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### APPOINTMENTS TO THE ENGINEER AND UPPER SUBORDIN ATE ESTABLISHMENTS.\*

Nos, 241-51G, Government of India, Pub Works Department, General, Fort William, February 14, 1883.

Read again-

Home Department Circular No, 748 7,53, dated 10th April 1879,

Public Works Department Resolution No, 1516-28G, dated 11th November 1882, and despatches from the Secretary of State quoted in the preamble, also, Secretary of State's Despatch No. 52PW, dated 28th September 1882, approving of the above Resolution before issue.

Read-

Letter from the Secretary to the Government of Madras, Public Works Department No. 3351W, dated 19th December 1882, asking for definite orders as to future appointments to Engineer and Upper Subordinate Establishments. I than the hours sight needs the mointing

Resolution .- The Circular of the Home Department quoted in the preamble, in furtherance of the views of Her Majesty's Government enjoined the reservation of appointments in the uncovenanted service generally for natives, but made an exception in favour of certain Departments and amongst others of the Public Works Department.

2. Prior, however, to the issue of this circular, the Secretary of State had, in his Despatch No. 41, dated 10th August 1876, followed by other Despatches quoted in the preamble of Resolution No. 1516F. 28G, dated 11th November 1882, impressed upon the Government of India that, as the European portion of the Superior Public Works Establishment was now recruited from the Royal Indian Engineering College at Cooper's Hill, the appointments from the Indian Engineering Colleges should be closely reserved for natives, and that, without the sanction of the Secretary of State, no Europeans other than Royal En-

<sup>\*</sup> Commonly referred to as the "Roorkee Minute."

gineering Officers should, in future, be appointed in India to the Engineer Establishment. At the same time his Lordship gave it to be understood that he did not intend these orders to affect the classes formed at the Thomason College for the education of Non-Commissioned Officers and Soldiers of the British Army, or of Europeans and Natives, for the Subordinate Establishment of the Department.

- 3. The purport of the above orders was, so far as appointments from the Thomason College are concerned, summed up in Resolution No. 1516F. 28G. dated 11th November 1882 which directs that, commencing with the students entering the College in the year 1883, the number of appointments to the Engineer Establishment, guaranteed from time to time to that institution, shall be given in the first instance to persons of pure Asiatic origin who qualify under the usual conditions
- 4. It is necessary, however, in view of the orders by the Secretary of State already quoted, and of the uncertainty in regarding to his matter which the latter from the Government of Madras shows to exist, to lay down the following rules for future guidance in making appointments to the Engineer and Upper Subordinate Establishments.
- 1. Without the sanction of the Secretary of State, no permanent appointment of Europeans; except of Royal Engineers, or as provided in Rule 2, shall be made to the Engineer Establishment;
- 2. Subject to any guarantee that may have been already given, the appointments made to the Enginneer Establishment from the Indian Engineering Colleges shall be reserved for persons of pure Asiatic origin who qualify according to the College Standard. If however, a sufficient number of Natives do not pass the test, the appointments will be open to European or Eurasian comptitors at the same examination,

### (FROM THE " Darjeeling News,")

take anestites.

## February 27.

A public meeting of the British residents of this district will be held at the Town Hall at noon next Monday. The object of the meeting is to protest against the proposed amendment of the Criminal Procedure Code. The notice calling the meeting has, unfortunately, been of the shortest, and consequently it is to be feared that the attendance will not be as numerous as might be desired. However, we sincerely hope that those who are unable to attend in person will make a point of being represented by proxy. An attempt, and a most injudicious attempt, is

being made in the Legislative Council to curtail the liberty of British subjects in India, and unless a vigorous protest against the Bill is made now, and once for all, we who have made the district of Darjeeling what it is, almost in spite of the Government, will be handed over to the tender mercies of Native Judges. What we mean by saying that the attempt to pass this Bill is injudicious is simply this: It has raised up the old race antagonism in this country, which might very safely have been allowed to die a natural death in a few generations. A meeting of the Bengal Chamber of Commerce in connection with the proposed amendment of the Criminal Procedure Code was held in Calcutta last Thursday, at which the following resolutions were unanimously passed:—

- 1. "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."
- 2. "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."

These two resolutions, we think, might safely be adopted at Monday's meeting.

Since the above was in type an important meeting of some of the European inhabitants of this district was held at the Tewn Hall today. Most of the members present were Volunteers (out of uniform of course), and it was proposed by Mr. Balmer, and seconded by Mr. Brown, "That the action taken by the Bengal Chamber of Commerce be unanimously adopted by this meeting, and that the resolutions passed by the Chamber of Commerce be adhered to in their entirety by this meeting."

This resolution was passed by acclamation,

Mr. Harcourt, Superintendent of the Darjeeling Company, presided at the meeting, which was attended, amongst others, by Mr. Spencer Robinson, Captain Warne, Mr. G. Clark, Mr. Livermore, Mr. Cheeke Mr. Harrison, and Mr. Smithe.

Messrs. W. E. Doyle, C. W. Christison, G. Nash. R. Sr C. Fraser, A. F. Noble. Messrs, T. B. Curtis,

O. Moller.

By their attorney,
Mr. E. Brown.

By their attorney
Mr. K. Murray.

Mr. K. Murray, Mr. Brown, Mr. Webb, Mr. Parker, Mr. Burgh, Mr. Wakley, Mr. W. G. Judge, Dr. O'Brien and Mr. G. W. Christison.

The feeling of the meeting was unanimous against the proposed amendment of the Criminal Procedure Code, and the cordial thanks of those present were passed to the Chairman, Mr. Harcourt.

This meeting was held, as one may say, on the spur of the moment and is only a preliminary to that about to be held on Monday; but it goes a long way to shew what European feeling in this district is with regard to Mr. Ilbert's Bill.

# THE "TIMES OF INDIA,"

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The English papers have not accepted Lord Ripon's invitation to suspend their criticism upon Mr. Ilbert's proposal to give native magistrates in the mofussil jurisdiction over Britishborn subjects until the publication of the Bill. The Bill, it seems, is generally condemned by the Home papers, while our London correspondent telegraphs out a summary of one of the most vigorous and most outspoken articles that have appeared in the Times since the days of Mr. Delane. The Times declares that to place British-born subjects under the jurisdiction of native magistrates in the mofussil would drive English capital and English owners out of the country, and that if the Viceroy has resolved to abolish all anomalies in the Indian law Anglo-Indians had better "pack home." Lord Ripon is solemnly warned to pause before he checks the new flow of English capital towards India, by sanctioning a Bill "likely to do mischief and quite uncalled for." The Times is probably inspired here by what its Calcutta correspondent has gathered of the general feeling in Bengal. The question is a much more difficult one on the other side of India than in the Bombay Presidency. The Indigo Planters and the Tea Planters have, of course, great influence in Bengal, and in 1872 they protested most vigorously against what they then termed the "Black Act." Apart from officials, the Europeans in the Bombay mofussil are a very feeble folk, for there is no class corresponding to that of wealthy estate-owners and influential planters. The question is not likely to create such indignation here as in Bengal, where aimost every mofussil European is a large employer of native labour, and where almost every question in dispute is one between a European master and a native servant. This in itself is sufficient to account for the vehement opposition that finds expression in the columns of the Times. But the new maxim now laid down that utility rather than the fancies of an ideal

justice, finds favour in England goes to the root of all Lord Ripon's reforms, and can scarcely be accepted by the present Government of India.

February 9.

We have now received the Bill to amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction by native magistrates in the mofussil over European British subjects, together with the statement of objects and reasons. We have not, however, received, what would be much more important, a copy of the "overwhelming consensus of opinion" for a change in the law which has been returned by the various local Governments. We were asked to suspend criticism until the publication of the Bill, but the Bill really tells us nothing more than could have been easily gathered from Mr. Ilbert's speech. The opinions of the local Governments might, perhaps, have told us a great deal. There is no doubt that the present law is "an anomaly," but the existence of the English in India is an anomaly altogether, and, as the Times says, if Lord Ripon has determined to abolish all anomalies Anglo-Indians had better "pack home," The received not only way in which the Bill has been in Bengal but in London, shows the extreme danger of legislating towards a system of ideal justice. The present system had grown naturally with the establishment and extension of the English power in India. No one apparently but Mr. Gupta, a native civilian, had objected to it until it grated upon the susceptible nerves of Mr. Ilbert. Like most men, when they first land in this country, Mr. Ilbert has failed to grasp the fact that he is not still living in England; that in the remoter districts race-feeling is still very strong; and that his pride of birth and his magnificent confidence in the superiority of his own race are among the chief reasons for the continued existence of the Englishman in India. The Bill scarcely affects the English residents on this side of India, and we can, therefore, write about it all the more impartially. The publication of the opinions of the different local Governments may, perhaps, throw a considerable amount of fresh light on the matter, but in the meantime we are bound to confess that we agree with the *Times* that the Bill is quite uncalled for and likely to do mischief.

For many years past native magistrates in the Presidency towns have had the power of trying English prisoners, and on the whole they have exercised that power fairly enough. But in the big cities they are, of course, under the eye of public opinion and well within the jurisdiction of the High Court. Any grievance would be instantly redressed and any conspiracy readily exposed. But even in the Presioncy towns the Chief Presidency Magistrate is still required to be a European, and in Bombay, at all events, he is expected to keep a pretty sharp look out after the decisions of his brother magistrates. In two recent cases it was shown that native magistrates are more easily biassed than Europeans, not as against Europeans in particular, but more likely to be unconsciously carried away by their feelings, their friendships, and their caste prejudices. In the Bombay mofussil there are few Europeans of importance, apart, of course, from the officials. But in Bengal and Assam the great industries of coffee and indigo have called into existence a large body of European owners, planters and assistants. It is from these men that the real opposition to the Bill may be expected; and we do not wonder at it. Many of them live in complete isolation surrounded by hundreds or thousands of coolies. Every now and then an outbreak tells us something of the difficulty there is n keeping these men in proper discipline. To do this iefficiently prestige as well as moral superiority is required, and it is easy to imagine the condition of a remote disaffected plantation in which any coolie who imagined he was aggrieved could procure a warrant against his "saheb" from the nearest native magistrate. In these remote districts, moreover, justice is administered in a very different manner from that in practice in the Police Courts of the Presidency towns. The isolated Englishman having to rule without assistance

several hundred men with an iron grasp, and being compelled to assert an independent position, is often unpopular with his native neighbours as well as with his employes. Nothing under these circumstances is easier than to get up a conspiracy against him. Probably our readers will remember many such conspiracies in their time. There was notably the case in which the guilt of the accused seemed absolutely proved, when the bones of his victim were brought into Court. But when the case was removed to Calcutta, the conspiracy was at once established and the bones were proved to be sheep's bones. It is urged that the ative members of the Covenanted Civil Service would be free from any bias likely to incline them unfavourably to Europeans. We are quite prepared to believe it. The objection is very likely a sentimental one. But it is certainly entertained by the planters, while the present exemption from the juris liction of native magistrates assurdly goes far to give them that prestige which is essential to their safety in a position of the most trying isolation. Had the present system failed there might be some reason for a change that would affect a very important community and alter all the relations between employers and employed throughout very considerable districts. But, so far as we know, the only object Mr. Ilbert has in view is to provide for the "impartial and effectual administration of justice," which, as it is, has never been impugned.

The question as it regards Bombay is almost an impersonal one. Fut if it must be raised, the native members of the Covenanted Civil Service have a right to be heard, and so have the Benga planters, and the latter have found a very good mouth-piece in the Englishman. The Englishman says that Mr. Ilbert's speech "has fallen like a thunderbolt among the European subjects of her Majesty in this country," and the writer succeeds in picking Mr. Ilbert's arguments to pieces. Mr. Ilbert says that as compared with the great mass of ordinary criminal business, the criminal charges against Englishmen in the mofussil "are extremely rare," and "secondly, that they

are exceptionally troublesome and difficult." Again, he says they are "a class of cases which as will be admitted by all impartial persons" are apt to put an exceptionally severe strain on the judge. If so it would surely be well to retain the machinery of special legislation. The only argument in favour of the change, in addition to the provision for the impartial and effectual administration of justice is to be found in the complaints of Mr. Gupta and some few other native members of the Civil Service. To a great extent Mr. Gupta is right. There is a distinction, and he may call it an "invidious distinction" if he will, between a European and a tive Sessions Judge. A very few years back there was no such thing as a native civilian. The change has come about very gradually, but even yet the change is not quite complete. But Mr. Gupta is very much luckier than his forefathers were, though he is not so lucky as perhaps his grandson may be. It was at once just and expedient that the natives of this country should be, admitted to a share in the government of their own countrymen, and it was expedient if not ideally just that the British Government should keep the jurisdiction of British subjects entirely in their own hands. It is a question if he likes of expediency versus ideal justice, a question as between a handful of native civilians and a very large community of British subjects. But unless there are much stronger arguments forthcoming we quite agree with the Times that the Bill was "uncalled for" and inopportune and likely to do much mischief in stirring up bad. feeling between Englishmen and natives. The proposal was rejected in 1872, though even then the chief officials voted on the side of ideal justice. It would be wise to allow it to be again rejected in the same manner by those who own to an honest prejudice in favour of expediency.

### February 16.

The Government of India have very wisely published the opinions of the high officials consulted as to the proposal to give native magistrates jurisdiction over British-born subjects.

