

by the acts and utterances of the present Government, has found voice in the cry of indignation and alarm evoked by the Criminal Procedure Code Amendment Bill now before the Council. How universal and how intense this feeling is, the letters which are pouring into the Press, and the formal protests which are being recorded at public meetings in all parts of the country, abundantly testify. The motives which inspire it are quite as much patriotic as personal. The conviction is general that, important as the evil effect of the present Bill on existing individual interests is likely to be, it sinks into insignificance in comparison with the injury with which national interests are threatened by the policy of which the Bill is a part.

But it is not mere shouting at a public meeting in this country, however loud, or letters to the Press, however forcible, that will avail to arrest the progress of a Government obstinately bent on the realisation of the wildest theories *coute que coute*. The voice which is loud here to those ears are those not stopped with the wool of officialdom, is but a still, small voice to the people of England. An organisation is wanted which shall not only enable the European and Anglo-Indian public to exercise an effective influence on local counsels, but furnish it with powerful mouth-pieces at home. This is the main object of the present Association;—to watch with unremitting vigilance every act of the Government; to speak out and act promptly and effectively at the first sign of danger, and to obtain such support at home, both in and out of Parliament, as shall secure a respectful hearing for its just representations. But this is an object which cannot be achieved without a liberal and steady expenditure of money, as well as personal effort; and thus it is that every European, every domiciled Anglo-Indian and Eurasian, who holds British interests and British honour dear, or whose interests in this country are in any way identified with British interests, is earnestly invited to come forward at once with his quota, large or small, towards the carrying out of this great object. Let

every one subscribe ;—not only him who can put down his thousand rupees, but him who can spare even a single rupee, for the common purpose, and let every one subscribe as promptly as possible.

As stated in the advertisement, the first expenditure of the funds of the Association will be for the purpose of opposing by every legitimate means possible, both in England and in India, the present proposal to deprive British subjects of the right of trial by their peers. All surplus funds will be invested and the income applied to carrying out the further objects of the Association, which is to be placed on a permanent footing, and which, if the signs of the times are of any value, has a long and arduous battle before it.

A contemporary who has hitherto distinguished himself among his fellows as the one solitary supporter of Mr. Ilbert's Bill, and who has had the credit on more than one occasion within the last few days of being the mouth-piece of the Government in the matter, has at last discovered not only that the Government by acting, in this matter, in complete ignorance of the feelings of its European subjects, has placed itself in an "excessively unpleasant and invidious position;" but that it is doubtful whether, as a matter of policy, it should exercise its power of deciding a question which has created such "unprecedented excitement," and on which it finds itself in opposition to the "vast majority" of non-official—it might have said the vast majority of official and the entire body of non-official—Englishmen in India, and whether it should not rather refer the matter to Parliament.

The Government, our contemporary informs us, "had not gauged, it had not even dreamt of, the feelings slumbering in the breasts of Europeans in India, which have now risen in tempestuous agitation." Whether it still speaks with the voice of authority, or not, we cannot say, probably not;—but that, in making this statement, it speaks the literal truth, there need be no doubt. That the Government had gauged or even dreamt of the storm it was raising, is incon-

ceivable that any Government in its sober senses would, except under the pressure of the most emergent necessity, have deliberately perpetrated the incalculable mischief which its present action has caused. By this fact alone the Government stands convicted of gross incompetence for the discharge of the high functions with which it is entrusted. For there could be no more conclusive proof of rottenness in either the system or personnel of a Government, than its absolute ignorance of the feelings of those whom it governs. But let that pass for the present. Our contemporary, as we said, questions the policy of the Government of India exercising its power of deciding a question in respect of which it stands in so invidious—and, we might add, so perilous—a position. We, however, go further than this, and unhesitatingly assert that the question is one which it would be an outrage on Englishmen for the Legislative Council of India, as at present constituted, to decide. We maintain that the question by whom Englishmen should be tried is one upon which natives of India have no manner of right to be heard, still less to vote. It is a question which, if, seeing how long and in what sort it has been already settled, it should be raised at all, should be decided by Englishmen and by Englishmen alone. We protest most emphatically in the name not only of the British community in India, but of the British nation, against the submission of such a question to the verdict of a body in which the scale may be, and is very likely to be, turned by the votes of Asiatics. Unless the majority among the English members of Council against the Bill were in the proportion of two to one, this question of the hereditary rights of Englishmen would come practically to be decided by the native members. And we maintain that it is an iniquitous, an intolerable thing, that Englishmen should be liable to have their birthright voted away by Asiatics.

Let fresh public meetings be held, and let the British community solemnly and formally challenge the right of the native members of Council to vote on a question which concerns an

hereditary right won by their ancestors from their own sovereigns, and jealously guarded by them for a long series of generations.

Lest there should be any misunderstanding about the motive for this challenge, let us add that we put it forward not because we do not believe the native members of the Council to be good men and true, but because we hold the question to be one which can constitutionally be decided by Englishmen alone, and on which, from the very nature of the case, no alien is competent to form an opinion.

For the rest, we have no doubt that the true policy of the Government is simply to withdraw a Bill the impolicy of which depends on circumstances which no vote of Parliament can remove, or in any degree affect; and the mischief of which no such verdict can mitigate.

Though it was inevitable that the outrage on the rights of Englishmen contemplated in Mr. Ilbert's should arouse strong passions, and that strong passions should find expression in strong language, it would be a grave mistake to suppose either that the feeling which underlies the vehement opposition of Europeans in India to the measure, is generally one of hostility to the natives of this country, or that the arguments against it derive their chief force from considerations of race jealousy or race antagonism.

Divested of all such considerations, the question for examination is whether British born subjects, hitherto enjoying the right to be tried or committed for trial, in respect of offences committed by them in the Mufasal by Judges and Magistrates who are British subjects, should hereafter be rendered amenable, for the same cause, to the jurisdiction of Native Civilian Judges and Magistrates; or, putting the same question in other words to show its true aspect, whether the duties of Mufasal Judges and Magistrates, who are British born subjects, in connexion with offences committed by British born subjects, should hereafter be also discharged or performed by Native Judges and Magistrates



who belong to the Indian Civil Service. We will proceed to consider the following issues, which evidently arise out of the question propounded for solution:—*First*, who are the persons entitled to seek the relief involved in the proposed change in the law, and who are the persons actually moving in the matter and seeking to have such relief? *Secondly*, whether the change should be made. *Thirdly*, the consequences likely to result from the proposed change. To discover who are the persons entitled to the relief involved in the proposed change in the existing law, we must carefully look at the nature and features of that change. Now the contemplated change may be concisely stated thus: the partial assignment and transfer of certain duties imposed by law, hitherto discharged solely by Judges and Magistrates who are British born subjects, to Native Civilian Judges and Magistrates. This being the nature of the change, it is apparent that the persons to be benefited are a class of European officials, and the persons on whom the burden is to be cast corresponding to the benefit to be conferred, are Native Civilian Judges and Magistrates, assuming for the purposes of that position that the native community\* have no complaint that the jurisdiction exercised by Europeans over their brethren in the Mufasal is tainted with partiality. In this state of things the persons who would be entitled to the relief involved in the change are European Civilians, and the persons against whom such relief would be sought are Native Civilian Judges and Magistrates, or, to use a legal analogy, the proper parties are the European Civilian Judges and Magistrates as complainants, and the Native Civilian Judges and Magistrates as defendants. Having brought the matter to a direct issue between the proper parties to the contest, we proceed to consider whether the position we have taken up, as directly flowing out of the subject of enquiry, is borne out by the actual facts of the present case. We find to our utter astonishment and to the total discomfiture of our logic, that the facts are the other way. The Native Civilians

