions entirely on the so-called invidiousness of the present distinction and the possibility of administrative inconvenience arising from it.

The other point is that, while it is admitted that the privilege as to jurisdiction is the privilege of the prisoner and not that of the Judge, the persons on the strength of whose opinions it is now proposed to take away the privilege in the present case are all persons who, though theoretically liable to become defendants in criminal cases, are practically exempted by their position from all serious risk of such a misfortune. In other words the persons whose opinions have been sought and are now put forward as a basis of legislation belong to the class least qualified to form an opinion on the particular question at issue. Had the Government instead of consulting the Judges, called on the possible defendants; had it, that is to say, sought the opinions of the independent British community residing in the districts, instead of its own officers, the result would, there is little doubt, have been unanimous condemnation of the proposal.

The third point, and perhaps the most striking of all, is the extraordinary nonchalance with which a body of Englishmen presumably not altogether deficient in either political experience

or historic knowledge, approach a proposal to deprive a large multitude of their fellow countrymen of a cherished privilege, which they have inherited from a long line of forefathers, and which they have done nothing to forfeit, beyond the folly of seeking to improve their positions by coming to this country.

It appears to be thought by these worthy gentlemen, who enjoy the good fortune of having reached a position which is in itself a sufficient protection, that, because a certain amount of sentiment has grown up about this privilege, therefore the privilege, itself is of little value. To pooh-pooh sentiment is, we know, a fashion of the times. But so far from a sentimental interest necessarily connoting want of real importance, it is the importance of a matter in the first instance which generally makes it a subject of such interest.

If the ancient privilege of every Englishman, that he shall not be condemned except *per legale judicium parium*, is of little or no value, how are we to account for the importance which the English as a people have attached to it almost ever since they became a people? If, on the other hand, it possesses a value at all commensurate with the importance attached to it by Englishmen during all these centuries, what is to be said of the policy that would make its surrender a condition of the residence of Englishmen in India? If it is for the good of this country, we say nothing about the good of England, that independent Englishmen should bring here their capital, their labour, and their intelligence, surely the last thing any one with that good at heart would think of doing is to penalise their coming by attaching to it the forfeiture of a valuable personal privilege.

Such a course would be unwise enough if the value of the privilege were the same in both countries, instead of being, as it is, unquestionably greater here, in the presence of violent race antagonisms, than in England, where there is no room for such feelings.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—I have very carefully read the Bill published in your paper of the 6th February, modifying the jurisdiction of the Criminal Courts over European British subjects in the Mufasal, and I entirely agree with the remarks made in your editorial of the same date that the measure is unnecessary and uncalled for. It seems that the only ground stated in the Statement of Object and Reasons is that the natives exercise jurisdiction over European British subjects in the Presidency towns, and there is no reason why they should not exercise similar powers in the Mufasal Courts. This argument may be easily refuted by the fact that in the Presidency towns they exercise this power under the immediate supervision of the Supreme Court of Judicature, and in the midst of a set of trained lawyers and advocates whose assistance might be secured at any moment for the purpose of defending the accused or assisting the prosecution, whereas these elements are entirely wanting in remote Mufasal stations, where a European British subject will be left entirely to his own resources to defend himself before a Native Judiciary who is alien to his language and religion. The other object, of raising the status of the Native Members of the Covenantant Civil Service and the Native Civil Service, is alike untenable, when it is remembered that there are only a few natives who have been admitted to the rank of Assistant and Joint Magistrate, and none of whom has yet attained the rank of a District Magistrate throughout India whilst the so-called Native Civil Service is still in its infancy, and does not count in its numbers more than 10 or 12 men appointed as Justices, whose judicial experience has not yet been put to sufficient test to discern them for this liberal confidence on the part of the Legislature. The objects stated in the Bill having been answered, it remains to be observed what are the arguments against the passing of such a sweeping measure. Those who attentively look to the matter cannot deny that to forfeit the right which the European British subject has exercised in this country for over a century is both impolitic and unjust. The Europeans who first came to the country as merchants and adventurers secured for themselves certain rights for the safety of their persons and property which assured them of their personal liberty, and enabled them to engage themselves in their business with a free heart, and with a national pride, without which no foreigner is able to engage in a serious business in a foreigner country. In the course of time they subdued kingdoms, annihilated different races and tribes of India, and finally procured for the sovereign a kingdom which yields to none in grandeur and importance. Whilst engaged in these pursuits they did not neglect the spread of education and the blessings of civilization, and it is admitted that all the progress which we see around us in these present days in the material, moral, and intellectual condition of India is due to the Englishman. In the interior of the district, a handful of non-official Englishmen are engaged in some useful industry which enables them to help the natives in the case of necessity, and I state, from what I have myself observed in different parts of

the country, that their presence does not in any way disturb the machinery of Government, while on the contrary they form a very useful auxiliary to the officials who are posted by Government in the remote Mufasal. These European residents have formed themselves into volunteers for defending the Empire in case of necessity, and they have established regular associations to redress privately any wrong which is done to the natives either by themselves or by their servants. It is true that in these days there is a greater influx of Europeans in the Mufasal by the extension of our railway system and the spread of the indigo and tea industries, but this is not sufficient to justify such important legislation, which deprives them with the stroke of a pen of a right which they have been exercising from a long time, unless a sufficient case is made out by statistics that the crime committed by European British subjects in the Mufasal is increasing. You have very truly observed that these offences are very rare, and do not in the least require any alteration in the existing law of the country. In these days the Government shows liberality in allowing Hindus and Mahomedans, as far as possible, to be tried by the men of their own caste, and religious persuasion. Such being the case, what is the necessity of altering the law which governs the trial of European British subjects in India? The Native Judges in the Mufasal are either Hindus or Mahomedans. The latter entertain a high respect for a European and a Christian, from a religious point of view, and I believe I express the true sentiments of the Mahomedan community, that they do not at all like to sit as Judges over a European British subject. As to the Hindus I think they are the least qualified to try an Englishman and a Christian for a crime committed by him in this country, because there is a great diversity between their nationality, creed and religion. I am afraid I have trespassed too much on your valuable time, but considering the importance of the subject, I hope you will be kind enough to give this letter a space in your valuable paper.

JUSTICE.

Chittagong, February 10, 1883.

February 16.

Since it is proposed to deprive Englishmen in India of a valued privilege of personal law, not because it has proved a source of substantial injustice to any one, but because certain natives of India choose to think it constitutes an invidious distinction—for this, it is sufficiently evident is the real motive for Mr. Ilbert's Bill—one is naturally led to ask whether this feeling is a reasonable one.

Seeing that the law by which the privilege is secured to Englishmen is one which dates from the time of King John or at all events from a period of English history long antecedent to their connexion with India, it must seem to any one looking at the matter with unjaundiced eyes, that Mr. Gupta is going a good deal out of his way to find any reflection on himself, or his race, or any other ground for feeling aggrieved in the fact that, in spite of his admission to the Covenanted Civil Service, Englishmen are indisposed to surrender the privilege. What good, it may be asked, putting aside for the moment all question of the probable consequences of the change to Englishmen, can it possibly do Mr. Gupta or any other native of India, that he should be able to try an Englishman? It has not even been pretended that it will do him any good. His interest in the matter is confessedly based on that very sentiment which Englishmen are told not to mix up with the consideration of the question. He thinks it would be a fine thing, inasmuch as, though it would make him really no better or worse than he is, it would tend to put him on an equality with Englishmen in the eyes of his countrymen, that he should be vested with this power. And in order that this purely sentimental feeling may be gratified, he thinks it reasonable to ask that a material change should be made in the personal status which Englishmen have enjoyed for centuries. Even supposing for argument's sake that the loss to the Englishman were as purely sentimental as the gain to Mr. Gupta, can the gratification which that gentleman and others of his race similarly situated would derive from the sudden acquisition of this new privilege be for a moment compared with the pain Englishmen might be expected to feel at being deprived of a privilege which they and their fathers have, rightly or wrongly, regarded for centuries as one of the sheet anchors of their security. We say there can be no comparison whatever between the two things, and that the proposal to set the one against the other is, from this point of view about as audacious a proposal as one body of men ever made to another. Even

if the political relation between the two races had been the converse of what it is, it is a proposal which might well have aroused the profoundest indignation.

If the question is one that ought to be decided without regard to sentimental considerations, then what becomes of the plea of invidiousness on which the advocates of the change lay so much stress? If, on the other hand, sentimental considerations are to be regarded, why should the new-born sentiment of Mr. Gupta claim the respect of the legislature, and the much more venerable and deeply rooted sentiment of the whole body of Englishmen in India be contemptuously set aside?

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—I notice that your clever contemporary the *Bengalee* has not allowed to escape him the fact that the Native District Judge of to-day means the Deputy Magistrate to-morrow.

In his issue of the 10th instant he urges that the "concession, liberal though it is, is not sufficiently bold. If Deputy Magistrates are fit to try native offenders they are equally fit to try European offenders. It is intolerable that a difference of status should be observed as regards criminals." Just so. I am very much inclined to meet him half way as regards that proposition, and were the class of persons coming before the Native Judge likely to be of the criminal class I would say, let him be tried and serve him right. But as a matter of fact every, or almost all, Europeans in the Mufasal are men of respectability and position, and many of considerable wealth, besides there is the official class. It surely cannot be intended to exempt them under the proposed new rules? They, it is to be hoped, will have an equal title to imprisonment and flogging at the hands of our Aryan brother.

Your illustrious fellow Editor protests a little too freely, as he well knows in speaking of a European criminal class in the Mufasal, there is no such class, but how long it would take a couple of dozen Deputies to contrive one is another question. As I remarked before, the Penal Code can be made to do anything if properly manipulated.

