

light of subsequent history, we can now see that he worked too rapidly; and thus it was that he only succeeded in rousing antipathies of race and class, which ended in his own destruction, and very nearly in the overthrow of his magnificent Empire. It is upon the same principle that the legislator must recognize the existence of race distinctions,—when they are strongly expressed, amongst the people who are subject to his sway—as a necessary and important factor in enacting laws for the races concerned. He cannot hope, by a touch of his magic wand, to create a universal brotherhood, before the time for that millennium has arrived. And so, in proposing to extend the jurisdiction of native magistrates over Europeans, the Government and the Legislative Council should beware lest, in a hasty effort to gratify native sentiment, the gulf between the native and European should be widened, and the hostility of race embittered. Ever since the British supremacy was established in this country, the European had enjoyed the privilege of being tried by a magistrate of the same race as himself; and when once a privilege of this kind has long been enjoyed by a particular class of the community, it is but natural that any interference with that privilege should be regarded with extreme jealousy and dislike, by persons belonging to the favoured class. It is a privilege, in fact, which the European has come to look upon as his birthright; and unless cogent reasons exist for annulling it, it is both unjust, and eminently unwise, for the legislature to interfere with it. And this brings us to consider what is the ground advanced to justify this special mode of legislation.

It is, briefly to remove the disqualification of native magistrates to try Europeans, and thus to blot out race-distinctions from the Criminal Procedure Code of India. But assuming that the principle of *general utility* ought to be the foundation of legislation, and that *utility* should be interpreted in the sense which Bentham ascribes to the term, as expressing the property or tendency of a thing to prevent some evil, or to produce some good—a principle to which, we imagine, Mr.

Ilbert is too much of a jurist to refuse his assent—we would ask what evil does the proposed legislation intend to prevent, or what good does it hope to procure? We do not know that it has anywhere been asserted that the existing law has worked badly, or that any injustice has resulted from it; and, on the other hand, the class who are directly affected by the law are strongly attached to it, and are in favour of its retention. The only *evil* that can be said to arise from it is the purely sentimental one, that it serves to emphasize the existence of race-distinction and the only *good* which can be aimed at is to remove *this* evil. But legislation, and especially procedural legislation, must above all things aim at being practical rather than ideal, if it is to be in any proper sense successful; and the evil alluded to is, as we have said, essentially sentimental or fanciful rather than practical. It is, moreover, wholly unlikely that by a sudden and legislative suppression, the evil itself would be extinguished. It would be more likely, we think, to be intensified by the mutual relations of the Native and European races, by increasing the pride of the former, and exciting the resentment of the latter. Time is, after all, the great leveller of prejudices, and in time alone we should leave the eventual eradication of these race-distinctions, which now, and we fear for many years to come, must exist between the Native and European subjects of Her Majesty.

But then, it is urged that the present law is anomalous, inasmuch as, while it requires a European in the Mofussil to be tried by a European Magistrate, it permits the same European to be tried, in a Presidency town, by the President Magistrate, who may, nevertheless, happen to be a Native. It will fail, however, to see that this can really be said to be an anomaly. The possibility of a Native Presidency Magistrate trying a European, which the Legislature sanctioned in 1872, was no doubt, an innovation on the established privileges of the European subjects of this country, and the first step, perhaps, towards the ultimate extinction of disqualifications arising from distinctions of race. The

novation, however, was of a very limited character; and did not attract much public attention at the time. The office of Presidency Magistrate, moreover, is a special appointment conferred on persons of proved ability, who have had a more or less European training, and whose actions and procedure are watched and controlled by a large and influential European public, and by a trained and independent Bar. It is an appointment, besides, which is more frequently filled by a European than by a Native. Under these circumstances, the Legislature may have been justified in conferring jurisdiction on the person who filled the office, irrespective of whether he was himself a European or a Native. But it by no means followed, from the introduction of this innovation, that the same jurisdiction should have been extended to Native Magistrates, generally, or to any particular class or grade of such Magistrates, in the Mofussil. Such Magistrates could not, as a class, be expected to possess the qualifications of a specially selected Presidency Magistrate; nor would the same safeguards against misadministration of justice exist in the Mofussil, as in a large Presidency town. The relative conditions were, therefore, radically different; and "circumstances alter laws." Again, Mr. Ilbert is forced to admit that the cases in which Europeans are concerned are precisely those which are apt to put an exceptionally severe strain on the judicial qualities of tact, judgment, patience, and impartiality; and he is not prepared to go farther than to recommend that all Sessions Judges and District Magistrates should exercise jurisdiction in such cases. But here Mr. Ilbert would still retain a disqualification, arising from the nationality of the Magistrate, which it is the main and only object of his proposed legislation to remove. For the law would still permit every Magistrate of the 1st class, who was a European British subject, and a Justice of the Peace to try European offenders, although no Native Magistrate of the same class would be competent to do so. His Bill would, therefore, fail to produce either symmetry in legislation or the realization of the professed object of removing all dis-

qualifications arising from race-distinctions ; which would still subsist, although in a qualified degree. If, then, these disqualifications must, to some extent, be still maintained, why should the legislative machinery be employed to modify the existing law : a law which, as we have said, has given satisfaction to those who are most directly concerned by it ; which is cherished by those persons ; and the abolition of which would cause wide-spread discontent ? To introduce a needless change, simply to satisfy the morbid sensibilities of a particular section of the community, would be alike impolitic and unjust ; and we earnestly hope that neither Lord Ripon nor his Council will be carried away, by any false sentiment of gratifying native aspirations, to adopt so objectionable a measure as the one now proposed. We may not go so far as the *Times* in saying that the measure, if sanctioned, would result in driving English capital and English owners out of the Mofussil ; but we are at all events sure that it would have a very injurious effect upon the spread of English enterprise, in the outlying Provinces of India ; and it would most certainly tend to widen the gulf between the two races. It has been well observed by a recent essayist that the object of legislation is (or should be) not to produce laws of such perfection as to be above theoretical or verbal criticism—which is impossible—but good working laws, which shall be substantially just and fairly intelligible. Now the existing law which permits Europeans to be tried by men of their own race is substantially just ; and, to any unprejudiced mind, is perfectly intelligible in a country like India. It is, also, as we have said, the law which has been in force from the establishment of British supremacy in the East ; and it has worked well. In regard to natives of India, the case is different. We had to establish Courts for them, and to appoint and train Judges to administer the laws. In doing so, we had to work with the best materials at hand ; and thus, European Judges were necessarily selected to fill the more important judicial offices. We gave the Natives, as before,



boasted he gave the Athenians, the best laws they were able to bear. As the moral and intellectual progress of the subject population, however, advanced, we permitted, as was quite right and proper, a larger share in the administration of the country to pass into native hands. We have also allowed, in an exceptional case, a Native Magistrate to try European offenders. Hereafter, the time may come when the Native Magistracy may receive a more extended jurisdiction. But that time has not yet arrived. It must be patiently awaited, and not precipitated by hasty legislation. This is partially admitted by the advocates of the Bill, which has just been published; and if admitted, even in a restricted sense, it is impolitic to hasten a change in the law, which might only imperil the object they have in view, of obliterating all trace of race-distinction in the Statute-book of India. The question raised by the present controversy is rather, therefore, one of expediency than of principle; and as there is a "personal equation," as it has been termed, for the perceptions of the reason as well as for those of the eye and ear, the Legislature would do well to avoid colouring that question, by looking at it from a purely native point of view, or from a simple desire of introducing administrative symmetry. To "leave well alone" is a canon as binding on the conscience of the legislator as on that of the political economist; and it should not be lost sight of in the discussion which is sure to take place on the second reading of the Bill; till when we shall reserve any further comments on the measure.

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*February 15.*

Some little time ago the Government of India circulated a paper, in which it expressed, with much good feeling, its desire to secure greater publicity for measures under consideration of the Legislature. The Hon'ble Mr. Ilbert, also, speaking in Council, delivered some enlightened sentiments, on the value of public opinion, which quite charmed the native press. Bills before the Legislative Council were to be scattered broadcast; and the opinions they elicited were to be printed for the benefit

of members of Council. It is to be hoped that the various opinions that have been published, in the Indian press, about the proposed amendment of the Criminal Procedure Code, will be duly collected, and printed. If Mr. Ilbert wants public opinion, he has got it this time. Curiously enough, in spite of the Legal Member's desire for publicity, the Bill which he has introduced is not published in the *Gazette of India*; and the copies that have been reproduced, in this and other journals, have not been circulated by Government.

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*February 16.*

In another column we publish the text of a letter from the Punjab Government, regarding the Bill to amend the Criminal Procedure Code, so far as it relates to the exercise of jurisdiction over European British subjects. This and other papers have been circulated amongst Members of Council. First comes a note from Mr. B. L. Gupta, of the Bengal Civil Service, complaining of the disqualification under which he, and (as he thought) other Native Magistrates laboured. Mr. Gupta's note was sent round to all Local Governments; and the replies received, including that of His Honour the Lieutenant-Governor of the Punjab, are relied upon, by the Hon'ble Mr. Ilbert, to convince the world of the propriety of the proposed measure. The replies of the various authorities consulted, however, are by no means unanimously in favour of the change that is contemplated. In Madras, the Hon'ble Messrs. Carmichael and Huddleston write strongly against it. So also does Mr. Arthur Howell, writing in his capacity as Commissioner of the Berars; and also, it may be added, as a civilian of wide experience and matured judgment. But even amongst others who are prepared to support the measure, there are not wanting signs that it is looked on with suspicion. To excite such a feeling shows a certain want of tact on the part of the Members of the Legislature who are responsible for the measure. Unless a reform of this kind is urgently needed—and this one is not—it should only be introduced at a seasonable

opportunity; when the chance of opposition, and the certainty of waking up what Mr. Grant-Duff, in his reply, calls "bad passions, which are now slumbering," is reduced to a minimum.

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*February 17.*

It was not surprising to find that the most experienced Anglo-Indians in London wholly condemn Mr. Ilbert's proposed reform of the Criminal Code; feeling distrust of Lord Ripon's various endeavours to please the native community at almost any cost." There was something very curious about the time chosen for the proposed reform. The new Act of Criminal Procedure only came into force on New Year's day to replace the much tinkered-up Act of 1872. For any one sanguine enough to expect that India was at least to have a compact, logically-arranged compendium of Criminal Law, it was rather disappointing to find that the old Act had apparently been put in a bag, and the sections for the new one drawn out at random. The new Act practically left the procedure for the trial of Europeans or Americans the same as under the Act of 1872. It received the assent of the Viceroy in Council on the 6th March, 1882, and came into force on January 1st, 1883. Before January is out, it is discovered that the retention of a special procedure for the trial of European British subjects is contrary to all beautiful new theories of the equality of all men before the law. Whence comes the new revelation? If the old system was a pernicious anachronism, it is odd that when a new and presumably final reorganization of criminal procedure was undertaken, nothing should have been done to remedy it. It has never been alleged that the old system worked badly, or that substantial injustice was done to natives, by Englishmen retaining their hereditary right to be tried by their peers. That pertinacious self-advertising humanitarian, Mr. J. H. O'Donnell, asked in the House of Commons, last autumn season, "whether it was true that there was a different procedure in India for Europeans and natives." It is insulting to suppose that the Government of

India possesses sufficient plasticity of backbone to be influenced by Mr. J. H. O'Donnell's ever-ready indignation over matters about which he knows nothing. The fact that natives sometimes hold the appointment of Presidency Magistrate is nothing to the point. A Presidency Magistrate is under the eye of Government at head-quarters. He works in the shadow of the High Court, and there are local papers ready on the spot to criticise any eccentricities. What is good or at least harmless in Calcutta or Bombay, may have infinite potentialities of evil up-country. It will be interesting to see if the further debates in the Legislative Council, on the proposed amendment to the New Criminal Procedure Code, cast any light upon the cause of the rather sudden discovery that an amendment has so suddenly become a necessity.

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*February 21.*

The proposed amendment of the Criminal Procedure Code has been made the subject of a question asked in the House of Commons. In reply, Mr. Cross, the Under-Secretary of State for India, said that the Home Government did not wish to delay the proposed reform, and would not refer the matter to Parliament. There is nothing to regret here. Parliamentary discussion of a subject of this kind—which can only be obscured by inexperienced criticism—can do no possible good, and would only tend to increase the ill-feeling and spirit of opposition that has been aroused by Mr. Ilbert's rash attempt to put the criminal procedure of this country on a better footing. It should be noted, however, that the Under-Secretary's desire to avoid delaying the "reform" presupposes a certain amount of haste, on the part of the Government in India. If there is any need to settle the matter quickly and off-hand, it is the fault of the movers of the Bill. It is to be hoped, however, that the public discussion will be end-

ed by some other means than by hurrying the Bill through the Legislative Council. The Calcutta correspondent of the *Pioneer* seems to think that the wiser course will be adopted; and that when the Bill has been referred to a Select Committee, it will be quietly shelved till next cold weather.

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February 22.

TO THE EDITOR.