are the persons seeking the relief, they are the complainants, they are the persons who desire to ease the Europeans of a portion of the burdens of office, and to assume the duties and responsibilities connected therewith, not at the request, or with the consent, of those they seek to benefit, but voluntarily and of their own motion. This aspect of the case undoubtedly presents to our astonished senses an anomaly of the very worst description, and looking at the matter from this point of view, we are forced, in the reversed state of the parties to the cause, to hold that the conflict ought not to proceed, that the relief must be refused, and that the proposed change upon the motion of persons who are wholly without interest in supporting it should be abandoned. Passing on from the first issue proposed for our consideration to the second, we proceed to ascertain the grounds on which the change is proposed. In dealing with any piece of legislation, we must be satisfied that the primary condition, *i.e.*, a clear necessity for the proposed law, exists—whether there is an existing mischief to be remedied or miscarriage of justice to be averted; or whether an improvement is to be effected for the benefit of the people of the country. We are not aware that the interests of justice require or necessitate the proposed change. No complaint has been urged by the native community that European Civilians are partial to their countrymen in dealing with their cases, that their acts are oppressive to native complainants, so as to amount to a denial of justice to them on occasions on which they seek the assistance of the law against the wrongs committed by Europeans against natives. Such a case has not been made, and, what is more, has not been suggested or insinuated. We may, therefore, fairly dismiss from our consideration that the interests of justice imperatively demand the change.

Pursuing the subject of our enquiry, we proceed to consider whether the proposed step is an improvement on the existing law either as regards Englishmen or as regards natives. The persons to whom fresh powers are to be entrusted are

members of a community of people of a different religion, of different character, of different habits, so different in mind as in body from Englishmen that it may be assumed as an incontrovertible proposition that they cannot be as familiar with the thoughts and feelings of Englishmen, with their motives to actions and their character as their own countrymen. We may, therefore, safely conclude that as regards Englishmen the proposed measure will not be an improvement. As regards natives the proposed law affects no change. Their welfare and happiness are untouched by its provisions, and their position remains unaltered, unless the removal of an alleged invidious distinction, supposed to exist as a national sentiment, is to be regarded in the light of an improvement of the existing law as affecting them. Now, in the first place changes due to sentiment cannot by any stretch of imagination be brought within the range of an improvement of an existing positive law; and in the next we deny that the sentiment is national, having reason to believe that it only exists in the minds of a few persons who have visited England, and their friends, and is altogether absent from the thoughts of the general native public.

Having shown that there is no solid ground whatever for the contemplated change in the law, we propose to examine the other phase of the question, namely, whether good and substantial reasons exist against the alteration of the existing law. The right, immunity or privilege, by whatever name the subjection of Englishmen in respect of offences to the authority of their own countrymen may be called, has existed since the English first came into this country, and has been preserved and guarded with scrupulous care by statutes touching their status in this country and their liberty. The right to be judged by their own peers is a right which Englishmen have enjoyed at least since Magna Charta, and unless there is reason to suppose that they have forfeited that right by residence and sojourn in this country, Englishmen still possess that right unimpaired, in full force, and in active operation, not to be con-

trolled or set at nought except under urgent and imperative State necessity which has not as yet occurred. The right or privilege asserted in Magna Charta, and the benefit of their own laws, have been, and are still, enjoyed by Englishmen in foreign countries under Asiatic rule inhabited by people whose laws and usages have been, and are, at variance with all the principles, feelings and habits of European Christians. The grounds upon which this general exemption from jurisdiction to foreign potentates, rulers of Asiatic countries, has been based are lucidly stated by Lord Stowell in *The Indian Chief*, which may be referred to as defining and illustrating the incidents arising out of the relative positions of Western and Eastern people in Eastern countries.

Lord Stowell decided the case of *The Indian Chief* in the year 1810, but prior to that time the principle that Englishmen should be tried by their own peers had been adopted in the Charter of the late Supreme Court, dated 26th March 1774, which subjected British subjects in India to the jurisdiction of the Supreme Court. The same principle was recognised and acted upon at the passing of the Criminal Procedure Act of 1872, and no attempt has been made to subvert it since then until the present time.

The principal ground for this action is that an anomaly must be annihilated, that an invidious distinction enveloped in that anomaly must be obliterated, in order that even-handed justice may be dealt out to all persons. It appears to us that what is termed an anomaly is not so; it is a principle of law applicable to the condition and situation of Englishmen in Eastern countries; but assuming it, however, to be an anomaly in the popular sense of the term, it strikes us forcibly that, in the endeavour to obliterate an anomaly, a far worse anomaly will be created; that is to say, while Englishmen will be amenable in criminal matters to the jurisdiction of native subjects of Her Majesty in a dependency of the Crown of England, they will continue to enjoy the right and privilege of exemption from jurisdiction to Asiatic Judges

in foreign countries in the East where Her Majesty's laws are enforceable by the indulgence of the potentates who rule those countries ; that the rule or principle applicable to an Englishman in the East, as a favour or indulgence, should be denied to them in a dependency of their mother country.

Let us next consider whether the statement that even-handed justice will be administered in India if Native Civilian Judges and Magistrates have the proposed jurisdiction conferred on them. We think that, unless strong evidence is produced to show that a Native Civilian Judge or Magistrate who has visited England and lived there a few years, has become familiarised with the habits of Europeans and thoroughly imbued with their notions, so as to be able to judge English criminals from an English point of view, the probability is that injustice, and not justice, will be meted out by him to the Englishman. We do not believe that the most powerful advocate for the claim or pretension now asserted on behalf of Native Civilians would venture to assert that this class of persons possesses in the same degree knowledge of European life, ideas, habits and manners as his brother in rank, the English Civilian. If this be so, it follows that the Native Civilian cannot be placed on the higher platform on which the English Civilian must take his judgment seat to deal with English criminals. Under these circumstances, we maintain that the proposition that the interests of justice require that the Native Civilian should be vested with powers over Englishmen in criminal matters is altogether fallacious. Englishmen consider the right to be tried by their own countrymen a right, and not a mere privilege ; in this view we have hitherto treated the subject. We will now assume that it is a privilege. Are Englishmen entitled to have their privilege protected and maintained, or is the privilege to be uprooted on the score of anomaly, are further questions for our consideration. On this head of enquiry we will appeal to even-handed justice—that which is the same for the European and the native. How does even-handed justice respond to our appeal ? It says that natives have privileges on which they set



great value; their *pardanasheen* women are protected from appearing in Courts; their men in high position are actually vested by the Government with the same exemption; their suitors and witnesses are allowed to be affirmed instead of being sworn; that no claim has yet been preferred by Europeans to wrest these privileges from their happy possessors on the score of anomaly; that no step has been taken by the Government to curtail or destroy these privileges; that in view of these circumstances the voice of justice and righteousness demands that the one privilege dear to Englishmen, beyond price in the value they set upon it, should be preserved intact; and that it should not be ruthlessly trampled upon, on the score of anomaly in this famed land of anomalies.

We will finally touch on the consequences likely to flow out of the proposed change. The very suggestion to change the existing law has already roused the indignation of the British population of India; stirred up feelings of animosity between Europeans and natives which had lain dormant for a long time. If the course of legislation now entered upon is fully traversed, so that the present measure duly becomes law, the ties of friendship—at least an apparent one—between the two races, already enfeebled by the present agitation, will burst asunder—never, perhaps, to be reunited—and the storm which is rising will begin to rage, and its fury will continue increasing until its work of devastation has been completed in extinguishing every spark of good feeling and in generating intense hatred and ill-will between the two races.