There being, as every one, I think, who knows anything at all of the subject will admit, no European criminal class in the outlying districts of Bengal, it is quite unnecessary, for purely sentimental reasons, to alter the law as at present existing, the cases in which Europeans are offenders being admittedly so very few. Does any one pretend to fancy for a moment that they would not increase a hundred fold under the new system? As your correspondent "Ahmaq" truly remarks, the present proposal is merely the thin end of the wedge. To-day it is a Native District Judge to be empowered, to-morrow a Deputy Magistrate. The power of sentencing a European to a month's im-

prisonment to-day will be followed within the course of a year or two by powers to flog or disgrace in various ways.

No. "Ahmaq" mistakes me. I rejoice to say that, bar one perhaps, I've never yet met a district officer who would care to see a fellow European disgraced by a native.

To leave well alone is a sensible old adage, and might with advantage be adopted on the present occasion.

The Legislative Council have a pretty hard nut to crack with impending rent laws, that is, if justice is to be meted with an equal hand to landlord and tenant. If one side is to get all the plums, it is a very easy affair. There is nothing so easy as to take away one man's goods and present them to another.

The rent question is one of real importance, and a change in the present system absolutely necessary. The criminal amendment proposed is useless and unimportant in the ~~the~~ degree.

It just struck me as I write; under Mr. Ilbert's suggested amendment imagine the position of what your cheerful contemporary of the *Bengalee* pleasantly calls the "Moseleys and the Sharps." They would have rather a rough time of it at the hands of their native friends, the Deputies of the future?

X.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—It appears from the captious columns of your would-be-ever sarcastic contemporary that by the sudden introduction to Council of the Bill to amend the "Code of Criminal Procedure, 1882," so far as regards the provisions relating to Europeans, our philanthropic Government are merely discharging a political debt found to be due by them to the Natives of Bengal upon the settlement of the account opened sometime ago by the former with the latter, through their political broker, the Hon'ble Jotendro Mohun Tagore. Whether the Bill be necessary or unnecessary, I shall not now attempt to discuss. I only desire to be informed why, if such a long period has elapsed since the promise given by Government to the Maharajah,—a period within which it might surely have been possible to lay the subject matter of the promise before the general public for their opinion in the same manner as is now the case,—that conscientious and benevolent body-politic, being so particularly anxious to liquidate its debts, did not, as regards the item under notice, introduce the measure dealing therewith at an earlier date, in order that there might have been some chance of that measure being incorporated in the provisions of the Act which constitutes the law now in force?

Anglo-Indian Legislation cannot, in the eye of a watchful native community, appear in a very creditable light when, early in February, it submits a draft bill purporting to cut up an Act which only came into force on the first day of January: especially when the subject-matter of the draft was in the nature of a debt, such that, by assumption, Government, in their laudable and drastic efforts to discharge the same, had given it their consideration

long before the Viceroy breathed upon the Act of 1882 that it might live.

Now, Sir, not only do I think that Government were not in a white heat of anxiety to discharge this debt, or else they would have incorporated the provisions of the draft in the recent Act; but I have a strong suspicion that they had either allowed it to slip entirely from their memory until after the new Act was passed, or, which is more likely, they deemed it expedient that, seeing that their creditors were not elaborately importunate, it might be quietly and conveniently ignored till some future season, which they did not anticipate would prove in so close proximity as events have necessitated. And further I believe that there are very good grounds for thinking that, as already hinted by you, and notwithstanding the superior wisdom of your hypercritical contemporary, those events were precipitated by the note of Mr. B. L. Gupta, of the Bengal Civil Service, which note seems to have been the means of so thoroughly startling Government, as to have caused them to attempt now to fulfil their promise to the Maharajah, even at the expense of mutilating a bran-new, bulky, and I suppose, carefully considered Act. It is, to say the least, a very unworkmanlike piece of legislation!

JUNIUS.

February 15, 1883.

February 17.

We pointed out yesterday that if the question raised by Mr. Ilbert's Bill to amend the Criminal Procedure Code is to be considered without reference to sentiment, the main argument of its supporters falls to the ground, while, if sentiment is to be taken into consideration, the feeling which the Bill would violate claims the respect of the Legislature in an infinitely higher degree than that which it is intended to gratify. If robbing Peter to pay Paul is poor justice where Paul's gain and Peter's loss are equal, what shall we say of the process when its effect is to deprive Peter of the garment which has become his second nature in order that Paul may go forth more gaudily apparelled?

The case for the Bill is not one whit stronger when we turn to the practical issues at stake.

In the first place, whatever might be the ultimate consequences of the present tentative proposal to Englishmen in the interior, it is beyond question that the passing of the Bill would create a general feeling of insecurity among them; and it is equally beyond question that the existence of such a feel-

ing would be a political evil of the first magnitude. The solvency of India was never more dependent than it is at the present moment upon an energetic development of its maternal resources, and it is an essential condition of that development that Englishmen should be induced to assist more freely in the work with their skill, their capital, and their presence. Much as they have done in this direction in past times, what they have done is insignificant in comparison with what they might do, and what they would do, but for the many anomalies which beset their position and hamper their operations here. Yet this is the moment which the Government chooses for adding to those anomalies by requiring them to accept a personal status inferior to that which they and their forefathers have enjoyed for a long series of generations, and for aiming a blow at that sense of security which is the very basis of sound commercial enterprise. To add to the strangeness of the inconsistency, the Government which takes this step is a Government which vaunts its readiness to welcome the independent capitalist to India with open arms.

We may be told that, in view of the very limited number of Natives of India whom the proposed amendment would invest with jurisdiction over Europeans, and of the special guarantees for its impartial exercise furnished by their position and antecedents, serious alarm is so unreasonable that time may be safely trusted to allay it. But to use such an argument is to misunderstand completely the main ground of the alarm which Mr. Ilbert's Bill has caused. The cause for that alarm is to be found in the tendency of the times as exemplified in the Bill, much more than within the four corners of the Bill itself. The utterly factitious character of the distinction between the Native Magistrate who has, and the Native Magistrate who has not, gone through the mysterious ceremony of second birth at the hands of the Civil Service Commissioners, is fatal to a belief in its prolonged maintenance in the face of the tendency to which we refer. Every European not absolutely wanting in political foresight will feel that the present measure

is but the thin end of the wedge, and that its insertion will but serve as the signal for bringing fresh power to bear on the hammer destined ultimately to drive it home. A Government capable of being induced by a mere whimper from Mr. B. L. Gupta to inaugurate so momentous a change, can hardly be expected to resist the louder clamour of the multitude whom his success will not only encourage, but supply with arguments much more difficult to meet than any he was able to advance.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—One of the reasons advanced in favour of the proposed amendment is that the appointment of a Native Magistrate in Calcutta has been generally approved by Europeans. I believe this to be an incorrect and unfair assumption, based only on the fact that no agitation was raised against it, as I myself have heard much discontent expressed on the subject. It is, however, a lesson to us that Government should not be left in any doubt as to general opinion on the question now raised, and I would suggest that a memorial should be circulated for signature both in Calcutta and throughout the country protesting against the proposed measure. I am quite prepared to find that the feeling of the European community will be as little heeded in this instance as in other cases of admitted injustice, such as the License Tax, but we should deserve our fate if we allowed ourselves to be deprived without a word of a birthright that cannot be too highly valued for the mere sake of gratifying the vanity of a small clique of petted officials. I shall be glad to subscribe towards the expense of preparing and circulating a memorial or to any other means that may be devised for giving publicity and force to the general opinion in this matter, which is of vital importance to nearly every

EUROPEAN.

February 16th, 1883.

We earnestly commend the suggestion of our correspondent, EUROPEAN, to the attention of the British-born subjects of Her Majesty throughout India, and especially in Bengal, where independent British interests are most largely represented. A formal expression of the views of our fellow-countrymen regarding Mr. Ilbert's Bill is the more necessary, that the fact of a local daily contemporary, not hitherto supposed to be anti-British in its views, having come forward as an apologist for the Bill, might tend to create an erroneous belief that a conflict of opinion exists among them on the subject.

February 19.

In the debate of the 2nd instant on Mr. Ilbert's motion for leave to introduce the Bill for the Amendment of the Code of Criminal Procedure, His Excellency the President, referring to a suggestion of the Hon'ble Mr. Evans that the discussion of the Bill should be postponed to give time for the non-official community to make their voices heard on the subject, disclaimed any desire to push the matter forward without giving the public full time for its consideration. His Excellency added that he thought the proper occasion for discussing the principle of the Bill would be on its reference to a Select Committee; that it should be brought in at the next meeting of the Council and published, and that due time should be given before the motion was made for its reference to a Select Committee. At the meeting of the Council on the 9th the Bill was accordingly brought in, and its consideration postponed in order to allow full opportunity for outside discussion.

It is with some surprise, under these circumstances, that we have heard that there is an intention of bringing the Bill on for discussion again at next Friday's meeting of the Council.

It can hardly be contended that the time which has elapsed since the Bill was introduced has been sufficient for its discussion by the widely scattered British community in this country. As a matter of fact such discussion is at present only in its initial stage. None of the various bodies representing British interests have yet spoken, and though there have been expressions of individual opinion, and a large number of protests against the Bill have reached Calcutta from British residents in the interior, there has been no time for collective action.

At such a stage of affairs it is manifestly inconsistent with the spirit of the President's pledge that the Council should enter on a discussion of the principles of the Bill, and that members should thus be led to commit themselves to the expression of views based on evidence admitted to be imperfect.

If the community whom the Bill would affect are not to be heard, or if they are to be heard only *pro forma*, there is an

end of the business, and it matters nothing how soon the Bill is discussed and passed, but if, as His Excellency the President has led them to expect, that community are to be heard, and if, as His Excellency's character for fairness entitles them to hope, their views are to be considered with attention, we protest most strongly against a course which can only prejudice the discussion.