SIR,—It is generally admitted that the existence of any institution for any lengthened period of time, is in itself its own *raison d'être*, and if it has been found that no practical inconvenience or injury is caused by it to any portion of the community; moreover at the same time, in proposing to abolish it, if you are not prepared to substitute in its place a state of affairs equally efficacious and satisfactory, well then, leave it alone, restrain your ardour for innovation and do not touch it. "Rouse not the sleeping dog" is an aphorism trite, but nowhere more deserving of practical recognition than in India, and it is greatly to be deprecated that Lord Ripon and his colleagues in Council should at the instance of Mr. Gupta and other Bengali gentlemen, have ventured to reconsider the question of the jurisdiction of Natives over Europeans. Lord Ripon has raised a storm of hostile criticism throughout India, and embittered the feeling of race and social prejudice between Englishmen and Natives, feelings which it should have been his duty as a statesman and administrator to soften, or more strictly speaking, inflame as little as possible by any public measure of his. Since his accession to the Viceroyalty Lord Ripon, as an advanced Liberal, has never hesitated to win cheap popularity by needless concessions to native opinion, concessions which are not only of little practical value, but are mischievous in their potentialities. It was distinctly stated in the discussions on the "Amended Procedure Code" that the time for considering, or rather altering the present state of the question of the jurisdiction of Natives over Europeans had not yet arrived, yet strange to say, the Amended Code has not been law for two whole months, when it is suddenly discovered that there is a serious flaw in it. Lord Ripon and his colleague Mr. Ilbert, are obliged to eat their own words, having in the meantime taken a few lessons in the noble art of self-stultification.



fication from that grand old man, their chief, Mr. Gladstone. Everyone admits that the law, as it now stands on the subject, has inconvenienced no one, and the only real argument in favour of its modification is one of administrative convenience; this, however, practically will be found to be of little importance, though if Lord Ripon and his Council are to be influenced by the specious and sentimental pleadings of Mr. Gupta, and Maharaja Jotindro Mohun Tagore, and the vituperations and invectives of the Native Press, there will be no end to legislation, unless some day we legislate ourselves out of the country. Why, may I ask, should Englishmen, who simply because they reside in India, forfeit their right to be tried by their peers and a jury of their countrymen, a privilege and lawful right not denied to them in England or any dependency of the British Crown. Lord Ripon and some of his advisers urge that the proposed measure will abolish what is termed class legislation. A glaring misrepresentation as his Lordship and advisers well know. In Kashmir, where a Native British subject is charged criminally, why should he be tried by a bench consisting of the Resident and a Kashmir official? Is that not class legislation? Why are *Paridahnishin* women exempted from being compelled to attend our Courts, when occasion may demand? Why are certain natives of influence and wealth exempted from attendance, and why, in conclusion, may I ask, are the Native Chiefs, &c., excused from appearing in our Courts, however urgent the occasion may be? These are concessions terribly mischievous at times, and accorded to none in civilized Europe save a crowned Prince, the head of the State, yet, here, in India, class legislation is not considered advisable. The Europeans in India are naturally very disgusted and irate at Lord Ripon's proposed curtailment of their hereditary rights. You, through the columns of your paper, have ere this recorded your strong sense of disapprobation at the wrong likely to be wrought us Englishmen at the hands of this statesman, who, by the way, belongs to a school that invariably prefers to view facts through the medium of theory, instead of viewing theories through the medium of facts, and, if you will allow me, I will make one or two more suggestions. (I.) Officials are precluded from adopting or identifying themselves with such measures, but the non-official community, great and small, far and wide, should join in presenting a monster petition to Parliament, praying that Lord Ripon and his Council be not allowed to legislate unjustly, and deprive us of what we justly value as our birthright and is, unasked, accorded to every other Englishman throughout the length and breadth of the

British Empire. (II.) Should Lord Ripon refuse to stay his hand, or the Imperial Parliament allow him to carry this measure unchecked, there is one course open by which Europeans could convey their mistrust and resentment of Lord Ripon's measures, in a significant and unmistakable manner; to wit, let every non-official European resign his position as a volunteer. A wholesale secession from the volunteer ranks would cause a serious diminution of the military strength of the Empire, and at the same time convince Lord Ripon and his advisers that Englishmen in India have no interest in supporting a government that can unjustly curtail their privileges, and deprive them of rights which their ancestors have enjoyed for centuries. Lord Ripon's proposed measure is a violation of right and principle, productive of no good, and only likely to lead to results far from beneficial to the country at large.

CIVIS ROMANUS.

*February 23.*

The Hon'ble Mr. Ilbert's Bill for amending the Criminal Procedure Code, so far as it relates to the trial of European British subjects, has already received the assent of the Secretary of State. Facts of this kind are generally kept in the background; and the information, now so innocently afforded by Lord Kimberley, will give rise to some astonishment. In the present case, there was every reason for not being precipitate. The Legal Member professes a great respect for public opinion; but how far has he consulted it? The opinion of English-speaking natives in the seaport towns is not the opinion even of educated India. We much doubt whether native Magistrates, as a body, would welcome the burden of responsibility which is to be thrust on them. Time should be taken to ascertain their feelings, as well as to weigh the arguments of English objections to the Bill.

*February 28.*

The learned Judges of the Bombay High Court, with a solitary exception, have expressed their warm approval of the proposed amendment of the Indian Criminal Procedure Code. The one Judge, in a minute which is described by the Bombay papers as strong, has placed on record his objections to the measure. He goes so far as to urge, even, that Presidency

Magistrates, who are natives, should be disqualified for trying Europeans. The *Bombay Gazette*, however, declares that, on the Bombay side, the general opinion is that Mr. Ilbert's amendment, if passed into law, "will not make any difference whatever." The question, our contemporary goes on to say, "is not one that inflames either passion or rhetoric in the Bombay Presidency." Bombay, in its serene complacency smiles at the display of temper and race-feeling which leads, in other presidencies, to public meetings and popular agitation. To upset the equanimity of Bombay, as recorded in the local press, you must propose an alteration in the mail day; or make slighting remarks, as the Hon. W. Hunter did, about the Bombay Revenue system. Then comes the passion and rhetoric.

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TO THE EDITOR.

SIR,—In a late issue you extract a letter from the *Englishman* by a District Judge, in which the writer says—"it is often a misfortune for natives to have to be tried by European Magistrates, owing to the necessary want of acquaintance of those officers with many of their customs and feelings." This shows how very little he does know about their feelings, at any rate on the very point mentioned. It is notorious—at least in the Punjab—that far from thinking it a misfortune to be tried by European Magistrates, the converse is the case; and for good reasons, well known to themselves, natives prefer having their cases tried by Europeans whenever possible. These reasons have not far to be looked for, it being the custom (if I may use the word) for native Magistrates to be influenced in their decisions by other considerations than merely the evidence judicially recorded by themselves. Not only does this apply to criminal cases, but to civil trials as well. This being the feeling of the natives on the subject—and they ought to know themselves best—is it at all surprising that the Europeans apprehend peril from the indignity sought to be forced on him. The anomaly of only native Presidency Magistrates being authorized to try Europeans is very easily removed by depriving them of this power and thus placing them on a level with their Mofussil brethren.

PLEADER.

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" INDIAN DAILY NEWS."(Calcutta.)

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February 5.

On Friday last the Hon'ble Mr. Ilbert moved for leave to introduce into the Legislative Council of India, an amendment in the Criminal Procedure Code, which, whilst carrying out to a conclusion the policy consistently followed by the Government, will yet attract very serious notice, and possibly cause a serious discussion. In brief, it is proposed to extend the jurisdiction of certain Magistrates, who are Natives, over European British subjects, residents in India. Against the proposal, there is likely to be arrayed the feeling that an Englishman has certain privileges, one of which is that he must be tried by his peers, and that in cases where such very serious matters as his liberty or his life are in question, he should be arraigned before a Magistrate who is also an Englishman. Now we confess that as a matter of sympathy, we are altogether of this opinion. We recognise from a large and varied personal experience of Indian life that the city and the mofussil are poles asunder. The difference may be described by saying that many things which cannot even be done in the city have to be undone in the mofussil. In the city public opinion is not only strong but is jealous; it is expressed promptly; its effects are produced more quickly, and it is beyond all question a powerful restraining influence in many directions. But even in the city we see from the case of Mr. Gupta that a Native Magistrate is considered by Natives themselves to be amenable to a class of influences which do not operate in the case of an European officer; and we think that if we accept the attack made by Natives in so wholly an unjustifiable a manner upon Mr. Gupta for his conduct in the case of the *Empress vs. Charoo Chunder Mullick* as in any way reflecting popular opinion, that Europeans are to a certain extent justified in expressing a fear lest Native Magistrates, may be open to influences which might warp their administration of criminal justice. We

confess also that there is something of natural pride in the demand that an Englishman shall be tried by an Englishman ; but whilst there is a pride of race, there is to a very much larger extent the suspicion—we might almost say the fear—that only at the hands of an Englishman can the European British subject look for impartial justice? Our sympathies, therefore, are altogether against the amendment of the Criminal Procedure Code, suggested by Mr. Ilbert.

There is, however, another side to the question. Pride, and especially race pride, whilst an admirable incentive to high and noble deeds, and to a generous and exalted devotion in the service of the State, may yet be the most dangerous of guides in that most difficult task of keeping what the very devotion it inspires had enabled the race to gain. Pride of race may seriously interfere with the work of binding to the mother country the hearts, the hopes, and the loyalty of the subject people, nay, its unrestrained exhibition may become an almost unendurable oppression, and render the success of a great policy impossible. Again, sentiment is another false guide. The world may be stirred by sentiment to the working out of great and liberal thoughts ; but it can only be governed by sentiment at the risk of confounding all practical administration, and of weakening and confusing all the main springs of government. While, therefore, as far as feeling is concerned, we are against Mr. Ilbert, we have to remember that while living in India, we have to do our duty to the country which nourishes us, before serving our individual interest, and even before indulging in a mere selfish pride of race. Changes in the law must be weighed, not as they serve an especial and a selfish end, but as they are the outcome of, and the seed of progress, and as they tend to minister to the unselfishness of England's mission in India, and to the binding ever and ever more closely and with the noblest links, India and England together.

It is necessary, therefore, to consider Mr. Ilbert's proposals in the most practical and dispassionate manner. Are they the



outcome, the necessary outcome of a grand policy, and are they a necessary step in the progress of India, and in the perfecting of the administrative machinery of the Government? If the question be approached in this spirit—if in considering it, we lift ourselves above mere individualism, and seek to grasp the broader and greater results involved; if we seek to illustrate that greater pride of an Englishman which will cause him to be the best and noblest servant of India; if we seek to illustrate the pride in what an Englishman should do as his duty, rather than the pride which is satisfied with what an Englishman is,—we shall rise above class questions and race questions, and confess, even if it be with some natural reluctance, that the change in the law which is now proposed is practically inevitable. But we may take an illustration to show our meaning more clearly, and to show the character of the administrative pressure under which the Government of India is moving. In 1872, when this question came before the Council and men like Sir John Strachey and Sir FitzJames Stephens proved that they considered the discussion of the question inopportune, the Natives had only recently obtained a footing in the ranks of the Covenanted Civil Service, and the number of well-educated young men eligible for employment under the State was not so great as at present. The question in 1872 was shelved, and rightly shelved, because it dealt then with what was only a possibility of the development of the chief branch of the public service; but to-day the possibility has become a fact of the administration, and has ceased to be a speculation. Native Covenanted Civilians have come by seniority of service to enjoy the right of promotion to the executive charge of districts, and, as there are very few districts without European residents, this seniority has brought them to the right of administering all the criminal business in which the Europeans in their districts may be concerned, with the sole exception of trying the European himself, if a criminal. It was only the other day that a Native Civilian was appointed to act as

Magistrate of the district of Balasore. Now, Balasore is a coast district, and vessels resort to it at three points, at Balasore, at Churamon, and at Chandbally. If a Native Deputy Magistrate had been in charge of the Bhuddruck sub-division, the following difficulty would have arisen if in the south of the district some one of the Europeans connected with the vessels in the port of Chandbally had committed an offence. He would have been arrested and lodged in the lock-up at Chandbally or at Bhuddruck which is 32 miles distant from the former place. He would have claimed the privileges of an European British subject, and the matter would have then gone up to Mr. Dutt, the District Magistrate, who would have had to report it to the local Government for orders, whether the European British subject should be tried at Midnapore, 120 miles from Chandbally, or at Cuttack, which is 65 miles distant. Supposing the man were ordered to be tried at Cuttack, he would have had to march the whole distance under police guard, and at every police station where his guard was changed, he would have had to be receipted for. Now, until he reached Cuttack, and was placed on trial, some considerable time must necessarily have lapsed during which, of course, he would have remained a prisoner in the case of a non-bailable offence; and, in the case of a bailable offence, he must have remained at Chandbally, and would probably in such a case have had to find his way to Cuttack at his own expense. We need not go so far as to consider the result of the trial. All that is necessary for us to do is to draw attention to the fact that a difficulty in criminal administration, whilst involving a doubtful peculiarity of protection, involves the very greatest amount of hardship to the European British subject brought under the operation of the criminal law of the country. It might happen that whilst Mr. Beadon was Magistrate of Balasore, Mr. Gupta might be Civil and Sessions Judge of Cuttack; and in this case the former, in committing a prisoner, would have to commit him to the Court of the Divisional Judge; but in this case, under the law as it stands, Mr. Gupta would be unable to try the criminal, and

unless an European Judge were especially deputed to try this one case, it would probably have to be transferred to the Court of the Judge of Hooghly. Here, again, the inconvenience and expense to be suffered by the European criminal must be too obvious to need comment or description. There is, however, another side to the illustration we have advanced which cannot be passed over. Wherever the case might be tried, there the Government would have to see that the prosecution and the witnesses on both sides should attend, and this is a part of the question which, separate from any consideration of expense, must be regarded as bearing upon the possibilities of a failure of justice arising from the disinclination of many persons to submit to a very serious and possibly costly amount of the trouble and inconvenience. We think, then, that the Government is to-day face to face with a difficulty of administration, and that this difficulty demands a remedy. Could that remedy be found in denying to Native Civilians the promotion which they have deserved, or in depriving them of certain of their functions, a deprivation, which is sure to produce a bitter unceasing agitation in native society? The worst of the matter is that no one could say that such an agitation was either causeless or unreasonable. If the Civil Service has been thrown open to the Natives of India, its full duties and its full privileges have also been thrown open to them. If they have prepared themselves with the sanction of the State for certain responsibilities, the State cannot with justice, right or policy, pass them over, and refuse to allow them to assume those responsibilities.