These are serious and unpleasant considerations; they cannot but operate unfavourably in the interests of trade and the growth of enterprise and industry. The many manufactures that have been established within the last few years, the many tea plantations that have been opened out, and various other undertakings which have been launched and projected, are, beyond all doubt, due to the employment of English capital, and to English enterprise and intelligence. The natives have done little or nothing to develop the resources of their own country, although



they have derived great benefit from the labours and enterprising spirit of Englishmen. English capital flows yearly into this country, opening out its resources and developing its trade under the protecting influence of the existing law and the existing conditions of European life. It is, therefore, a grave problem for the anxious consideration of the Legislature whether, under altered conditions, this country will thrive and prosper as it has lately done. So far as we are able to predict by the light of existing circumstances, we entertain no doubt that the contemplated change of the law is full of danger to the commercial interests of the country, and that it will check the influx and attraction of English capital and drive away, sooner or later, enterprise from the shores of India. This valued right of trial by his own countrymen enables the Englishman to combat the machinations and conspiracies of designing and disreputable people in the districts. He lives and learns to despise the ordinary tricks of the country, the institution of false charges by enemies or opponents who, either maliciously or in order to disarm competition in trade and business, promote such charges with the intention of ruining or otherwise injuring the objects of their hatred and envy; he stands on a higher platform of life, and, by reason of that position, is able to exert in his state of comparative isolation moral force and power, without which his best endeavours to carry on his undertakings or to open out the trade of the country would prove unavailing. Are the Government prepared to take away this platform, and to reduce an English resident in the Mufasal to the miserable condition and level of a native ryot? If they are, they will probably drive Englishmen out of the country and effectually prevent the flow of English capital into it.

If our views are correct, the issues between the contending parties are reduced within the narrowest possible limits, and they may be expressed thus:—Are Englishmen to be deprived of a right or privilege in order that a Bengali Civilian's thirst for power, accompanied by a corresponding share of responsi-

bility which he desires voluntarily to assume, should be satisfied, and is it reasonable and just that a well-established principle of law, designed for the protection of British subjects, should be set aside in order that a small and trifling item of self-gratification should be awarded to him, and that this should be done in disregard of the serious consequences incident to a change in the existing law?

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To His Excellency the Viceroy and Governor-General of India in Council assembled for the purpose of making Laws and Regulations.

The memorial of the Eurasian and Anglo-Indian Association.

Respectfully Sheweth,—That your Memorialists have become aware of the desire of the Legislature to be informed of public feeling in all classes concerned in regard to a proposed change in the Criminal Law relating to the subjection of European British subjects to certain Native Magistrates in the Mofussil, and that as loyal subjects, many of whom personally possess the status of European British subjects under the law, your Memorialists submit for consideration the following objections which they hold against the change.

2. That it is a wise maxim of British statesmanship that legislation, and more especially important legislation, should wait upon necessity; and that no pressing necessity has been made out for this change in the statement of Objects and Reasons which has been given to the country.

3. That in the absence of such necessity, the grounds advanced for the change are, that "it was thought anomalous that while natives of India were admitted to the Covenanted Civil Service and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over Europeans outside the Presidency towns;" and that "the Government of India had accordingly decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, once and completely, every judicial disqualification which is based merely on race distinctions."

4. That as regards the implied popularity of an assumed objection to an alleged anomaly, your Memorialists have reason to believe that public feeling is very much divided on the subject; and that the preponderance of opinion weighs—against rather than for the change, but that, at any rate, if the convictions of all thoughtful persons throughout the country, including responsible officials, missionaries, non-officials and native gentlemen of good family, and real social influence in the interior, were carefully sought, it would be found that the right of a European British subject to be tried by his peers is not thought more anomalous, or in any way more offensive, and is probably thought much less so, than the predominance of British power in India; and that all consistent objections which tell

against the one, the mere fraction of a composite anomaly, tell with equal if not greater force against the other, the whole.

5. That in the opinion of the European and Anglo-Indian community the concessions to native prejudice made in connection with the administration of justice, such as the exemption of the native gentry and ladies from attendance as witnesses in our law courts, represent greater anomalies than any involved in the right of European British subjects to be tried by their peers. To such concessions, the European community have never demurred and they feel that on this very account, the only right which they themselves have hitherto enjoyed should remain untouched.

6. That, without presuming to assert that the Indian Legislature has no strict legal power to enact that European British subjects may be tried by native judicial officers, your Memorialists respectively submit that a great constitutional difficulty underlies the proposed legislation. That during the many centuries through which the English people struggled for liberty and for the completion and practical attainment of the right of trial by one's peers, the possibility of the spectacle of an Englishman being tried by any body but an Englishman was not and could not have been contemplated. That such a possibility has now arisen not only in India but in several of the dependencies and colonies belonging to the British Empire, such as Cape Colony, Natal, New Zealand, and the West Indies. That, without denying the many virtues and merits of the natives of India and of these other countries, it cannot be contended that they are the peers or equals of Englishmen. That the trial of an Englishman by a native of any of these dependencies, that is to say, the trial of an Englishman by one who is not his peer, is an infringement of a great constitutional right. That your Memorialists respectfully but confidently submit, that the Parliament of Great Britain and Ireland is the only Legislature which ought to deal with so momentous a trespass on the principle which is the foundation of English Constitutional law.

7. That your Memorialists crave leave to submit the following considerations to illustrate the force of the contention put forward in the last preceding paragraph and to establish the fallacy of what is now popularly known as the argument from anomalies. A Peer of the realm charged with a felony in England, can only be tried by his peers, that is by the House of Lords. If the principle which underlies the Bill which is now under consideration, be sound, an English Peer charged with a similar offence in India, would be liable to be tried and punished by a Bengali Judge. *Ex hypothesi*, therefore, a Court presided over by a Bengali Judge in India would have a higher jurisdiction than a Court presided over by the Lord Chief Justice of England.

8. That, if it is not certain that an English Peer charged with a felony in India, could not claim his constitutional right of being tried by the House of Lords, by parity of reasoning, an English Commoner sojourning in India ought also, your Memorialists submit, to be considered to have brought with him to

India his constitutional right of being tried by his peers ; that, speaking broadly and generally, a native of India is not an Englishman's peer, and that therefore, an Englishman in India cannot be liable to be tried by a native of India.

9. That if one reason now relied upon for the proposed change is that the administrative difficulty which has arisen in consequence of the appointment of convenanted native civilians to the office of Sessions Judge was not anticipated on former occasions when the question was fully discussed, this reason, your Memorialists submit, is not borne out by the provisions of either Act X of 1872 or Act X of 1882, which distinctly contemplated and expressly provided for the contingency of a Sessions Court presided over by a Judge who was not a European British subject. Your Memorialists solicit attention to the terms of the two sections.

*Section 77 Act X of 1872.* "If the Session Judge of the Sessions Division within which the offence is ordinarily triable is not a European British subject, the case shall be reported by the Committing Magistrate for the orders of the High Court."

*Section 450 Act X of 1882.* "If the Judge of the Sessions Division within which the offence is ordinarily triable is not an European British subject, the case shall be reported by the Committing Magistrate for the orders of the highest Court of Criminal appeal for the province within which such division is situate."

10. That as regards the allusion made in the statement of Objects and Reasons already quoted as "race distinctions" in law, such an allusion derives all its significance from considerations of abstract justice which cannot, your Memorialists respectfully plead, apply to a country sustaining the relation which India unavoidably bears to England, but that if it were applicable at all in this peculiar relation, the same abstract justice on which it relies, would demand its enforcement, not against a single distinction, but against every distinction based on differences of race ; and that the further action, which would be the only just outcome from any movement in this direction at all, would involve the simultaneous withdrawal of all the privileges and exemptions hitherto conceded to native gentlemen of rank and to native ladies, as well as the removal of the legal civil disabilities under which European British subjects in a large class of suits between themselves on the one part as plaintiffs, and Mahomedans or Hindoos on the other as defendants, are compelled to bare the burden of subjection to Mahomedan and Hindoo laws.