Since writing the above, we learn that a movement is on foot to requisition the Sheriff to call a meeting of the European community, in order that their sense on the subject may be taken.

Great stress has been laid both in the Council and outside on the pretention that Mr. Ilbert's Bill to subject European-born British subjects in the interior to the jurisdiction of certain Native Magistrates has been introduced in fulfilment of a pledge given by the Government of India during the discussion of Mr. Stokes' Criminal Procedure Bill in 1882.

Now we find, on reference to the report of the debate which then took place, that not only was no pledge given which placed the Government under any obligation to reopen the question that has just been so abruptly and so unnecessarily brought before the Council, but that question was in no way mooted.

We find that, although His Excellency the President, incited thereto, it would seem, by certain not very relevant remarks made by the Hon'ble Major Baring, in connexion with an amendment proposed by the Hon'ble Durga Charan Laha, went out of his way to credit the latter gentleman with an *arrière pensée* not obviously suggested by the amendment itself, the only pledge given to the Hon'ble Durga Charan Laha was that the particular subject of his amendment should be considered when opportunity offered.

What was the subject of that amendment? The Hon'ble Durga Charan Laha proposed that, in section 456 of the Code, (1) in line one, for the words "European British subject" the word "person" be substituted; (2) that in line four a similar

substitution be made, and (3) that the words "which would have jurisdiction over such European British subject in respect of any offence committed by him at the place where he is detained or to which he would be entitled to appeal from any conviction for any offence," be omitted.

Thus amended, the section would have run:—"When any person is unlawfully detained in custody by any person, such person, or any person on his behalf, may apply to the High Court for an order directing the person detaining him to bring him before the High Court to abide such further order as it may pass."

In other words what the Hon'ble Durga Charan Laha proposed was virtually to extend to natives the privilege of *habeas corpus*, hitherto confined to European British subjects, and the reason he gave for this proposal was the injury to which natives were from time to time subjected by unlawful detention at the hands of executive officers abusing their powers.

Thus no question of depriving Europeans of any privilege was then raised; and, so far from the arguments brought forward by the Hon'ble Durga Charan Laha tending to show that any ground for such deprivation existed, they had, at least as far as the particular privilege then under discussion was concerned, a distinctly contrary tendency. The Hon'ble Durga Charan Laha argued, not that the privilege of *habeas corpus* was unnecessary for the class which already possessed it, but that the prevalence of oppression in the interior made it necessary for all classes.

His Excellency, incredulous, it may be, of the existence of such oppression in a country governed by Englishmen, set himself to discover some motive for the amendment more consonant with his own ideas of the fitness of things, and this motive he suggested was a desire on the part of the mover to get rid of a distinction between Europeans and Natives. For such an interpretation, as we have said, there was no justification whatever. Indeed, it amounted to an imputation of hypocrisy against the mover of the amendment. But, supposing there

were any ground for it, the fact would still remain that Durga Charan Laha proposed to accomplish the object in view by adding to the securities possessed by natives against injustice, and not by taking away from those possessed by Europeans.

Between a prayer for the extension of the right of *habeas corpus* to Natives, and a Bill to vest Native Magistrates with jurisdiction over European British subjects, there is much the same logical connexion as that between the asking for bread and the giving of a stone.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—In spite of all protest and all remonstrance, the Government intend on Friday next to proceed with Mr. Ilbert's Bill for the amendment of the Criminal Procedure Act. The appointment of a Select Committee will mean an authoritative affirmation by the Legislative Council of the principle of the Bill, or in other words the Council will declare in authoritative legislative language that henceforth Englishmen in India are to be deprived of one of the most cherished privileges of their status in Oriental countries, namely, their right to refuse to have their liberty of person placed at the dangerous disposal of Oriental Judges. In all Oriental countries hitherto, even in countries like those of Turkey and Egypt, independent as they are of British supremacy, this right has been invariably asserted and acquiesced in as unquestioned and unquestionable. The present endeavour to deprive Englishmen of this right in India appears to be wanton, mischievous and utterly unpatrotic. It would seem to be a foolish and dangerous attempt to win immediate and personal popularity by a heedless and reckless sacrifice of some of the noblest results of our long constitutional efforts to secure our existing national status. An English executive which could deliberately initiate a policy of the kind must be strangely careless of the teachings of perhaps the most brilliant episodes in the world's history, or it must be curiously ignorant of the marvellous events of Indian history, marking as they do in so conspicuous a manner the uprearing and consolidating of this magnificent empire by the ungrudging sacrifice of English blood, of English brains and of English capital. I can but faintly express here the *sava indignatio*, the passionate feeling of righteous wrath, which is expressed by every Englishman, official and non-official, with whom I have had an opportunity of discussing this matter. I venture to protest, therefore, in the name of my fellow countrymen in the most solemn and emphatic manner

against this attempted violation of one of our most sacred national privileges, I protest also in the wise interest of the native population of India, because I have no hesitation in asserting, that, if this hypersentimental policy be allowed to proceed much further, it will most assuredly highly exacerbate race feeling, and either lead to a direct conflict of races, or will end in ultimately driving Englishmen and English capital out of India, and postpone for an indefinite period the moral growth and material prosperity of the country. I would finally protest in behalf of the English capitalists who have so largely invested their capital in this country, because if the policy of this measure be adopted security for liberty and protection for property will be in a great measure destroyed. Speaking for myself, and I know that most Englishmen in India will share my views, I am perfectly prepared to expend my utmost energies of purse, pen and lungs in adopting every legitimate and legal means to prevent this Bill from becoming the law of the land,

I would earnestly urge the immediate convening of a public meeting, I would, moreover, further suggest the strong advisability of extraordinary meetings being called of all the big companies in India, representing as they do so large proportion of the initiative and productive capital of the country, with a view to thundering forth in no uncertain sounds, both in India and in England, a collective indignant remonstrance against the passing of this unjust and impolitic measure.

CIVIS ROMANUS,

Bengal Club, February 18, 1883,

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—The present Bill to give certain Native Magistrates in the Mufasal power to try Europeans and imprison them is proposed in order "to abolish from the code all distinctions as to jurisdiction founded on race," according to the words of the Legal Member in introducing it, To show that it will not do so, it is only necessary to state that it will still leave European Deputy Magistrates capable of being vested with the power of trying Europeans, while Native Deputy Magistrates will not be so. It therefore will not do what is put forward as its chief *raison d'être*. As to the prospective administrative inconveniences which it needed the wisdom of Mr. Gupta to open the eyes of the Government to these are, it seems shortly, that before long Mr. Gupta and Mr. Dutt will be acting as District Magistrates, and after some longer time Messrs. Buruah and Gupta (K. G.) will reach that position; and hereafter, at a

still longer interval, Messrs. De and Badshah, the former of whom is 30, and the latter some 70 places in the list below the first two, will also presumably either become Officiating District Magistrates or Judges. After them come the new native non-competition-wallah select aristocratic civilians, the senior of whom has only some three years' service, and as the most junior civilian now acting as Magistrate is over 12 years' service these gentlemen will not presumably begin to cause the alleged inconvenience to be felt for at least 9 years more.

But what will be the inconvenience when Mr. Gupta is appointed to act as District Magistrate? He would not be able to try a European offender; what inconvenience would that cause? None. He would or could have a European Joint Magistrate, who would be the person who would in a district at present try him (for District Magistrates do not try original criminal cases much now-a-days), and his Joint Magistrate would try the European.

If Mr. Gupta were to become a District Judge, the inconvenience would consist in the very rare instances in which a European might be committed for trial before him, in which case the inconvenience would be limited to the case going for trial to an adjoining district, which, with railways spreading everywhere, will soon cease to be considerable. Moreover, even now it is only cases punishable adequately with one year's imprisonment and which can be disposed of by Sessions Judges where the accused is an European. Surely, therefore, the inconvenience is not a practical but a sentimental one.

I was under the impression that the exemption of European from Mufasal Magistrates jurisdiction was based on the policy of not lessening the prestige of the dominant race, and if so have Englishmen ceased to be the dominant race, or will they cease to be so, if the new Act is passed?

It will, I think, undoubtedly stir up and exasperate whatever latent race feeling exists, and will cause a panic among Europeans in the interior; although (I am ready to admit) unnecessarily so in my opinion considering the small number of Native Magistrates to be empowered under the new Act, and their training and qualifications.

The real cause of the proposal is then to prevent Mr. Gupta and his *confreres* feeling a sentimental grievance at the fact that Europeans prefer to be tried by fellow Christians and countrymen for obvious reasons. I think no one will deny that it is often a misfortune for natives to have to be tried before European Magistrates, owing to the necessary want of acquaintance of those officers with many of their customs and feelings in material, if not to the

decision, and at all events to awarding sentence, of cases. This is unavoidable to a great extent in the case of European Magistrates ; but is this unavoidable evil to be reproduced in the case of Europeans accused of offences merely in order to produce a semblance of equality ! A short time ago the most experienced Civilian Magistrates in the Mufasal was by law unable to punish his European fellow-country man with more than Rs. 50 fine, and even now he cannot inflict on a European more than 3 month's imprisonment. Why is this, when is this, when he can sentence a native in certain cases to 4 years' hard labour ? Is it not because the legislature recognizes that a European would not in the Mufasal have the same sort of trial he would have in the Presidency towns, and that even when European Civilians are his Judges ? Yet in the face of this fact recorded in the existing law, it is proposed to give Native Magistrates in the Mufasal this jurisdiction, because they have been allowed jurisdiction over Europeans in the Presidency towns.