In considering this question, again, regard must be had to the development of education in India itself since 1872, and to the closer communion between England and India which now exists. Although, moreover, there is a broad line of demarcation between the state of things in the Presidency cities and the mofussil, still the number of Europeans in the districts is largely increased, and is increasing; and the result is that there is a quicker, a more jealous, and a more effective

exchange of European opinion between the communities in the mofussil and the community of a city like Calcutta. What is true of these communities is true in a still greater degree of the Anglo-Indian community and the mother country. We know from the recent case of the *Madras Times* how quickly English opinion can be stirred up on a special Indian grievance; and we may reasonably suppose that English public opinion would be prompt to protect Englishmen against injustice in India. Further, the sense which every Native Magistrate would have borne in upon him, that behind the Englishman in the dock was public opinion in Calcutta, and behind Calcutta the opinion of England, would be a powerful inducement to fairness, and a strong incentive to caution and painstaking. The time, therefore, is more favourable to the change than could have been anticipated in 1872; and the time suits well with what has come to be a necessity for the administration of the country. Besides we have to consider whether a determined and narrow adhesion to exclusive privileges is not the most dangerous policy the European community could adopt. For the sake of England in India, and in order to further strengthen and cement the union between the two countries, is it not necessary that Englishmen should give the highest proof in their power of the thoroughness with which they adopt India, and take upon them the defence and advancement of her interests? No doubt cases may arise where prejudice may bias the judgment of a Native Magistrate; but if the executive Government does its duty, such cases will be extremely rare, and the injustice they might do can be reduced to a minimum. We hear a great deal of the need of *rapprochement* between Englishmen and Natives, and we think this can be brought about in no more effectual way than in an Englishman's accepting equality before the law with the Native. If a Native Magistrate is worthy to have charge of the concerns of half-a-million of people, and if he be found capable of adjudicating with fairness and impartiality between an Englishman and a Native, we do not see how the inference

can be resisted that he must also be worthy to adjudicate between a Native and an Englishman. Mr. Ilbert has fenced his proposal round with certain restrictions, and has thus disarmed many of the arguments which would otherwise have been directed against the change. As described by him, the intentions of the Government must be gathered from the following extract from his speech on Friday last:—

"Accordingly, we propose to amend the law, first, by regulating the words which confine the exercise of jurisdiction over European British subjects to persons who are European British subjects themselves; secondly, by declaring that every District Magistrate and Sessions Judge shall be by virtue of his office a Justice of the Peace, and as such, capable of exercising jurisdiction over European British subjects: and thirdly, by empowering Local Governments to invest with the office of Justice of the Peace, and consequently with jurisdiction, over European British subjects, any person who 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;

"(d) a Cantonment Magistrate—

"is for the time being invested with the powers of a Magistrate of the first class, and is, in the opinion of the Lieutenant-Governor, fit to be entrusted with those further powers. We propose to make no distinction in the law between European and Native officers."

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

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*February 9.*

In writing on Monday last on the subject of the proposed extension of the Criminal jurisdiction of Native first class Magistrates over European British subjects, we drew attention to the check which public opinion in England would exercise over Native officers to whom the extended powers might be en-



trusted. Our remarks have received prompt confirmation by telegrams reporting the opinions already expressed by the London Press. As we indicated, a natural jealousy of certain privileges has made itself not only apparent, but strongly apparent. With that jealousy we entirely sympathise, although as practical men acquainted with Indian life, we are not prepared to yield to it. Rome had to extend the privileges of Imperial citizenship; and the like necessity will come to be acknowledged as a necessity by England. The London Press, whilst in point of fact treating the amendment to the Code of Criminal Procedure as a race question, do not appear to treat it so wholly. Other considerations are brought in. The Government of Lord Ripon is accused of seeking popularity with the Natives, and the cry is raised that one effect of the amendment of the Code suggested by Mr. Ilbert, would be to drive English capital out of the country. This is the view put forward by the *Times*. But if the telegraphic summary of the views of that paper be correct, then we can only say that the *Times* has entirely mistaken the question raised last week in the Legislative Council. It is not proposed to give Native Magistrates generally jurisdiction over Europeans. The operation of the proposed alteration in the law is to be restricted to Magistrates of the first class, that is, to a class of officers invested with the formidable jurisdiction of awarding a sentence of one year's imprisonment, or a fine of Rs. 1,000. These officers must therefore of necessity be men of experience and of a certain length of service. Before they can exercise jurisdiction in the case of Europeans, they must be declared Justices of the Peace by the Local Government; in other words, their capacity, their experience, and their worthiness must receive the especial approval of the Local Government under which they may be serving. We cannot comprehend how such an advance in the policy which the Government has pursued ever since the suppression of the Mutiny can affect the employment of European capital in this country. To suggest such a thing amounts to saying that

Englishmen are so much disliked in India that it is not safe to trust their affairs to the discretion of the flower of the Native Civil Service. Can any one believe that a Native Magistrate would use his powers with a distinct and persistent bias against any and every European brought before him? Before we can say it will be unsafe to give the highest ranks of the Native Magistracy jurisdiction over Europeans, we must not only declare that all Natives, even the most English amongst them, are prejudiced against Europeans to an extent which is a political danger, but that there is a conspiracy, or rather a consensus between the Native Magistracy and the Native Police, to wage a social war against all Europeans. If we are not prepared to admit this, the argument about English capital being driven out of the country becomes somewhat worse than inapplicable. In point of fact, if Natives, Magistrates and Police, were ever bent on using the powers of the law to the injury of Europeans in the way suggested, England would have reached a condition of unpopularity in India which would indicate the near approach of the collapse of her rule in this country. Again, if a set be made against an European, it must be made by and through the Police, and this being so, it would be just as easy to ruin an English resident in the mofussil to-day as it could possibly be under the worst perversion of the privileges granted to Native Magistrates by Mr. Ilbert's amendment of the Criminal Code. It must be borne in mind that the chief complaint of Englishmen in India has hitherto been, that the English Magistracy has always shown a bias against their own countrymen. The fear under the new state of things, if there were any fear, would probably be that Native Magistrates would do the exact opposite. Each man entrusted with the extended jurisdiction would know from what has even now taken place that English opinion, and not merely Anglo-Indian opinion, would watch his conduct with the liveliest jealousy, and that if he showed anything of prejudice against an European criminal, he would

be throwing back equality before the law for, it might be, a generation. He would understand and appreciate the fact that the class to which he belonged was on its trial, and that any straining of the law against an European accused would be to furnish arguments against confidence being placed in the Natives, and in favour of depriving Native Magistrates of the extended powers which Mr. Ilbert would now give them.

Besides, the position of Europeans in the mofussil does not depend upon a mere application of English capital, or upon their presumed wealth. It is generally found that the Natives find their interests best served by Europeans. They have very little to lose, and a great deal to gain, by the presence amongst them of Englishmen of standing, ability, and tact, unconnected with the services, but connected with the great work of developing the material prosperity of the country. The Natives may be trusted to know their own interests; and experience has shown that in India as elsewhere self-interest is a stronger feeling than the mere prejudice of race. Even if the Government were to again attempt so unwise an interference with the non-official European community as its great indigo crusade, we doubt very much if, with all its power and even if English opinion stood neutral, it could drive European capital out of the country. There can be no doubt that the Indigo war waged by the Bengal Government under a false impression of its own duty to the people, and false information as to the conduct of the planters, was a huge mistake. It was a playing of the game of the Native landlords. But it has now come to be understood that, as far as the general interests of the country are concerned, the action taken against the planters wrought the bulk of the people injury. That war, though waged by the Bengal Government, and carried out by some of the strongest men who have served that Government, was not wholly successful, and could certainly not be repeated. Yet, where the local Government failed, are we to believe a Magistrate, here and there, would succeed—for the Native Magistrates exercising first class powers can never be more

than a section of the general body of Magisterial officers? The argument therefore about a possible injury to European capital must be dismissed as too far fetched to be seriously considered.

There is, however, another side to the question. Few greater mistakes were made by Sir Ashley Eden than his conduct of the case of the *Empress vs. Gordon*; and certainly of all the mistakes committed by Lord Lytton, the most inexcusable was his overriding of the provisions of the Code of Criminal Procedure in what is known as the Fuller case. In that case his action and his words amounted to an order to Magistrates to try European cases with a bias against the European. Now if Mr. Ilbert's proposal should become law, such a mistake as that would be impossible, simply because it would be necessary for a person like Lord Lytton to prate about legal inequalities, or to pretend to teach Europeans their duty to the natives of this country. The mere fact that the time has come when the Government can propose such a measure as that now brought forward is, we take it, the highest testimony to the way in which Europeans, as a body, do their duty to the Natives around them. But it may be asked whether the Natives have not a right to ask Englishmen to submit to the application of English law to India. We ourselves think that nothing would so establish the reign of law in India as the frank acceptance by Englishmen of equality before the law with Natives, and we are sure there is greater wisdom in bestowing such equality as a boon freely given, than in granting it as a concession to a Native popular demand.

But as we have said our business is to regard this matter as practical men; our reason, and our experience unite to show us that the change is inevitable. At the same time we are prejudiced in favour of Englishman being tried by Englishmen: our feelings run one way, our convictions another. We would, however, believing the change to be for the best interests of both Englishmen and Natives, vote for it and place our prejudices with a strong hand behind us. The matter has within the past week assumed a new aspect. It is a matter which is

no longer chiefly of interest to India; English prejudice has been aroused, and English opinion has spoken against the change. It may be, and no doubt is, the fact that English opinion on so peculiarly a local question is somewhat uninformed. Should the Government persevere it must provoke a conflict between Native opinion in India and English opinion in England; and must also provoke in India an agitation which will represent as a grievance the boon it was intended to grant as an act of just favour and true policy. If such a measure as that entrusted to Mr. Ilbert is ever to be carried, it must be carried by an union, or by an agreement, between English and Indian opinion. This being so, we consider that the Viceroy would be well advised if he postponed the matter, and meantime took steps to secure the thorough understanding of the question by the English Press and the English people. Meanwhile also we would deprecate any agitation in India; for such an agitation, by justifying the prejudice underlying the opinions already expressed in London, would most assuredly defeat itself.

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February 19.

We wonder why the *Englishman* always prefers to fight great questions upon small issues—and why he will never rise to the considerations of broad results if he can by any possibility discuss a minor issue or an inferior side of any question? He has dealt with the proposed amendment of the Criminal Procedure Bill, as if India had not even stood still since 1872, but had actually retrograded. We were amused by his going back to find the basis of a discussion on the powers to be given to senior officers of the Covenanted Civil Service, who might happen to be natives, in *Magna Charta* of all things in the world. But we reprehend his tactics, while we sympathise with his intentions rather than with his endeavours.

At the outset, our contemporary very seriously, very un-



fairly, and very unwisely misquoted Mr. Ilbert, and now we find he would misconstrue what we ourselves have said. On Saturday last, he gave the most prominent position available to him to the following paragraph :—

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

Now, we thoroughly appreciate the compliment which the *Englishman* intends to pay this journal by admitting the weight and influence it possesses; but it is characteristic of the *Englishman* that he should be somewhat awkward in the way in which he frames the compliment. At first sight he may be held to insinuate that we are anti-British, whatever that may be, and might be supposed to desire to place us in a false position as regards the public. We, however, know that he would not stoop so low as that, although he might place upon our words a misconstruction. No cause can be furthered or advanced by misquotations and misconstructions. We regret, therefore, that the *Englishman* will lean to unfairness, and will, instead of taking a manly and unmistakeable stand, go about to adopt a style of fighting which obscures the objects he has in view, and which appeals more to the passions than to the reason of the public. Our position as regards the amendment of the Civil Procedure Code was dictated by the Liberalism with which this journal has always been identified, and which seeks in the necessities of India the duty of Anglo-Indians. Our position was a perfectly simple one, and one about which, we should have imagined, there could be no mistake, and about which, therefore, we incline to believe the *Englishman* preferred

to pay us a compliment rather than to misinterpret anything we have said.

We had first in view to the character of the proposed amendment to do our best to inform the public mind. This we have already done. The second part of our duty is to inform the Government by reflecting public opinion, and this we shall proceed to do. The Government gave a pledge or a promise a twelve-month ago that the question involved in Mr. Ilbert's amendment should not be forgotten or overlooked. In redeeming its promise, the Government was bound to consider the point of expediency, and in doing so, had to look for a legitimate opportunity for bringing in a change which, although radical in its tendencies, is in its character a logical sequence only of the admission of natives to the ranks of the Covenanted Civil Service. Judging from the opinions we hear expressed on all sides, by the utterances of the Indian Press, and by the reported opinions of the leading London papers, Lord Ripon, without the least intending it, has taken the English public and the Anglo-Indian community by surprise. He should during the past twelve months have made his intentions plain, so that whilst he was gathering the opinions of the leading officials the public might have discussed the matter without the suppressed exasperation of a Bill actually introduced into the Legislature. Public opinion on this point seems to us to be wholly against the action of the Viceroy, and indeed we at once say that there is not a single English paper in India which has spoken unreservedly in favour of the change. It may be that the position of the Government is misunderstood both in England and in India, and that the administrative difficulty, apparent to the Government of India, seated as it is at the centre of the administrative circle, is not apparent to those who regard that circle from the outside. The Government may be conscious of a weakness in its administrative machinery, and yet that weakness may not have made itself apparent as an inconvenience to the public. The question, therefore, in this connection which is raised between

the Government and the public is whether the time is opportune for the Government to anticipate that inconvenience. Here, again, public opinion has pronounced distinctly against the course adopted by the Viceroy.