11. That as regards the question of personal disqualification unhappily raised in the present discussion on jurisdiction, your Memorialists would respectfully remind the Government of India that, as Sir J. Fitzjames Stephen, an English Jurist of great eminence, and an Anglo-Indian Official of some experience, clearly pointed out on the occasion of a former discussion in 1872, "*the privilege as to jurisdiction is the privilege of the prisoner and not the privilege of the Judge ;*" that it would alter the

whole attitude consistently for many centuries taken by English law towards persons accused of offences, if allowances deliberately made and carefully guarded from a tender regard for individuals placed in the painful position of persons accused of offences, and always held to be innocent unless and until proved to be guilty, were now suddenly withdrawn in deference to sentimental ideas about the personal dignity of Judges which find no place among English traditions.

12. That the right of trial by peers forms part and parcel of and is inseparable from the habitual concern disclosed by the English law for the accused, and that this concern commends itself to the Christian conscience, as the root of many considerate arrangements which conduce not only to the safety of the body but also to the comfort of the mind of a person who may be innocent whilst charged with a foul crime. That all such considerations possess a grave meaning in India, where an innocent accused person may be an English woman, and where women are not treated with the chivalrous respect that has grown into a habit in Christian countries.

13. That under these circumstances attacks made by natives in a hostile spirit on privileges conceded to accused persons, betoken, especially when connected in an illogical way with irrelevant questions of personal disqualification, a condition of mind that calls for repression rather than encouragement, and that such attacks, whatever position a few well-meaning Englishmen may thoughtlessly take up in regard to them, could never, your Memorialists respectfully urge, be originated by a typical English Magistrate or a typical English Judge. That the fascination which such attacks evidently possess for a class of over-sensitive Indian minds affords strong proof of the great difference between the English ideal of the judicial mind, and the ideal which, in spite of education, and external social influence, still prevails in this country; and that such attacks possess a serious significance for the Indian Government which has been understood to repose trust in the judicial qualifications of the educated native mind.

14. That if the proposition submitted by your Memorialists be unassailable, namely, that the question of jurisdiction relates to the privileges of the accused and not to the competence of the Court—a proposition abundantly proved by the numberless exemptions and distinctions based on race and social customs which it is apparently intended inconsistently to leave untouched after the solitary personal right claimed by European British subjects is given up, it should lead your Memorialists respectfully but earnestly urge, to a more careful consideration of the proposed amendment than it would appear yet to have received (judging from the papers published in connexion with the Bill introduced into the Legislative Council) from the particular standpoint suggested in the present remarks.

15. That if, and so viewed, the right of European British subjects to be tried by their peers commends itself to unprejudiced minds as being not merely absolutely free from all such invidiousness as has unreasonably been imported into it, but also in perfect harmony with the right given to all accused



persons in this country, to challenge jurors of whose qualifications to understand them and do them justice, they themselves (and not the Government or the trying officer) may entertain any doubt. No right-minded European British subject has ever felt offended at being so challenged by an unfortunate native of India placed on his trial on a criminal charge, or thought of urging on the Legislature a withdrawal of the right as involving a reflection on himself or a civil disqualification. Nor if any wrong-minded European British subject thought fit to do so on the ground of some imaginary offence lurking in the right, or of any inconvenience which it caused to the administration of justice, is it conceivable that the Legislature would grant the request?

16. That your Memorialists sincerely and solemnly believe, and therefore humbly but gravely urge, that a truer lesson in self-culture, and therefore one better calculated to serve their own higher interests in the end, would be taught to the small section of educated natives chiefly in the Province of Bengal who have no real personal interest whatsoever in this matter, but yet have demanded or are demanding not only the subjection of European British subjects in the Mofussil to native Justices of the Peace, but also the prosecution of the principle underlying the proposed change to its logical extreme, if they were now kindly but firmly instructed in the real merits of the question which they have virtually raised and are keeping open, as these appear to fellow-subjects who have done them no wrong and wish them no harm, than if their present more or less unworthy and wholly unfriendly feeling, and the politically dangerous and socially suicidal mood of which it is the clear and melancholy evidence were without sufficient consideration gratified at much cost to their European British fellow-subjects and with no benefit whatever to themselves.

17. That, acting solely in self-defence and without an unkindly thought or feeling towards those side by side with whom in the Providence of God they are called to pass their lives in this country, your Memorialists earnestly and solemnly pray that the Criminal Procedure Code Amendment Bill now before the Council may not be passed.

And you Memorialists as in duty bound shall ever pray, &c.

On behalf of the Board of Direction Eurasian and Anglo-Indian Association.

Calcutta, 36 Elliot Road, the 8th March 1883.

At a meeting of the non-official European residents of the Moorshedabad district held at Berhampore on the 6th March it was resolved:—"That this meeting fully concurs with the resolutions passed at the Town Hall in Calcutta on the 28th ultimo, and condemns with one accord the proposed alterations in the Criminal Procedure Code."

It was further resolved that all present would subscribe to any necessary fund requisite to carry out their views, and in every other way act in unity with the Calcutta Committee



The meeting, which was attended by upwards of thirty-five gentlemen closed with three cheers for the Queen-Empress.

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At a very large and numerous attended public meeting of European Railway Employés at Jamalpore on the 5th instant, the provisions of Mr. Ilbert's Procedure Amendment Bill were discussed and the following Resolutions carried unanimously.

#### FIRST RESOLUTION.

That the members of this meeting, as European British subjects, have learnt with feelings of deep regret that a Bill has been recently introduced into the Legislative Council of India by the Hon'ble the Legal Member thereof, the object of which is to extend the criminal jurisdiction now exercised exclusively over them by European British Magistrates and Judges to native Magistrates and Judges.

That the members of this meeting, for themselves, and on behalf of their wives and families, most solemnly and emphatically protest against the proposed amendment of the Code of Criminal Procedure as an infringement on and invasion of their just, lawful and constitutional rights as British born subjects of Her Majesty the Queen-Empress.

#### SECOND RESOLUTION.

That the Memorial before the meeting be adopted and circulated for signature, and then submitted to His Excellency the Viceroy and Governor-General in Council for his kind and favourable consideration, with the earnest hope that the proposed Bill for the amendment of the Criminal Procedure Code may be withdrawn.

With a vote of thanks to the chair the meeting separated.

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At a meeting of planters and other non-officials held at Chapra to consider the Indian Criminal Procedure Amendment Code on Monday, March the 5th, 1883, it was proposed and carried unanimously:—

1st —That this meeting desires to register its protest against the proposed new Criminal Procedure Amendment Bill, which allow Europeans to be tried by natives, that such an Act is not necessary for the well-being of the State, and undermines the security of British India and is calculated to stir up a feeling of distrust between Europeans and natives which will not fail to have a disastrous effect on the commerce of India.

Resolved, that all present at this meeting protest against any interference with the rights which they enjoy as European British subjects in India. That they believe it is only ignorance of the position in which thousands of Europeans are placed in the interior that permitted the proposal to give natives jurisdiction over European British subjects to be placed before the Council, and that they authorise the Secretary of the Behar Indigo Planters' Association to request the Hon'ble Sir Stewart Bayley to

place this their humble but firm protest before H. E. the Viceroy, in the assurance that Lord Ripon will not permit their most cherished right of being tried by their peers to be taken from them. Proposed by Mr. E. G. Williams, seconded by Mr. H. W. Llewellyn.

*Present*:—E. G. Williams, H. W. Llewellyn, P. M. Llewellyn, W. O. Macgregor, F. C. Lawrie, T. C. Sanderson, C. B. Boileau, R. S. Lockhart, E. A. Macintosh, A. L. Harman, C. L. Harrison, W. M. Reid, J. D. Macgregor, F. R. Booth, H. W. Hewett, J. W. Smith, Proxy:—A. S. Urquhart, D. N. Reid, L. Reid, H. Johnstone, G. Reid, M. Mackenzie, G. Hodding, F. R. Forth, C. H. Wilson, R. R. Fenton, P. Dacre, M. N. Macdonald, A. MacEwan, M. Hutchins, G. W. Exshaw, R. Berrill, R. G. Llewellyn, C. Harman, J. Dela Plae, A. Macintosh, A. P. Cosserat, J. Robert, son, M. Martin, E. D. Exshaw, H. B. Addis, E. Neville, A. Leake, E. H. Rennie, J. Rutherford, and others.