Surely if a sentimental craving for apparent equality exists, it would be better to gratify it by giving the natives the right to claim trial by natives in criminal cases, than to force on an unconfiding European community the decision of cases in which their liberty and perhaps life may be concerned to Native Judges who, to speak plainly, cannot be expected to regard without some animosity the race who subjugated and rule over their country, uninvited and unwelcome as all intruders must be. What is the use of attempting to shut our eyes to the fact that, however we may, by good government, palliate the hostility to our alien rule in this country, there can be no Hindu with those feelings of patriotism regarding his country which we ourselves both inculcate and respect, but must in his heart look forward to the day that shall see us quit his country for ever as the golden age which may one day come ? These may seem bitter words, but can any one say they are untrue ? Let us then govern justly, but not pander to sentimental grievances which, when stripped quite naked, finally are found to consist of what is an inevitable concomitant of the alien rule of a dominant race, and forced upon us by the primary instinct of self-protection. I have many other things to say on this subject, but will now bring this letter to a close,

DISTRICT MAGISTRATE.

February 14, 1883,

February 22.

SPECIAL TELEGRAMS.

[FROM OUR OWN CORRESPONDENTS.]

INDIGNATION MEETING AT DIBRUGARH.*Dibrugarh, February 21.*

At a meeting held here, at which ninety were present, the following resolutions were proposed and carried unanimously. That this meeting indignantly protest against the most ancient privilege of a Briton being sacrificed merely for a political sentiment, and are strongly convinced that, especially in Assam, which differs greatly from other parts of India, both in being so isolated from the influence of public opinion and owing everything to European enterprise and capital, such legislation as proposed will not only vitally injure existing European interests, but, by debarring future capitalists and alienating existing ones, will stop the progress of the Province, and is even now aggravating, and will certainly revive, that antagonism and friction of races which has of late years remained dormant.

Madras, February 21.

The non-official Europeans here are taking steps to protest against Mr. Ilbert's Bill. The meeting is to be held on Friday.

REUTER'S TELEGRAMS.**LOCAL SELF-GOVERNMENT AND MR. ILBERT'S BILL.***London, February 21.*

Lord Kimberley, replying to a question in the House of Lords by Lord Cranbrook, promised that Government would produce papers, when completed, relating to Indian Local Self-Government Bill and Mr. Ilbert's new Criminal Procedure Bill. The latter measure has been formally sanctioned by the Secretary of State for India in Council.

THE CHAMBER OF COMMERCE ON MR.
ILBERT'S BILL.

The following resolutions were passed at a meeting of the Chamber of Commerce held yesterday afternoon to consider Mr. Ilbert's Bill for the Amendment of the Code of Criminal Procedure :—

Resolution.—Proposed by J. J. J. Keswick, Esq., seconded by James Murdoch, Esq.

That in the opinion of this meeting the alteration of the law proposed by the Government in the Bill entitled "A Bill to amend the Code of Criminal Procedure of 1882, so far as it relates, to the exercise of Jurisdiction over European British subjects," calls for the unqualified disapproval of the Bengal Chamber of Commerce, and should be opposed to the utmost by every means in its power.

2nd Resolution—Proposed by J. W. O'Keefe, Esq., seconded by J. P. Thomas, Esq.

That a sub-committee of this Chamber be appointed to draw up a memorial to Government protesting against the Bill, and to take steps to procure signatures to the memorial throughout every district.

3rd Resolution—Proposed by the Hon'ble R. Miller, seconded by E. E. Bigge, Esq.

That the following members of the Chamber be invited to form the sub-committee for the foregoing purpose :—

J. J. J. Keswick, Esq. ; D. Cruickhank, Esq. ; J. Murdoch, Esq. ; J. Flemington, Esq. ; A. G. Watson, Esq. ; F. Aitchison, Esq. ; with power to add to their number.

4th Resolution—Proposed by R. A. Turnbull, Esq., seconded by J. J. Guise, Esq.

That this Chamber confer with the Chambers of the Bombay and Madras Presidencies, so as to have united action against the Bill.

Present :—The Hon'ble R. Miller, President in the Chair ; Messrs. H. B. H. Turner, J. J. J. Keswick, D. Cruickshank, T. D. Ralli, J. Hay, W. R. T. Aitken, J. J. Guise, A. G. Watson,

J. Mackillochan, J. Murdoch, F. Whitney, E. F. Whitney, J. Horne, F. Aitchison, T. Carritt, J. Thomas, D. Fuchs, J. P. Thomas, R. Mitchell, R. A. Turnbull, W. H. Cheetham, C. E. Smyth, J. Stevenson, E. E. Bigge, J. R. Croft and J. W. O'Keefe.

February 23.

"Every European not absolutely wanting in political foresight will feel that the present measure is but the thin end of the wedge, and that its insertion will but serve as the signal for bringing fresh power to bear on the hammer destined ultimately to drive it home. A Government capable of being induced by a mere whimper from Mr. B. L. Gupta to inaugurate so momentous a change, can hardly be expected to resist the louder clamour of the multitude whom his success will not only encourage, but supply with arguments much more difficult to meet than any he was able to advance."

Such was the warning with which a few days since we concluded an article on the degradation of the personal status of Englishmen in this country, contemplated in Mr. Ilbert's Bill to amend the Criminal Procedure Code. The attitude of the native community has already amply justified this view of the effect the proposal was likely to have on them. Hardly has the Bill been introduced than, like the daughters of the horse-leech, they are crying loudly for more. Already their organs are declaring that Mr. Ilbert's proposal is inadequate, and that instead of being confined to native civilians, the jurisdiction over European British subjects should be given to all qualified native officers without distinction. And if the principle of Mr. Ilbert's Bill is conceded, we must say we see no valid argument that can be brought against their contention. The distinction between the Covenanted and the Uncovenanted Magistrate, as far as his qualifications for the exercise of this jurisdiction are concerned, is too purely arbitrary to be maintained on any but arbitrary grounds.

Once let it be practically established that the Briton's right of trial by his peers is in India, a matter of sufferance only, and the complete assimilation of his personal status to that of the semi-civilised people of the country becomes a mere question of time.

And it is in the certainty of this that the real gravity of the occasion lies. There is probably not one Englishman in fifty who would object to being tried by Mr. Gupta, or Mr. Borooah, or any other of the natives whom Mr. Ilbert's Bill would vest with jurisdiction for the purpose, if that were all that the proposed change implied. But there is not one Englishman in a thousand who will not protest with all his might against being deprived of a right which has stood Englishmen in good stead for centuries and might become, in this country, at any moment, a matter of the most vital importance to them. If the Government persists in its rash attempt to meddle with what every Englishman considers sacred, it will inaugurate a condition of things which will not only prove destructive of the future progress of the country, but multiply a hundredfold the difficulty of governing it. It will create a bitterness of feeling between the European and native races for which the history of British rule in India, except for a short time, perhaps, at the height of the great mutiny, furnishes no precedent; which time will increase, rather than allay, and which will be a cause of constant friction and frequent collision. It will revive more than the old spirit of antagonism between the official and the non-official European, and shut out British capital and enterprise from the country.

That the Government would have been so perverse as to court the troubles which the passing of this Bill must bring on the country, had they possessed the political foresight to see the feelings it would evoke, we cannot believe. Let them at least show that they have the courage to admit an error which the natives of the country will rue quite as much as Europeans.

February 23.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—With the Council making the strongest efforts to push the Criminal Procedure Amendment before time be given for discussion, is this the right moment to mince matters?

A fortnight since you published a letter of mine, but eliminated my suggestion as regards a general abandonment of Volunteer movement, conditional on Government persisting in the scheme. That you were just in doing so in the then initial state of affairs, I do not question. But have subsequent events not justified my remark that the very strongest measures would be necessary if the Government idea was to be successfully combated? The Government have chosen to make of this criminal amendment movement a political question, declaring that all opposition is merely sentimental. Be it so. Let us say for the sake of argument that up to date it was sentimental, and as the present Government appears fond of the practical, why not humour them? Let us be practical by all means and political at the same time; and now the step I propose is this—and it's both practical and political enough in all conscience—and as far as I can judge, the one thing in the world that will effectually put a stop to the political (pandering) amendment, mooted.

Let every Volunteer in India return his rifle to the generous Government who, though ready enough to avail itself of them in times of trouble, think so little of the services of their countrymen in time of peace, that they propose their changing places with the conquered race. The English public are practical or they are nothing where money is concerned. Large capital is invested and, things going favorably in India, more will come, but once let it be rumoured that that profit is to become insecure by the subservience of Europeans, the capitalists, to natives, the mere workers, for whose benefit it is being expended, and this for none but imaginary reasons, and the whole nation will rise to prevent such a catastrophe.

Before next Friday every Volunteer should hand his rifle into store, consenting to resume it on the proposed amendment being withdrawn finally.

Mooting this question a few days ago to a friend, he remarked: "The Behar Rifles would be the first to do so if it were suggested to them." I hope *not*. Calcutta should take the lead in a move of this sort; let Behar and the rest of India follow without loss of time.

The Council will prove utterly deaf to everything in the shape of local remonstrance, but let it once reach home by cable that such a plan as the disarmament of the Volunteers of India is in contemplation

and it's little more we will hear of the proposed amendment in the Criminal Procedure. But we should act, not talk. Experience has long since told us that European remonstrance is so much loss of time ; let us try another plan.

X.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—You have called upon the Chambers of Commerce in Calcutta, Bombay, and Madras, and also upon the Tea and Indigo planters to express their opinions on the proposed amendment of the Criminal Code ; but I think you have overlooked a very important class, and one which represents all ranks of society, viz. the Volunteers.

Government is apparently very anxious to encourage volunteering, and employ every means in its power to induce Europeans to enlist, and give their services. But why, or for what ? What are the Volunteers to serve against or keep in order ? It cannot be foreign enemies ; for all neighbouring powers are feeble, and is there not, in addition a scientific frontier ? It must be to assist in preventing internal disturbance, or in plain language, to keep the natives in order, and prevent their intrigues becoming dangerous, that the Volunteers are wanted. We are thus presented with the pitiful spectacle of a Government which at one moment solicits the services, even the lives, of its European subjects and fellow-countrymen, and the next degrades and insults them by putting them under the heels of the very people they are meant to restrain, or if need be, coerce.