The Governor of Madras and Sir Frederick Roberts approve of the measure. But the Hon. D. F. Carmichel and the Hon. W. Hudd'e ton strenuously oppose it as impolitic and not expedient. In Bombay there is much diversity of opinion, but the Governor himself approves the measure. Sir Alfred Lyall approves of the measure to a limited extent, and Mr. Duthoit would confer the new powers only on natives who have entered the Civil Service in England. In the Punjab Sir Charles Aitchison warmly approves of the measure, and so do the Chief Commissioners of the Central Provinces, British Burma and Assam, but the Chief Commissioner of Coorg thinks that the present distinctions ar wise, and should for political reasons be maintained. The Resident at Hyderabad is against the change. These opinions are all valuable. But it is difficult from any collection of such opinions to gauge the real official feeling. We cannot forget that an overwhelming consensus of official opinion a short time back supported the introduction of the Vernacular Press Act. When the question was discussed in 1872 the President in Council, the Lieutenant-Governor, the Commander-in-Chief, Sir Richard Temple and Mr. Ellis voted in favour of extending the jurisdiction of native magistrates, while Messrs. Strachey, Stephen, Inglis, Robinson, Chapman, Steuart and General Norman opposed it. On this occasion Sir James Stephen said:-"In countries situated as most European countries are, it is no doubt desirable that there should be no personal laws; but in India it is otherwise. Personal, as opposed to territorial, laws prevail here on all sorts of subjects, and their maintenance is claimed with the utmost partinacity by those who are subject to them. The Muhammadan has his personal law. The Hindu has his personal law. Women, who according to the custom of the country ought not to appear in Court, are excused from appearing in Court. Natives of rank and influence enjoy, in many cases, privileges which stand on precisely the same principle; and are English people to be told that, whilst it is their duty to respect all these laws scrupulously, they are

to claim nothing for themselves? That whilst the English Courts are to respect, and even to enforce, a variety of laws which are thoroughly repugnant to all the strongest convictions of Englishmen, Englishmen who settle in this country are to surrender privileges to which, rightly or otherwise, they attach the highest possible importance? I can see no ground or reason for such a contention. I think there is no country in the world, and no race of men in the world, from whom a claim for absolute identity of law for persons of all races and all habits comes with so bad a grace as from the natives of this country, filled as it is with every distinction, which race, caste and religion can create, and passionately teracious as are its inhabitants of such distinctions." Sir James Stephen is a high authority, and it would be difficult to put the case more forcibly than he has done. So far the Anglo-Indian Press has almost unanimously opposed the change.

### February 23.

The appeal of the Bengal Chamber of Commerce to the Chambers of Bombay and Madras to take united action against Mr. Ilbert's proposal to give native magistrates jurisdiction to try Europeans is the first discordant note that has been sounded since Lord Ripon arrived in India. All the resolutions condemning the Bill were unanimously passed by the members of the Bengal Chamber. A public meeting in Calcutta will support the representatives of the leading mercantile houses, and memorials against the Bill are to be circulated in every district of Bengal. This strong exhibition of public feeling, however much it must be regretted, seems to have been inevitable. When the Native Jurisdiction, Bill was first brought to our notice, we expressed our intention to await further information before offering any criticism on the measure, and we hoped then that the question would be treated [without evoking any class-feeling. We urged that the opinions of the local Governments should be published, in order that "the overwhelming consensus of opinion in favour of the measure" might convince

all parties that no revolution was intended, and no serious danger to the rights of British subjects implied. We hoped to find that an alteration of procedure, which we still think must one day be carried out, would now slide easily without friction or difficulty into the accepted law of the land. Unfortunately we are disappointed. The class-feeling which all friends of India most dread has been excited, and we find that the conditions which alone can be favourable to a withdrawal of privileges have not been fulfilled. Those conditions are very obvious. It is not enough to condemn the existing state of the laws as an anomaly. It must be appreciated society as an anomaly which is obsolete. Again, it is not enough to consult a few officials as tothe policy of withdrawing a privilege. We must ascertain that the privileged classes are fairly willing to surrender a privilege of which they have been for many years in full enjoyment. We will examine how far these two conditions are fulfilled. Mr. Ilbert's distinguished predecessor described the law of India as full of class anomalies. Parsees, Hindus, Mahomedans, and Zenana ladies are all protected in one form or another in special rights, which are limitations on the broad principles of English legislation. As Mr. Fitzjames Stephen remarked, agitation on their part against the recognition of an Englishman's right to be tried by his peers would come with an exceedingly bad grace. Going beyond the statute book there are anomalies in every department of our administration. The different grades of salary paid for the same work done by an Englishman or a native are justified by a comparison of the conditions and circumstances under which the two races serve and live in India, but none the less constitute an anomaly. It is also an anomaly that the statesmen who guide the destinies of India should have for half their term of office to study the problems of Indian administration. and then be recalled when their experience is ripe. The annual migration to Simla, the State control of railways and the interference by telegraph of the India Office with the decisions of the Governor-General are all anomalies. At every

step of Indian life there are anomalies, because they are founded on the anomalous conditions of British rule in India. But they are all more or less justified by the exceptional circumstances of Indian history, and before it is wise to pull down any superstructure, however anomalous, we must be sure that society has itself recognised the fact that it has outgrown the necessity for rules and guarantees which were once considered essential to its development and safety. The anomaly which we are now considering is one which in many parts of India might safely be dispensed with. In Bombay, for instance, the European population engaged in trade is mainly confined to Suzerat here the small area of districts and the facilities of communication are a sufficient guarantee that no injustice would be done by giving to selected native magistrates jurisdiction over Europeans. Our experience in Bombay itself has taught us to regard the native Presidency Magistrates as amply qualified for the exercise of powers over every class of her Majesty's subjects. It may be true that in the Presidency town there are safeguards, which are not to be found outside the original jurisdiction of the High Court of Judicature, but it is also true that many of the native magistrates who have sat on the bench in Bombay would be accepted by the European community as fully competent to try Europeans. In Bombay, therefore, we do not apprehend that any evil would have resulted from an adoption of the change now proposed, when the Code of Criminal Procedure was revised last year. But in other parts of India, and notably in Bengal, where the population is denser and the control of the district officers less complete, the conditions which are found in Bombay do not exist. Rightly or wrongly, European society has not yet accepted the position that the present state of the law is as an obsolete anomaly; and as it is not sufficient to take a horse to the water in order to make him drink, so no legislature can make society consider its privileges anomalous by merely decreeing that they are so.

This brings us to the second part of our argument, that in

order to ascertain the feeling of society and to understand whether it is ripe for a change, it is not enough to consult official opinion. It is here that we confess we are disappointed. We had expected to find in the "overwhelming consensus of opinion" the recorded opinions of at least the most intelligent section of non-official Englishmen, of planters, manufacturers, and railway servants, that they were indifferent or even favourable to a deprivation of anomalous privileges. We must confess that the Government have departed from their sound policy of taking the public into their confidence in this particular measure. There are certain feelings which highly educated and liberal Englishmen cherish but do not obtrude upon notice, from a respect for the feelings of others. They do not like to claim for themselves a position which they do not accord to others, or to assert themselves. But even the most modest and thoughtful man will resent an attack upon a position which he never wished to defend. Mr. Gupta has led the attack in the present instance, and the community of Bengal have naturally stood European on their dignity. It was a most unfortunate blunder of tactics to, bring a young native civilian so prominently forward in the matter. If a well respected European magistrate had been put forward, or a High Court judge, as the advocate of the change in the law affecting his own countrymen, it would not have thrown society into an attitude of defence. But even under those altered circumstances, it would have shown a larger experience of administration and more political sagacity it Mr. Ilbert had then taken pains to canvass the opinions of the leaders of the class from whom opposition was likely to be encountered. This, so far as we can see, has not been done. If it was done, it was unfortunate that it was not stated at the outset. Supposing the Government wished to alter the law regarding the appearance of native ladies in court, or the matrimonial or succession laws of certain classes of the community, their first impulse would be to consult the privileged classes whose existing rights they proposed to alter. The omission to take that obvious step in the present case is un-

fortunate. Even amongst the officials consulted, there is not that unanimity and conviction which we had expected to find. In Madras the members of Council and in the Central Provinces Mr. Howell give careful opinions against the change. In Bengal even the assents are guarded and timid. On the whole then, it appears to us that there has been a precipitancy which. has endangered the success of the Bill. That precipitancy is much emphasized by the circumstances under which the new law is introduced. We opposed the alteration of the entire Code of Criminal Procedure last year, because we thought that an amending Act was sufficient, and that the wholesale alteration of a great Code threw into confusion the rights of the people and gave the police a dangerous power of oppression. But what can be said of the amendment of the Code a few weeks after its coming into force? It could only be urged that it was a necessity urgently called for, which admitted no delay. But we look in vain either for any sign of urgency, or for that unanimous consensus in favour of change which we expected. The result is that a measure which could have been safely passed, if the Government had formed public opinion and chosen a fit opportunity, is now launched in the teeth of an opposition that is much to be deplored. It is an opposition which, we fear, must wreck the success o the present Bill, because its importance has been exaggerated by bad tactics far beyond its true significance.

It is impossible not to sympathize with the position in which a mere blunder of form and method has placed a Viceroy who is trusted alike by Europeans and natives. His policy cannot be seriously attacked, but it is surrounded by difficulties which might have been foreseen and met. No English statesman would think of forcing on public opinion a change of this sort without a preliminary process of education. English politicians are essentially practical. There is always a clear line drawn between the outer theoretic circle and the inner circle of practical politics. In order to pass from one to the other, there is need for courting public sympathy and forcing the necessity for

change upon the attention of constituencies. In this lies the art of statesmanship. Governments, whatever their form is, cannot act in defiance of public opinion. But they can create public opinion if they have a strong case and choose to take the public into confidence. In the present instance the Government have acted independently, and they are consequently placed in an awkward position, all the more awkward because their position might have been made a strong one. To go back now is to confess mistake. To go forward is to fan a flame of class-hostility, embitter feelings, and jeopardize more important legislation by arraying osition against the Government. The Governor-General can, of course, carry the present measure. Native opinion is naturally with him, and a strong Council behind him. But we would earnestly deprecate perseverance in the face of such a determined opposition as is now shown by the whole European community of Calcutta. It is evident that the Secretary of State has given Lord Ripon full discretion in the matter, and that the Government of India, and they alone, will be responsible for the change. Changes of this kind can, however, be too dearly bought, and nothing short of urgent necessity should justify an English Viceroy in riding roughshod over the feelings of the whole English community. Nothing, however, has happened since last year to justify so sudden an alteration of the Procedure Code. The subject has not been sufficiently ventilated. Let practical inconveniences resulting from the present state of the law be collected, and the public will soon recognise the need for a change; but at present Mr. Ilbert's Bill appears in the character of a tribute to conventional symmetry rather than a necessary reform of the law.

### February 28.

Such unanimous disapproval as that elicited by Mr. Ilbert's proposal to extend the jurisdiction of Native Magistrates over British-born subjects in the mofussil has not been heard in India for many years. The Bengal Chamber of Commerce spoke out

very strongly last week. To-day we publish the report of an equally firm protest entered by the Madras Chamber. On Monday the members of the Bombay Chamber will have the opportunity of assisting their European brethren in districts where the question has a much more vivid interest than in Bombay. The united voice of the three Chambers may be taken as the opinion of the whole non-official English community in this country, and in all directions public meetings are being organized to open subscription lists to supply the material resources necessary for a vigorous opposition. As a rule the burning questions that agitate India are very coldly regarded at home. Here, on the contrary, the first key-note of alarm was struck in England, and the leading journal has peculiarly identified itself with the opposition. On the 7th February our London correspondent enabled us to publish a telegraphic summary of an unusually outspoken article in the Times. It is not too much to say that this article acted like an alarum, and gave coherence, strength and purpose to the Anglo-Indian protest. The Times has been followed by all save the extreme radical organs of public opinion at home, and yesterday our Lendon correspondent telegraphed that nearly the whole English press has now condemned Mr. Ilbert's illtimed proposal. It is difficult to over-estimate the value of such assistance, and the temporary postponement of the Bill is probably due as much or more to this extraordinary opposition in England as to the emphatic protests that have been offered here. The apologists of the Government, partly because they had long "lost touch" of English feeling, and partly, perhaps, because they were mortified at having no telegraphic information of their own, professed to believe that our correspondent had exaggerated the significance and the tone of the article in the Times. But the text of the article now lies before them. Nothing could be more strongly or more happily put than the original; and we venture to think that no précis of a long leading article could have been more faithfully compressed into twenty lines of telegraphic message than in the despatch to which we refer.

Our correspondent has done a public service of no slight value in enabling the European community to anticipate the news of this national sympathy by three weeks, and to spend the faterval in organizing a systematic opposition in the Presidency towns and the mcfussil. But for this Mr. Hiert would have been able to have forced his Bill through the Legislative Council before the receipt of the last mail papers informed the Anglo-Indian public of the valuable ally they possessed at home.