The meeting was thoroughly unanimous in its protest, and the patriotic speech made by Mr. Branson the other day in Calcutta found a warm response in the heart of each one present. A feeling of sorrow, more than any thing else, was perceptible during the whole meeting, that the Government should at a time when, thanks to a lessening of European prejudice and to the many ways in which Government had endeavoured to enlist the sympathies of the natives in the ruling of the country, be so unfortunate as to start a question of so unsportsmanlike a character that would strain the relations between Europeans and natives to the extent of raising a race question which would affect the stability of the English rule in India. The proceeding terminated with God save the Queen.

## THE "TIMES OF INDIA."

(Bombay.)

March 1.

We reprint elsewhere a rabid article from the leading native paper, the *Amrita Bazar Patrika*, not because it is worth serious criticism, but because it is useful in showing what a hornet's nest of abuse Mr. Ilbert's illtimed measure has successfully raised against his fellow-countrymen in India. The writer says that the European in India is "a helpless man," who "along with lunatics and wives and children" has to be protected by "special privileges." "If he has no money, Government provides him with a post." "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." "It is a matter of shame that Englishmen who are so very proud of their superior morality should be so anxious to encourage crime and protect criminals, a favour they would not like to extend to the other races." The writer does not of course believe this rubbish, though no doubt many of his readers do. But he makes a perfectly true statement when he declares that "the people of this country are very little interested in the amendment proposed by Government." If it be Mr. Ilbert's mission in India to "abolish anomalies," he should have begun with something more substantial than a proposal to confer, at some period more or less remote, additional powers on half a dozen native civilians. The "logically indefensible argument" would sweep away, of course, most of the serious anomalies of which the *Amrita Bazar Patrika* very logically speaks. It is one anomaly that a European loafer is only liable to three months' imprisonment before a magistrate, while a native gentleman can be sentenced to two years' imprisonment; it is another that a Sessions Judge, who can sentence a Rajah to death, cannot give a European tradesman more than twelve months' imprisonment. "We should not," said Mr. Ilbert, "be justified in re-opening

the difficult question unless we saw our way to a solution which should be, I will not say final—for nothing in legislation is absolutely final—but which should contain in itself the elements of stability and desirability." We see how far these elements have been secured when the leading native paper can assert that the native community do not care two straws for Mr. Ilbert's amendment, and is outrageously abusive, because he does not propose to abolish anomalies altogether. The writer when he is not abusive, is quite right and quite logical. It is no good tinkering with these anomalies, as Mr. Ilbert is trying to do. If a clean sweep has to be made, a "foreign" Governor-General and a "foreign" Legislative Member of Council would have to go with the rest of them. Everything foreign is an anomaly—English magistrates in the mofussil, English Viceroy at Simla, English officers in native regiments, and English merchants at the head of Indian commerce. They may have done something in their time. They may have created a united empire out of a congeries of distracted and antagonistic nationalities. They may have given justice with the one hand and liberty with the other. They may have opened out the European markets to goods that were rotting in India for want of the enterprize that would exploit them. They may have taught the natives how to benefit by the lessons of English trade and how to assimilate the most profitable features of English manufactures. The "logically indefensible argument" is against them. They are "anomalous" altogether and should clear out as soon as they can, at the bidding of a native community who were invited to bless their generosity, but who, after a good precedent, have turned their blessings into curses. We yield to none in admiration of Lord Ripon's character. But it is now useless to disguise the truth. The Government have got themselves into an awkward position from which it is difficult to escape. The agitation is so intense that even the English Government have taken the alarm. A day or two since the Indian Under-Secretary of State in the Lower House, and the Indian Secretary of State in the

Upper House assured us that they both were pledged to the Government of India, and would for that special reason allow no time for any discussion in the House of Commons. To-day we learn that the Secretary of State for India says that there is no intention of passing the Bill before November. We never remember such a thorough change of front. But Mr. Gladstone's Ministry are comparatively free from blame when contrasted with the Government of India. They are honest but helpless. They are only to blame in that they did not, in spite of all their new rules, consult the non-official community. They cannot carry the Bill in face of the extraordinary opposition it has encountered without creating grave dissatisfaction. They can scarcely withdraw it with dignity. But of the proverbial "three courses" they are probably adopting the most dangerous. They now mean to postpone the Bill until they return from Simla in the autumn. But this will satisfy neither the English nor the native communities, and will only give both parties a prolonged period of unrest and dissatisfaction. The Viceroy is going to state his views at length on the 9th instant, and it is hoped that he may find some means of pouring oil on the troubled waters. In the meantime the European communities, of Bengal and Assam are holding meetings in all directions, and if the Viceroy attaches any importance to a consensus of non-official opinion he will at all events by the 9th instant have plenty of material at hand.

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*March 2.*

The meeting held at the Calcutta Town Hall on Wednesday virtually settles Mr. Ilbert's amendment. It is described by our correspondent as the most extraordinary spectacle that any city in India has ever witnessed. Some three thousand Europeans—or more than half the adult male European population of Calcutta—were present. The speeches were impetuous and impassioned, at least one of the speakers being carried away beyond the bounds of ordinary courtesy. They were heard in breathless silence, broken, as we are told, from time to

time with wild tumultuous shouts of applause. The cheers for the Queen that closed the meeting were so loud that they echoed through every room of Government House, and then, as if by a common instinct, the immense audience burst into the national strains of "God Save the Queen." It is idle, and, we may say absolutely untrue, to pretend that there are two opinions on the subject among the European community in India. There were two opinions no doubt a short time back when the question was a theoretical one altogether. But it is impossible for any Englishman in India to withstand the evidence afforded by the intense excitement of the Calcutta gathering. The officials who minuted in favour of the change had not the remotest idea what a Frankenstein they were creating. They had forgotten the feeling of the non-official classes altogether, or had "lost touch" with it. Now that they are so rudely awakened, they should be the first to acknowledge that all this bitterness and tumult and race feeling would have been spared if the European community had only been consulted in the matter. Therein lies the head and front of their offence, and it is a very grave one. There are now, we repeat, no two opinions on the subject, or if there be an opinion hostile to this national opposition, it is an opinion based on causes that can be readily explained. It was very readily and even brutally explained at Calcutta by Mr. Keswick when he thanked the English press for the unanimity of their support. "It is true," he said, "amid prolonged hissing, "that the *Statesman* is for it. He who pays the piper has the right to call for the tune, and it is well known who has the right to call for the *Statesman's* tune at present." This veiled allusion need be pursued no further. But the meetings that are being held all over the country testify to the fact that if the English residents in other districts are not so deeply moved as the people of Bengal, they are still sternly in earnest. It is now time that Bombay should assist in a movement that has become national. The Bombay Chamber of Commerce will, we are glad to learn, hold a preliminary



meeting next Tuesday, and it will doubtless result, as the preliminary meetings in Calcutta and Madras have resulted, in a public meeting representative of all classes. The citizens of Bombay owe this to our neighbours, and they owe it to themselves. The Bill, indeed, scarcely affects us here, where Europeans and natives dwell in a friendly atmosphere unknown elsewhere and where the European mofussil residents are a small and feeble folk. But before, being citizens of Bombay we are all fellow-subjects of the Queen, and all intensely interested in whatever affects our national rights and national prosperity, no matter in what part of the Empire. The Bombay Chamber of Commerce are acting with their old spirit in taking the lead in the movement. But they should be supported by other bodies. The Trades' Association in Calcutta have, it will be noticed, held their own meeting, and the Trades' Association of Bombay should do the same. Both the Home and Indian Governments have now been constrained to postpone the Bill till November. But on the 9th instant the Viceroy will make a statement on the subject. It is of the utmost importance that all public meetings and demonstrations should be expedited so as to give Lord Ripon the opportunity of thoroughly gauging the national sentiment. He will then, we may hope, under the pressure of an irresistible public opinion, be able to declare that the Bill will be quietly withdrawn. An incalculable amount of mischief has already been worked by an ill-timed measure that was only meant to round off the law symmetrically for the benefit of a handful of native civilians, and as to which the native community were utterly indifferent. It would be wicked and foolish to allow the present excitement to continue for the next nine months, and the Bill can be easily withdrawn precisely as the Mowra Bill was vetoed, on the grounds that the Government had been insufficiently instructed as to its necessity.