If the Volunteers in India are what Government supposes them to be, and what, I dare say, they flatter themselves they are, men of sufficient courage and spirit to overcome any native enemy, they will lay down their arms and resign to a man. Nor will they take them up again till Government pledges itself not only never again to attempt so to degrade them, but to repeal the Act empowering natives to try Europeans in Presidency towns, for the present amendment clearly shows that this power is the thin end of the wedge with which natives think they can most severely crush Europeans.

BRITON.

February 22, 1883.

Calcutta, 23rd February, 1883.

TO THE SHERIFF OF CALCUTTA.

SIR,—We the undersigned inhabitants of Calcutta request you will convene a meeting of the European community in the Town Hall, on Wednesday, the 28th instant, at 4 P.M., in order that the sense of the European community on the Bill to amend the Criminal Procedure Code, may be taken and made known to the Government of the country, and if thought desirable to the Secretary of State and to Parliament.

Yours most obident servants.

J. J. J. Keswick.
J. P. Thomas.
W. L. Thomas.
H. R. McInnes.
C. W. Thomas.
J. E. Thomas.
H. Ellis.
C. E. Fox.
Charles L. Johnstone.
D. J. Paterson.
T. Plowdon.
E. A. Thurburn.
E. Morris.
E. H. Oxley.
H. Bell.
G. E. Thomas.
E. W. Burgess.
Charles Piffard.
C. D. Ogborne.
R. M. Ross.
J. Longmuir.
C. N. Kernot.
A. Batchelor.
Henry Pratt.
James Anderson.
D. Landale.
Geo. Irving.
Arthur Bois.
Thos. Greehill.
F. F. Woolcott.
F. G. Mayne.
G. Swinly.
G. F. Mewburn.
W. B. Gladstone.
A. L. Gladstone.
H. N. Gladstone.
Henry F. Brown.
J. Macfayden.
F. B. Simpson.
W. D. Kilburn.
H. W. Woodhouse.

D. B. Prosher.
W. T. Young.
E. P. Longley.
J. Winston.
C. P. Jordan.
W. A. Finchett.
A. Ramsay.
W. Hinton.
R. Andrews.
G. W. Goddard.
E. J. Cumming.
F. G. Linsell.
G. B. A. Harman.
A. E. Keell.
John Lord.
W. H. Grant.
A. J. Bridge.
G. F. Kerner.
C. F. Larmour.
E. Ball.
H. W. Hallett.
W. Spink.
H. F. Oilwell.
T. Spink.
H. E. Mulleux.
E. Hall.
T. Hogg.
J. Boseck.
F. W. Baker & Co.
W. H. Gilbert & Co.
P. Perret.
J. H. Bagley.
C. C. Brewster.
W. Nicoll.
R. D. Browne.
T. Hutton.
J. Street.
J. Murray.
W. H. Weir.
W. Bullock.
W. Hay.

J. W. Kibble.
Chas. A. Toynbee.
Chas E. Williams.
C. M. Smith.
C. Hereford.
D. Cruickshank.
W. M. Hay.
J J Guise.
A G Walker.
J MacKilliean.
J Horne.
Thos. Carritt.
A. Carritt.
J Thomas.
D Fuchs.
Robert Mitchell.
J Turnbull.
W H Cheetham.
J A Stevenson.
J W O'Keefe.
John Croft.
E Bigge.
C E Smyth.
Frank Whitney.
F Aitchison.
Fred Whitney.
H B H Turner.
G A Stewart.
C H Wilkie.
A G Cooper.
W L Mactavish.
J G Meugens.
L Moran.
J A Alexander.
J L Wilcox.
W H Mylne.
C D Stewart.
J Webster.
J Buchan.
A Robertson.
J Campbell.
A N Main.
J K Forbes.
H H G Wells.
G G Anderson.
P Blaney.
C E Gardiner.
F W Denteur.
J F Macnair.
J M Petrie.
H H Burkinyoung.
H Simpson.
J H Cheetham.
C Potter.
F Carlisle.
E J Stanley.
H B Harrison.

J C Mandy.
W H Fitze.
H J Rost.
S C Kennedy.
C Fairly.
W A Middleton.
J L McGairn.
J Melville.
R D Smith.
E W Burgess.
R W Hilliard.
J Caldar.
W Leslie.
E Ellis.
H Coley.
J B Warneck.
E E Cumming.
G E Ferris.
R J Carbery.
W Bates.
J L Howatson.
W J Cooper.
R B Hamer.
W Hodson.
E B Jourdain.
Thos. Payne.
C Kern.
R R Douglas.
L Walker.
J Flemington.
G W Walker.
J Milne.
W B Colvill.
Douglas White.
C P Hill.
T A Apar.
A P Handley.
J Pitt Kennedy.
A Phillips.
S G Sales.
J H A Branson.
S Tremearne.
A E Dunne.
A Lowther.
J Lewis.
W F Agnew.
H T Hyde.
G Leith.
P O Kinealy.
J C MacGregor.
St J Stephen.
G O Beeby.
W K Eddis.
C F Barrow.
E Cowie.
L E Sanderson.
G L Garth.

E S Sawyer.
 P N Emellie.
 W Shinn.
 W Walker.
 R Williamson.
 C S Hoare.
 H W Cassels.
 G C Hodgson.
 J E Caithness.
 H Elworthy.
 C Persey.
 A H Wallis.
 F S Wallis.
 A Farquhar.
 R Remfry.
 W Davis.
 J G Womach.
 L Richards.
 F W Harper.

J W Buckland.
 A B Miller.
 J Hart.
 J C Orr.
 F Garmoon.
 A Watkins.
 G C Farr.
 N S Watkins.
 W C Morgan.
 C T Geddes.
 P F Hedgen.
 A W J McCorrie.
 H B Hannah.
 R S MacEwen.
 R C Upton.
 A W E Carruthers.
 J A Key.
 J. Hechle.

23rd February, 1883.

In accordance with the above requisition, I hereby convene a meeting of the European community in the Town Hall on Wednesday, the 28th instant, at 4 P.M.

ROBERT MILLER,
Sheriff of Calcutta.

February 24.

SPECIAL TELEGRAMS.

(FROM OUR OWN CORRESPONDENTS.)

Muzafarpur, February 22.

The feeling here is very strong against the proposed amendment of the Criminal Procedure Bill. The Planter's Association have addressed a strong remonstrance to Sir Stuart Bayley against the Bill.

Lahore, February 23.

The general feeling here regarding Mr. Ilbert's Bill is one of unqualified condemnation and indignation; but as the community of this province is mostly official, there may be some difficulty in getting up any public meeting to protest against it.

Mirat, February 23.

The feeling here against Mr. Ilbert's Bill is very strong.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—The existing Indian Government, actuated, as we most gratefully and cheerfully admit, by the purest and most unself-seeking motives of magnanimous statesmanship have resolved upon abolishing all race distinctions and other state anomalies in India. This policy is to be carried out with an exalted contempt for all future consequence. *Fiat justitia ruat cælum.* Let the Heavens fall and chaos be worse confounded, what does it matter? we have initiated a sublimated policy—and moreover no very serious consequences are likely to follow until we are well out of the country, and have established ourselves upon a resting place of secure advantage, whence we can watch at our leisure the grand results of this noble experiment, unbiassed by any paltry influences of personal consideration and danger.

Thus briefly may be expressed the platform of the Indian Government. It would of course be impossible for any policy to commend itself more to etherialized philosophers, like myself. We congratulate ourselves upon being completely emancipated from the vulgar dross of mundane prejudice, and upon being enabled to give implicit credence to the existing perfectibility of human nature, as especially and markedly illustrated in the morals and virtues of the various Oriental races, subject, unfortunately for a time, to the inferior morality of British rule.

There is, however, one remarkable anomaly which by a strange oversight has escaped the philanthropic programme of our beneficent Government, and which oppresses me with a burning sense of acute injustice. The native races of this unfortunate country are still debarred from the enjoyment of high appointments in the army and navy, and, shame to say, are even excluded from the commands of British regiments serving in India.

How long, Sir, is this glaring and invidious race distinction to be permitted to last? Let the reform of anomalies proceed in paralled line. It can hardly be argued with the faintest pretext of logical sequence that a native judiciary in India requires to be bolstered up on the judgment seat by the gross and material assistance of a British military executive.

A judiciary of natives enthroned on the people's will may well be permitted to enjoy the privilege of depending unaided upon the moral support of their fellow-countrymen, or at all events if in the still imperfect condition of this promised Utopian and Arcadian state of pure and simple blessedness, a vulgar appeal to a *Vis Major* may still be occasionally required, the native Judges of the land should be conceded

in all conscience the secure and equitable privilege of depending for protection on the exalted patriotism of a native military executive.

Can any one, other than a British Philistine, doubt that this confidence could ever be abused even under the acutest provocation of chronic political disturbance. If any such sceptic remains still unconvinced, let him search the annals of Oriental history. When all doubts on the subject, I am perfectly assured, will at once and for all time be set completely at rest.

A TRUE REFORMER.

Bengal Club, January 23, 1883.

February 26.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—I am pleased to see that a public meeting is to be held at the Town Hall on Wednesday next at 4 P.M., to afford the European residents and others, an opportunity of entering their protest, against the proposed amendment of the Criminal Procedure Bill as introduced by Mr. Ilbert, and I would suggest that the Trades, as a body, enter a dignified protest by closing the whole of their establishments on that day at 4 P.M. so as to allow their employes an opportunity of attending the meeting.