The *Englishman* states that the Chamber of Commerce has called a meeting for Wednesday next to consider this matter. Unfortunately for the public and the Chamber, that body has some years now avoided the discussion of political subjects. It has not taken the public into its confidence or sought to lead opinion on the Local Self-Government Bill, or upon the various moves of the Government injuriously affecting the Anglo-Indian and Eurasian community; yet, as we pointed out when the Local Self-Government scheme was first mooted, that scheme makes no provision conserving the interest of Anglo-Indians by securing them a legitimate share of representation in Municipalities and on local Boards. The fear is now that the Chamber having abdicated influence may very possibly be regarded by the Government as the mouthpiece of a section, rather than as the representative of the whole community. This would be unfortunate, for practically the Anglo-Indian community is unanimous in its opposition against Mr. Ilbert's proposal; and even if it were not so, the declarations of the London Press would be sufficient to win over to the side adopted by English opinion all Englishmen resident in India. But that no mistake might be made, and that the Government might not misapprehend the feelings and opinions of those who would be affected by the extension of the Criminal jurisdiction of Native Magistrates, we think the Chamber should consider the advisability of holding a public meeting. The representative character of such a meeting would be beyond question, and would be a faithful and proper reply to the statement of the Government, that it would pause to receive the opinions of the community. This course, moreover, appears desirable, because of the peculiar position taken up by the Government in respect to its own proposal. It has been careful whilst declaring that it is acting under a desire to redeem a pro-

mise, not to pledge itself in any way to the passing of the measure. It has invited criticism in a manner to suggest that it will defer thereto. It has published a correspondence on the subject in which, with admirable fairness, the arguments for and against the measure are frankly and honestly given; and it has thus enabled the public to see that against the amendment there are the weighty names of Mr. Carmichael and Mr. Howell, both men who have enjoyed opportunities not often given to officials, of familiarising themselves with the current tendencies of outside thought and opinion. Then, again the Bill has been merely introduced into the Council, and in a marked way discussion upon it has been, if not avoided, certainly postponed. On both occasions, when the subject came before the Council, care was exhibited to make it clear that the Government was anxious to obtain opinions as to the feasibility of the alteration in the Code. Now, here it seems to us, we have the Government deliberately and avowedly holding its hand. A strong and united expression of opinion would, therefore, probably have the effect of convincing the Government it has mistaken public feeling, and that the time is not opportune for the introduction of a change which is the inevitable sequence of a policy it has pursued for the better part of a generation. Again, it may well be that the Viceroy may desire with perfect honesty and frankness an excuse for postponing action in this matter. In the face of declared opinion in England Lord Ripon can scarcely hope that the change in the law will escape the veto of the Secretary of State. This being so, it would be the extreme of folly for the Government to provoke in India a collision between European and Native opinion,—a collision which could not be productive of good, which must be inevitably embittered, and which would raise all those race questions, the discussion of which has happily slumbered for some years, and which could only now be re-awakened at the cost of the embarrassment of the Government, and the retardation of the progress of the country. If public opinion in India were fairly in unison on the subject, the Government would even then be justified in

proceeding with the measure against such an expression of opinion as that already recorded in London. But in India opinion is not only sharply divided, but every day makes the division and antagonism more apparent and more determined. We see, therefore, that there is every reason why the Government should not persist in forcing on a discussion of the measure, and in this regard good service may be done it by such an expression of the general opinion as can only be secured by a public meeting.

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*February 21.*

This morning the Chamber of Commerce will hold a meeting to consider Mr. Ilbert's proposed amendment to the Code of Criminal Procedure. It is much to be wished that the Chamber, while recording its own opinions, will take steps to invite the opinions of the Bombay and Madras Chambers, and will also take steps to secure a public meeting. The answer of Mr. Cross, the new Under-Secretary of State for India, to a question put him in the Commons,—an answer reported in our Telegraph column,—shows that the Government is not so anxious to secure an open discussion as it declared. The Viceroy in India ostentatiously invites criticism, and appears in no hurry to pass the Bill through the legislature; whilst Mr. Cross declares the Home Government will not invite discussion on the measure, because it is anxious to avoid delay. The Chamber should make a note of this opposition in the attitude of Home and Indian Governments towards the Bill, and should take steps to secure that the question shall be debated in the Commons—the only battleground where the question in its present form can be authoritatively settled. If Mr. Cross be right, the Government of India has secured the approval of a new Secretary of State and the championship of a new Under-Secretary. It is scarcely possible that Lord Kimberley and Mr. Cross can be aware that official opinion is divided on the measure, and that the outside opinion of the Anglo-Indian community

s practically unanimous against it. The attitude of the Home authorities, however, makes it incumbent on those in India who oppose the Bill to make that opposition as public and as strenuous as possible. Meantime, should the Government act upon the policy unveiled by Mr. Cross, it will raise a storm which will inevitably bring about some very important changes.

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February 22.

It has been truly said of Mr. Ilbert's proposed amendment that it is not called for by the European community whom it most concerns, or demanded by the natives to whom it must necessarily be a matter of sentiment. If every native first class Magistrate in India and Burmah were to receive powers of the kind indicated by Mr. Ilbert, their number would be so small as to make it clear that the Government were supplying an administrative inconvenience of which they were themselves the only persons thoroughly conscious; but in raising the question, Lord Ripon probably overlooked the character of the agitation he might provoke. If the European community had shown an indifference on the subject, or, if it had permitted the passing the Bill to go by default, the Government might have congratulated itself upon escaping from an embittered discussion; but the European and Anglo-Indian community feel very strongly about the amendment, and regard it as an uncalled for concession. Their feeling, moreover, has been strengthened by what they know of the opinions of the London Press. But, on the other hand, the following paragraph, taken from the *Indian Spectator*, shows the kind of mischief which Lord Ripon has caused:—

"The suggestion made by some of our vernacular contemporaries, that native associations should try their best to strengthen the hands of the Government in this matter, needs immediate adoption. Certain European classes will get up a fierce opposition. It is for the people of the country to meet this opposition in every form—by public agitation and criticism and by memorials, petitions and so on."



Now, here we have a threat of dividing the European and native communities into two antagonistic camps: the Europeans standing on the defence of a right which they consider a necessity of their position,—a necessity springing directly from their fewness; and the natives agitating for a concession which the Government itself will have taught them to demand, but which, if left to themselves, they would not have demanded for at least many years to come. We do not consider that any good of any kind can flow from this state of things. The natives will be taught that they have a grievance; yet that grievance must, as far as they are concerned, be wholly sentimental. Further, they will be taught by the Government itself the dangerous lesson, politically, of public agitation and criticism. The most experienced Anglo-Indians will see in this a new danger,—a danger thus pointed out by Sir Richard Temple in his article in the last number of the *Fortnightly Review* :—

"Thus, too, a new difficulty has set in from the time that the empire was thoroughly well established. The native criticize and criticize; no government can be proof against criticism, much less a foreign one. Together with captious fault finding no adequate allowance is made for the cardinal virtues of the system."

The question is whether Lord Ripon's Government has not been guilty of an act of unwisdom in thus creating in a contented and quiet community an outbreak of strong political passion. Some months ago, when writing on the Local Self-Government scheme of the present Viceroy, and of the sentimental character of his domestic policy, we took occasion to say that it was to be hoped Lord Ripon would not cause in India a state of public feeling like that which had resulted from a sentimental policy in Ireland. It would seem that the failure of that policy in Ireland has in no way taught Lord Ripon a lesson for the good of India. He has raised a race question in a way which has provoked strong feeling, and has not evoked calm reasoning. The fact that the natives are preparing to counter-agitate against the European

community seems to us a danger which the Government is bound to avoid even at the sacrifice of some dignity.

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The meeting at the Chamber of Commerce yesterday was a good representative one, that is the members present represented individually, not only a large investment of capital, but a large number of Europeans employed in the work of applying that capital to the improvement of the resources of India. The meeting decided that the amendment of the Criminal Procedure Code, suggested by Mr. Ilbert, should be protested against by the Chamber as a representative body; that a Committee should be formed to secure in all districts signatures to a memorial to the Viceroy embodying this view, and that the Chambers of Madras and Bombay should be asked to support the action of the Calcutta Chamber. The meeting did not suggest the calling of a public meeting because a separate movement with that object in view has already been set on foot. As our readers will see, Mr. Ilbert's Bill will not be brought before the Council at this week's sitting, and on Thursday next a public meeting will probably be convened by the Sheriff to allow of a formal and general expression of the views of the community. The Indigo Planters' Association might follow up the action of the Chamber by calling meetings at certain centres, and by sending the results to the meeting on Thursday next. The Planters of Darjeeling, Cachar, Sylhet, and the principal Assam Districts might also hold meetings with the same object. The time we know is short, but the telegraph is swift, and much may be done in a few days if the time be well employed. The Trades' Association, moreover, should speak out on this question. The great point to be kept in view is to leave the Government no excuse for misunderstanding, or miscalculating, the strength of the feeling against the Bill.

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Writing of the extension of the jurisdiction of Native Magistrates, a Bombay native paper, the *Rast Goftar*, says:—"This unexpected presentation of the Bill in question has given rise to the unexpected expression of British vanity; and

therefore it is necessary that the natives should bestir themselves at a time when Lord Ripon and his Council have actually armed themselves to obliterate the humiliating distinction of caste in judicial matters ..... In every city and in every town large meetings should be held and petitions prepared in support of the proposed measure of His Excellency the Viceroy. If natives really love their country and its interests, they ought to unite more freely at the present moment and silence the agitation of self-opinionated Europeans."

We would ask Mr. Ilbert if the prospect here presented is one from which the Government can, under any circumstances whatever, look to gain any strength?

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February 23.

TO THE EDITOR OF THE INDIAN DAILY NEWS.

Sir,—You have been justly congratulated on the article in your paper denouncing the Resolution of the Government of India, which practically and most invidiously excludes Europeans and Eurasians from competition for appointments in the Engineering Department. Englishmen are accustomed in all their colonies and dependencies to demand and expect, for themselves as for others, a fair field and no favour, as one of your correspondents to-day remarks; but here, in a country won and governed by Englishmen, and in which the natives have already been admitted to privileges and advantages, which in their earlier experiences they never even dreamt of, it is surprising to find Englishmen and their descendants absolutely excluded in the race for life, which to them is daily becoming harder and harder, in a degree of which the governing body either have no conception, or which they deliberately and most unwisely ignore.

So also, almost simultaneously, we have a change proposed in the law to withdraw from Englishmen their long-cherished birth-right of being tried by their own countrymen.

No language is strong enough to condemn the policy which professes on the one hand, under the plea of equality and fairness, to remove from the native a disqualification which has worked no evil, in order merely to gratify native self-pride and ambition; and on the other hand, with equal gratuitousness, imposes a positive disqualification on the European classes, and inflicts upon them a grievous injustice, which says plainly that, all other things being equal, the natives shall have an absolute monopoly of offices under Government.

The Press in England has spoken out powerfully on the first alarm, and it is satisfactory to find the English Press here also doing their duty, and unanimously opposing the infraction of European rights.

It only remains for the European community to wake up to the emergency, and to support the Press by an expression of their indignation at the pusillanimous conduct of the Government; and if

further demonstration be needed, the Volunteers whose zeal seems already on the wane, should in a body resign in disgust and be no longer hood winked by the Government which affects to set a value on their services, and yet treats their vital interests with the utmost unconcern.

It would really appear as if we were fast approaching the climax, which some years ago was boldly enunciated by a native writer, if I mistake not, in the *Bengalee Magazine* that the Government of the country should be delegated entirely to the natives and that Europeans should be retained only as a mercenary and fighting class to support the native Government and preserve order.

Such, no doubt, are the ambitious views of the mild Hindoos, and none can blame them for their patriotic, though short-sighted aspirations which our rulers are at present doing all they can to encourage. Already, according to the ominous announcement in Major Baring's memorable speech of festive ear, "*the admission of Europeans to the General Uncovenanted Service has been forbidden, and they will gradually disappear from its ranks;*" and now step by step other departments are being closed against them, while self-government for the natives is openly proclaimed by the highest authority in the land.

No wonder that at the Trades' Dinner Lord Ripon was greeted with the adulation of the astute representative of the Native Press; but those acquainted with the native character, who listened to the able address of that meek and placid Hindoo, could not mistake what would be his ideas of equality and toleration if the tables were reversed, and the natives were placed in the position of their rulers.

It was well said by Sir James Stephen, when this same question was last raised in the Council, that there is no country in the world where the demand for equality came with worse grace than this, in which legal exemptions of every kind are claimed and granted to the natives; but the Hindoo would wish, while retaining all his own special privileges, to override the prejudices of every other class and to oblige us to give up our advantages.

Distinctions there are in all national laws which respect differences of race that are strongly implanted; for instance, the Scotch, who are so closely allied and one with the English, have their own laws and customs in certain matters, and yet we do not find that the two nations are the less united or more jealous of one another.

It is impossible by any force of law to coerce brotherhood among dissimilar races, and it will only be when the natives are ready to sink their own prejudices, and not to array them against us, that we can ever meet in equality.

Nor does the principle of exclusiveness in the distribution of employments affect Europeans only. The Mahomedans are well nigh equally with ourselves shut out. If the Government are afraid to trust themselves in the matter of patronage, why should not the whole of the appointments throughout the country be equally divided, a certain number being reserved for successful candidates for each class; say, one-third for Hindoos, one-third for Mahomedans, and one-third for Europeans and Eurasians. This was done on the first institution of the Subordinate Executive

Service under Sir Frederick Halliday, and it worked well, removing all ground of complaint, and affording equal chances to all.

The experiment of administering through natives alone has been tried in one or two districts of Bengal, known as the black districts, and it would be well if the Government published the results. If current rumours be correct, the system was fast leading to the disruption of society and to utter disorder, and the Government have been compelled to remove and redistribute the officers.

It is not difficult to foretell what the fate of the country will be long before the last European has disappeared from the ranks of the General Uncovenanted Service, or the last European British subject from the mofussil, a period which the Government seem to anticipate with delight and to be endeavouring to hasten.—Yours, &c.,

CUSTOS.

February 22nd, 1883.

February 24.