"Nothing," says the *Statesman*, in trying to explain its uncomfortable position, "but a supreme egotism could make it pleasant to a European to occupy a position which is offensive

to the great body of his countrymen." A few men here and there may take pleasure in proclaiming from the house-top their own intellectual superiority over the passions of the common-herd below. They do no harm and no good. They are more than satisfied if they can attract a passing glance. They are noteworthy only because they are rare. Even the *Statesman*, which has supported Mr. Ilbert's Bill through thick and thin, owns that "so great is the majority that it amounts to practical unanimity, and though the weight of official authority, is on the other side, it is impossible to doubt that a very large number of the official classes are, on this question, in accord with the unofficial community." When the *Statesman* owns this, it scarcely needs re-assertion. The painful outburst of passionate excitement at Calcutta the other day, however much it is to be regretted, was an undeniable test of the national feeling. The question is now removed from its first stage altogether. Where the Government would have been justified in proposing this apparently insignificant change if they had consulted non-official opinion beforehand is a matter on which we may agree to differ. They forgot, however, this obvious precaution, though they have lately talked so much of its necessity, and they even forgot to consult the highest experts in the matter, the Judges in the Calcutta High Court. They now find to their astonishment that the English public are unanimously against them, and that they have raised such a storm in India as has not been heard since the days of the Mutiny. The laying of this storm is the only question worth consideration for the moment. The antagonism cannot be allowed to continue. It is difficult to say which is the more deplorable, the hostile cheers raised by an English audience against an English Viceroy, or the brutal language in which a leading Calcutta barrister permitted himself to employ in speaking of the natives of Bengal. Both, however, are symptoms of a passionate outburst which, if it be allowed to continue, will end in something like a White Mutiny. The Government by postponing the Bill recognize the gravity of the situation. If we may believe Calcutta opinion, they are even suggesting the

term of a compromise. The *Statesman* publishes a proposal said to be semi-official that the extension of jurisdiction shall now be limited to Covenanted Native Civilians only, the sections of the Bill relating to other classes of Native Magistrates being withdrawn. "The European community would," we are told, "in this way gain a very large part of what it is contending for, while the Government might make the concession without humiliation." There is no humiliation, however, in confessing an honest mistake, and as Mr. Ilbert owned that his only justification in re-opening this difficult question lay in "a solution which should contain in itself the elements of stability and desirability," we do not see what would be gained by a compromise, neither desirable nor stable. For this particular privilege the natives at large declare that they care nothing, and the proposal has only given the Bengalis a chance of pressing for other concessions, which even the present Government deem undesirable and untimely. The Bill is postponed until November in order that public opinion may be sounded. There is not the remotest chance that in November this public opinion will be other than it is now. It will only be fiercer and more embittered. The public, therefore, should express themselves at once with temper and moderation but in unmistakable language. Lord Ripon has another week to consider his position. It was a main feature in his new policy, that before any legislative measure is formally introduced the public should have a chance of discussing it. His advisers are gravely to blame and having neglected the precaution in this especially difficult case. There has been an error here, just as there was in the Petroleum Bill, but there need be no more mortification in withdrawing the one Bill than the other. Both originated in the same cause, the opinion of an adviser not yet sufficiently acquainted with the circumstances of Indian life. So much is universally known: acknowledged in the one case, it can scarcely harm the Government to acknowledge it in the other. The public then, in Bombay as elsewhere, should speak out in time. If the

verdicts from all parts of the country are unfavourable, the blame will rest with a Viceroy who delivers a judgment to the contrary. But we take it, that in his difficult dilemma Lord Ripon's task will be much simplified if he is supplied with an "overwhelming consensus" of non-official opinion. Bombay has never been backward in any of the great movements in which the national interests were concerned, and the opinion of an unimpassioned public just now would be peculiarly useful to the whole community. On Tuesday the Bombay Chamber of Commerce will express the opinion of the mercantile community, and will, we trust, arrange the preliminaries for a meeting representative of all classes in Bombay.

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*March 6.*

The utterances of the Bombay Chamber of Commerce to-day may, if they are wisely and carefully directed, be of the greatest use at the present moment. The speakers will, doubtless, remember that they represent on the one hand the only large English community in India that is disinterested in the terms of Mr. Ilbert's Bill and quite unimpassioned as to its results. But they will remember, on the other, that they form part and parcel of the great non-official class in this country, whose only safeguard against official arrogance lies in their unanimity. Some day or other a national question of the first moment may originate in Bombay, and we shall naturally look to Bengal and Madras for assistance, just as Bengal and Madras are now looking to Bombay. The first resolution to be submitted to the Chamber is all that could be desired, and will, as a matter of course, be properly supported by the speakers. It would be at once selfish, careless, and short-sighted to abstain from a clear and unmistakable expression of the views entertained here by the English community, but these views should be delivered with coolness, temper and judgment. There is not the slightest doubt as to the nature of the opinions that will be expressed to-day, or that these opinions will represent as nearly as possible the feeling of the whole community. Lord

Ripon has been startled and alarmed by the enthusiastic and almost vituperative opposition of Bengal. He needs cooler advice, and that the Bombay Chamber can afford him. The tone of the meeting, therefore, should reflect as far as possible the opinions of the non-official classes in those districts where the principles at stake are much more valuable than the privileges likely to be involved. We may be assured, as our correspondent "Haro" says, that the Viceroy would never have ventured on a step so fatal to his reputation as a statesman if he had foreseen the storm it has created. Even those officials who gave their theoretical opinions on the subject had not the remotest idea that a change vitally affecting the European community was to be suddenly sprung upon them without the usual preliminary discussion. It is very evident from Mr. Ilbert's opening speech that he had not the remotest idea of any strong opposition, or any recollection of the former discussions on the subject. It is upon this error that the speakers will doubtless lay most stress. The Bill, as the First Resolution says, "was not only uncalled for," but "ought not to have been introduced without first eliciting the opinions of the non-official classes whom the proposed change in the administration of the law will affect."

It is quite useless at this stage to go into the arguments so ably put forward by the Hon. B. Tyabjee in another column. He says all that can be theoretically said for the proposal though he differs, by the way, from the Native Press of Bengal as to the value to be attached to this particular "anomaly." The *Amrita Bazaar Patrika*, to take the leading native journal, distinctly lays it down that the Bengalis care nothing for this particular change, though there are many other reforms they intensely desire. This is, however, beside our present purpose. The Viceroy was undoubtedly misinformed as to the spirit in which the Bill would be received, and he should scarcely feel bound to avenge the fault of a legal member of Council who knew nothing of India upon the community at large Lord



Ripon needs an excuse for withdrawal from an untenable position and this excuse is the best that can be found. By a change in the rules every new measure is now supposed to be communicated to the public long before hand, so as to give time for ample discussion. This has been done in the case of all the native reforms. That the rule was ignored when it came to the abolition of a privilege to which Europeans have always attached much importance shows culpable neglect on the part of Lord Ripon's advisers, and to this neglect, and to this neglect only, we attribute the present attitude of the English community towards Lord Ripon, and the unfortunate display of passionate feeling that it has involved. Questions affecting the English mercantile community have hitherto been submitted to the judgment of the public through the Chambers of Commerce and the English Press. The Bombay Chamber should respectfully insist on a retention of their rights, more especially as the natives are receiving new privileges in all directions. The Viceroy has been compelled to yield this point already. It is known, as we shall see that the Bill will be postponed till November to allow of further consideration; but in the present excited state of the public mind on the other side of India nothing could be less desirable in itself or more disastrous to the prospects of all the schemes for reform which Lord Ripon has on hand.