TRADESMAN.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—Mr. Ilbert's Bill is a momentous crisis in the painful struggle for political existence which is being forced by a British executive upon Her Majesty's European British subjects in India.

The present measure, emphatic for evil and mischief though it be, serves but as a feeble example of the ultimate outcome of this miserable and unstatesmanlike policy of posing and posture, and transcendental imposture. Failure in constitutional resistance in this instance means nothing short, in the immediate future of the subjugation of a superior to an inferior civilisation, and consequently, the complete degradation for all time in India of western thought, of western morals, and of western science.

The emergent occasion has arisen when concerted action must be taken by every European and Eurasian in India, to protect from absolute destruction his political status, I would therefore, strongly advise, and in doing so I glow with a feeling of patriotic shame, that the necessity for this suggestion should exist under a British executive,

that an association be immediately formed for the protection of European British subjects in India. This association should be placed upon a secure and permanent financial basis, and should have affiliated branches in London, and in every district in every province in India.

If our political rights are to be wrested from us let us at all events be up and doing, and act together as one man, and endeavour, by a series of noble and strenuous efforts, to contest every possible position in the downward path.

If such an association be formed, I shall be glad to be permitted to place my name on the list of subscribers for Rs. 1,000.

I enclose my card and remain,

A EUROPEAN BRITISH SUBJECT.

Bengal Club, February 25, 1883.

February 27.

SPECIAL TELEGRAMS.

(FROM OUR OWN CORRESPONDENTS.)

Madras, February 23.

Probably the Sheiff will be asked to call a meeting of all European residents to protest against the proposed Amendment of the Criminal Procedure Code.

Mussorie, February 23.

All the Europeans here and in the Dehra Doon are against Mr. Ilbert's Bill and view the proposed alteration with alarm.

Darjeeling, February 24.

The feeling here against the Criminal Procedure Bill is warm and excited. A public meeting has been called at the Town Hall for Monday; and meetings are being held all over the District and Dooars.

Darjeeling, February 24.

The meeting held to-day was well attended, and was unanimous against Mr. Ilbert's Bill. Another meeting is to be held on Monday.

Darjeeling, February 24.

A preliminary meeting held here after the Volunteer parade to consider Mr. Ilbert's Bill was well attended, planters and residents protesting strongly against the Criminal Procedure Amendment. Great excitement and agitation prevail throughout the district, and there are rumours of the Volunteers resigning *en masse*, if the amendment passes.

Madras, February 25.

The *Bangalore Daily Post* states that the Debrugarh resolution exactly expresses the opinion of all Europeans who have thought on the subject, and the same views which were put forward in Assam, might, with equal propriety, be expressed in Wynaad, Coorg or the Nilgiris. Should the change be made, confidence will be shaken and capital driven away from the country. There is in reality no grievance at all, and we do not believe that as a body the natives care a straw about the matter. Meetings ought to be held and protests sent in from all parts.

Tindaria, February 25.

At a meeting held here, protesting against the proposed alteration in the Criminal Procedure Code, at which every European in the neighbourhood was present, it was resolved that we solemnly and emphatically register our protest against Mr. Ilbert's Bill. We consider it to be subversive of the first principles of English national right, and calculated to destroy that feeling of mutual confidence which has happily been growing up between Englishmen and natives under the law as at present administered. We are of opinion that the proposed alteration in the law will cause a fatally ruinous revival of race animosity, and that English capital, English energy and

English industry, which are essential to the prosperity of the country, will be driven from it. It was further unanimously resolved that, should the proposed alteration in the Criminal Procedure Code become law, every Volunteer will lay down this arms.

Darjeeling, February 26.

A meeting of European residents was held here to-day when it was resolved unanimously that the action taken by the Bengal Chamber of Commerce be supported by this meeting. The amendment of the Criminal Procedure Act was heartily condemned, as being unjust to Europeans, and unnecessary and calculated to stir up race prejudices.

Sukna, February 26.

The Darjiling Volunteers are laying down their arms as a protest against the proposed amendment in the Criminal Procedure Bill. The feeling is very strong throughout the district.

Punkhabari, thro' Sukna, February 26.

A crowded meeting of the Terai planters was held on Monday, and passed a Resolution protesting against the proposed alteration in the Criminal Code, as highly detrimental to British interests in India. All the Volunteers present unanimously determined to lay down their arms, should such a Bill be passed.

Our correspondents "Lex" and "Merchant," referring to the suggestion of "Tradesman" that the Trades should close their establishments at 4 o'clock to-morrow afternoon, in order to enable their employés to attend the meeting to protest against Mr.

Ilbert's Bill, express a hope that not only the Trades, but the Merchants and Bankers of Calcutta will close their offices at a quarter to four for the purpose in question. Opinion on the subject of the Bill is so unanimous and so strong, that we confidently expect there will be a general suspension of business by Europeans from an early hour in the afternoon.

We shall be glad to publish in to-morrow's paper, free of charge, a list of the firms who determine to adopt the suggestion.

In case of members of the community who, from illness or other emergent cause, are nevertheless unable to attend the meeting, it is suggested that they should send letters to the Chairman.

Since writing the above, we learn that most of the Tradesmen have agreed to close their establishments on Wednesday afternoon.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—Your correspondent "Tradesman" suggests that the trades should close their establishments at 4 o'clock on Wednesday, by way of protest against Mr. Ilbert's Bill, and in order to give their European employes an opportunity of attending the public meeting. The suggestion is an excellent one, but why confine it to the trades? I hope every merchant and bank manager in Calcutta will close his office by a quarter to four, so that all his European clerk may be able to join their fellow countrymen in raising their voices against the proposed measure.

LEX,

February 26, 1883.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—I see that a meeting is to be held on Wednesday next at the Town Hall at 4 P. M. I, for one, am only too anxious that every European and other member of the community interested should be able to attend, but the day chosen, i. e., the last day of the month, is perhaps the worst that could have been pitched upon. I believe there will be many who, like myself, will be utterly unable to attend, and I therefore take the

liberty of suggesting that all similarly placed should send a letter to the Chairman of the meeting expressing their regret at not being able to attend, that it may not be thought that their absence implied approval of the odious measure about to be so unnecessarily foisted upon us.

A. K.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—I was glad to see from "Tradesman's" letter in your columns that there is a prospect of Wednesday's meeting being strengthened by the presence of the large and influential portion of the community to whom your correspondent appeals.

May I be permitted space to appeal to the mercantile community of Calcutta also, to close their offices in sufficient time to allow of themselves and their assistants attending the Town Hall? The matter is one which interests us all alike, and all should be willing to make some sacrifice in order that there may be no possibility of mistake as to the practical unanimity of feeling of the British residents in Calcutta.

A MERCHANT.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—I noticed in your issue of this morning a letter signed "Tradesman" advocating that all shops should be closed at 3 P.M. on Wednesday to enable the assistants therein to attend the meeting,

I would suggest that the Mercantile Offices likewise be closed on that day in time to allow all Europeans engaged therein to be present at the meeting.

J. M.

February 26, 1883.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—There are large number of people other than European British subjects who feel a strong sympathy with the determined endeavours of the latter class to preserve from degradation their personal status. I would venture to ask these classes to make a public demonstration of their active sympathy, by flocking to the Town Hall on Wednesday next, and by taking part in the public discussion. It is on critical political occasions like the present that race sympathies are often consolidated into binding and lasting race alliances. A day of reciprocity is not very far off, when the present occasion is likely to be remembered.

The personal status of the British in India is not the only privilege which is open to attack. It is well also to remember that the reign of the present executive has but a very short term to run. It is difficult adequately to measure or define the probable extent of the reaction of policy which will then inevitably follow.

VERBUM SAP.

Bengal Club, February 26, 1883.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—Your correspondent from the Bengal Club, "A European British Subject" calls this measure the outcome of an unstatesmanlike policy of posing posturing "and transcendental imposture." He is right. But a few weeks ago we were told with a flourish of words that no measure would be passed or discussed till full publicity had been given to it, and opportunity afforded for the ascertaining of public opinion. The Government first tried to hurry this measure through here, and poor ignorant Lord Kimberley has been prevailed upon to sanction it beforehand so as to discourage independence of criticism, and to make many think that the measure is a *fait accompli*, and so opposition would be useless. In to-day's telegrams the answer of Lord Kimberley in the House of Lords shows the same disingenuous spirit. The measure has not been under consideration of the Government for many years. It had been considered and rejected some years ago. It is only now revived to court the popularity of such men as the writer of the article in the *Amrita Bazar Patrica*, who, while reviling all Englishmen, offer flattery to the Government, which accepts it just as Mr. * * * and Mr. * * * are said to have been fooled of late by the people in their districts.

Government will not care for the opinion of Englishmen in India unless it is backed up by action at home, and that must be provided for by all interested.

NIL DESPERANDUM.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—Your correspondent in to-day's issue who dates from the Bengal Club has made an excellent suggestion at the precise moment of an unanimity of sentiment which alone makes possible the foundation of a great association for our mutual defence.

Anglo-Indians have hitherto almost entirely neglected the political power which they might possess. To begin with very large percentage of our countrymen at home are connected directly or indirectly,

with us, whether by relationship, by friendship, or by business. The votes and the influence of these well-wishers require only direction and organization. The average British elector, in the rare event of an India question coming to the front, is influenced by sentimental clap-trap and the judicious use of known names. Lords Ripon and Kimberly and even Mr. Bright, may be treated as authorities on an Indian social question. A proper organization in England judiciously worked, could in time largely correct this state of affairs, and might indeed, in a balanced condition of parties, secure something like a positive control over the administration of India.

In India itself the association should seek to concentrate non-official European opinion of all kinds. The Presidents of the various Chambers of Commerce as well as the chief officials of other societies, such as the Trades and Planters' Associations should be *ex-officio* members of its ruling body, whilst a detailed local organization should reach and protect the poorest European or Eurasian.