The only excuse for the proposed alteration in the Criminal Procedure Code lies in Mr. Ilbert's desire to sweep away what he describes as "an anomaly in the law." But as the Times says, "if Lord Ripon is resolved to" clear Indian administration of every anomaly he can discover in it, the best thing he can do will be to pack up his trunks and come home at once. He is himself the greatest of anomalies, the very head and front of the offence he is seeking to remove." We have discussed the "anomaly theory" fully already, and here we need only refer our readers to the admirable speech of the Hon. A. Mackenzie, which we reprint elsewhere. One passage is especially noteworth. General Sir Frederick Roberts had said, "I don't see how, in equity, any difference can be made in the position and power of British European 1... I Native Covenanted Civilians." Mr. Mackenzie asks, "Is our Commander-in-Chief prepared to admit that native colonel can be put into command of British or even nativ regiments, or a native Commander-in-Chief in charge of the Indian army? I have no doubt that he would at once resign his appointment if it were decided to appoint native noncommissioned officers to European regiments, to give the command of companies of European regiments, to native captains' or the command of European or even native regiments to native colonels. And if we are to use the 'logically indefensible' argument. I see no reason why British Civilians should be subjected to a species of control to which no British soldier would submit." This puts the ease in a nutshell, and explains as

inoffensively as possible the united opposition of the entire non-official European community. It is easy to imagine some occasion when urgent necessity might involve a certain amount of modification and self-denial on the part of Englishmen in India. But in this particular case there is no pretence that the change is wanted for any higher purpose than to "abolish an anomaly." For nine or ten years the question has never been mooted in India. The native community thought nothing of it. If the Bill passes, it is quite safe to say with the Times' Calcutta correspondent, that no Native Magistrate would ever be appointed to a planting district; and as a matter of fact, Mr. Gupta and the two or three Native Civilians who are agitating for the change could not reap any benefit from it until their promotion several years hence. It is almost inconceivable, after all we have heard of the new policy of inviting the public to assist in the full consideration of important measures, that Lord Ripon's Government should, as the Calcutta correspondent of the Times puts it, "without giving any warning of its intention," have sprung a mine on the European community with almost as much suddenness as when Lord Lytton's Vernacular Press Act was introduced. We agree with the Times that "Lord Ripon would do well to pause before proceeding further with a Bill as likely to be mischievous as the one on which he is at present engaged, and as little called for by any real or asserted injustice which the existing rules involved." He has already, without any sort of reason but the sentimental dream of "removing an anomaly," divided India into two camps of Europeans and Natives. He has given the native journals an unexpected chance of inveighing against the details of English administration and of reviving all the bitterness of race antagonism. On the other hand, he has filled the European community with a distrust that their dearest rights and privileges will not be considered for a moment if they clash with the sentiments of a handful of native agitators, or run counter to the symmetrical ideas of a brand-new legal member. It will be well if the mischief has ended there. But it is easier to raise than to allay a spirit like this. There are signs abroad that Lord Ripon's "breathless benevolence" is creating a feeling of alarm in regard to a series of reforms, which were being hopefully if cautiously accepted.

# " MADRAS MAIL." (Madras.)

### February 8.

The London Times has dealt a severe blow at Mr. Ilbert's attempt to amend the Criminal Procedure Bill, so far as an extension of the jurisdiction of Native Magistrates is concerned. "Utility rather than the fancies of an ideal justice," we are told "finds favor in England;" and we are warned that Mr. Ilbert's bill is calculated "to check that flow of British capital into India that is only just commencing." The capital referred to must be that which Messrs. Baring Brothers are sending to India for the construction of new Indian railways. Major Baring, our Finance Minister, takes no little credit to himself for having induced English capitalists to interest themselves in the development of Indian railways, without the promise of a 5 per cent. guarantee; and these capitalists have apparently taken alarm at the prospect of their servants in India being cut adrift, as it were, from the protection of British officers in India. This is a view of the situation that has evidently not occurred to Lord Ripon and Mr. Ilbert in their amiable endeavours to amend what appears to be an anomalous and invidious state of the law. Under the existing law, as pointed out by Mr. Ilbert, "no Magistrate, unless he is a Justice of the Peace, and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class and a European British subject, shall inquire into or try any charge against a European British subject." In 1872, when Lord Napier and Ettrick was acting as Governor General, an effort was made by his Legislative Council to extend the jurisdiction over European British subjects to Native Magistrates, the proposal being supported by Sir George Campbell, Sir R. Temple, Lord Napier of Magdala and Sir Barrow Ellis. Their argument was that "now that Native Covenanted Civilians may shortly be expected to hold the Office of District Magistrate or Sessions

Judge, it is as a mat of administrative convenience desirable that they should have the power to try all classes of persons brought before them." The majority of the Council, however, agreed that, in the words of Mr. Chapman, an Englishman in India should retain his privilege of being tried by an Englishman. It is this privilege which Mr. Ilbert now proposes to take away. It is true he proposes that only first class Magistrates, being either (a) a member of the Covenanted Civil Service, (b) a member of the Native Civil Service constituted under the statutory, rules (c) an Assistant Commissioner in a non-regulation Province, and (d) a Cantonment Magistrate, should have jurisdiction over European British subjects; and it may be freely admitted that all officers entrusted with such appointments should be competent to administer justice to Europeans and Natives alike. As a matter of fact, however, a Native Magistrate has not always that knowledge of European manners and customs which is essential to enable him to arrive at a right decision in regard to a European's conduct in particular cases. Native Judges and Magistrates who have lived in and studied in England, and might therefore be credited with a fair knowledge of European character, are few and far between; and the bulk of them labour under the obvious disadvantage of not knowing Europeans in the same way that European Magistrates know the natives of this country. Mr. Ilbert would have us believe that European and Native Magistrates are on a par as regards their knowledge of Europeans, and their capacity to deal with them magisterially. Such an argument is, in itself, almost fatal to his proposal. Even Mr. libert would never allow that the European settled in this country should be placed at an absolute disadvantage whenever he might be called before the law courts of this country. But that is what his amended Act would amount to. The objection of British capitalists to Mr. Ilbert's proposals should, however, be quite sufficient to condemn them as ill-advised and calculated to do more harm than good. Though London capitalists may be willing to

construct our railways without a Government guarantee of interest, they will not do so without some guarantee that their servants in this country may not be deprived of the privilege of being tried by European Magistrates. Mr. Ilbert may consider that objection sentimental, but there is in reality a very practical ring about it, when regarded from the point of view of an English Company about to establish itself in this country for purely commercial purposes. If it is to the benefit of India to encourage European capitalists to settle here, so it is clearly to her benefit to guarantee those capitalists all reasonable protection from the law of the land.

### February 21.

The Calcutta Chamber of Commerce, representing as it does the interests of non-official Europeans settled in Bengal, has expressed, in no doubtful language, its opinion of the Hon'ble Mr. Ilbert's proposed Amendment of the Criminal Procedure Act. The object of the Bill is to extend the jurisdiction of Native Magistrates, but the effect of the Bill would be simply to deprive Englishmen settled in India of the privilege of being tried by Englishmen. Lord Kimberley has informed the House of Lords that the Secretary of State for India in Council-meaning probably himself and Mr. Cross-has formerly sanctioned the Bill. It is to be regretted that Lord Kimberley should thus have cut off a means for retreating gracefully from a position which he may find extremely unpleasant, if not absolutely untenable. When a body like the Calcutta Chamber of Commerce, representing not only large commercial and industrial interests in India but, in the capacity of agents for Home firms, similar interests in England, is compelled to express its "unqualified disapproval" of Lord Ripon's legislation, it is surely time for both Lord Ripon and Lord Kimberley to consider carefully whether such legislation should be proceeded with. There can be little doubt that the action of the Calcutta merchants will be supported by their brother-merchants in Bombay and

Madras. Indeed steps have already been taken in Madras for conveying a meeting for the expression of opinion of nonofficial European on Mr. Ilbert's Bill, which affects a large body of Englishmen settled in the Wynaad, Coorg, the Nilgiris and Travancore. Perhaps the most remarkable thing about Mr. Ilbert's Bill is its inconsistency with the policy of encouraging private enterprise, for which the present Government of India claim, and deservedly, so much credit. While on the one hand Lord Ripon-or rather Major Baring-is inviting English capitalists to come to India to construct railways, and develop manufacturing and mining industries, on the other, he is depriving them of legal privileges which will unquestionably discourage Europeans from settling in this country. The two policies are inconsistent. If Lord Ripon desires non-official Europeans to come in larger numbers to India, not only for their own but for India's good, then it is worth while to offer every inducement for European capitalists to settle in the country. This is not to be done by depriving Englishmen of privileges they have long enjoyed, and which, it is important to bear in mind, can be conferred by the Go. vernment without hardship or injustice to the natives of this country. That native opinion is not altogether in favour of Mr. Ilbert's Bill is proved by the following extract of a letter from a native gentleman resident in Oudh to the Allahabad paper-"Permit me to remark that Mr. Ilbert's proposal to extend jurisdiction over European British subjects to natives is certainly impolitic and illtimed. It is calculated to do more harm than good to the furtherance of native interest. It may satisfy ideal claims of justice, but on the other hand it will excite racefeeling and widen the gulf which unhappily exists between Europeans and Natives. Our own interests imperatively demand perfect harmony and union between the two races, which will be effected, in progress of time, with the enlightenment and advance in civilisation of my countrymen. Legislative measures like the one under consideration should consult the wishes and feelings of those whom the

The European community is averse to it, and the concern. native community has not demanded it. Why then introduce a measure which will do no practical good, but incalculable harm by generating friction between the two races-a deplorable result in my humble opinion."

### February 24.

### MEETING AT THE MADRAS CHAMBER OF COMMERCE.

Last (Friday) evening a preliminary meeting, representative of various European interests, was beld in the Madras Chamber of Commerce, with the object of deciding what steps should be taken to protest against the passing of the Bill recently introduced into the Viceregal Legislative Council by Mr. Ilbert. There were present Sir W. W. Arbuthnot, Bart., the Hon'ble A. Mackenzie, Messrs. W. Gordon, F. Rowlandson, L. Strange, W. Grant, M. Gould, C. A Ainslie, G. B. Powell, W. H. Oakes, J. C. Shaw, R. G. Orr, H. Cornish, W. R. Robinson, C. L. Huson, R. Branson, W. P. Crake, J. P. Nicholas, and J. A. Boyson.

Mr. Shaw (Chairman of the Chamber of Commerce) was voted

to the chair.

The CHAIRMAN said: Gentlemen,—We have met here to enter a protest against the Bill proposed by a member of the Government of India, by which that right which we have always claimed, that of being tried by our own peers, shall be taken away from us, and by which we shall be subject to the jurisdiction of Native Magistrates in out-stations. Such a right we were, so to speak, born to, and it is a privilege to which we hold. In the minute of Mr. Carmichael, I observe that so is along were the Government of India that this right should be upjealous were the Government of India that this right should be upheld, that when a European was tried and convicted by a judicial officer in the Travancore State, not only did they object, to the trial of a European by any native but by legislation withdrew the right from all Native States and in the case of Travencore this right had been held for thirty-five years. Given that the British Government permit a European to be tried by a Native Judge in the Mofussil, then they must rescind the law prohibiting Native Estates from trying a European, and the risks to a European will be intolerable. As for any objection to this privilege of trial by his countrymen being accorded to an Englishman, I commend to your attention the speech of Sir Fitz James Stephen pointing out how natives of this country have innumerable class privileges. Mr. Mackenzie and Mr. Gold, the proposer and seconder of the first proposition, will go more fully into the merits of the case, and to them I leave it.