Here we may be permitted to refer to yesterday's leading article in the *Times*. At a period of excitement, the *Times* is the natural exponent of English thought, and there is no reason to suppose that it is biassed by any anti-native feeling. Each to his taste. Our local contemporary with a simple fatuity seldom equalled, prefers Professor Wordsworth, and styles his crotchety but ingenious letter "in truth a State Paper of great value. . . . which will eventually place the issues involved before the public of England." That may be so, but this wonderful State Paper has not yet judging by the reprints in the local journals, travelled so far afield as the public of Poona. "The public of England" will be a novel experience, to a writer who has never hitherto been anything



more than parochial ; but Professor Wordsworth evidently shares the kindly preference, for he speaks contemptuously of the *Times* as "a so-called leading journal in London." We should have had something to say to this letter, but that the learned Professor has permitted himself to rival one of the excited Calcutta orators in a most unwarranted impertinence. Something may be permitted in the heat of argument; but unless we decline to answer personalities and untruths, the Bombay Press would soon be reduced to its old unenviable condition of a bear-garden. Professor Wordsworth has put himself out of court, and we must fain content ourselves with "a so-called leading journal in London." The *Times* yesterday, and probably not without inspiration, strongly urged the Viceroy to abandon Mr. Ilbert's Bill in order to allay the great agitation that has occurred. We agree with the *Times* in deprecating any postponement of the measure on account of the continued ill-feeling that would result. But the alternative suggested, of passing the Bill without delay, is not feasible. In the first place the Secretary of State for India has formally announced that the Bill will be postponed till November; in the second the same announcement has been semi-officially made in India; in the third place the local opposition is far too serious; and in the fourth the opposition in the Legislative Council would almost certainly be too strong. The alternative is probably put forward only as a hint of the course Lord Ripon should adopt. At this turning-point the members of the Bombay Chamber of Commerce have it in their power to assist the Government by a frank expression of non-official opinion from a part of India still happily free from the excitement prevailing elsewhere. The Viceroy is expected to make an official declaration on the subject next Friday. But by that date he will be in possession of the opinions of the Bombay Chamber; and in this matter, as the time is so short, the members may fairly undertake the responsibility of representing the opinion of the whole English community of Bombay. After Friday, if the Viceroy should persist in postponing the Bill till November, it

will be time enough to have a large meeting, where all classes could be represented. But we hope that the necessity will not arise, and that in a few days more the feverish excitement of the last fortnight will be allayed.

### March 7.

#### MEETING OF THE BOMBAY CHAMBER OF COMMERCE.

A meeting of the Bombay Chamber of Commerce was held yesterday evening in the rooms of the Chamber for the purpose of considering Mr. Ilbert's Bill for the amendment of the Criminal Code, Mr. James Thorburn occupied the chair, and there was a very large attendance of members, only one or two firms connected with the Chamber being unrepresented. There were also present several gentlemen who were not members of the Chamber. The following members were present:—

Mr. Cornforth (Alridge, Salmon & Co.); Mr. Brandenburg (Bell, Brandenburg & Co.); Messrs. Russell and Macdonald (Benn, Ashley & Co.); Mr. Blascheck (A. Blascheck & Co.); Mr. Macaulay (Ewart, Latham & Co.); Messrs. Symons and Wilson (Finlay, Muir & Co.); Mr. Forbes (C. H. B. Forbes & Co.); Mr. Thorburn, Chairman (Sir Charles Forbes & Co.); Mr. Sorabjee Framjee (Framjee, Sands & Co.); Messrs. Gaddum and Bythell (Gaddum & Co.); Mr. Glade (Glade & Co.); Mr. F. Adam (W. & A. Graham & Co.); Mr. Cotton (Greaves, Cotton & Co.); Messrs. Forrest and Stewart (Killick, Nixon & Co.); Mr. Moir (Lang, Moir & Co.); Messrs. Comber, Beaufort and Glazebrook (Lyon & Co.); Mr. Miller (C. Macdonald & Co.); Mr. Mackay (Mackinnon, Mackenzie & Co.); Messrs. Poole and Cassels (Peel, Cassels & Co.); Mr. Punnett (Punnett & Co.); Mr. Fachiri (Ralli Brothers); Mr. Mowat (Ritchie, Stewart & Co.); Mr. Sassoon (D. Sassoon & Co.); Mr. Steiner (Volkart Brothers); Mr. Wyer (Wallace & Co.); Mr. Ahmedbhoj Hubibbhoj; Mr. Dinshaw Manockjee Petit; Nanabhoy Byramjee Jeejeebhoy; Mr. Balfour (the Bank of Bombay); Mr. Wood (the B. B. & C. I. Railway Company); Mr. F. Forrest (the Chartered Mercantile Bank of India, London and China); Mr. Lowell (the Comptoir d'Escompte de Paris); Mr. Reid (the Oriental Bank Corporation); Mr. Parker (the P. & O. S. N. Company); and Mr. Vizbucondas Norondas.

The CHAIRMAN in opening the proceedings said:—Gentlemen, you are all I daresay very well aware that at a meeting of the Viceregal Council held in Calcutta early last month the Hon. Mr. Ilbert, the legal member of the Government of India asked leave to introduce a bill to amend the Criminal Procedure Code of 1882, which was only passed in the beginning of last year—in fact it is only just a year old to-day, having been passed on the 6th March, 1882. The object of our meeting to-day is to consider the propriety of that measure becoming law or being carried any further. We have come here to pronounce our opinion upon it and to express our views as to whether the amendment should take effect or not. As all of us who have been reading the daily press are aware, the question has been

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very warmly discussed, more particularly in Bengal, and it has also attracted very general attention in England. It is quite right, and quite proper, that we, as the representatives of the European mercantile community and also of the non-official community of this city should meet to discuss this question and express our opinion upon it; but I trust that nothing that will be said in this room to-day will have the effect or be likely to stir up ill-feeling either between ourselves and the Government of India, or between ourselves and our native fellow-subjects. I think that a temperate expression of opinion will be not only more dignified, but it will probably carry more weight, and by adhering to that principle we shall avoid giving offence to, or wounding the feelings or susceptibilities of those with whom I think it is our duty as fellow-subjects of the same sovereign to be on a good and friendly footing. We are obliged, gentlemen, to call our meeting at a very late hour for various reasons, and I don't intend for that reason, and also for the reason that other gentlemen will speak presently to the resolutions which have been circulated amongst the members of the Chamber, to go minutely into the subject of this proposed bill myself but I shall at the same time before sitting down take the opportunity of saying that I disapprove of the measure, and I shall give some reasons for saying so. The first thing that strikes me is that there is really no pressing necessity for this measure at all; and I don't think that we require to go any further than Mr. Ilbert's speech in asking leave to introduce this measure to show that this is the case. The Criminal Code, as you are aware was last amended previous to 1882 in 1872. and this very question we are met to discuss came on then; and although I don't wish to go into what took place then, I may say that it was carried by a majority of seven to five, that this amendment should not be given effect to. Mr. Ilbert takes great care to cite the opinions of the five who were in favour of that amendment being introduced into the measure, but he leaves out, or says nothing about, the opinions of the seven. I don't think it is likely that the whole of these seven were non-official members, for I think from our experience we may assume that no measure could be carried by a non-official majority in any legislative council in this country. Further Mr. Ilbert starts by saying that from that time (1872) forward when any suggestions were offered to the Government of India in the direction of the amendment of this Code this question always came up. Now one would have thought that if that had been so, the Government would have taken the very earliest opportunity of ascertaining the opinions not only of their own officers but of the public generally, and would have acted as speedily as possible on the opinions they might receive. You have only to read a little further on, and it becomes quite apparent that for ten years they did nothing. This Code, as I have previously explained, became law a year ago to-day. The Government had completed all the amendments they intended to give effect to, and this question never came up at all, and, as Mr. Ilbert says himself the now historical Mr. Gupta's letter or his suggestion that this amendment should be made in the Code came forward at the last moment when it was impossible to introduce it. What the Council