The agitation on Mr. Ilbert's amendment to the Criminal Procedure Code has already assumed a form manifested now for the first time in Indian political life. Hitherto all changes affecting the status or privileges of Europeans have been worked out by the Government overruling or overriding the protests of the European community. There have been strong contests, but the parties to those contests have been, the Government on the one side and the Europeans on the other. In the present instance, however, the agitation caused by the proposal of the Government to extend the jurisdiction of native Magistrates to Europeans has assumed a novel form. It is no longer a question between the European community and the Government, but between the native community and the European community, in which the former take up a proposal of the Government and agitate to the prejudice of the latter. It is not therefore, a question of concession; so long as it was that we were disposed to see in it an advance which, as the result of a policy long followed, we regarded as inevitable; but it is not a question of the development of a policy in the form the agitation has begun to assume, but a question of victory to the native and of defeat to the European community. We are, therefore, compelled to draw a wide distinction between true theory and correct practice, and are compelled



to admit that what may be true in theory may, by a mistake in practice become a mischief of no ordinary dimensions, and productive of disastrous results. The force of circumstances was allaying in India class feeling in a way which was most hopeful, and productive of great good. Europeans and natives were slowly, but surely, being taught to regard the weal of India as a common interest, and as an end towards which each should labour, and about which each could sympathise with and appreciate the labour of the other. But all this has been changed more suddenly and more completely than any thing we remember since the Mutiny. The two communities have begun to rapidly drift apart. Passion has usurped the place of reason, and if one is unreasonable in its prejudice, the other is unreasonable in its appetite for concession, which an unexpected turn has sharpened. We consider this state of things lamentable, and, indeed, a misfortune. It throws back the two communities by almost a generation, and it raises a class of questions, the most unsatisfactory and dangerous, because they appeal to pride and passion, and avoid appealing to experience and reason. What India is threatened with seems to be an arrayal over against each other of the European and native communities. This antagonism divides the European from the native Press by an unbridgeable gulf, across which the more moderate on each side find no means for approaching each other, or for suggesting a compromise. If the European community hold a meeting to oppose Mr. Ilbert's amendment, the native community threatens to hold a meeting to support it. If the Englishman memorialises in defence of a privilege which he says is essential to his status in this country, because his community is numerically so small, the Bengali also memorialises; but whilst he calls upon Hindustani and Punjabi, Mahratta, and Telinga to join him, he goes further than Mr. Ilbert; he seizes with ready logic upon the weakness in Mr. Ilbert's proposal, and setting aside all teachings of expediency, and all teachings of practical statesmanship, and the working out of a compromise



between theory and necessity, he demands that all native Magistrates shall possess powers equal in every respect to those given to Europeans; and that the European and the native shall not only be tried by the same man, but shall receive the same sentences, and be limited to the same right of appeal. We are quite prepared to hear that this conflict of the communities was not anticipated or expected by Lord Ripon or his Council. But we must look facts in the face, and must give full weight to the utterances of the native Press, and to the advice which it tenders to the native community. And we go further and say that it is the duty of the Government to allay the excitement which nothing but its own action has produced, and to remove the cause of an embittered, uncalled for, and dangerous agitation; and in this connection, we would draw prominent attention to the remarks of the *Amrita Bazaar Patrika* :—

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

As for treating Europeans like wives and children, the Government always, however, does it also for very good reasons of its own. Is not a European a helpless being? Does not the paternal Government always help him when he cannot help himself? If he has no money, the Government provides him with a post. If he has no money to go home, the Government provides him with passage money. If he is incompetent to discharge the duties entrusted to him, he is surrounded by experienced natives to teach him, to guide him, and to obey him. If he plays mad pranks in one department, he is transferred to another. He has been always treated as a helpless man, and the Government therefore grants especial privileges to the Europeans along with lunatics, and wives and children.

The fact is, the special privileges are not in keeping with the whole tone of the Criminal Procedure Code. They are a blot on, and a disgrace to, the fair fame of the Government. They serve no useful purpose, and they serve the purpose of lowering Englishmen in public estimation and keeping up the difference between the two races. These privileges might have been necessary in the beginning of British rule in India. But now they are not wanted. Let those of our countrymen who have any admiration for the criminal administration of the country; let those native *Hakeems* who think that they serve their country by sending people to jail right and left, and by using the cannon when a little stick would do the purpose, take note of the fact, how anxious our enlightened teachers and masters are to keep their own race aloof from the "blessings" of our criminal administration.

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

We see in these extracts the way in which the question is regarded by one section of native community. But the most rabid and anti-European member of the native Press somewhat cynically declares "the people of the country are very little interested in the amendment proposed by the Government." If this be true, then, it must be admitted that the natives are agitating for something beyond the amendment itself; and that they regard the amendment and the concession it involves from a point of view altogether different from that of the Government; and as keenly practical as the view of the Government is sentimental. Just now political agitation and race conflicts in India are in the last degree to be deprecated and avoided; and we would, therefore, again impress upon the Government the wisdom of a course which shall dissipate the storm which now threatens the land.

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February 26.

The question raised by the Government of India in relation to the employment of Eurasians and Europeans has a very serious side irrespective of its bearing upon the fortunes of the communities most concerned. It proves that the pigeon-holes

of the Secretariats still contain precedents dating back to the times of the East India Company,—precedents based upon the narrowest prejudices of the great traders, and which speak of the office and the shop, rather than of statesmanship. It was a settled habit of the Company to undervalue, under-rate, and disown the Eurasians. If the Board of Directors could, they would have rid themselves of the community, or would have forced the Eurasians back into the ranks of the natives. They should have formed, according to the Company, a part of their mothers' community, in India, as everywhere else. But in this country the constitution of native society decided the matter adversely to the wishes of Leadenhall Street, and laid upon the fathers, the father's duty of responsibility for the sons. The Eurasians, it was speedily seen, had no alternative but to be adopted as a part of the European community, for they were as much cut off from the native by social customs as the European himself. This result, if rightly utilised, tended to strengthen the political life of the Company just as it must strengthen the hands, in a political sense, of the Government of India, for it added to the garrison, professional and unprofessional, of India, a whole community, which, though small at first, was bound to increase rapidly, and to look to English supremacy as the very guarantee of its existence. The Company, however, shared not a few of the prejudices of a time familiar with the habit of the holding of slaves by Englishmen. Slavery was, indeed, abolished in the English Colonies, but in India the Company retained the meanest form of race-pride, and up to almost the latest year of its existence resented the pressure of the circumstances, which, as time went past, identified the Eurasians more and more strongly with the English community, and thrust their condition ever more urgently upon the attention of the Company as a grave political problem. With the supersession of the Company by the Crown, there ought to have come a supersession of the prejudices which swayed the Company against the East Indians. The political value of

such a community should have been recognised by the Government which inherited the policy of emancipation; and, after so many years of the direct government of this country by the Crown not to be able to do so, not to be able to do more than strive to work out the narrow-mindedness of the Company, argues an inability to rise to the full height of a complex political question. The Government of India neglects the Eurasians from considerations which it seeks to hide behind sentimental excuses. But sentiment in such cases indicates weakness, the want of power to grapple with a difficulty, the weakness indeed which makes a difficulty more difficult. The faculty of ruling, the power to administer, must be less in the Government which after nearly a quarter of a century of the direct government of India by the Crown goes back to the prejudices of a century ago,—prejudices peculiar to a slave-holding time, and to a protest against the non-absorption of Eurasians into the native community of India. Can it be wisdom which ignores the Eurasian community and denies it employment? Is the sentiment wise which seeks the favour of the natives in so markedly unjust a manner? Can it be a consciousness of strength which anticipates native cries, and seeks to discount native political demands? Is it a feeling of unopposeable strength which seeks to govern a country like India by a group of foreigners conducting a purely native administrative machine? We are half ashamed for the reputation of Englishmen as an imperial race to ask such questions. They raise speculations which it is not to the interest of the Government should be raised. Their mere formulation is a disservice to the Government and yet we are compelled to raise them, compelled to ask them, in order, if possible to open the eyes of the Government; to the supreme folly of the sentiment which they would have the world accept as a great and just policy. With the Government must rest the responsibility, if the world go behind the sentiment, and believe they find it based in a sense of weakness rather than in a consciousness of strength.

## TO THE EDITOR OF THE INDIAN DAILY NEWS.

SIR,—The proposed Amendment of the Criminal Procedure Code, taken in conjunction with the recent Resolution, excluding all Europeans and Eurasians born in India from the higher ranks of the Public Works Department, reminds one of the course of a drunken man,—his will is good to go ahead, but reason no longer controls his movements, so one step points this way, and the next, that way. The "Act" proposes to make Europeans, Eurasians, and "pure Asiatics" equal in the eye of the law. The "Resolution" proposes the exact reverse—to make them *unequal* in the eye of the law. It directs that "pure Asiatics" shall not only be preferred to, but that Europeans and Eurasians shall be actually excluded from, appointment to the higher ranks of the Public Works Department. No reason is assigned, no crime or failing charged against the proscribed class save that they are born in India. But on what ground Lord Ripon and his advisers presume that pure Asiatics are more worthy of State favour than the children of Europeans and Eurasians in India? They are natives of India, true; but that is no ground of special merit, for so, too, are all the Europeans and Eurasians born in the country: if not, then of what country are they natives? They were born here, and most of them were never out of India. Will Lord Ripon and his advisers say, Irshmanul ke, that they are born out of their native land? Their sole crime is their birth, but "master, who did sin, these men or their parents, that they were born in India?" To be just, Lord Ripon should visit that crime (if crime it be) on the parents of the unfortunates, who have incurred the wrath of the Indian Government by the misdemeanour of being born.

The Indian Government is constantly urging on the European and Eurasian population the duty of joining in the Volunteer movement. Accepting the logic of facts, it virtually says: "We are but a handful of foreigners holding India by force of arms; come, help us in our task!" And while with one hand it holds out the rifle to the European and Eurasian, with the other it slaps them in the face with the remark, "Europeans or Eurasians need not apply here for employment or encouragement. Go; beg, starve, or steal, you are not pure Asiatics!" And that is the latest utterance of the Government on the evergrowing Eurasian question. Our rulers will hardly, on further consideration, find anything to congratulate themselves upon in that wonderful "Resolution." As Christians, they treat others as they would not like to be treated themselves. As gentlemen, they virtually sneer at a whole class, on account of their Anglo-Indian birth. As legislators, they have insulted and proscribed a most important class of the community,—a course admirably calculated to produce disgust, disturbance, and disloyalty.

Mr. Ilbert's Bill proposes to place Europeans and natives on the same level, politically and judicially. Purely doctrinaire in its inception, it ignores at once the feelings of the Europeans and the demands of the natives. It seemingly aims to conciliate natives at the expense of European feeling; but, in the nature of things, it can only become a Frankenstein, dangerous alike to the Government, the European and the native community. That the Euro



peans everywhere strongly object to it, is universally admitted; that the natives generally have demanded it, is not asserted by even its warmest advocates. Ask the agricultural population, the vast, unrepresented majority of the Indian people, their opinion of the measure, and you would have to explain it at length, to get any opinion at all, so little is it known or regarded as a grievance to be remedied. "We are born to be ruled," say they, "and of the two, we prefer the European to the native ruler: the one is generally impartial, for he has no relations with either the land or native society; the other cannot be impartial, for, if a respectable man, he is connected with both. And our history and customs, from time immemorial, lead us to expect that the ruling class will be a privileged class."

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February 27.

The Eurasian and Anglo-Indian Association have published the memorial they addressed to the Viceroy on the exclusion of Eurasians and Europeans from Roorkee. We publish the memorial in another part of this morning's paper. It is thoughtful, and it ought to be unanswerable. Every man who has an interest—and who has not—in this question, ought to support the action of the Association. What the natives think of the matter may be found in the following passage from our contemporary the *Hindoo Patriot*:—

In anticipation of these rules we hear that natives are now practically excluded from the higher appointments of the Engineer establishment. Natives are not now appointed permanently as Assistant Engineers. Those that have been temporarily posted have not been made pukka. By way of some compensation we believe it is now declared that appointments made to the Engineer establishment from the Indian Engineering Colleges shall be reserved "for persons of Asiatic origin." This rule has necessarily given rise to a race question, while its practical tendency is to exclude natives. We need hardly say that we ask for our countrymen a fair field and no favour. We do not wish to exclude Europeans or Eurasians trained in Indian Engineering Colleges, but we do object that the higher appointments in the Public Works Department should be the monopoly of Coopers' Hill students.

We are glad at this juncture to find the leading, and the deservedly leading organ of native public opinion, wisely advising the native community. Our contemporary says: "We would counsel our countrymen not to do anything which would tend to widen the gulf between the European and the

Indian, or to carry the race-strife to the bitter end." But while we frankly admit the wisdom and even the dignity of such counsel, we also are quick to recognize the condemnation of the course adopted by Lord Ripon which is involved in the fact that such advice is necessary. Lord Ripon has suddenly divided the European from the native, and made each occupy a hostile camp, or there would be no room for any such preaching up of self-restraint on the part of the natives. The fact that the *Hindoo Patriot* feels itself compelled to act as a drag upon native public opinion is a proof of the wide-spread mischief which Lord Ripon has somewhat recklessly caused.

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TO THE EDITOR OF THE INDIAN DAILY NEWS.

SIR,—It behoves every Englishman and well-wisher of England to stand forward in support of the Press, in the attempt being now set on foot for the defence of their rights, privileges and liberty in this country. Defence—against whom and what? In the answer to that lies the bitterness to Englishmen of the whole present question. It is to defend themselves against the action of their own administrators, that they are now compelled to unite, to resist constitutionally and loyally, the proposals and resolutions of the Government, which are so hostile to their political status in India, and discouraging and inimical to their enterprise, and the employment of their capital in the country. These are no chimerical ideas. They are the outcome of the action of the Government itself, which has arrayed the public opinion of Europeans and Eurasians throughout India, against a spirit of legislation which all loyal and fair-minded Englishmen must deprecate, as tending in the direction of a grave political crisis. The slumbering, if not extinct, spirit of race antagonism has been set in a blaze again over the length and breadth of the land, in a stronger and deeper form than it ever assumed before. The native is now taught that in the abasement of the *dominant* race, and their final deportation from India, lies all his direct gain. What a corollary to Earl Lytton's Vernacular Press Act, if the question is discussed from that point of view. It is of a far more serious nature politically, and economically also. If the Government proposed amendment of the law is carried in spite of public opinion, and if the exclusion of Europeans and Eurasians from employment by the Government is continued, I certainly agree with your correspondent, "Let the Volunteers throughout India resign to a man" to mark their condemnation of the policy of their rulers. Let every non-official European, besides, take such measures, within the boundary lines of the law at all times, as will ensure as many advantages as possible on the battle-field of race, which the Government has instigated. Let all private trading firms of every description employ native agency only to the extent of actual necessity. These would be

reprisals in a fair field. But that grave cause should exist for such reflections is the source of deepest regret—and that they are originated by the Government. For what, may well be asked? To propose to reduce Englishmen to the level of the natives—merely from a spurious sentimentality, as to the look in England of equality before the law, for all subjects of Her Majesty's Indian Empire, when no such measure was called for or was needed on any tenable plea, and, moreover, when such a step would place Englishmen under the gravest disabilities, could scarcely fail to call forth universal discredit. Couple the fact with the announced resolve of the Government regarding the employment of any but natives in its service, and the reflection must arise that a blow is being levelled at the existence of the European and Eurasian population in India, where, on the other hand, by a remarkable inconsistency, they are invited to employ their capital. Public meetings all over India are called for in such a state of affairs, and protests to the Parliament of England.—Yours, &c.,

"ENGLISHMAN."