The Hon. A. MACKENZEE said:—The first proposal I have been asked to move for your adoption is:—"That in the opinion of this meeting the alteration in the law proposed by Government in the Bill entitled. 'A Bill to amend the Code of Criminal Procedure 1878, so far as it relates to the exercise of jurisdiction over Euro-

pean British subjects, demands the conserted opposition of the European community throughout British India, as being an unnecessary sacrifice of a highly prized right to ideal legislation, and as likely to seriously check the introduction of European capital into India." After describing the scope of the proposed amendment of the law, Mr. Mackenzie said :- In introducing this Bill, the apology made for the change was, that it is an anomaly that, while natives of India are admitted to the Covenanted Civil Service, and are held competent to discharge the highest judical duties, they should be deemed incompetent to be Justices of the Peace, and to exercise jurisdiction over European British subjects; and it was stated that the Government of India had decided to remove at once, and completely, every judicial disqualification which is based on race distinctions. Mr. Ilbert, in introducing the Bill, admitted that practically, no complaint has ever been made that the present system produced hardship. His remark amounted practically to this:—That sentimental objection exists among the people of India against legislation which appears to place a European a higher standard than a native; and to assert in fact, that the life and property of a European is too precious to be dealt with by a Native. That is really the whole complaint: it has never been asserted that Europeans who try their European fellow-subjects give judgment unfairly; it has never been asserted that the privilege hitherto held by Europeans, is productive of any inconvenience to the native concerned, and Mr. Ilbert himself asserted as an argument in favour of the change that the cases where it would come into effect were so few, that practically the change was to Europeans as a matter of little moment. We, Europeans, may fairly ask if the grievance, such as it is, is so entirely one of sentiment; and if the cases which will be effected are so very few, what is the necessity for any change? Why not leave the thing alone? The answer to that, from the Government point of view, appears to be, that the present state of matters is "logically indefensible." That is the position which has been taken by Mr. Grant-Duff; and our Commander-in-Chief in his minute says:—"I don't see how, in equity, any difference can be made in the position and power of British European and native Covenanted Civilians." The remark comes with peculiarly bad grace from a soldier. Is our Commanderin-Chief prepared to admit that native Colonels can be put into command of British or even native regiments, or a native Commander-in-Chief in charge of the Indian Army? I have no doubt that he would at once resign his appointment if it were decided to appoint native Non-Commissioned Officers to European regiments, to give the command of companies of European regiments to native Captains, or the command of European or even native regiments to native Colonels. And if we are to use the "logically indefensible" argument, I see no reason why British Civilians should be subjected to a species of control to which no British soldier would submit; and I further think the "logically indefensible" argument is not available to the members of such a Government as that which controls India. Is our position in India logically defensible? Is not every circumstance connected with it an assertion on our part that

we are the controlling power: that England governs India as she considers right, and not as India wishes? The main seat of Government is situated not in India, but in London; its leaders are appointed not by the natives of India, but by the Queen; the highest executive appointments are filled also by the Queen; and without going through the entire system of Government, is it not the case that throughout, it is England and not India which fills all the chief offices of administration? If England is prepared to appoint let us say the Maharajah Holkar, Governor General, or the Maharajah of Mysore, Governor of Madras, and similarly to throw open all the chief offices of Government throughout the country to natives of qualified standing, then I would admit that it is prepared to act logically and that the declaration that any Magistrate or Justice of Peace, be he European or native, may try European or British subjects is only in logical accordance with the other arrangements made by England for the Government of the country; but until this is done, I say that the "logically indefensible" argument must be dropped. Let us consider for a moment when in any other act of recent legislation the same idea of logic has been adhered to I turn up the Negotiable Instruments Act and find :- Section 25 "When the day on which a promissory note or bill of exchange is at maturity is a public holiday, the instrument shall be deemed to be due on the newt preceding business day. "Explanation.—The expression 'public holiday, includes Sundays, New Year's day, Christmas day, if either of such days falls on a Sunday, the next following Monday. Good Friday, and any other day declared by the local Government, by notification in the Official Gazette, to be a public holiday." On what principle of logic does our Government declare that a day, be it Sunday, or Christmas day, or Good-Friday, to which the natives in this country attach no importance whatever, shall be observed as a public holiday, that any native who has to pay a bill on one of those days shall be bound to pay it on the day before f The reason why the Government does so is ofcourse obvious. It is the custom of Englishmen to observe those days; and because a certain number of European British subjects in this country would find it inconvenient, and possibly contrary to their consciences, to attend office for ordinary transaction of business on those days, therefore the paramount power has protected the European in India, and has declared that not only shall they enjoy the privileges in respect of those days, which they enjoy in England, but it has gone further, it has declared that the natives shall also recognise the wishes and customs of the paramount power and shall alter their customs to correspond. Why has this been done? Because if the contrary principle were once admitted; if we were to admit the "Logically indefensible" principle, that no native shall be compelled to meet his acceptances the day before they are due simply because that day happens to be one which a few Europeans observe with special reverence, but to which he attaches no importance whatever, on which he is always in attendance at his place of business, on which he and his countrymen transact business as usual, the next step would be to consider whether it would be "logically defensible" that all the Government offices throughout the country should be

closed on Sunday; and the next question which would crop up would be whether, if Native Collectors were prepared to work on Sunday—to keep their Kutcherries open and transact all their business, European Collectors would be logically justified in doing one day less work in the week than their Native colleagues in the Civil Service. But it is not sufficient to criticise the arguments of those who introduced the Bill. We must be prepared with reasons against it. There is one very generally used, but rather of a negative character: that there is no real necessity for the change. No one appears to have experienced any inconvenience from the present state of things. The change is introduced merely under some sentimental idea of removing inequality in the status of Europeans and Native Magistrates. To my mind there appear to be two main rea ons against the change. First, that till now it has always been recognised that Europeans in this country represent the paramount Power, and have the right to claim something of the nature of a privilege, in so far at all events as affects their right to claim in this country such rights and privileges as they would have in their own. The second is practically the mischief which is likely to arise from the change. In regard to the first reason, I need hardly point out that in every respect the British Government in this country asserts its superiority, and claims to legislate, not as the natives of the country wish, but as England wishes; and from the first introduction of British rule into India, until now, it has always been an understood thing that a European-a white man-wherever he went, represented the governing race, and, as such, was entitled to the respect which has been till now accorded to Europeans from the Natives. Then again, Europeans who have come to this country have done so under the knowledge and belief that should they ever give occasion Magistrate of their conduct, such inquiry would be made by a Magistrate of their own class. There is no privilege to which an Englishman clings more tenaciously than the recognised principle of English Criminal Code that an English subject can only be convicted of crime by the lawfully given judgment of what is frequently called his peers, though that may be a misleading term; it ought properly to be those of similar race and condition of life. I need not go through the different places through which Magistratical and Sessions work has research ent phases through which Magisterial and Sessions work has passed since the Europeans first came into the country, but ever since the East India Company formed settlements in the country, the principle has been carefully observed by England, that none of her sons should be tried for any crime or misdemeanour except by such a Court as would try him in England. This privilege has been carefully recognised until now, when it is sought to upset it on some fancied ground, that it places the natives of the country in a position of dishonorable inferiority. As Sir FitzJames Stephen has remarked, of all the people in the world, the Natives of India should be the last to raise objection against any special forms of control or law asked for, or conceded to, any of the residents in India. There is no country in the world, and no race of men in the world, from whom claim for absolute identity of law for persons of all

races and habits comes with so bad a grace as from the Natives of this country; filled as it is with every distinction which race, caste, and religion can create, and passionately tenacious as its inhabitants are of such distinctions. The Mahomedan has his personal law. The Hindu has his personal law. Women, who, according to the custom of the country ought not to appear in Court, are excepted from appearing in Court. Natives of rank and influence enjoy in many cases privileges which stand on precisely the same principles. There are customs in use in the country perfectly abhorrent to Englishmen the system of temple dancing girls for example; and yet our laws admit and recognise all these things, because they are the customs of the Natives of the country. But are English people to be told that while it is their duty to respect all those laws and customs scrupulously, they are to claim nothing themselves? That, on the contrary, they are to surrender a privilege to which, rightly or otherwise, they attach the highest importance? I can see no reason for such contention, and we know that it is not we ourselves who are resident in the Presidency Towns, who ever are likely to feel any personal inconvenience, but the great class of Englishmen, workmen, and employés upcountry, the engine-drivers, &c., on the railway, the foremen and others in industrial institutions, the managers of tea and coffee plantations, &c., people shut off, often by scores of miles, from the nearest white face, and utterly at the mercy of the Natives around them. It is the interest of these men that we have to consider, and not only of the men but of their wives and children. Well, then again as to the actual mischief which is likely to occur, I need only refer to the recent case of Seethapathy Naidu in Chingleput, and the Salem riots. These were not class cases between Europeans and Natives. In the Chingleput case, go where you will among the Natives, you will hear only one story, that, if you are talking to any friends of the Thasildar, all the cases against him are trumped up and the witnesses perjurers; if you are speaking to any of the other side, that all the charges against Alasagar Iyengar were trumped up, and that that poor man who died in Jail was practically a murdered man. In the Salem riots it has been the same story. Natives do not hesitate to say that all the evidence was false. And if this is what they do amongst themselves, what possible chance has a European up-country, of escaping false charges of all kinds, if he makes himself in the slightest degree obnoxious to his servants or any one else round him? Hitherto he has escaped because the servants or others knew perfectly well that the case could not be inquired into by any neighbouring Magistrate, but must go before the nearest European, who might perhaps be 100 miles away; and they did not think that their little grudge was worth the trouble of their being taken down under a Police guard, according to the pleasant custom of the country, to give evidence as witness in a trumped up charge with the possibility that they might break down under the cross-examination of the white Judge, and find themselves sentenced for false testimony instead of getting their master punished. All this will be altered. Any ayah who wishes to pay off a grudge against her mistress, has merely to run off to pay any of the

Magistrates declared under the powers which this Act will give to have jurisdiction over Europeans, and enter a charge of some kind; the mistress will be practically defenceless. We are told there are other European subjects who have not the privileges which we have always had. With regard to that, they have some pirvileges. They can be tried by Native Magistrates for small charges, but they have their Consuls to appeal to. We are also told "You are Englishmen who have come out to India, to a foreign country, and why should you hesitate to be tried by a Magistrate of the country when, if you go to Germany or France or Russia, you will similarly be tried by a Native Magistrate. There is great difference between a European and Native of India. A European—be he English or French or German,—would have more sympathy with and understand the manners and thoughts and habits of Englishmen much better than the Hindu does. But there is another thing beyond that, the British Consul in all continental towns is admitted -if not by special treety, then by what is called the comity of nations-to appear as counsel in any case where a British subject is to be put on his trial in a Foreign Court and can watch the case, and he can at once report the case to the Foreign Office if justice is not ad ninistered, and then there is a row. But who is to appear for the unfortunate European in this country, if the law denies to European residents in India the privileges which they have in Europe? It is getting late, and there are others to follow me who can continue the argument, so I will not detain you longer. I beg to propose the

resolution for your adoption.

Mr. M. Gould (Administrator General said):—I don't think it is necessary for me to add anything to the admirable observations which Mr. Mackenzie made, but I feel so strongly that this Bill, if passed, will carry anxiety and terror into the household of every European in the Mofussil that, contrary to my usual practice I am attending this meeting, which is strongly representative, although small. This legislation seems to me to be utterly uncalled for. There is no necessity for it. The European population in the Mofussil are, for their numbers, the least addicted to crime of any population on the earth, and for a very good reason; because they all belong to the better, or higher, classes. The common working man at home is unknown here. It is the intelligent artisan, the respectable clerk, the merchant, the educated and better classes who come here. The consequence is, that there is an absence of crime that, for the number here, is remarkable. When a European is tried in this Presidency, it is almost an event. And yet, though there is no necessity for this legislation, the safeguard that has hitherto protected Europeans from what they know perfectly well is a common practice of the country—bringing false charges—namely, that such charges shall be investigated by a man educated in Western civilisation, and who knows their ways and who is able, from his knowledge, to detect a false charge; that is to be taken away, and for no earthly reason except to remove an anomaly. Mr. Mackenzie has well put it, that legislation should not be based on strict rules of logic, but it should be based on the feelings of the people legislated for. (Applause.) There are thousands of anomalies it would be

possible to remove, but why remove this one, when no call exists for it? It has astonished me where the outcry for this Bill came from. The Natives have not asked for it; the poor yot does not ask for it; the educated classes do not ask for it. I have never met a single Native—and I have had much to do with natives for years-who complained of it; but for a Mr. Gupta, who happens to have got into the Civil Service, anxiety is to be brought into the home of every European in the Mofussil. I think we should extend our protection to our brethren in the Mofussil. To us here it is different. We have a very excellent Native Magistrate, and we had a very good one before him. Bet in the Presidency Town, we have the highest intelligence and education; and furthermore, they are surrounded by such a mass of public opinion that they dare not do wrong or make a mistake, and even if they do make a mistake, they would soon get put right. But it is different away from the towns. The planter in Coorg or Mysore, in some oases, takes some days to communicate to post with a European. and I think we are bound, although it does not concern us personally here, to extend our protection to our brethren in the Mofussil, and I have great pleasure in seconding the resolution proposed by Mr. Mackenzie.

The motion was then put to the meeting, and cordially adopted. Mr. C. A. AINSLIE said: - I concur entirely with the resolution put before the meeting, and the remarks of the gentlemen who have spoken in favour of it. And with a view to attaining our object, I beg to propose the following resolution :- "That a Committee, drawn from all classes of the community, be appointed to give effect to the proposed opposition to the Bill by such means

as may be considered most expedient."

Mr. R. G. Orr.—I have been asked to second the resolution, and I have much pleasure in doing so. I don't know that I can add anything to what has been said already, excepting with regard to the anomaly of the position which the Government seems anxious to remove. I think we may say that one of the grandest anomalies is our presence in the country. We are here simply by force of blood and iron. It seems a mysterious thing that such a trifling, petty pretext should be brought forward to do away with the highest privilege that Englishmen have always been entitled to, and always enjoyed. I have much pleasure in seconding the resolution.

MR. R. BRANSON :- I have been asked to propose the following resolution :- "That the following gentlemen be requested to form a Committee with power to add to their number :- Mr. C. A. Ainslie, Mr. M. Gould, Honorable A. Mackenzie, Messrs. E. Oakshott, L. Strangers, E. Barclay, W. Gordon, W. H. Oakes, A. M. Saunders. H. Shephard, R. Branson, R. G. Orr, J. C. Shaw, with Messrs. H. Cornish and F. Rowlandson as Hon. Secretaries."

MR. W. H. OAKES.—I have much pleasure in seconding the motion. Carried nem con.

THE CHAIRMAN:—The next motion falls to me. We don't know what expenditure will be required, and probably the best way will be for gentlemen to guarantee up to so much. I think that will be the simplest plan. Speaking for myself, I will guarantee, say Rs. 50.

Mr. Rowlandson:—I think there are many planters and Europeans up-country who would like to be associated with the movement in some way, and if we open a subscription list, and invite contributions, it would be the only way, perhaps, of their taking part in the movement. There may be a guarantee fund to make good any balance.