I cannot afford as much as your correspondent offers, but I am ready either to give Rs. 100 or to stand as a guarantor of that amount towards the necessary preliminary expenses.

MANCHESTER.

TO THE EDITOR OF THE ENGLISHMAN.

SIR,—The cutting in your paper of this morning's date from the *Anrita Bazar Patrika* gives a very fair idea of the manner in which the anglicised Bengali Baboo looks upon the Englishman in this country. One would imagine from their tall writing that the country was to be governed for their exclusive benefit instead of that of the English. We conquered India at a great expense of men and money, and I take it that we ought to be given a part of the loaves and fishes as well as that our privileges and prejudices, as the superior race, should be respected by a Government which professes to govern in the name of Her Most Gracious Majesty the Queen of England. It is all very well to say that Native and Britisher should be thought equal, but I ask Baboo Kristo Dass Pal and those who think with him, what would be their position, if say Russia were the dominant power in India. They ought to thank their stars that they live under the beneficent rule of the British, and should rest content with what they have already got instead of stirring up strife and race animosity.

If this levelling-up process (as far as the Native is concerned) is to be carried to its logical conclusion, why not have a Baboo Viceroy at

once, assisted by Baboo Members of Council and a Baboo Commander-in-Chief. They would do the work of Government in much cheaper, and then there would be local self-government with a vengeance.

I fear, Mr. Editor, that I have trespassed too much on your space, but the present is a very critical time for us Britishers in India, and I hope that the Government will not go the extreme of passing Mr Ilbert's Bill, for the consequences may be serious. One result will certainly accrue, and that will be that nearly all the non-official members of Volunteer Corps will resign; I for one will certainly do so, as the only practical protest that I have in my power to make.

BRITISHER.

Calcutta, February 26, 1883.

[From the "*Amrita Bazar Patrika*, a Native Paper.]

EMPRESS VS. PRIVILEGES OF COWARDS.*

Our gracious Sovereign promised in her Proclamation that all her subjects in India, European or Native, Christian or Hindu, would receive equal attention from her. But see how differently are the European criminals and Indian criminals treated by our masters. Our senators make a nice distinction of the people who inhabit the country. The people in general have one law, but then others have some especial privileges. These others, as we pointed out sometime ago, are: (1) Madmen, (2) wives and children, and (3) Europeans. It is not a compliment to the Europeans to be classed amongst wives and children and mad men. Our benevolent Government has, however, a tender regard for Europeans. Whenever an unruly and wicked child is accused of having done mischief, the fond father apologises for him: "Don't you know, sir, he is a very good child, but then my mad child is a little unruly." The fond paternal Government so pets its mad and unruly child, the European, and gives him all the privileges of a mad man.

As for treating Europeans like wives and children, the Government always, however, does it also for very good reasons of its own. Is not a European a helpless being? Does not the paternal Government always help him when he cannot help himself? If he has no money, the Government provides him with a post. If he has no money to go home, the Government provides him with passage money. If he is incompetent to discharge the duties entrusted to him, he is surrounded by experienced natives to teach him, to guide him and to obey him. If

* Referred to by Mr. Branson at the Public Meeting held in Town Hall on February 28. V. Post.

he plays mad pranks in one department, he is transferred to another. He has been always treated as a helpless man, and the Government therefore grant especial privileges to the Europeans along with lunatics and wives and children.

Let us now come to the especial privileges. For the European it is provided :—

No Mufasal Magistrate shall pass any sentence on an European British subject, other than imprisonment for a term which may extend to three months.

Let us now see what is provided for the native :—

No Mufasal Magistrate shall pass any sentence on an Indian British subject, other than imprisonment which may extend to three years and solitary confinement, whipping, &c.

Three months and three years ! We are told that one Englishman is equal to two Frenchmen and five Russians. We see in the Indian Criminal Procedure Code that an English Criminal has twelve times the advantage over an Indian criminal ! By the bye, what about the gracious Proclamation, equal rights, no fear and favor, and other good things ?

Then here is another provision for the European :—

No Court of Sessions shall pass on any European British subject sentence other than that of imprisonment for a term which may extend to one year.

Then look to the provision for the native :—

No Court of Sessions shall pass on any Indian British subject any sentence other than imprisonment which may extend to imprisonment for 14 years, or transportation for life or death, &c.

It was first three months and three years. Now see it is *one year and death*. Here our rulers have broken the rules of symmetry. In short, we do not catch the rule of arithmetic which guided our legislators here. Three months and three years ; here we see the ratio to be 1 to 12. But what is the ratio between *one year and death* ? Is it 1 to eternity ? We only ask for information.

But on pondering on the beauties of this section, the mathematical question sinks into utter insignificance before that of another. The Sessions Court can only sentence a European to one year's rigorous imprisonment. It comes to this that, for all crimes committed other than murder, the European shall not get a higher punishment than that of one year's imprisonment. Thus, if a native commits forgery or perjury, he may get 10 or 7 years, but a European by committing the same offence, will get one year. If a native counterfeits stamp, the native gets 10 years, a European only one year. But let not the Indian start.

Are not the Europeans like mad men, and wives and children? They must have their especial privileges.

We now come to especial privileges enjoyed by the Europeans regarding appeals. It is provided for the European :—

There shall be an appeal when a European British subject is sentenced for a day or an hour or to pay a fine of a pice.

For the native it is provided :—

There shall be no appeal when an Indian British subject is sentenced to imprisonment for one month or to pay a fine not exceeding Rs. 50 or of whipping only.

The European tried by his own countrymen will have in every case the advantages of an appeal, but an Indian, who is tried by an alien, will not have this privilege. Then, again, there shall be appeal when a European British subject is fined a pice being tried summarily, but in the case of the native—

There shall be no appeal when an Indian British subject is summarily convicted and sentenced to imprisonment for three months or to pay a fine of Rs. 200 or whipping.

There are other serious sections, but the few we have quoted are sufficient to shew the tender regard which the Government entertains for its European children. Let them who always urge that India is governed under the strict principles of justice, come forward and justify the Government which we arraign before the bar of public opinion. We further charge the authorities in India with having broken the pledge solemnly given to her Indian subjects by Her Christian and Gracious Majesty in her Proclamation of 1857. Let them who say that we malign the Government come forward to give the lie to our charge. Those who are honest, those who have the capacity to see the truth and have an honest regard for justice, let them blush; for it is a matter of shame that Englishmen, who are so very proud of their superior morality, should be so anxious to encourage crime and protect criminals, a favor which they would not like to extend to the other races.

The fact is, these special privileges are not in keeping with the whole tone of the Criminal Procedure Code. They are a blot on, and a disgrace to, the fair fame of the Government. They serve no useful purpose, and they serve the purpose of lowering Englishmen in public estimation and keeping up the difference between the two races. These privileges might have been necessary in the beginning of British rule in India. But now they are not wanted. Let those of our countrymen, who have any admiration for the criminal administration of the

country, let those native Hakeems who think that they serve their country by sending people to jail right and left, and by using the cannon when a little stick would do the purpose, take note of the fact, how anxious our enlightened teachers and masters are to keep their own race aloof from the "blessings" of our criminal administration.

The people of the country are very little interested in the amendment proposed by the Government. But it is something very different that a European should get a lighter sentence under the law than the native for committing the same crime.* The dominant race may object to be tried by the nigger, but the European forger can have no reason to object to be on equal terms with a native forger.

* This is a *Suggestio falsi*. The law under which a European is tried is the same as that under which a Native is tried, but the tribunal may be different. An accused person, whether European or Native, is, on conviction, liable to the same amount of punishment, but a European cannot be sentenced by a Mufasal Court for a longer period than one year. The High Court is empowered to inflict the full penalty provided by the Indian Penal Code. If the Mufasal Judge, to whose Court a European British subject is committed for trial for perjury or forgery (to quote the class of cases mentioned above) is of opinion that one year's imprisonment would be inadequate, he must transfer the case to the High Court.

February 28.

SPECIAL TELEGRAMS.

(FROM OUR OWN CORRESPONDENTS.)

Hazaribagh, February 27.

At a meeting of non-official Europeans held at Ranchi "unanimous condemnation of Mr. Ilbert's Bill was expressed, and determination to support the Calcutta Committee in their opposition to it."

Silchar, February 27.

At a meeting hurriedly convened here the following resolutions were carried unanimously:—First, it was most vigorously and unanimously resolved at this meeting that we protest in the strongest terms against Mr. Ilbert's proposed amendment of the Criminal Procedure Code, and that this protest be telegraphed to Mr. Barton to be laid before the Viceroy's

Council. Secondly, that this meeting very greatly regretted that there was no time to get together the whole of the European community, and strongly protested against the action of Government for not having given time for the full discussion of such an important alteration in the Criminal Procedure Code, which so vitally affected all European British subjects living in the Mufasal.

Signed by 31 planters. Further meetings are to be held in Hylakandy.

Dinapur, February 27.

Over 100 Europeans here emphatically protest against Mr. Ilbert's Bill and support your action. We consider it a violation of all national and hereditary rights.

REUTER'S TELEGRAMS.

MR. ILBERT'S BILL.

In the House of Commons last night, Mr. Cross, replying to a question, said that the eminent authorities unconnected with the present Government of India who recognised the necessity of Mr. Ilbert's Bill, included the names of Lord Napier of Murchistoun (Query of Ettrick), Lord Napier of Magdala, Sir Richard Temple, Sir George Campbell, and Sir Barrow Ellis.

As at present intended, the Criminal Procedure Bill will again be brought forward in the Council which meets on the 9th March, Friday week. Mr. Ilbert will then move, under the new rules for the conduct of business in the Council, that the Bill be published in the various Gazettes. An opportunity will then be given for a discussion, and it is expected that H. E. the Viceroy will take occasion to state his views at length on the subject. No further proceedings will be taken with the Bill until the Government returns to Calcutta next cold weather.