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*February*

This afternoon, at 4 o'clock, the European community will have an opportunity of expressing their opinion on the proposed amendment of the Code of Criminal Procedure. Considering that the Government itself has invited an expression of opinion we think the heads of public offices would do well to give their assistants leave. The Trades' Association and the Chamber of Commerce have both circulated notices recommending that all offices and places of business shall be closed at 3-30 P. M., to allow the principals and assistants to attend the meeting. The Eurasian and Anglo-Indian Association have very properly spoken out by means of the advertisement which appears in another column; and the representative bodies of the Anglo-Indian community are therefore unanimous in the course they have adopted as regards the meeting.

We need not urge upon every European and Eurasian who may be able to attend the meeting to make it a point of doing so, for there seems abundant proof on all sides that it will be the largest meeting which has been held in Calcutta for very many years. We trust that whilst enforcing their views, the speakers will recognise the fact that the proposed alteration in the law is not in any way the result of a popular demand on the part of the natives; and that although the question was mooted in

the first place by a native official, there is every reason, whilst defending their own privileges, for Englishmen to avoid as far as possible a conflict of races. The Government, it must be borne in mind, has, on more than one occasion, declared that it sought the opinion of the public on this measure; and the meeting, therefore, must be regarded, not so much as a meeting held in an antagonistic spirit to the Government, or held in a spirit of unreasoning opposition, but as supplying that opinion which the Government itself asked for, and by which it hinted that its course would very possibly be guided. The meeting, therefore, should be resolute and calm, and its expression of opinion distinct and unmistakeable. The Government then will not be able to turn round and say it is dealing with a divided opinion, nor that it has appealed to an apathetic public. The meeting means a great deal to every Englishman in India, and a great deal to Lord Ripon as Viceroy. What it means to an Englishman may be very briefly expressed. In the Mofussil Englishmen are either direct employers of labour, or rivals of native landlords and sub-landlords. As employers of labour they have day after day to contend with all manner of attempts to break contracts, and are made to feel that at any moment false charges of coercion may be brought against them. As landlords and sub-landlords, they are made to feel that they are in the presence of rivals who are not over-scrupulous in their rivalry, and are made to feel that they can only maintain their rights by their traditional obstinacy and determination. To both classes the amendment proposed by Mr. Ilbert appears to be the removal of almost the only legal safeguard they possess; and they, therefore, very naturally refuse to put that faith in its indifferent character which Lord Ripon would invite them to do. To the Viceroy this Bill means very probably the spoiling of a fair career, and the withering up of a popularity in the main up to the present, not undeserved. If the Government, having invited an expression of public opinion, should disregard that opinion, and coerce the European

community into suffering the alteration of the law, then an association must be formed, and money must be forthcoming, and the great public in England must be stirred up to deal with what will amount to the greatest and most in-exclusable mistake ever committed by a Governor-General of India.

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TO THE EDITOR OF THE INDIAN DAILY NEWS.

SIR,—As the Government appear anxious to place our fortunes liberty, and lives in the hands of the natives of this country—where may I ask is the further necessity for Volunteers? Let our soldier-citizens mark their deep sense of disapproval of these high-handed proceedings of Government by *at once* resigning *en masse*; and when H. E. the Viceroy is informed that the meeting for the distribution of prizes cannot be held, he may be made aware (if not so already) of the strong feeling existing in Calcutta against a measure likely to excite the animosity of party feeling existing in Calcutta against a measure likely to excite the animosity of party feeling which may lead to grave consequences, and again raise the bitter race question which happily until now was being allowed to remain quiescent.—Yours, &c.

EX-VOLUNTEER.

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TO THE EDITOR OF THE INDIAN DAILY NEWS.

SIR,—Allow an old European resident of Upper India, a sincere friend of the natives possessing the confidence of many thousands of them, and thoroughly acquainted with their languages, religions, customs, and opinions, to state briefly his objections to Mr. Ilbert's Bill.

1. Because such a measure would do more to injure the interests of native officials and of the educated natives generally, by the reaction and revulsion which it would cause than any other measure which could at present be adopted.

2. Because it is calculated to produce race animosities, stir up religious feuds, and engender bitter feelings at a time when it is especially desirable that all such should be allayed as much as possible.

3. Because its direct tendency is to grieve, wound, and insult the feelings of the most loyal and trustworthy non-official classes in India; to alienate their sympathies from their Indian fellow subjects, and to tempt them to withdraw their support, as Volunteers, &c., from Government, at a critical juncture.

4. Because it is an anomalous, unconstitutional, and illegal confiscation of the chartered rights and privileges of Englishmen. An appeal to the highest tribunal at Home would at once decide this to be the case.



5. Because it is, of course undesignedly, a weak and despicable pandering to the race prejudices, petty jealousies, carping envies, sinister designs, and seditious plottings of certain native factions, bent on nothing short of gradually clearing the country of all Europeans. Hence all peaceable law-abiding natives ought to oppose the measure vigorously.

6. Because it is the *second* step towards depriving India of the benefits of English capital, enterprise, skill, energy, and sterling honesty, by ultimately driving all non-official Europeans out of India; the *first* step having been taken already, by placing Europeans and Eurasians born or domiciled in India under special disabilities for employment in every branch of the Uncovenanted Service which any young gentleman would care to enter, See for example the last ruling regarding admissions to the Public Works Department.

7. Because I do not believe that any person—whatever his mental qualifications and educational advantages—born brought up, and educated among Heathens and Mahomedans and himself an adherent of either faith, possesses, or can possibly possess, that degree of *moral* fitness for the exercise of high judicial functions which a person may reasonably be expected to possess, and who has been born and educated amidst the highest type of Christianity which the world has ever seen. For instance, I am convinced that the former can never compare with the latter, except at a disadvantage to himself in that high sense of justice, judicial fairness, unassailable honesty, innate love of truth, unswerving fidelity, unflinching courage, and universal sympathy with his fellowmen, which is generally characteristic of the latter. The same objection holds good, only in a less degree, against the appointment of Native Christians, however sincere, to high judicial positions, since their morality is confessedly of a low type, their home training very defective, their principles somewhat pliant, and their religion a weakly exotic. I readily admit that this moral test is not applied to the extent which it ought to be even in the case of European candidates, and that there are now in India some high European officials utterly disqualified for holding office in a *moral* point of view; but neither the neglect of Government in applying the test, nor the very exceptional cases which do not come up to the proper standard, forms any reason why I should stifle my convictions or surrender my rights.

8. Because natives generally distrust, and have no real confidence in, native officials, whilst at the same time they admit the moral superiority of European officials. This strong feeling, and even prejudice, against their fellow countrymen in office is universal, proverbial, and, undeniable. Native officials may deny this, and by an under-handed terrorism prevent testimony being given to European officials in support of the fact; but every non-official of any experience knows well that it is a fact notwithstanding. Whether this native opinion is *just* or not is questionable. Doubtless it is not in many instances; but Europeans may be pardoned in being slightly influenced by it when called upon to surrender their liberties and lives into the hands of suspected parties.

The time will come when native officials will be *fully* and in *every* respect qualified for any office whatever; but it has not come yet by a long way; otherwise they would have my hearty and un-

prejudiced vote for it, from the office of Viceroy downwards,—  
Yours, &c. FIAT JUSTITIA.

## HOUSE OF COMMONS.

February 19.

### TRIAL OF EUROPEANS IN INDIA.

MR. ONSLOW asked the Under-Secretary of State for India, whether it was in contemplation by the Government of India to change the existing law relating to the trial of Europeans in India; and, if so, whether he would guarantee that no sanction would be given to such a proposal by Her Majesty's Government until that House had had an opportunity of discussing the propriety of such a measure.

MR. CROSS.—The Government of India has now in contemplation a change in the law relating to the trial of Europeans in certain cases; and the late Secretary of State, at the request of that Government, sanctioned the introduction into the Indian Legislative Council of a Bill to carry out this change. Under the existing criminal code, outside the Presidency towns no European can be sentenced by Sessions Judge to more than 12 months' imprisonment, nor by a first-class magistrate to more than three months' imprisonment; the Sessions Judge and the first-class magistrate being European British subjects. The Government of India has recommended that these limited powers of jurisdiction should be extended to certain selected natives in the Government service. The actual proposal is that, if the Government appoints a native to be a Judge of a Sessions Court or a district magistrate, he shall, *ex-officio*, have the same jurisdiction over Europeans, as if he were himself an European; and that the local Governments shall be authorised to confer similar magisterial powers upon selected members of the Covenanted Civil Service (constituted under the statutory rules made under 33 Vic., cap. 3) and of the non-regulation commissions, and upon cantonment magistrates who are already exercising first-class magisterial powers, and who are in the opinion of Government fit to be intrusted with these further powers. It may be as well to state that for the last 20 years there have been native Judges of the High Court with jurisdiction and powers precisely the same as those of Europeans; and that for 30 years there have been in the Presidency towns native magistrates who have constantly and satisfactorily exercised criminal jurisdiction over Europeans in those towns. The procedure code gives to every European British subject, who considers himself unlawfully detained in custody, the right to apply to the High Court for an order to bring him up before that Court. In reply to the concluding sentence of the hon. member's question, I may say that, as Her Majesty's Government does not wish unnecessarily to delay the accomplishment of these reforms, it is not intended to submit the question to the House of Commons.

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**PART II.**

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**THE PUBLIC MEETING IN THE TOWN HALL,  
CALCUTTA.**

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**THE "TIMES."***March 1.***(BY INDO-EUROPEAN TELEGRAPH.)***Calcutta, Feb. 28*

An indignation meeting to protest against the Criminal Procedure Bill was held here this afternoon.

Almost every non-official Anglo-Indian in Calcutta was present, and business was entirely suspended in the European quarters of the town. Resolutions condemning the Bill, and for the presentation of memorials to the Viceroy and the Secretary of State, and of petitions to Parliament, were carried enthusiastically. Speeches expressive of profound and passionate indignation were delivered by various influential and representative members of the community. The meeting closed with cheers for the Queen, and with the singing of the National Anthem *en masse*. No such excitement has been witnessed among the Europeans since the time of the Mutiny.

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**"INDIAN DAILY NEWS."***March 1.*

We have known Calcutta since 1857, but we never before saw such a gathering as that at the Town Hall yesterday evening, to protest against the proposed amendment of the Criminal Procedure Code, which came into operation on January 1st last. The great hall, the aisles, the ante-room, and even the gallery and platform were densely crowded. On the platform and in the gallery were a few ladies, whose presence pointed the reasoning of the speakers, and afforded them a living argument for a passionate protest against a law which would subject an European, or those belonging to him, to the machinations of a corrupt, an unscrupulous, and a venal police. The numbers present could not at the most moderate computation have amounted to less than 2,500 men. Among them we were pleased to see a small contingent of natives who, by their presence, protested against the race questions raised by the Viceroy, and testified to the fact that no section of the native community has asked for this proposed alteration of the law.

The meeting was opened in a sympathetic speech by Mr. Miller, the Sheriff, and the real business began by an able and statesmanlike speech by Mr. J. J. J. Keswick. With curious

skill he ran over the points against the amending Bill, and prepared the way for the powerful oration of Mr. Branson,—a speech which provoked such enthusiasm as we have never before witnessed in Calcutta; and in its reception, as much as in its delivery, gave proof of the deep and passionate feeling which the Viceroy has so thoughtlessly stirred up. His Excellency asked for public opinion. The way Mr. Branson was cheered and re-cheered, and, again cheered, and still cheered, is such a reply as no Governor-General has yet received. We have seen every great meeting of Europeans since the mutinies, and we never saw such a meeting, or a meeting so stirred, or so passionate, and so anxious to make its voice heard, and its views and feelings understood. As we listened, we could not but think of what a burden of responsibility must rest upon him who had thus provoked his countrymen in that strange land, for whose good they have come to be proud to labour. The fact that the German Consul-general and Mr. J. G. Apcar supported the resolution, is a proof that in this matter Englishmen do not think, or feel, or stand alone. The whole Christian community is united in an eager and determined opposition. The meeting was like the great opening of a revolution,—like the commencement of a time when men would go any length for their rights, and dare and do anything for principle. It is not Englishmen only who protests; for looking out on the sea of faces in the hall, we saw Jews and Parsees, Greeks and Armenians, Americans, and Germans, Frenchmen and Englishmen—the merchant, the trader, the soldier, the volunteer, the civilian, the uncovenanted servant of Government, the planter,—in fact, representatives of all Europeans nationalities, and of all walks and conditions of life,—a meeting representative all through and filled with as much astonished regret as with passionate indignation. There was something pathetic, something of pride, and a declaration of English manhood, at the end, when after enthusiastic cheers for the Queen, the great heart of the meeting found relief and vent in singing “God save the Queen.” It was a protest wrung from the heart against a wrong on the loyalty of Anglo-Indians, and an appeal for protection to the mother land and the mother Queen.

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## THE "ENGLISHMAN."

*March 1.*

To say that the public meeting held on Wednesday afternoon in the Town Hall to protest against Mr. Ilbert's scandalous Bill for the amendment of the Criminal Procedure Code was unprecedented as regards both numbers and excitement, would be to give but an inadequate idea of a demonstration of popular feeling which must have surprised even those who were most fully impressed with the deep and widespread indignation created by the proposed measure.

Business in the European portion of the city was suspended from an early hour in the afternoon, and, long before the time appointed for the meeting, the approaches to the Town Hall were thronged with carriages and foot passengers. By a quarter to four o'clock the whole of the centre of the Hall was filled, and ten minutes later the entire room was simply one mass of human beings from wall to wall. By this time upwards of eighteen hundred cards had been delivered at the doors, and probably not less than three thousand persons were actually present. In this vast crowd the domiciled Anglo-Indian and Eurasian were no less strongly represented than the British community while foreign Europeans, Armenians and Jews also mustered in force. Nor was the demonstration confined, as has hitherto been the case with political meetings, here to the non-official community. A large number of the Covenanted Civil Servants of the Government and Officers of Her Majesty's Army, besides Uncovenanted Government servants of all ranks, were also present to testify their condemnation of the Government policy.

And never was policy condemned in a more emphatic manner. Sentence after sentence of the indignant and spirited speeches delivered was greeted with a perfect furore of applause; while the mention of certain unpopular persons and opinions was followed from time to time by storms of groans and hisses indicative of a state of popular feeling which has not existed in Calcutta within the memory of the present generation.

The proceedings terminated with three cheers for the Queen, followed by the National Anthem.

We understand that all the hotels were filled during the day with residents from the neighbouring districts who had come into town to take part in the demonstration.