Conversation ensued, and it was thought that the verbal guarantee of those present would be sufficient for the purpose. Several gentlemen were in favour of calling upon the Sheriff to arrange a general meeting of European residents, but that matter was eventually left to the Committee. A vote of thanks to the Chairman

closed the proceedings.

### February 26.

The lame explanation offered by Lord Kimberley in justification of Mr. Ilbert's ill-advised Bill, is apparently no more satisfactory in England than it is in India. A few days ago Reuter made Lord Kimberley say that he and his Council had formally assented to the Bill, meaning, we presume, that he had assented to the introduction of the Bill into the Legislative Council. The Secretary of State has evidently been questioned on this subject, as he has now condescended to explain that "many eminent authorities unconnected with the present Government of India have recognised the necessity of the measure." Lord Kimberley can only refer to the debate in the Viceroy's Legislative Council in 1872, when Lord Napier and Ettrick and Lord Napier of Magdala voted in favor of the proposed extension of jurisdiction to Native Magistrates. These noble lords may no doubt be considered "eminent authorities" on many questions though we doubt whether the opinion of a moderately successful diplomatist, or of a gallant old soldier, on a purely legal and constitutional question will carry the same weight as that of a lawyer of the calibre of Sir FitzJames Stephen. As a matter of fact, these "eminent authorities" were in a minority in 1872, as they may be again. In truth, the question was discussed in 1872, as it has been now by Lord Ripon's Government, without any regard to practical considerations The two Lord Napiers seem to have regarded the question in much the same light as Mr. Grant Duff and Sir F. Roberts have

done. Our Governor and Commander-in-Chief, comparing the position of European and Native Magistrates as regards the trial of British born subjects in the Mofussil, notice a want of logic, or a want of equity, in the present law. That, however, is a trifling matter. As the Hon. A. Mackenzie well pointed out in his speech at the meeting held at the Chamber of Commerce on Friday, our Indian Codes are full of illogical laws. It necessarily must be so in a country where, for the last two centuries, English laws have been gradually engrafted on those of India. The important question to ask is, why was it thought necessary originally to grant Englishmen residing in India the privilege of being tried by their own countrymen? The obvious answer is that it was necessary to ensure that their cases should be understood, and that they should not suffer injustice by being tried by ignorant or prejudiced Native Magistrates. Are the advocates for a change in the law prepared to show that upcounty Native Magistrates are, as a rule, competent to try cases in which Europeans are concerned? If, not their "logical" argument fall to the ground. The question to consider is not whether our laws are logical, but whether they confer the greatest good on the greatest number. Considering what nonofficial Europeans have done for this country, in the way of employment of Native labour and the development of new industries, is it not clear that the Government are bound to give them the slight protection which the present law affords. It is doubtful indeed if the Government can alter the law without commiting something very like a breach of covenant. Planters and others settled in the country bought land and invested capital on certain well-understood conditions, which, it is clear, the Government cannot now modify without something like breach of faith. Messrs. Baring Brothers have recently undertaken to construct railways in India without the usual guarantee of interest from the Government, and it is known that they have remitted funds to this country for the commencement of the works. Supposing the Companies which Messrs.

Barings represent were to go to the Indian Government and point out that, in entering into contracts with the Government, they did so on the assumption that if their European servants in India came before the Law Courts they would be entitled to the privilege of being tried by English Magistrates, would not these Companies be entitled to throw up their contracts? Even Sir F. Roberts would admit that "in equity" the Companies could fairly ask that Government should not alter a law which had such a considerable influence with them in entering into the contracts at all. The case of Messrs. Barings with regard to the new railways may, in a greater or less degree he likened to those of most of the European planters and settlers in India; and we should hope therefore that that influential firm may be induced, before commencing work on their new lines, to have a distinct understanding with the Gevernment of India that there shall be no tampering with the law of ludia as regards the right of Englishmen in India being tried by English Magistrates. It seems a rather un-English proceeding on the part of Lord Ripon to rob his countrymen of a right which they highly esteem, and which has many practical advantages, without a single tangible disadvantage, so far as the people of India are concerned. Mr. Gupta's grievance is a personal and sentimental one. As a Magistrate in Calcutta he was privileged to try Europeans; but when he obtained his promotion and was sent up-country, the law did not allow him to try Europeans. Surely it would have been a sufficient answer to Mr. Gupta, if Lord Ripon had replied to his demand for an alteration in the law, in the language of our experienced Madras advocate, Mr. Gould: "This legislation seems to me to be utterly uncalled for. There is no necessity for it. The European population in the Mofussil are, for their numbers, the least addicted to crime of any population on the earth, and for a very good reason: because they all belong to the better or higher classes."

### THE "PIONEER,"

(Allahabad.)
February 6.

Mr. Ilbert's speech in the Legislative Council on Friday should be carefully studied, as it revives the vexed question of "race" qualifications in the Indian Magistracy, and much discussion is sure to follow the suggested amendment of the law. A progressive Government such as that of which Lord Ripon is the head, could not fail to be brought face to face with this question, even though it has been shelved for some ten years; and the legislation now proposed is strictly in keeping with the Viceroy's general policy. The amendmalts in the Criminal Procedure Code detailed by Mr. Ilbert relate to the trial of European British subjects, domiciled in this country, and the proposal to modify the existing regulations under which Native Magistrates out of Presidency towns are prohibited from trying Europeans will no doubt be sharply criticised by the non-official community, the members of which it deeply concerns. We propose dealing with the subject at length hereafter, and we therefore refrain for the present from entering into the general question of race disabilities.

### February 8.

In another column we publish the Bill which Mr. Ilbert has drafted with a view to remove the disabilities under which the Native Magistracy in the mofussil now labours in the matter of jurisdiction over European British subjects. The intention of the Government is boldly declared to be the removal "at once and completely of every disqualification which is based on merely race distinctions;" and the Bill accordingly amends certain sections of the Code of Criminal Procedure 1882, under which outsile the Presidency towns only European British subjects can be appointed Justices of the Peace, and under which Native Magistrates are absolutely prohibited from trying Europeans. The exact technical amendments will be found elsewhere, and also the usual Statement of "Objects and Reasons." The case in favour of the Bill

is temperately stated, and Mr. Ilbert himself has assured the public that the local Governments greatly approve of the proposed changes, so that the Government cannot be accused of having acted precipitately in the matter. But there is one section of the community which has not been consulted apparently, and, curiously enough that section includes the very Europeans who are to be affected by the change, and who should at least have a voice in the decision of a question which most intimately concerns them. The consequence can only be a storm of fierce opposition to the proposals of the Government, and there are signs already that the battle of " race qualications" will be fought out, not in India, but in the wider arena of English political life. The telegram from our London correspondent, published in these columns yesterday, proved that the feeling at home among Anglo-Indians of wide experience-a feeling no doubt shared by many high officials at the India Office-is one of alarm, and almost dismay while the Times, as the exponent of current public opinion, protests most energetically against the proposed measure, and predicts the decline of the material prosperity of India if the advocates of "ideal justice" have their way. English capital, and English owners of property, will, it is argued, be driven out of the country by reason of the unjust sentences pronounced by Native Magistrates against Europeans in the mofussil, and hence trade will languish and die. Now, while we think the Times has taken an exaggerated view of the consequences likely to arise from the proposed legislation, we must admit that the tendency will doubtless be to make Europeans distrustful of the mofussil Courts in some cases, and to excite a certain sort of impatience against native authority and native advancement along legitimate and less questionable lines of progress, at a moment when it is particularly desirable that there should be no friction of race. The strictly logical sequence of former legislation, as regards the jurisdiction of tribunals presided over by natives, would no doubt be the adoption of Mr. Ilbert's proposal. But in the present transition stage of affairs certain anomalies, which offend against a nice perception of administrative symmetry, are not the worst evils that may be encountered, and Mr. Ilbert may be counselled to accept an anomaly in this case—one which has not been found to occasion any serious inconvenience, and which at a later stage of development of the Indian body politic may be removed without discord or danger,

### February 14,

#### TO THE EDITOR.

SIR,—Mr. Ilbert's proposal to give certain Native Mag istrates jurisdiction over Europeans is merely the thin end of the wedge. The law inculcating mixed juries involves quite as great a "judicial disqualification based merely on race distinction" as the sections of the Code which are now to be amended, and Mr. Ilbert cannot here after fail to see the anomaly of allowing a man to sit as judge while disqualifying him to act as a juror. The whole question must therefore be taken together, and in trying to answer it we might ask ourselves how many natives, civilian or others, we know who are capable of appraising the provocation which a European gentleman has received by being called "a liar."

#### TO THE EDITOR.

SIR,—May I suggest to Mr. Ilbert through your columns that besides leaving ourselves unconsulted he has omitted to take the opinions of a large class who are to a certain extent interested in his proposed amendment of the Criminal Procedure Code. I allude to the Native Magistrates themselves. Their views should certainly be ascertained. There may be some self-sufficient Bengali M. A. and B. L.'s among them who would gladly welcome any change of the law which would give them a chance of humiliating the rampant Anglo-Saxon, but I have strong ground for thinking that the great majority of steadygoing and experienced Native Magistrates would strongly deprecate the proposed increase of their jurisdiction; Mr-Ilbert himself can have no idea of the amount of annoyance the change would legalise, especially in out of the way places, where the loss of time and anxiety, even where the charge is easily disproved, may mean absolute ruin to a planter.

OLIVER YORKE.

## February 15.

THE GOVERNMENT AND THE EUROPEAN BRITISH SUBJECT.—It is a trite anxiom of statesmanship that the weightiest adminis-

trative considerations are often those which it is most difficult to formulate with precision, or even to describe generally, without the risk of misunderstanding or offence. There are many things which everybody knows, but which no one who has any regard for the peace of society cares to say. There are forces, n short, with which the ststesman has to reckon, and which will entirely falsify his calculations if he leaves them out of account and which are none the less powerful because those whom they most concern, either from tact, good feeling, or good sense, are well content to leave them upexp ressed. Such essentially are the considerations which affect such questions as that upon which the Government of India has, with such startling abruptness, recently proposed to legislate in connection with the jurisdiction of the Criminal Courts over Europeans.

We are certain that with ninety-nine out of a hundred of thoughtful and reasonable Englishmen in India the first feeling on hearing of the proposed alteration in the law was one of regret, that the Government had been induced to re-open a question in which no practical grievance was involved, and which had been settled only ten years ago without acrimony, dissatisfaction on either side, or any of those unfortunate explosions of race and party feeting which the position of the English in India must always render of easy occurrence. The sleeping dog was lying peacefully enough, till the querulous, hypothetical grievance of Mr. Gupta essayed to awake him, and the one feeling of sensible and reasonable men is, we believe, that he should have been allowed to lie. No one can read the discussions which took place on the subject in 1872 without perceiving that the great object of the Government of that day was while giving a reasonable extension to the jurisdiction of the courts over Englishmen, to avoid a recrudescence of that bitter controversy to which the first proposal to make Europeans amenable to any but the Supreme Courts had given rise ten years before. Sir James Stephen and the members of the committee in charge of the Bill contrived to ascertain what amount of change the European community would accept without dis-

pute; and finding that this would meet the practical necessities of the case they resolved to accept this, as under the circumstances the best solution of an awkward problem. There was, as almost every member who supported the Bill took care to observe, a compromise, and a compromise all the more satisfactory in that it was obtained without the harassing wrangles. the mutual dislike, the angry tempers, the rude words which too often rob an amicable adjustment of half its worth. No word was written or said which could rouse animosity or produce bitterness and estrangment. On the are hand the great object was obtained of rendering every European in India amenable to a tribunal which could deal promptly and easily with any criminal charges brought against him. On the other the European community,-still scarcely accustomed to the idea of submitting to any courts but those which preserved the law, the procedure and the customs of English tribunals,-was gratified by the concession that the penalties which the courts of the country were empowered to inflict should be less in the case of Europeans than in that of natives, and that the official, by whom these penalties were to be inflicted, should be himself a European British subject. A Magistrate of the first class who was also a Justice of the Peace and an European British subject was empowered to inquire into complaints against European British subjects, and to pass a sentence of three months' imprisonment and a fine of Rs. 1,000. The Court of Sessions, in all but cases punishable with death or transportation for life, could pass a sentence of one year's imprisonment and fine. The gravest offences still remained cognizable exclusively by the High Court. Nobody supposed that this settlement was theoretically defensible; its justification was that it was practically expedient. As Sir James Stephen pointed out it was a compromise, and as such "a matter of more or less give-and-take." It removed the practical grievance that Europeans were to a great extent beyond the reach of the law because they could not be prosecuted without an amount of ex-

pense, delay and trouble, that was in all but the very gravest cases utterly incommensurate with the object to be attained. On the other hand it preserved a privilege which Englishmen rightly or wrongly consider as very precious to them in their place of exile,-the right of being tried by their own countrymen. Such a feeling, Sir James Stephen pointed out, was neither unjust nor irrational. The objections urged against it, grounded on the equality of all men before the law, are least of all maintainable in India, the very home of personal privilege and a country in which all the main concerns of social and domestic life a regulated by personal laws. These personal laws the English rulers of the country have recognized and enforced in every single particular, except where they conflict with morality or humanity. The Brahmin enjoys his enormous social privileges in all their integrity; the Mahomedan is still lord paramount in his household, and divorces his wives at pleasure; the wealth of religious endowments is safer than in any country in Europe; native noblemen and ladies, whose dignity would be offended by an appearance in court, are exempted from doing so. What is the justification of these privileges but this?-that, as in India a great collection of different tribes castes, and nationalities have to reside together, the only way of peace is a kindly recognition by all of each other's idiosyncracies, and a strict maintenance of each man's personal law. In the observance of this rule Englishmen are confronted by much that they despise and dislike, but that is no reason for its nonobservance. But then they may with good reason claim to have the same consideration extended to themselves. "Are English people," asked Sir James Stephen, "to be told that, whilst it is their duty to respect all these laws scrupulously, they are to claim nothing for themselves? That, whilst the English courts are to respect and even to enforce a variety of laws which are thoroughly repugnant to all the strongest conviction of Englishmen, Englishmen who settle in this country, are to surrender privileges, to which, rightly or otherwise they attach the highest importance? I can see no

ground or reason for such a contention. I think that there is no country in the world, and no race of men in the world, from whom such a claim for identity of law for persons of all races and all habits comes with so bad a grace as from the natives of this country, filled as it is with every distinction which race, caste, and religion can create, and passionately tenacious as are its inhabitants of such distinctions."