From the list of firms which we publish in our local columns, it will be seen that the meeting to protest against the Criminal Procedure Code Amendment Bill will be made the occasion of a general suspension of business for the time being on the part of the European Mercantile and Trading Community of Calcutta.

We would suggest that gentlemen attending the meeting should each take with them a card with his name and addressed written thereon to be placed in a box at the entrance of the Hall.

In an article which has every appearance of being inspired a local contemporary* who stands alone among journals conducted by Englishmen on this side of India in supporting the new Criminal Procedure Code Amendment Bill, invites the British community to reconsider their present attitude on the question and open the way for a compromise, by begging the Government to minimise the degradation it proposes to inflict on them, instead of protesting against it altogether. The arguments which our contemporary employs for this purpose are, however, calculated to irritate, rather than to soften, the just indignation, and to increase, rather than allay, the alarm, of those to whom they are addressed. We are told, on the one hand, that the authors of the Bill have gone too far to draw back, since not only has the local Government committed itself to the introduction of the Bill, but the Secretary of State has sanctioned it, and that consequently no pressure short of that of Parliament, which is unlikely to move in the matter, will induce them to yield; and on the other hand, that if the Government is to cease to act despotically and is to consult public opinion, it is bound to consult the wishes of the natives of India, as well as of Europeans, in the matter.

With reference to the first of these arguments, how comes it, we would ask, that the Government of India and the Secretary of State find themselves committed to a measure which has placed them in hopeless antagonism to the entire British com-

* The "Statesman."

munity in India? The answer is plain. They have placed themselves in this position by adopting a course opposed alike to justice, to sound policy, and to the principles on which they profess to legislate, and introducing a Bill seriously affecting the status of the entire body of their fellow-countrymen in India without first taking a single step to ascertain the feelings of those whom it would affect.

Having thus brought about a condition of things which is fraught with future embarrassment and danger to themselves and their successors, and which threatens to blight for an indefinite time the bright prospect which growing confidence between Europeans and natives, between the official and non-official classes, seemed to hold in store for India, they appeal to false pride as a reason for persisting in so criminal a blunder.

The Secretary of State has sanctioned the measure, we are told! As if the Secretary of State were an individual not, indeed, too wise to err, but too sacred, even in error, to retract. That the Secretary of State may be blind to the significance of the storm which the Bill has provoked, is barely possible; but we decline to accept our contemporary's estimate of his patriotism, and believe that being alive to the significance of the storm, he will refuse to reconsider a verdict passed in anticipation of the evidence on which it should have been mainly based, and which condemns it without a dissentient voice.

Supposing, however, that the chance of the Secretary of State being induced to reconsider the false position into which disingenuous counsels have led him were as small as our contemporary would have us believe, and supposing, too, that there were as little chance of a subservient House of Commons interfering to prevent the Ministry adding this to the long list of fatal blunders it has already committed, the last thing we should do would be to counsel the British community either to suggest, or to acquiesce in, any such compromise as that hinted at.

In the first place, they cannot accept the principle of the Bill without thereby cutting away from under their feet the only

firm ground on which its unlimited extension can be opposed in the future. In the second place, it is not merely for the present Government, or the present Parliament, but for the British people, in whose hands the future fate of the present Government lies, and on whose votes the constitution of future Governments and Parliaments depends, that the solemn protest which is being recorded all over India, and which will be recorded in Calcutta this afternoon, is intended.

Even if the present Government and the present Parliament should turn a deaf ear to that protest and an impervious understanding to the warning conveyed in it, all hope will not be gone; and, if all hope were gone, it would still be our duty to leave on record, for our own justification in the eyes of posterity, our outspoken conviction of the ruinous nature of the policy we were unable to prevent.

We have confined ourselves so far to the plea of *non possumus*, put by our contemporary into the mouth of the Government. If this plea is no good argument for a compromise, what shall we say of his attempt to justify the obstinacy of the Government, on the ground that if it ceases to be despotic it must consult native opinion, as well as European in the matter?

A more powerful weapon could not have been placed in the hands of the opponents of the Bill than this amazing proposition. For, if this is, indeed, the principle on which the present Government is prepared to determine the status of European born British subjects in India, the ultimate question becomes one, not of the equality of the two races, but of the subordination of the Englishman to the native. In whatever concerns their own laws, their own customs, their own privileges, by all means let the opinion of the natives have its full weight. But if the personal status of Englishmen is to be regulated by the wishes of the natives, the alternative lies between their leaving the country and becoming hewers of wood and drawers of water to its inhabitants.

When we warned our fellow-countrymen that it was the policy of which Mr. Ilbert's Bill was an illustration, rather than

its immediate operation, that was to be dreaded, we little suspected that that policy embraced so revolutionary a principle as that now hinted at for the first time.

The following Mercantile, Legal, Banking and other firms and establishments have signified their intention of closing their offices at half-past three o'clock this afternoon in view of the public meeting to be held in the Town Hall at 4 p.m.

Ahmuty & Co.
Anderson Wright & Co.
John Elliott & Co.
Bird & Co.
Wiseman Mitchell Reid & Co.
King Hamilton & Co.
Geo. Appel & Co.
C. H. Bailey & Co.
Gladstone Wylie & Co.
Burn & Co.
Thomas Watson & Co.
Symes & Co.
Cutler Palmer & Co.
Gisborne & Co.
Leo. Zander.
Williamson Magor & Co.
Lyall Gray & Co.
J. Binning & Co.
J. MacKillican & Co.
Robinson Morrison & Co.
Balmer Laurie & Co.
Zielfelder and Weyland.
Andrew Yule & Co.
Stanley & Co.
W S Cresswell & Co.
D L Cowie & Co.
Young & Co.
Abendroth & Co.
D'Agostino & Davis
F A Cohen
Dyce Nicol & Co.
Stewart Mackenzie & Co.
James Anderson & Co.
Thos de Souza & Co.
H W Newton
Duncan Brothers & Co.
W H Fitze & Co.
Carlisle Nephew & Co.
J H Thomson & Co.
Begg Dunlop & Co.
Whitney Bros & Co.
J Thomas & Co.
Sanderson & Co.

Mackenzie Lyall & Co.
London and Lancashire Life Assurance Co.
International Marine Insurance Co.
Fire Insurance Association
Norwich Union Fire Insurance Society
Lancashire Insurance Co.
W Vale King & Co.
George Henderson & Co.
Crooke Rome & Co.
Kelley & Co.
N J Valetta & Co.
W Haworth & Co.
Atkinson Brothers
Browne and Lovelock
Simson & Co.
B Smyth & Co.
John Dickson & Co.
Shaw Finlayson & Co.
A McD Clark
Sykes & Co.
Cohn Bros and Fuchs
John Davies & Co.
Jardine Skinner & Co.
Hart and Sibthorp
Watkins and Watkins
E D J Ezra
W A B Forbes and
J H Wheeler
J Michael & Co.
Ewing & Co.
Finlay Muir & Co.
John S Elmore & Co.
Harris & Co.
Positive Government Security Life Assurance Office
D Lattey & Co.
General fire Assurance Office
A Zumini & Co.
R Steel & Co.
R Macallister & Co.

Barry & Co	Beeby & Rutter
Emmett and Chambers	Barrow & Orr
Apcar & Co	John Thompson
New Zealand Insurance Co	Trans-Atlantic Fire Insurance Co
Octavius Steel & Co	Ellias S Gubby & Co
H J Meyers	Landale & Morgan
Carritt & Co	Dignam and Robinson
Halford Smith & Co	Ker Dods & Co
Kettlewell Bullen & Co	Reliance Marine & Co
Stretton & Co	Scottish Union & National Insurance Co
Ernsthausen & Oesterley	Calcutta Tea Agency
Shekelton & Co	H A Dugman
Avetoom & Co	F W Heilgers & Co
Turner Morrison & Co	McVicar Smith & Co
Walsh Lovett & Co	Colonial Sea and Fire Insurance Co
Brokers Exchange.	Home and Colonial Marine Insurance Co
C C Bancroft & Co	Queen Insurance Co
Graham & Co	Fraser & Co
Macneill & Co	Nicachi & Co
Ullmann Hirschorn & Co	Schoene Kilburn & Co
Macknight Anderson & Co	Fornaro Brothers
Acerboni & Co	Hantelmann & Co
Mackinnon Mackenzie & Co	Triton Insurance Co
Struthers & Co	Canton Insurance Office.
London and Lancashire Fire Insurance Co.	Alliance British and Foreign Life and Fire Assurance Co.
City of Glasgow Life Assurance Co	Hongkong Fire Insurance Co.
General Marine Insurance Co. of Dresden.	Peel Jacob & Co.
German Lloyd Marine Insurance Co. of Berlin.	
Hobson & Connor.	

The following firms, members of the Calcutta Trades Association, will close their establishments to-day at 3.30 P.M. to enable members and assistants to attend the public meeting at the Town Hall, convened to protest against the Criminal Procedure Code Amendment Bill:—

F & C Osler	Wilson Mackenzie & Co
Lewis Stewart & Co.	F W Baker & Co
Arlington & Co	Hamilton & Co
Dunne & Co	Badham Bros
Cash & Co	Francis Harrison Hathaway & Co
T E Thomson & Co	J G Hanhart & Co
Harman & Co	Cuthbertson and Harper
Watts & Co	Francis Ramsay & Co
Monteith & Co	Favre Leuba & Co
D M Traill	W H Gilbert & Co
Manton & Co	W Newman & Co
Dykes & Co	Harold & Co
Great Eastern Hotel Co	Stewart & Co
Ranken & Co	B Smyth & Co
James Murray	City Press