The Sheriff, Mr. ROBERT MILLER, in opening the proceedings, said:—Gentlemen,—In obedience to a requisition signed by a very large number of the European residents of this city, I have, as the Sheriff of Calcutta, convened the meeting which has here assembled to-day. Whatever might have been my own opinion as to the object or purport of this public demonstration, the number and the reputation and the weight of the names at the foot of the requisition which was served upon me would have left no alternative but to convene this meeting of the European citizens of Calcutta; and if there had been any doubt in my mind, which there was not, as to the unanimity of the demand for a public meeting, it would now have been dissipated completely.

The object of this meeting is to demonstrate to the Government of this country, and to the Secretary of State, who is a responsible to Parliament, and, if need be, to Parliament itself, the opinions and feelings of those who would be affected by the alteration of the law which has been proposed. (Applause.)

The necessity for this form of argument is greatly to be regretted, for one result of it is to stimulate and inflame those same race feelings and antagonism which are so much to be deprecated. (Hear, hear.) It is the more to be regretted because, unavoidable now, it might have been escaped if those who are responsible for having suggested the matter to the present Government had forewarned them at the same time of the strenuous and determined opposition the measure was certain to evoke on the part of that section of the inhabitants of India who are affected by it. (Hear, hear.)

Gentlemen, I take the chair to-day simply as the Sheriff, I do not propose to address you or to discuss the subject concerning which you have assembled, because it may fall to me to speak upon it if it comes up for the consideration of the Legislative Council. While the expression of your feelings and opinions now will inform the Government fully on a subject on which they seem to have been misinformed, they will also give weight and authority to me if it should be necessary to oppose the Bill in Council.

In leaving, as I now do, other speakers to come forward to represent the views of the European residents of Calcutta, I would only remind you, though it seems hardly necessary of the chief object of opposing this law. It is to prevent the growth of that feeling of race antagonism which you believe will be aggravated if the measure is forced through in spite of the unanimous opposition it meets with from Europeans. (Cheers.) This object can best be secured by a temperate

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statement of argument, by setting forth the reasons which stand against the Bill, and the fact of your own strenuous opposition to it, calmly and in a manner which will not perpetuate that ill-feeling which it is our unanimous and sincere desire to efface. (Applause.)

I have before me a pile, and it might be a larger one, if I had brought all that I have received of letters and telegrams from all parts of India: from the Punjab, from the North-West Provinces, from Assam, Cachar, Central India, and if I were to read them all, it would take more than an hour of your time.

I now call upon Mr. Keswick to move the first Resolution.

MR. KESWICK, rising amid loud cheers, said: Mr. Chairman, Ladies and Gentlemen,—In proposing the first Resolution I would say that the Bill to amend the Criminal Procedure Code, which we are met here to consider, will, if passed, be a most serious thing for European British subjects in this country. In the Mofussil Europeans will be at the mercy of false charges, supported by bribery and corruption. In the time here of most of us we have seen cases against European brought down from the Mofussil in which the Native police, with the assistance of false witnesses, have worked up the most damning evidence, the falseness of which only the ability of counsel procurable in the capital has been able to lay bare! (Cheers.) Do you think that Native judges will by three or four year's residence in England become so Europeanised in nature and in character, that they will be able to judge as well in false charges against Europeans as if they themselves were Europeans bred and born? Can the Ethiopian change his skin or the leopard his spots? We have not forgotten what occurred in a certain police case arising out of the late Municipal elections, nor yet what has befallen a certain percentage of the covenanted native civilians. Shall it be said that the Government hath not known that the Government does not consider? Once do away with the distinction which prevents European British subjects in the Mofussil being subjected to Natives, and you know not where the subjection will stop. (Loud cheers.) The Native Press, which is now clamouring for Natives to have the power of punishing Europeans, does not wish this power, for which Mr. Gupta has been the prime mover, to be confined to him and a few others. At present the exercise of jurisdiction over European British subjects in the Mofussil is confined to those who are European British subjects themselves; but if this new Bill be passed Natives who are members of the Covenanted Civil Service, who are members of the native Civil Service, constituted under the statutory rules,

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or who are Assistant Commissioners in non-regulation provinces will have the power of trying and imprisoning Europeans. (Groans.) There is to be no distinction in the law between European and Native officers. The Native Press boldly says "We are not content with this; it is a halting measure which does not please us. Why should not a Deputy Magistrate have the power of trying an European British subject? If Deputy Magistrates are fit to try Native offenders they are equally fit to try European offenders, and it is intolerable that such a distinction should be allowed to exist. Let all our judges, whether of the Covenanted or Uncovenanted Service, try all classes of offenders, Europeans or Natives alike; if they are good to be judges of one class of offenders they are good for the other class, let there be no race distinction whatever. Let us not rest until the last remaining trace of foreign subjection be done away with." (Groans.)

It is quite clear then that the measures of the Bill will not please the Natives at large, and it is unbecoming of Bengalis who have done so little for themselves to clamour in this way. (Cheers.) What would they have been to-day had the British not taken the country? (Cheers.) What would they be to-morrow were the British to clear out of its bag and baggage? (Cheers.) The education which Government has given them, and which they use chiefly to taunt it in a discontented spirit, would not put courage enough into their hearts to defend their own hearths and homes and these men, for a description of whose nature, and for the characteristics of whose crimes, I would refer you to Dr. Chevers' book of Medical Jurisprudence, now cry out for power to sit in judgment on and condemn the lion-hearted race whose bravery and whose blood have made their country what it is, and raised them to what they are. (Loud cheers)

Take heed that it is not those who will come under the law, but those who wish to administer it, who desire the change. (Hear, hear.) Europeans and Natives who will be affected by the change do not want it. (Cries of "no," and cheers.) In fact it has been asked of the Government by a representative Native that *Habeas Corpus* be extended to the Natives, that they too may have the right to be brought to Calcutta and tried by the High Court.

About the invidiousness of the Act as it at present stands, of which we hear so much, I must confess I do not see the invidiousness. Had we a clamour on the part of Natives to be tried by Natives only and not by Europeans, as Europeans are at present tried by Europeans only and not by natives then

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there would be something of reason in it, though much of surprise, knowing as we do that Natives in the Mofussil prefer an European Judge to one of their own race because of his being beyond bribery and the partiality born of village influences too numerous to describe. (Applause.)

What good is it going to do Natives to be able to try Englishmen in the Mofussil? Do they think that once this privilege is gained a change in the political relations between the two races will follow, and that they will occupy all the high offices of State, be Commissioners of Divisions, Members of the Board of Revenue, and Chief Commissioners of Provinces, and that they will see filled from their ranks the posts of Lieutenant-Governors, Governors of Presidencies, Ministers of Finance, Commanders-in-Chief, and that of the Viceroy himself? Till these be obtained the last remaining races of foreign subjection, for the erasure of which a few Bengali Civilians sigh and long, will not have been done away with. Should the policy of the Government be to make unlimited concessions, it will no doubt secure the approval of the Native press so long as it can continue to make them, that press which had so lately to be restrained to prevent it sowing the seeds of disloyalty and sedition broadcast over the land, and which so vilely slandered the best Queen the world has yet seen. By such pandering to its wishes, its tones of abuse can no doubt be changed to paeans of praise, but has the Government confidence enough to show its trust all through and sink the distinction between Natives and Europeans as much in a military as in a civil sense? (Applause.) Has it such confidence in Natives as to do away with the Arms Act and place the weapons in their hands, feeling sure that they will use them as loyally as if in the hands of Europeans? (Applause.) Let Government answer. Mr. Iibert (hisses) in introducing the Bill, state that the only object in view was to provide for the impartial and effectual administration of justice, but we had thought and hoped that justice was already impartially and effectually administered, and were and are readier to trust our cases to European than to Native judges. If the number of European offenders in the Mofussil were legion, and Government felt it necessary to use the material at hand to put them down, one could make allowance for so harsh and inconsiderate a measure, but Europeans in this country are law-abiding, and it is no burden on European magistrates to try the few cases that arise.

An Englishman and a civilian remarked the other day that he did not think the change proposed in the law could do much harm, as there was always the right of appeal. (Oh! oh!)

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Do not be deceived. Away in the interior of the country, where Europeans are few and scattered, where their interests and those of Natives often clash, and where false witnesses can be hired at four annas per head, your brother or his wife, or his daughter or your sister, it may be, may be convicted on the evidence of perjured villains and lie in prison for a month before released on appeal to Calcutta (Loud applause.) A Native judge by reason of the conditions of his early nurture and early surroundings, by the fact that he has had no high principles inculcated during his infancy by an educated mother, and by the fact that, to thoroughly understand European nature, it is necessary to have that nature innate, is unfitted when trying an European to put himself in his place, and to judge from an European standpoint of the likelihood or not of his having committed the crime of which charged. (Cheers.)

When Natives have so far advanced that the wives and sisters, daughters and mothers of those of the ranks from which our native civilians are drawn can come openly into court and give evidence, and can mix with us and with our wives in society, then there will be so much of each other's innate nature known, that Government may seriously consider about giving Natives the powers they now ask, but till then let us follow the examples of our predecessors in this country and maintain the rights of Englishmen. (Loud cheers.)

We have all seen the opinions of the various local Governments and Government officers on the proposed bill, and must have blushed for our rulers, who have lately been trying to make us believe that they highly value the views of the public on Government measures. (Groans.) We saw that they published opinions of their own servants without first getting them to take the slightest trouble to learn the views of the non-official Europeans under them whom the change in the law will chiefly affect. (Groans.) If the opinions of the governing and not of the governed are to be taken, why go through the farce of consulting the latter? (Cheers.) But we of the latter class must make ourselves heard, and oppose in every legal way a measure which is so widely condemned. (Cheers.) God knows we are heavily enough taxed; (cheers) that Government never shrinks and never ceases from making demands upon us; that not only are we taxed here, but cannot go home for more than 6 months without having to pay incometax there; (groans) and yet we are the people on whom an unnecessary law is tried to be forced not by the Government here alone, but with the knowledge of the Secretary of State for India. (Applause.)

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From every district in the mofussil protests are continually arriving against the proposed bill. Are Europeans who have come to this country, embarked their capital, and, in spite of discouraging Government restrictions, opened out new fields of profitable employment for millions of Natives and added largely to the revenues of the Empire, to be cared so little for by Government that it would rather do them a grave injury and alienate their respect, than disappoint a few Native civilians who think it would raise their social position to be able to sit in judgment on European British subjects in the Mofussil? (Applause.) We have seen telegrams about what the Secretary of State has said at home, and feel that he cannot have been informed of the feelings of Europeans and of non-official Natives in this matter. It is evident he does not know—that to please a handful of Native civilians—I think the number covenanted has reached 6 our rulers here are risking the confidence of all the non-official, and nine-tenths of the official Europeans. (Groans.) The Government has lately been showing a desire to attract British capital to this country that its resources might be developed, and it is now taking a step which will make every non-official European in the mofussil feel a sense of insecurity, and undo much of the great good begun. (Hear, hear.)

I am sure we are glad to see the unanimity of the English Press in this country in condemning this new Government measure. It is true the *Statesman* is for it. (Groans.) He who pays the piper has the right to call the tune, and it is well known who has the right to call the *Statesman's* tune at present. (Cheers and laughter.)

The attitude which Government here is assuming makes it probable that the Bill will have to be brought before Parliament, and all who have friends or acquaintances in either House should be careful to fully inform them regarding the harm it would be calculated to do if made law and of the public feeling there is against it.

I am no hater of Natives. (Cheers.) I have many friends among them, and highly value their friendship. (Cheers.) I admire their virtues and some of their ambitions. (Cheers.) I know that with Government aid they can achieve many things, but it will be the far future before they can achieve a position of confidence in the hearts of non-official Europeans as judges of a race whose nature and whose characteristics they are unable as yet to understand. (Cheers.)

The speaker then moved the first resolution which was as follows:—

“That in the opinion of this meeting, the Bill for the amendment of the Criminal Procedure Code is unnecessary in the interests of jus-

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tice ; uncalled for by any administrative difficulty ; based on no sound principle ; founded no experience ; whilst forfeiting a much valued and prized and time-honoured privilege of European British subjects, it confers no benefit upon natives ; whilst imperilling the liberties of European British subjects, it in no way affords any additional protection to natives ; it will deter the investment of British Capital in the country by giving rise to a feeling of insecurity as to the liberties and safety of the European British Subjects employed in the Mofussil and also of their wives and daughters, and it has already stirred up on both sides a feeling of race antagonism and jealousy such as has never been aroused since the mutiny of 1857."

Mr. Keswick sat down amid loud and continued applause.

MR. BRANSON, who was received with prolonged cheers, said :—Mr. Chairman and Gentlemen,—I rise to second this resolution with feelings of the greatest anxiety and the deepest responsibility, because I feel that no man in my position can speak upon this subject without running the risk of saying things which must give offence to many natives who do not desire and have not asked for this unfortunate disturbance. (Applause.) This resolution wants no argument at my hands to commend it to you, or in order to receive your most hearty acceptance. I do not feel that I can give you fresh or further arguments than those which have been put before you in the stirring address which has just been sounding in your ears. I do not feel that I can suggest new arguments beyond those that the many-thinking multitude have already given expression to in the Press, which with such unanimity, and with but one recreant, has supported us. (Applause.) But, at the same time, I feel that I shall be without excuse if, with my experience of the country, and with the reputation for fairness which I hope I have gained, not only in this metropolis, but in this presidency (applause), and as one who is conversant with the working of the courts, and with the administration of justice, I did not put before you with such force as I can command such arguments as you may have already heard, or such others as may commend themselves to me. (Applause.) But before I proceed I cannot abstain from expressing my very deep regret that this apple of discord should have been thus thoughtlessly hurled among us. (Applause.) I think it is the greatest calamity that our rulers should have thoughtlessly, to say the least of it, disturbed the unity of all classes, and in grim satire, in the name of progress, hurled the country back a quarter of a century to the days of the mutiny. (Loud applause.) Gentlemen, I would, if possible, abstain from casting blame on any one in this matter, but I cannot abstain from casting blame on those who, in a

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responsible position, have stirred up all this tumult; who have needlessly, and altogether without excuse, put class against class. (Applause.) I cannot abstain from casting heavy blame on those who are our rulers; and for this reason—it is an axiom in politics that if there is one thing people watch more carefully than another, it is the administration of criminal justice. And the reason for this is not far to see. It lies in this, that a criminal judge has double power. He has the power, first, to rob you of your liberty, and he has the power next to stain your character. (Applause.) The robbing you of your liberty is a matter that can be well understood by the commonest person, if not to the same extent, at all events in the same way, as by the most cultivated and refined. That deprivation of liberty affects every one, but it naturally affects more those in whom there is an inborn love of freedom. Reputation, too, is dear to every one. But can any one be so blind as to say that his reputation is as dear to a native as it is to an Englishman? (Loud cheers). I say it is not, and I challenge an answer from that nation who bow low, in respectful adoration betray the most sacred and the holiest of the priestly offices. (Cheers.) Now, gentlemen, a free-born nation loves its freedom, and it would be judged on questions of whether it should lose that freedom or not,—not by a nation steeped in the traditions of the conquered, but by a nation glorying in the traditions of conquerors. (Cheers.) Is it, then, to be wondered at that Englishmen protest that they will not be tried, that they will not hand over the custody of their liberty to such a nation as the Hindoos of India. (Cheers.) That being so, should you not have thought that any Englishman, whatever his position, whatever his rank, would have hesitated, would have pondered deeply, and long and well, would have searched far and wide for information before he suggested that there should be introduced a law, not to take away an Englishman's privilege—I care not for privilege—but to rob an Englishman of his right. (Tremendous cheering).