These considerations teach us to regret that the Government should on the sole motion, so far as appears, of a young native civilian, dealing with a grievance which had not as yet arisen in a practical form, have thought it well to reopen a controversy which the Legislature of 1872 seemed to have laid happily to rest. We do not profess to anticipate any very alarming results from a law empowering the Government to invest a very small class of native officials, whose competence has already been ascertained by adequate tests, to try and pass sentences upon Europeans in the mofussil. At the present day the facilities for appeal are so great, the vigilance of the public and the Press so keen, the powers of superintendence and revision by the High Court so carefully exercised, that the chances of a miscarriage of justice are infinitesimal. Nor have we the least wish to impugn the integrity or competence of the native gentlemen who are making their way honorably in the service of the State. They are, we have no doubt, well deserving of the confidence which the Government reposes in them. None the less do we think the action of the Government illadvised and ill-timed, and the way in which the measure has been introduced injudicious. A considerable change in the law affecting the European inhabitants of India is proposed, not upon any practical grievance, not because any miscarriage of justice is alleged, not because any inconvenience in the administration has been occasioned, not because any native official has been placed in a painful and humiliating position but because a young civilian has chosen to complain to the Government of a fact which has all along been patent viz, that native civilians will, on the rare occasions in

which Europeans are involved, have to allow the case to be tried by a countryman of the accused. What but morbid sensitiveness or restless vanity could find a grievance in such a rule? As Sir James Stephen asked in 1872: "Why should any one feel a slight because he was told that this particular man was to be tried in a particular way?" As a fact, no one, we believe, does feel a slight except that excitable, vainglorious noisy class of native society, which has of recent years been allowed to attain a prominence which is at present perhaps only absurd, but which may easily become inconvenient and even dangerous.

On the other and the Viceroy's countrymen have, we think, some cause of complaint. It is no doubt, just to rule India for the Indians, and no doubt expedient to conciliate native public opinion by any reasonable concession. But some consideration is due to the feelings, the convictions possibly the prejudices, of the race, to whose sterling qualities, physical moral, and intellectual, the very existence of this enormous empire is owing. I ord Ripon is Viceroy of the most splendid dependency that the world has ever seen, because Englishmen have exhibited on a thousand occasions, and in a thousand different particulars, qualities of mind and body in which the inhabitants of the country have, as a rule, shown a marked deficiency. Those qualities are as essential as ever; the very fabric of Indian society would begin to crumble as the last English soldier left the country, and in a year all would be, once again, chaos and collapse. Nor could the daily administration of the country and that development of which we hear so much, be carried on without the daily exercise, in a thousand obscure spheres of duty, of the untiring energy, the courage and patience, the conscientious zeal, the unsullied honor and moral rectitude, which, on the whole may be justly claimed as the honorable characteristics of our race.

It is difficult to write on such a theme without a lapse into vulgar boasting, or the odius comparison of one race with ar other. Our apology must be that several acts of the Govern.

ment, notably the appointment of a native to the highest judicial post in the country, and now the present proposed alteration in the Criminal Code, are considered by thoughtful Englishmen however insignificant in effect or justifiable in theory, as indicating a readiness on the part of our present rulers to court native popularity at the expense of defying the convictions, wounding the feelings, and offending the tastes of their own countrymen—the race by which the present greatness of India has assuredly been achieved, and to which so far as the present condition of the country affords any trustworthy indications of the future course of events, its peace and prosperity will for many a reading year to come be mainly owing.

### February 19.

JURISDICTION OVER EUROPEANS .- Bentham has taught modern society to regard legislation as an evil. The lands of law must necessarily cramp free play and growth, as well as interfere with expectations and calculations. Laws not only enforce a dull uniformity, but they create rights and duties, and in the process alter existing relations. But when once the legislature has interfered with natural growth, and crystalized a particular condition of affairs, it is usually believed that society will be compensated for the interruption of its spontaneous growth by the durability of the statute, and by the absolute confidence that all classes of society may thenceforward repose on the firm foundations on which the superstructure of their relations as fixed by law is to be built. The legislator has intervened and ridden roughshod over the liberty of the subject. He has ignored what is, or at least prevented what would occur if he had not interfered. But he fixes the relations of society to each other in reference to a particular matter, and invites it to build its contracts and do its business on the assured foundation of law. His interference is an evil, but the recompense is that it prevents future interference or capricious variations. at least is assured that a sound foundation for contract is reached, and after the first unsettlement it re-settles itself in reasonable confidence that the settlement made by the legislature is final. If, therefore, law is an evil because it involves restraint, for even unsettlement, an alteration of law is a double evil, because it not merely involves re-settlement, but destroys faith in the durability of a legal settlement. Recourse to legislation has been compared to recome to the physician, as a necessary evil when the constitution is disordered. The amendment of a law may be compared to a hange of doctors, and is a measure which requires extreme de lberation. Most civilized countries are so sensible of the aver of changes in the law that special safeguards are established, or at least recognized by common consent as a seminated accions against party oscillations or hasty legislation. There is safety in numbers, and the good sense of Parliamo S bels against the repeal or alteration of laws which have a roved a conspicuous failure. In India there is no contract such safeguard against change, but a posi-Mr. Whitley Stokes expressed the greatest indicated the war against the writer of an article in the Question and that "a special legislative depression was revere, but unmistakably true. Every five years a distinguished jurist is sent to India. He knows nothing of the country before he is invested with the highest power. ppinion at home follows his career with interest. He is to distinguish himself: masterly inactivity is not the ame in a legislative department. A Joint Magistrate of standing is still a junior, and his opinion is labelled as he member of Council must retire with his "blushing ick upon him" at the very threshold of his Indian His colleagues at the Council table are transformed greater frequency, and the Council itself is small. s to soppens that in India there is no solid guarantee, whether tunions or in constitution, against hasty legislation. The ist trust exclusively to the sound sense and moderarulers, who disappear from the scene every five

These general considerations are worthy of notice in reference to the Bill which Mr. Ilbert has introduced for amending the Code of Criminal Procedure, which has only just come into force, and for extending the jurisdiction of Native Magistrates. In discussing that Bill there are two points to consider: its necessity and the time chosen for its introduction. Legislators must take a country as they find it. The existence of a growing European population in India is a factor with which Government must deal. A fundamental principle of British law is that every subject should receive an impartial trial and fair justice. English opinion has associated the notion of fair justice with trial by jury, by a man's peers. It is of no use to ignore the fact that, notwithstanding the rapid strides which native society has made and is making, there is still a gulf fixed between European and Indian sentiments and their habits of thought and action. A sun's actions cannot be exclusively understood, and still less can be intentions be inferred from his actions or omissions, without day a sympathy with his mind as is implied in community of his and social intercourse. Whether rightly or wrongly, Europeans will continue to think that their actions will be liable 'to be misjudged by Native Magistrates, until Indian society identifies itself more thoroughly with European ways of life and thought. The idea is not unreasonable. The European in India has long recognized the advantage of studying the vernaculars, and is not ashamed to "speak like a native." But the process of organizing has not extended to the sacrifice of European wars of society, and until the native of India can leave his laste behind him and approach the Englishman on a comme platform, the difference between the two races will recon fact which statesmen cannot safely overlook.

It may freely be admitted that Mr. Itbert's Bil go very far. In the abstract many who disapprove of be glad to welcome it, if the European community we rally prepared to accept it. But they are not. The is generally the best judge of the game, and the England has at once expressed a fear that English capital and English enterprise will be driven out in India if the present Bill, and the policy of which it is only an isolated expression, be persisted in. The change proposed is essentially an operation which can only safely be performed when the constitution of Indian society, both European and native, is able to bear it. It is a measure which, with the consent of Europeans, might reasonably be conceded to native demands should such demands ever be made. But at present we see not a single sign of either one or other of these two conditions. Native opinion has never called for the change, nor have Europeans been consulted as to their acceptance of it. It is a bolt hurled out of a clear sky, and the public will begin to think that some radical element in the Communent of India is only anxious to prove to the world the Table radical instinct need not suffer by contact with orient recuservatism. Two arguments only have been soward for the change. The first is that the was fully considered, ably supported, but out previous occasion. That argument would justify e of government at home in repudiating the acts of The second argument is that in the presidento the Native Magistrates have exercised a jurisdiction which is now proposed to confer on Magistrates in the But there is no analogy between the two cases. The barrediate pressure of public opinion, the proximity of the Base Court, and the security of British power in the president was are sufficient safeguards against any possible misuse But in the mofussil all these conditions are There are many stations in Bengal where relations, friendly, have existed between the Native and the isolated planter. Neither of these arguthen convinces us, and a third only remains, that a ract it is right to eliminate distinctions of creed and to place unreserved confidence in the integ-Marive Magistracy. To this abstract conclusion existing facts must be recognized. Legislation would be Utopian if it proceeded on abstract principles. The law of the land, the history of English contact with India, the sensitiveness of capital, and the feelings, call them prejudices if you will, of Europeans are all in the other scale. If the law works badly, or if European sentiment changes, the legislature may then find a strong argument for action in the fact that its action is in the abstract right. But mere abstract principles, without a pressing necessity based on surrounding circumstances cannot justify a breach of contract between the State and its subjects, nor can they force society an alter its tone and feelings.

In short we think that the proposed with the law is in advance of the times, and opposed to the anadamental principle of legislation which is that no have the made, or amended, unless it is a greater evil to leave sale alone. But, even if we thought otherwise, we should desider the selection of the present time unfortunate. Has been ed a restless policy across the frontier for a restless licy? Are there not enough Bills on hand, and enough presid strokes of policy in the air, to satisfy the most ambition tions after fame? It would surely be well to see one safely through before the introduction of another. T Self-Government scheme has been enunciated, but its apple is a work of time and detail, which requires most unrem attention. It has been carried so far in the teeth of one from many Indian administrators. The Bengal Rent Bu the eve of publication. It has naturally provoked much cism, and will encounter more in its passage the legislature. We have expressed our opinion in favour of both these measures, and we therefor not be misunderstood in stating our regret that consideration has not been shown in the matter reforms. "Enough is as good as a feast" is motto, but it contains very sound advice. In carr measures of this sort, conciliation and tact are require administrations have been wrecked on the shoals of

tion than of maladministration. In politics the season is a matter of equal importance with the character of the measure A general onslaught on vested interests is not the best opportunity for bringing in a Bill to deprive Englishmen of the rights which they either sentimentally or reasonably cherish. The character of a Government is known by its fruits, and with the heavy reform Bills which we have on hand a little impatience must naturally exist at the discovery of a third. Where is the process of reform to end? Are we in Asia or England? Whispers are already heard that the. Church is to be dressablished, and people are reminding their neighbors that the remedy of a general election is not in the manus of the people of India. Let it be admitted, so long so the surface of Indian society is unruffled by storm, let the present law is an anomaly,-still it was an a sing twelve months since when the legislature re-enacted as Some are other practices anomalies which no statesmentings yet ventured to touch, such as consular jurisdiction in A reign lands, the jurisdiction of the British Resident at Hyder base the disregard by the Sessions Judge of the asses, ors' opinion, the constitution of the legislative assemblies, and grown Button rule in India. We have no faith in against anomalies unless circumstances change to make them dangerous or even seriously inconerem to the present case the reform is not justified personce of the failure of the existing law. The prias we know is cherished by one portion of the stanty grudged by none; and after all even an anomaly is ger of fashion. We cannot, therefore, think that any required, or that if it were required, the present continuity is suitable for stirring up race feeling, which is seemly agitated by other important and excellent measures in the various Councils for manufacturing laws and recelations.

February 20.

TO THE EDITOR.

propos of Mr. Ilbert's Bill to amend the Criminal Procedure Compeans and Natives are to be levelled up, let the levelling up

be complete. You and I cannot refuse to attend in any court of justices. Can any native refuse? Your wife and mine cannot, I believe, refuse to attend in any court. No native lady can be compelled to attend. While being put on an equal footing with Europeans, are the Natives to retain all their prejudices? May a European not have his prejudice against being tried by a Native? If the Natives require pampering with their prejudices, are they fit to sit in judgment on the European who has none. H. R. H. the Prince of Wales has more than once given evidence in a Court of Justice, would any Native Prince do the same?

"SPIFFIN."

February 23.

WE are quite willing to believe that the Under-Secretary of State for India is ignorant of the internationing which Mr. Ilbert's Bill has excited among the European community in India; but, all the same, this calm declaration must the Home Government will decline for the present to the matter in Parliament is irritating. The Government, Mc Closs said. did not wish to delay the proposed reform, but will argency should be desired with such a question we are all less to understand. It may be perfectly true, as stated by Lord Kimberley, that the Secretary of State for India and his have already sanctioned the proposal of the legal members that does not make Mr. Ilbert's Bill any more palatable people who are to suffer by its provisions: the stance, indeed, that the measure has been elaborat reference to the non-official community-either In home-only tends to increase the indignation already to presume that the sanction given by the Indian County given because the Government of India assured the that "an overwhelming consensus of opinion" had belan from high officials in this country; that native opinion hail the reform with delight; and that no opposition of the name would be aroused among Europeans living in Will the Government and Council be surprised to learn II one official in favour of the change there are twenty it; that native opinion is not unanimous, in the face of the

ing shown by the European community; and that Englishmen of all shades of political opinion are making common cause against the latest piece of symmetrical legislation? These are not idle statements: they can be verified by Mr. Ilbert whenever he chooses to try the experiment; and in all honesty we advise him to verify them with as little delay as possible. The action of the Bengal Chamber of Commerce is in itself a practical proof of much that we have advanced, and unless we mistake the signs of the times there will shortly be still stronger manifestations of disapproval in other parts of India. The Bill itself is apparently shelved for a time, but the agitation against its provisions should. We be so marked as to render its introduction into Counce nine months hence an impossibility.

TO THE EDITOR.

he an stion of jurisdiction over Europeans is under disyour permission to offer some remarks on it. It may be that, putting aside details and technicalities, the pre-To the law is this. No jurisdiction whatever can be exercised for December British subjects except by Magistrates who are themaby European British subjects. If a Magistrate has powers of the resignates and is a Justice of the Peace, and if the offence in question s convoich be is otherwise competent to try, he can sentence an Europe in Bettell subject on conviction to three months' imprisonment, to a the bright rupees fine, or to both. A Sessions Judge, provided always Broth is an European British subject, can sentence criminals of the ome rece to a year's imprisonment, or to any fine warranted by law. back. All other cases are only triable by the High Courts. Now at is the alteration proposed? The qualification hitherto necessary trains European British subjects, namely, that of belonging to the ne pationality is to be done away with. All Sessions Judge, whether tion or European, are to have the same jurisdiction. Chief Magisdistricts are to be ex-officio Justices of the Peace, and as such If have the jurisdiction already described. For the rest the choice of the Peace, who may at present be taken from the whole class British subjects, is in future to be limited to the following

— Members of the Covenanted Civil Service; B.—Members of the Civil Service constituted by the rules made under the Statute 23

Vic., Chapter 3; C.—Assistant Commissioners in non-regulation, Provinces; or D.—Cantonment Magistrates,

As it is altogether unlikely that any but European British subjects will, at any rate for many years to come, be made Cantonment Magis trates, the last class may be left out of consideration. The result therefore is this: 1st class Magistrates who are members of the Civil Service (covenanted or native), and who have been especially appointed Justices of the Peace for this purpose, will have the power of sentencing European British subjects to three months' imprisonment or fine, and Native Sessions Judges will have the power of sentencing them to a year's imprisonment. Under the law as thus amended, under no circumstances will it be possible for a non-official Englishman to have any jurisdiction over his fellow-subjects, and this is throwing an un deserved slur on the non-official community. It have be said that such is merely a sentimental argument, but the whole make is so much one of sentiment that it deserves consideration.

The non-official British community have at present the privilege of being tried exclusively by men of the same race. The verifute an importance to this privilege which may be excessive, but the existence of which cannot be denied. It remains therefore to see grounds it is proposed to take away from them this counts practical inconvenience arisen from the present state of things had the present staff of European Magistrates so small that it-is w try these cases? Nothing of the kind has happened or is happen, nor does the proposer of the Bill bring forward any sa ment. It appears that Mr. Gupta, a native and a member of the Civil Service, had, while a Presidency Magistrate, the power of Europeans, which he subsequently lost on being promoted to office in the Mofussil. He considered that this was a slur upor his representation was the origin of the present legislation. to be regretted that the Government of India did not repl Gupta in the words of Mr. F. Stephen in the debate of 1872, same argument was brought forward, "The privilege as to juwas the privilege of the prisoner, not the privilege of the Judge European had an objection to be tried by the native. Consu the position in which he stood, the question was whether you put him in a position in which he did not at present stand placed no slight upon the native by saying that he could only tr of his own race. What was there against the feelings of the saying that? Why should any one feel a slight because he was this particular man was to be tried in a particular way?" possible to answer this now as it was then. But we shall be

is invidious to keep up race distinctions. As the Hon'ble Mr. Ilbert said: "No change in the law can be satisfactory or stable which fails to remove at once and completely from the Code every judicial disqualification which is based merely on race distinctions." Is it then proposed, as one might fairly conclude from this language, to have one law for all classes, Europeans and Natives, alike? No proposal of the kind has been made or will be made for many a long day. We may hope that in the fulness of time this will be the ultimate settlement; but though we hope for the advent of the New Jerusalem, we do not keep white asses ready saddled to ride in at the gate. What is proposed is a mere temporary compromise with no element of stability in it, fully as anomalous as the present law. As Sir J. Strachev said - No body pretended for one moment that the provision of the bill whey now stood were symmetrical : on the contrary, they repredated a compromise which was open to criticism of every kind, it appeared to him that, if his hon'ble friend's amendment were accepted at would be just as much a compromise as the provisions of the Bill why were, and he did not see that the matter of principle would be a fixed brone way or another."

to the mainenance of the present law may well ponder over Mr. F. Stephen's words: in contribution situated as most European countries are, it is no doubt there should be no personal laws; but in India it is Personal as opposed to territorial laws prevail here on all bjects, and their maintenance is claimed with the utmost perthose who are subject to them. The Mahomedan has his w. The Hindu has his personal law. Women who, accorde custom of the country, ought not to appear in court, are com appearing in court. Natives of rank and influence enjoy cases, privileges which stand on precisely the same principle; English people to be told that, whilst it is their duty espect all these laws scrupulously, they are to claim nothing for That whilst English Courts are to respect, and even to the variety of laws which are thoroughly repugnant to all the strongentrictions of Englishmen, Englishmen who settle in this country carrender privileges to which, rightly or otherwise, they all the highest possible importance? I can see no ground or at for such a contention." To sum up. That right of being tried their fellow-countrymen is highly valued by the British monity. That right injures not a single Native. No reason of fical convenience demands its withdrawal. The proposed measure is

as much a compromise as the present law; it has no element of finality or stability. Further, throughout the greater part of India Natives have as yet not become Magistrates of districts or Sessions Judges; and the time is singularly inopportune for increasing, by anticipation, on purely sentimental grounds the difficulties and responsibilities of these offices when held by them. It was only after being found faithful over a few things that the good servant was set over many. The mere introduction of the measure has roused race antipathy which it should be the chief object of Government to smother and keep under till it finally dies out. It has excited the distrust of, if it has not permanently alienated from the administration, the entire non-official community. And for what? A mere nothing, to which the people of India attach no importance whatsoever. The wisest step that could now be taken would be to make a frank annount ent that, in consideration of the declaration of public opinion on the subject, the bill had been withdrawn. We give full credit to the good spleations which prompted the measure, but we all know where good into allow lead to. In no country has Lord Melbourne's adage about letting about solone a wider application than in India.

# February 26.

THE CRIMINAL PROCEDURE CODE AND THE HOROFILL BO TISH SUBJECT.—There is great reason to fear that the which all impartial observers anticipated from the m advised action of the Government in proposing to enlarge the juristiction of Natives over European British subjects, have alredly to a large extent, ensued. A feeling of disapproval, - mire general, more nearly unanimous, and, so far as its outward pression allows us to judge, more sincere, serious and found, than anything of the sort within the memory of present generation of Indian officials,-has been aroused the European community from one end of India to anoth Meetings are being held, the Presidency Towns are in a ment, the Calcutta Chamber of Commerce is in arms, papers are full of angry protests and violent proposals. doubt the storm is only at its beginning, and the store ment will have to encounter all the opposition collective European body or rather that portion of

whose tongues are not tied by official obligations, can offer to a measure which Englishmen believe to be unnecessary for the present, and franglit with grave danger for the future. We have already expressed our own belief that the actual immediate danger is small, but that the serious aspect of the case consists in the alacrity with which the Government has consented to sacrifice the established legal rights, the convictions, the tastes, and-if any one pleases so to call them-the prejudices of the selection, in order to gratify a feeling on the part of Native Monds for which no solid justification exists. Mr. Gupta is a pulposite that a few years hence, if he should ever rise to Mariet be of a district, the rule that Europeans shall be seed by their own countrymen may oblige him to hand a fordinate the few cases—and they are very few-to-the Europeans are brought into the criminal court court also feels aggrieved that the powers which, a Presidency Magistrate in Calcutta he in when he is transferred to the Mofussil. This (avety all; and upon this unsubstantial basis the Government of India proceeds forthwith to legislate on a subject fabout which, rightly or wrongly, Englishmen in India have all a motor carecially sensitive, and to sweep away rights which because enjoyed with a deep sense of their se and importance—ever since the first English settlement and in the country. A circular is sent out to the Lo-Governments, in which the strong opinion of the Governand both is expressed; the majority of those consulted nour with the Government in regarding the present state of e law as "anomalous." Thereupon—as Mr. Ilbert airily it has become abundantly clear that the existing we cannot be maintained, and the only question which we have consider is not whether the law should be altered, but how hould be altered."

bert then goes on to set forth in a clear light facts of the sur opinion demonstrate the untenability of his own and the unwisdom of the new proposal. First, what is

the object of the proposed legislation? As to this there will be he says, no difference in opinion. "It is simply the effectual and impartial administration of justice". Has any human being ventured to assert that the present administration is other than "effectual and impartial," or that it will become in the slightest degree more effectual or more impartial by the proposed alteration in the law? When Act X of 1872 was passed, this ground for legislation did undoubtedly exist. because the state of the law threw such difficulties in the way of the prosecution of an European as practically to secure him immunity from punishment in all but the era cases. now there is in every district in India and the competent to deal with all slight offences committed by an an analysis every division a Sessions Judge competer to a sale serious offences. We will not dwell further on the cause, except in Mr. 1lbert's introductory speech never been put forward or considered. And it an instant's consideration. Even Mr. Gupta doc that offences by Europeans are not fairly, speedily, tried at present, or that any sort of improvment will in this respect, by the proposed change of the law. the Legal Member, what are the facts which cannot strike any one who studies the statistics of European "First, that, as compared with the great mass of o criminal business, they are exceptionally rare; and see a that they are exceptionally troublesome and difficult." No. class of offences exceptionally rare and exceptionally may surely, without offence to any one, be restricted a class of officers, who, with all respect Gupta and the other Native Civilians, may be have especial qualifications ly presumed difficult and troublesome task. The Native Civilians have passed the competitive examination are still on their trad no one doubts their ability-we should be grieved to him a s at their integrity-but it is the plain truth that they and cannot for years to come, enjoy the confidence which to

lishmen feel in the sturdy manliness, the perfect independence, the imperviousness to all external considerations, the bold assertion of opinion against powerful influences in another direction, which they feel, and have a life-long experience to justify them in feeling, in their own trymen. To speak plainly we must be allowed to observe that the Native Civilians have yet to show that in positions of difficulty, danger, and temptation, their moral qualities-courage, firmness, unwavering rectitude,-will serve them in as good stand as they have served Englishmen on a thousand occasions whey are very few, very young, and if they have hither performed with respectable efficiency the simple duties of hair posts, they have not yet had an oportunity of showing what stuff they are made of in the moment of trial. They, no doubt, deserve the confidence of Europeans, but they have notified owned it, and confidence is, as we know, a wowth. There have been cases even recently in pi such we do not care more particularly to refer, w that, rightly or wrongly, public opinion does Native Magistrate with the same unhesitating ous confidence that is felt for Europeans. It may Let Mr. Gupta and his associates lands a linglishmen of their prejudice by careers of disnished rectitude and unquestioned honor. Another generamay then be prepared to concede the powers which they Meanwhile it is surely not unreasonable, or ressive or unjust that Englishmen being often almost the in a foreign country and amidst an alien race, many Thes from any European community, and without the aid to report advice and co-operation, should pray still to be to enjoy what every Englishman in India has hitherto. the privilege of being tried by one of their own race. another excellent reason against the proposed alterasupplied by Mr. Ilbert's view of the kind of go, which alone is justifiable. We should not be in re-opening the question, "unless we saw our