Gentlemen, I have a privilege when I have a thing given to me, and it is not my own,—aye, when you say I have a privilege, it may be said I am not entitled to that; but when I say I have a right, it is a thing I claim as my own, and which you have no right to take from me,—and which I am bound to defend. (Loud cheers.)

Gentlemen, the mind of a nation; it has been often said by greater men than I can ever hope to equal,—the mind of a nation grows slowly, I mean, the mind of a nation as it affects

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its daily life, as it affects the minds of the men who are the component parts of the nation. You may by external agencies help forward its material progress; as in this country it has been helped forward by the external causes Mr. Keswick has referred to; but the mind of a nation must grow from within. You cannot, by forcing on it alien customs and alien modes of thought, raise the nation to the standard of a nation which has been trained in truth and honesty, in the love of what is pure and good, and in the faith of a true religion. (Cheers.) You cannot suddenly educate the slave into a full appreciation of freedom; you cannot, I say, teach him to value that freedom as the man values it whose heritage it has been, whose fathers it was and who can look back into the far past, and say—what we can say—Britons are and were free! (Loud cheers.) Look at the history of India! Here you have a country that has been from all historic time, I might say, victim of one conquering race or another. The conquered have hated the conquerors, and those conquerors have yielded to some mightier race that has come and displaced them, and then, in their turn, they have hated their conquerors with that intense hatred which unmistakably characterizes some of the races in India who have come under the English. (Cheers.) Now, if the Hindoo has in him (and in using the word "Hindoo," I use it perhaps wrongly, but in an address like this, I cannot go into details: I use it to cover all except the Mahomedan race),—if the Hindoo has in him any patriotism, any love of country, any love of freedom, any one attribute which Englishmen honour, the Hindoo must hate us. If he does not hate us, he has not got a quality which we can understand. (Cheers.) I speak not of Mahomedans. You are not so blind to recent events, you are not so dead to the teachings of history, you are not so ignorant of the nature of that people as to suppose that they do not hate us as those who have snatched from them the rich prize they thought to have enjoyed themselves. (Cheers.) You have, then, in the Hindoos a subject-race with a superadded hatred of the subjectors. Under these circumstances, is it wonderful that we should protest, that we should say these men are not fit to rule over us; these men cannot judge us, and we will not be judged by them? (Loud cheering and waving of hats for some minutes.)

Mr. Branson.—That is right. (Continued cheers.) Now, that is right,—that is the way to teach our rulers what we think. (Cheers.) That is showing your minds as the Athenians did when they shouted. "We will fight for our liberties. We will march against Phillip—we will conquer—or we will die." (A voice, "Let us march to Government House.") I

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have no doubt if you did, your calm demeanour, your quiet courage, and your submission to law would impress your rulers with the intenseness of your feelings on this subject.

Gentlemen, who can now doubt your feelings on the subject; and can you understand, can you fathom the abysmal depths of that ignorance which did not know of these feelings? (Cheers.) You have been told by my friend Mr. Keswick, and you have read in the papers, that it is said that sanction from Home has been obtained to the passing of this Bill.

Gentlemen, can you believe that that sanction would have been obtained had the Government of India written to the Government at Home, and informed them that the taking away of this right would provoke the very bitterest resentment, the very deepest excitement, a feeling bordering on frenzy—among well disposed and peaceable citizens? (Cheers.) If to that statement had been added this further statement, which is true, that the change is utterly unneeded no administrative difficulty is felt. So long as we hold the country, it is absolutely certain that there must be in every district one or two Englishmen at least with power to try cases. There is no necessity, therefore, to confer jurisdiction on natives to try these peaceable and well behaved citizens. There is no need to confer power to try them on aliens in race, aliens in creed, and aliens in faith. There is no necessity whatever except—*except* to do away with a sentimental difference which rankles in the minds of a few young Baboos. (Loud cheering.) I do not seek to impute any motive whatever which is unworthy, for I have no reason to impute such motives to our rulers; but I cannot acquit them of the most serious blame. It is the result of ignorance; it may, it seems to be, that your ruler, living away from you with select advisers, more than a thousand miles away in a retreat in the hills, knows nothing of your feelings, and his Government is in the most utter ignorance as to what your true wants are. (Loud and continued cheers.) I can see—and I have thought the matter carefully over—no reason whatever for this suggested change; no reason whatever except, as I have suggested, the sentimental idea of taking away a grievance which a young Bengalee felt, and which that young Bengalee wants to see taken away, that he may have the glorification of judging us, us whom one of the native papers safe under the protection of British arms dared to call “cowards.” Truly the jackass kicketh at the lion. (Loud cheering.) Show them, as you value your liberties that the lion is not dead, but sleepeth,

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and let them dread his awakening. (Cheers.) I have said there was no reason for this. Let me read to you some extracts from the speech of that most able man, because his ability no one can doubt, I mean Mr. Ilbert. He is in the council of the nation. (Groans and hisses).

No! I say, no! You must not hiss him! He is too able a man to have made this mistake if he had had the smallest knowledge, if he had had the shadow of an idea that he was provoking all this bitterness. If he had been properly instructed, he never could have made this mistake. Here is what he says: "As to the object at which we ought to aim there will be no difference of opinion." No, there is no difference of opinion among us here. (Cheers.) "It is simply the effectual and impartial administration of justice." It is that justice may be impartially administered that you are to have natives sitting upon you in judgment. Let me go on. "As to the facts with which we have to deal, no one who has studied the statistics and reports of the cases involving charges against European British subjects can fail to be struck with two things. First, let us compare it with the amount of ordinary criminal business; they are exceptionally rare, and secondly, they are exceptionally troublesome and difficult." Hear that tribute to yourselves, gentlemen. Criminal cases in which you are concerned are exceptionally rare; and secondly, "they are exceptionally troublesome and difficult." (Cheers.) Now, if the Hon'ble Member had been seeking to bring forward an argument why this Bill should not have been passed, I challenge him to bring two better arguments than these. (Loud cheering.)

He then proceeds to say that these two peculiarities "show that in the interests of the effectual and impartial administration of justice it is not necessary; and in the same interests it is not desirable, to clothe our magistrates indiscriminately with the power of dealing with these cases." He goes on to speak of cases involving the trial of European British subjects as a class of offences the trial of which, from the circumstances in which they are ordinarily committed, presents features of exceptional difficulties. (Cheers.) The cream is yet to come. He continues; "It involves no disrespect to the magisterial or judicial office to say that an officer who may be fully competent to dispose of a common case of theft or assault, may not be competent to dispose of a class of cases which, as will be admitted by all impartial persons," and he is an impartial person (laughter)—"are apt to put an exceptionally severe strain on the qualities"—mark these golden words,—"*on the judicial qualities of tact, judgment, patience, and impartiality.*" These

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are the qualities you want; and if you are searching for them in the wide world, where will you find them so well displayed as in Baboo Behary Lall Gupta? (Loud cheers and laughter.) You have a Civil Service which has borne an honoured name which has discharged its duties well in many trying times in this country; but if you want exceptional tact, patience, and impartiality, you must pass them over and go to the Native Magistrate. (Cheers.) He goes on; "We are, therefore, I conceive, fully justified on principles of general applicability in confining the jurisdiction exercisable in this particular class of cases to a specified class of magistrates; and the further question which we have to determine, is how this class is to be defined?" My answer is that the line ought to be drawn with reference to the presumable fitness of the magistrates and that alone." The *presumable* fitness! Then you have Magistrates who have done well, you have magistrates who have acted impartially; but if you want great perfection, you must not secure it by employing their services but you must go to presumption; and when you have got into that region of presumption, then you may desist from your work and fondly rest on the Bengali. (Cheers.) In judging of these qualities, he excludes entirely the question of different race, which, as involving the power to judge of and appreciate a man's motives, and as raising at all events a question of race prejudice, ought surely to be taken into consideration, but it is put out of account altogether. Mr. Ilbert continues: "We are of opinion that no change in the law can be satisfactory or stable which fails to remove at once, and completely, every judicial disqualification which is based merely on race distinction." It is not to be satisfactory until every disqualification based on race distinctions has been removed. It will not be satisfactory until you gentlemen, if a false charge of murder were brought against you, as was brought against Mr. Stevens in the High Court, can be tried by a jury of natives. (Cheers.) Many of you are new to the country and may not have heard of the charge of murder that was brought against this man. It was said that, having had the man who was said to have been murdered beaten nearly to death, he turned to his jemadar and said: "the man is not dead; he can tell tales, take a stone and pound his head." Now, Mr. Stevens was declared innocent, but remember that any of you may one day be in the same position. A charge as grave and yet as false as that was may be brought against you, and all race distinctions having been done away with, you will no longer be able to claim to be tried before a European jury who knowing your nation, will not believe the evidence, but must take

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your trial with your neck in the halter before a jury who, not knowing your nation, may believe that such a story is probable (cheers.) Now, gentlemen, that we are not an unreasonable lot of people is abundantly evident from what took place eleven years ago. It was then thought that there was an evil in the law which enacted that every Englishman charged with any, except some very paltry offences, punishable only by fine, should be brought down to Calcutta to be tried. It was said that there were many poor men in the district, and it was a hardship to require that every Englishman for a simple offence should be brought down to the High Court for trial. Mind you, I do not say the law even then was not a mistake. My own opinion as a lawyer is that you cannot take away from an Englishman any rights he has acquired in England when he comes to this country. Our Parliament never intended that any laws passed in this country should be to that extent antagonistic to the laws of our own country. But still that fact shows what a reasonable, law abiding people we are. It was put before the British public that this was an administrative difficulty. Did they rise and object, and hold such a meeting as this, when it was proposed to give power to European officers in the Mofussil to try minor offences? No, gentlemen, the difficulty commended itself to their reason, and though they might have fought against it, they did not. Now, the matter is wholly changed and altered. Now, it is said—and it was said this morning by a clearly-inspired article in the *Statesman*—(groans) that we are to be judged on questions of our rights, not by our own opinion, but by the opinion of the natives (Hisses.) The change which it is proposed should be introduced, I say is not justified by any single circumstance. I fail to find one single argument which has been put forward by Mr. Ilbert, which can in any way commend the proposition to any reasonable man, certainly not to any Englishman. Gentlemen, it does seem to me that we have fallen in evil times, when so unpatriotic, so un-English a change could be suggested by Englishmen in a foreign country. (Loud and continued cheering.) The only argument which I have heard suggested is this—and it was suggested to me by a Bengali gentleman the other day—he said, why, your countrymen who do not understand our motives, who are not brought up in our ways, try us, and the result is that there is constantly a failure of justice. So said this gentlemen, and you see his proposition. Because some natives suffer a failure of justice, therefore compensate by letting the Europeans suffer from a failure of justice. Don't you admire the argumen't? Two injustices make a justice. (Laughter and applause.) Perhaps

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he was thinking of a native Justice. (Laughter.) Well, gentlemen, I have pointed out to you that the desire to remove anomalies will not be in any way gratified to its full extent by the passing of this law, as has been pointed out by Mr. Keswick. There exists at the present moment this anomaly, that our own fair ladies are to be brought into open court, to be gazed upon by the multitude (groans): but their own ladies, who are of the same race as that multitude, are entitled by law to screen themselves behind the zenana, and there give their evidence; and not only so, but further they have this privilege, that their men themselves claim that they are entitled to be exempted from being called upon to appear in court; and I have only just to-day seen the records of a case in which a native Maharajah, in order to avoid giving evidence in a suit between him and a European British subject, and in order for that purpose to evade the execution of a commission to take his evidence, which evidence he knew would be prejudicial to himself, wandered about from station to station, from Benares to Allahabad, from Allahabad to Calcutta, and so on, so that when the commission arrived at any place it was found the bird had flown. Are we asking the Government to take away this privilege, which is not a right as ours is to be tried by our own countrymen? (Cheers.) Gentlemen, I should not be doing my duty as having been elected here to speak to you, if I did not call upon you to protest against the surrender of your rights by those whose duty it is, as it ought to be their pleasure, to preserve those rights. It is my duty to call upon you to let your voice be heard, that the preachers of these disloyal doctrines may cease to preach them. It is a grand thing, you should carry away the thought with you, that we are standing here in defence of our rights, and are calling upon our Government in every way we can to help us to protect our rights, to help us, and to save us and our wives and daughters from being tried by those who cannot understand us, and in whose power to do us justice we cannot have and have not, any faith (loud and continued applause). I have said to you that there is no reason given in Mr. Ilbert's speech for the bringing about of this change; but I want, with your permission, I am afraid I am detaining you very long,—(cries of no, no.) Thank you. It is a serious matter, and I want to put before you the opinion of some gentlemen whose opinion was asked, because it seemed to me extraordinary to the highest degree that there should have been in the mind of our Government such entire ignorance as to our feelings on this subject. I maintain that no one with the feelings of an Englishman but must have felt astounded when he saw the proposed

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