way to a solution, which should be-I will not say final because nothing in legislation is absolutely final-but which should contain in itself the elements of stability and durability." But will any supporter of the proposed alteration venture to predicate of it that it has any promise of being either stable or durable? Is it not rather the thin edge of the wedge by means of which large and more important revolutions will hereafter be introduced? Will not the same gentleman who has now denounced the restricted jurisdiction as illogical and unfair be able to urge with still greater cogency. that the position of Europeans under the amended law is not all moderable and an outrage upon those doctrines of equality thin lie at the root of the present change? Why, it was bed, is the European loafer liable only to three months by one a Magistrate, whereas th highest native gentleman cas a sentenced to two years' imprisonment? Why should the Sess as Judge who can sentence a Rajah to death, be incompetent of give an European tradesman or artisan more than a year's in risonment? How does Mr. Ilbert propose to answer such a question? And how can he regard a change which leads divisely up to it as "containing in itself the elements of decisioning stability." In fact from his point of view no answer is possi But the answer which we believe the right-minded portion the European community would give is this:-"You are vading rights which we have enjoyed for a hundred which we very highly prize, and you are them not for the sake of remedying a practical grievance. of removing a distinction which a very small class of contra tively untried officials consider may some day put a slight their dignity, and which meanwhile wounds their vanit self-esteem, and contravenes those doctrines of univ equality which are often only another name for envy, jeale and foolish pride. The past has left us certain privileges. we claim for them the same tender regard and honorable ples which are felt and exercised every day for privileges less reasonable and defensible, enjoyed by other classes

you could show that our privilege inflicts any real hardship on anyone, we should be content to sacrifice our personal interests in view of the public good. But it is not so. It is to a sentimental grievance of a few young men, dealing with a state of things which cannot arrive for years, that you are fiscating the rights and, as most of us believe, sacrificing the interests of the present generation of Englishmen. It is no doubt a grand and touching idea to govern the many millions of India with unwavering justice and a conscientious regard to their rights, customs, habits, and even tastes. But something is due to the race to which the proveristence of these many millions in any other form than that of chaotic anarchy is owing. The English came upon a gene of taisrule, confusion, decrepitude in the ruling power, lawl frames of the powerful classes, misery, and oppression of the local classes, such as the world has seldom seen. Their company mergy, untiring patience, heroic self-abnegation, their of our administration, their imperial capacity has conso duted a great empire, of which its subjects may justly be proper and under which we trust many millions are destined to lives on years to come at a higher level, moral and intellectual than any that India has ever yet experienced. Let some that in the fulness of time every race distinction will But meanwhile let neither rulers nor ruled be too by in sweeping away prematurely distinctions for which and reasons can be given, which are not shown to produce any estical grievance, and which the men who have made India at she is regard not only as a historical right, but as a safeguard." "Parcere subjectis et debellare superno doubt a rule of policy; nevertheless the Viceroy of may well hesitate when he finds, as he certainly will on bresent occasion, the opinion of his own countrymen, alht to a man, against him,

TO THE EDITOR.

Sir.—It is in no fault-finding or hypercritical spirit that I now beg to the what seems to me a most important omission in your powerful

and able leader of the 15th instant. The omission seems also to have been made by every one who has handled the subject of the jurisdiction of Natives over Europeans, viz., no one seems to have noticed how increasing the powers of Native Magistrates will demoralize the surrounding ryots and encourage them to vex and annoy the European planters and traders more than they have always been inclined to. The men who itch to thrust favours on the natives are, I believe, without exception, just those who are, by virtue of their position, removed from constant unpleasant contact with the Native, or make so short a stay in this country that they will never feel the bad effects of their utterly misplaced and uncalled for charity. Farey what the effect of the now proposed law will be in the Bengal indigo districts. Assaults like the one made on Mr. McLaughlan will be of weekly occurrence. The ryots, ever ready to terry advantage over the European, will be more difficult to many of pan they are already. After all the Europeans are the life and soul of the country, and should surely meet with consideration from themselve countrymen, Surely the Government will not be guilty of the felly of risk of disorder and bad blood just for the sake of south sensitive feelings of a few Bengali baboos.

### TO THE EDITOR.

SIE, Will you allow me to add another to the many extra opinion on the proposed amendments to the Code of Criminal R There are, I think, still a few points worthy of serious con-Mr. Ilbert, in his speech, as reported in the Gazett states the object of the proposed changes to be "simply the and impartial administration of justice." This is in of say that the present administration of justice, where Rucor British subjects are concerned, is not effectual and not tial. But Mr. Ilbert gives no proofs to substantiate tas nor does he hold out any hope that such proofs will be to ing. The facts, indeed, seem to be entirely the reverse. ever yet asserted that Europeans will be tried more impartially t Magistrates than is the case under the existing law, and it is understand how the proposed changes can make the administra justice more effectual. Further, by Mr. Ilbert's own showing, cases involving charges against European British subjects are car tionally rare and exceptionally troublesome and difficult." Are t

not enough English Magistrates to try these rare cases, and are they not qualified by intellect and experience to deal with all that is troublesome and difficult in them? Few Europeans would probably object to be tried by a Native Sessions Judge, or a Native District Magistrate. But the changes proposed by Mr. Ilbert will have the effect of giving jurisdiction over English men and women to all Native Magistrates qualified as he proposes. And where will these changes end? Mr. Ilbert claims that the solution of the difficulty which he puts forth contains at least " the elements of stability and durability," But what assurance have we of this? Most persons must have thought that the law of 1872 re-enacted as it was in 1882, had as many elements of stability as could be required, Before, however, the new Code has been in force two months, radical alterations of the utmost importance to Englishmen in India have been proposed. and if juris tion over European British subjects is conceded to the classes camed in Mr. Ilbert's proposed amendments, how can it be consister by withheld from all other Native Magistrates of the first class / there are numbers of Native Deputy Magistrates of far higher the and experience" than most junior members of the Native Complete, What is to prevent them from claiming (and (Aning) the privilege of criminal jurisdiction over European ots? As several high authorities have pointed out Natives dividue their own numerous and exclusive personal privileges y can in justice claim that Englishmen in India shall relinquisa to et most valued right.

D.

#### TO THE EDITOR.

about subjects also your own comments and those of other papers the son. It was to be expected that a chorus of consent should be ever a from floraldom, and, the more so, because, as far as I can see, it is an a see frected in any great degree by the passing of such a medice. Floral can be the non-official class throughout the length and by the stimular greatly outnumbers the official one, would it not be his attended to this subject, and then to give as equal publicity to the aneastic has done to the official opinions? I have not the slightest world to would be; and on that verdict let Government that all due respect I would ask what do officials know of the larger and conduct of the natives towards those Europeans official position, but who are striving to eke out a

bare subsistence on limited means in lonely situations? From the commencement of their Indian career, all officials are invested with more or less authority and consequently are surrounded by a set of servile fawning individuals whose sole aim in life seems to be to do and say, not what is right or is the real truth, but what they think will please the Hakim; so how is it possible for any official to acquire aught but a one-sided and incorrect opinion of the native character? Don't I remember how some years ago this district was ruled by a civilian who was thought to be unfriendly to the interlopers therein, and in those days who so bumptious and offensive in their manners, and speech as the Court chaprasis? Then when the Civilian left and was succeeded by those who have been kind friends to the interlopers, who so complaisant and respectful in their behaviour as these serves same chaprasis.

It is sad to think that such there bit de coassage as Viceroys and Legal Members of Council should try and carn a Wesp and evanescent popularity with a subject race at the expense of their own countrymen, and a very great pity that they do not has in mind the wise old saying of quieta non movere. In one respect it strikes me that the Sirkar is inconsistent. We now see anxious to bestow greater powers on natives, and but a short time ago I remember its anxiety to foster the volunteer movi to give it every possible encouragement, Way was Against whom are the Volunteers to be employed, and as a guard against what? Surely not against those from amongst whom as dividuals will by this new legislation be given full jurisdiction dor individual members of the Voluntoor force? Let the Sirkar for with proceed to disband the Volunteer force as it is at present coust and raise a fresh one from am ong the se who are so eager to be jurisdiction over Europeans. It is getting to be high time for officials to act on the advice given by the Times, as stated in your graphic summary-and it would be but fair on the part of Govern to compensate in some measure those who have been delicated sinking their all in callings into which they were inveigled by but utterly false views put forth by the said Government official so enable all such unfortunates to betake themselves to some other try where blacks are not considered to be such trumps as they as considered to be in this. If matters progress, as I have no don't rapidly will, in the path indicated by this new measure, I suppose, fine morning your readers will find some such announcement in columns as " Her Majesty the Empress has been pleased to appoint Chatter Box Bandarjee to be Viceroy of India," or "to appoint B

Khan to be Commander-in-Chief." Would not all officialdom hail the same with rapture!! It was Napoleon, I think, who said that if you scratch a Russian, you find a Tartar underneath." Will anyone be pleased to tell me what discovery would be likely to be made on performing the same operation on, say, Mr. Gupta? Finally, let the Sirkar bear in mind that it is a fruitless job endeavouring "to make a silk purse out of a sow's ear."

GLENLUCE.

February 27.

Lord Kimberley a statement that the amendment of the Griminal Procedure of Interspect of Native Jurisdiction over Europeans, as toen under the consideration of the Government of odia for many years," may be clear enough for the hary stanosphere of the House of Lords, but will be regarded by as a distinct, if unintentional, suggestio falsi. The compliance which left the law in its present position was only adosted after long discussion in 1872, and the amended Code, players at is embodied, came into operation on the 1st of Japan, 1883. The period at which the Supreme Government from commenced to meddle with the subject may pretty solely he fixed as recontly as from March to May last, when he drente addressed to various official dignitaries, drew markable "consensus of opinion" which Lord on and his colleagues find so convincing; which, for those can read between the lines, furnishes matter both for disand derision. It may be conjectured that the opinion of Kimberley's "eminent authorities unconnected with the Government of India," who "recognize the necessity of sasure," have been obtained by a equally trustworthy ness and are of at least equal value. Never was any official an nent designed to invite the views of the governing powers question of grave public interest shaped in a more misform than that now celebrated Circular. We deny that pinions on the true issue raised by Mr. Ilbert's misdie sous proposal were either invited or obtained. Practically Il this vaunted consensus amounts to is, an admission of

a truth which in the abstract no one dreams of denying—that the law which empowers native magistrates to try Europeans in the Presidency towns should equally empower them in the mofussil. But if, however, Lord Ripon be sincere in his desire to obtain the unbaised views of the most sagacious of his councillors in all parts of India, let him submit the question once more, requesting their views on its broad merits, as they present themselves now. This done, we can confidently assure His Excellency that not a few of the props upon which he has seemed to lean will fall away from him, and that a second consensus of opinion will prechine to abandon, whilst still able, the fatuous course upon which he has embarked.

# "CIVIL AND MILITARY GAZETTE." (Lahore.)

February 10.

We publish in another column the draft Bill, which Mr. Mbert has obtained leave to introduce into Council, for amending the Code of Criminal Procedure. To quote the statement of objects and reasons, "the Government of India has arrived at the conclusion after consulting with the local Governments, that the time has come for modifying the existing law, and removing the present ar upon the investment of native magistrates, in the interior, with powers over European tritish subjects." Not losg ago, the Government of India explained, at length, its deare to obtain a more general expression of opinion on proposed legislative measures. That desire is now likely to be gratified, fir. Placet's speech in Council, asking for leave to introduce is a new Bill, has already elicited a good many opinionsby any in favour of it. The home papers have given a ready means. A telegram to a Bombay contemporary—the Times The following extracts from the neon Imas, which says of the Bill:-"the result would be as notish capital and English owners out of the mofus-The Viceroy has resolved to abolish all anomalies, lians had better pack off home." We are furtherthat the home papers, generally, condemn the promeasure. In India, the opinions expressed-so far as be ascertained at present—are somewhat different. abstract justice of the measure is admitted. It is also and hoped, that a time may come when existmodualities in the law will cease. But the time has come for "ideal justice." The fact is, that a Bill aind, in the hands of a Member of Council, quite the country, is looked on with suspicion. Lord Ripon, expressly deprecated discussion until the Bill had outdished; but a too grateful admirer, Sir Mohindra Nath was allowed to say without contradiction, that His.

Excellency was pledged to the measure by a specific promise. If personal considerations of this kind are brought forward, public discussion on the Bill will take a most unprofitable shape. The measure must be weighed on its merits; not as the concession of a philanthropic Viceroy to native feeling.

### February 12.

The proposed Bill which, in the words of the Mover, is, at once and completely, to do away with every indical disqulification that is based merely on race distinctions has been published along with its Objects and Reasons. The base team public, which is mostly if not solely interested in the unique will now be in a position to consider the questions which are evolved in the proposed legislation, and will be able to give its pinion as to whether such a piece of legislation is needed to proper, or whether it is an unnecessary and gratuitous collabor of the privilege which Europeans have hitherto enjoyed.

It is difficult, of course, in dealing with a proposed of this kind, to disconnect it from the considerations which hase out of distinctions of race: for it was owing to those distinctions of race that the law was, in the first instance, enacted as an now stands; and it is to blot out the disqualifications based an hose distinctions that the proposal to alter the existing law has professedly been made. It is unfortunate, no doubt, that this should be so; for every fresh discussion of the subject is calculated offend the feelings of one side or the other, and to interest very distinctions, separating race from race, which it must be true aim of every Government in this country to eventually a cate and overcome, or at least to try to do so. But while the sealow man should use his best endeavours, with due regard to time a opportunities, to bridge over these distinctions, he should forget that the prejudices of centuries cannot be subtract cast aside by the stroke of a pen. Cæsar, as the Monarch large Empire, was right in theory in wishing to establish general equality of citizenship, and in converting Rome an Italian city into a National Capital. But, instructed to