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afterwards did was to take the opinions of some Government officers, and now we have the matter before us. I think it is clear that it has been shown that there is no pressing necessity for this measure. In fact, the only person whose name has been associated with it, as far as can be gathered, is Mr. Gupta, and as Mr. Ilbert says, his letter gave rise to the discussion. That concludes what I have to say on that point, and I think there can be no question that there was no real necessity for introducing the measure, or any unusual pressure brought upon the Government to introduce it. Another point that strikes me, gentlemen, is this: it seems to me that the measure is premature. I have shown you from what Mr. Ilbert said that there was no pressing necessity for it, and I also think it is premature for this reason; this bill will have the effect of touching the whole of the mofussil European community, while, on the other hand, it will only affect the status of six men in Bengal, and I think I have seen it stated only one here. Therefore, I say that for that reason it is premature. I also say it is premature for this reason, that the presidency towns are in a very much more advanced state than the mofussil. It is proposed to extend this measure to the whole country—to the most outlying and backward districts, where you may say that civilization has been barely introduced, and, I am of opinion for that reason that the bill is premature. If the mofussil was as advanced as our presidency towns are, then there might have been some reason for introducing a measure of this kind. I not only consider, however, that the measure is premature, but I also consider it has been introduced at a very inopportune moment. We all know that the Government have got at least three very important measures before them at the present moment; and one of them at least introduces very radical and sweeping changes, and many people, including myself, I may say, think that the country is scarcely prepared or ripe for these measures. I cannot help thinking that that being so it was particularly inopportune to introduce the measure at the present time, when other important measures about which there has been and is likely to be a good deal of difference of opinion are pending. Then gentlemen, I also object to the bill, because it was brought forward without allowing the classes who are likely to be affected by it any opportunity of being heard. It has been, in a sense, sprung upon us, and not only upon us, but, as you may have noticed in the debate to which I have referred the Hon. Mr. Evans—one of the non-official members of the Council—stated that he heard for the first time on the day of the meeting what the proposed measure was. He was ignorant of the character of the measure, and we also were ignorant of it until it was brought forward in the Council. I, therefore, object to it on that ground. It strikes me as being very much out of place to introduce a measure of this kind on the strength of the opinions elicited by a private circular instead of the non-official community generally having an opportunity of expressing their opinion upon a measure which to affect them. It is all very good for gentlemen who would have the administration of the law to express approval of it, but it is a rather different thing for those who are affected by the administration of it; and I cannot help thinking that when this private circular—

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which none of us have seen and which I should rather like to see — was sent round, probably I think very likely, most of the officials to whom it was sent looked upon the question from a theoretical and not from a practical point of view without considering what effected the introduction of such a measure would have on the country, I notice further, gentlemen that Mr. Ilbert says in speaking of this circular that the result was very remarkable. Well, I should think that he must have realised ere this that the effect of acting upon the circular has been very remarkable indeed. I think he must feel now, and I think that the Government of India must also feel, that they have made a blunder in bringing forward a measure of this kind without the public likely to be affected by it having had an opportunity of expressing an opinion about it. I will not say more now, other gentlemen having to speak to the resolutions which have been circulated among you. I think it is quite likely I may have touched upon some points which other gentlemen may speak upon, and if such is the case I hope that they will enlarge upon and enforce rather than pass over any point that may have alluded to. With these remarks, gentlemen, I call upon Mr. Mowat to speak to the first resolution.

Mr. Nanabhoj Byramjee Jeejeebhoy: Mr. Chairman, Before Mr. Mowat proposes the resolution I should like to know whether you have received any letter from anyone.

The Chairman: We have received a letter from some of the members of this Chamber, and we have sent an answer to it. Have you got the answer?

Mr. Nanabhoj: It was the special desire of the members that it should be read before the meeting.

The Chairman: I am asking whether you have got the answer?

Mr. Nanabhoj: That letter was for the information of the members.

The Chairman: I don't consider that there was any necessity for its being read.

Mr. Nanabhoj: Then you rule that that letter shall not be read. I bow to your decision.

The Chairman: I have not given any decision as yet. (laughter.)

Mr. Nanabhoj: You say that the letter shall not be read.

The Chairman: The letter to which you refer was received about half-past two. It objected to this Chamber taking up this question, and the answer which was sent to you by my directions was that we consider it quite competent for the Chamber to discuss this question, and if you had any reasons to give against its doing so you ought to come here and state them.

Mr. Nanabhoj: We are going to speak, and we have come here to speak.

The Chairman: Very well.

Mr. Nanabhoj: Then you rule that that letter shall not be read.

The Chairman: There is no necessity that it should be read, seeing that you are here to speak and vote for yourself like any other member of the Chamber.

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Mr. MOWAT: In proposing the first resolution which runs thus:—"That in the opinion of this meeting the Bill for the amendment of the Criminal Procedure Code is, under existing circumstances, uncalled for, and ought not to have been introduced without first eliciting the opinions of the non-official classes whom the proposed change in the administration of the law will affect"—I would draw your attention to the temperate manner in which it is worded, and in the remarks which I am about to make, I mean to be considerate towards the various races interested in the Bill lately brought forward by the Government of India. Throughout the length and breadth of this vast empire it has been the leading subject of discussion for nearly a fortnight, and it has been taken up with more than ordinary warmth in Bengal and the voice of England has not been silent. I most earnestly trust the tension which now exists will find a solution long before November comes round. Although we have been later in approaching the subject than our friends in Calcutta and Madras, we are not behind them in the interest we take in any matter affecting the criminal law by which our British-born fellow countrymen are tried abroad. In order to grasp the lending facts, let me point out what was done in 1872. This subject was then thoroughly discussed, and the debates which took place in the Supreme Legislative Council possess more than ordinary interest. Although five eminent names, including an ex-Governor of Madras and the late Governor of Bombay, appear on one side, seven gentlemen who have also left their impress on India, took the opposite view, and one of those was the distinguished lawyer, Sir James Stephen, who had charge of the Criminal Procedure Bill. By this act, which was the result of a compromise, Native Magistrates in the Presidency towns were allowed jurisdiction over Europeans, but their power extended no further, and the reasons for so doing appear to be very strong. Gentlemen, with public opinion and a powerful press such as we find in the great cities, we can understand why a difference was made between them and the mofussil. But even in the great Presidency towns, cases arise which are surrounded with more than ordinary difficulty and which tax the keenest intellects of the Bench and the Bar. At a great social banquet which took place in Bombay a little over three years ago and at which I had the honor to preside, a Judge of the High Court whose manly straightforwardness and upright character have gained for him a wide circle of friends among all classes, expressed himself thus:—"The administration of justice in India and no less in Bombay is carried on with extreme difficulty owing to the vast preponderance of unworthy testimony by the native witnesses we have before us. A judge in the country can only act on the facts of the case before him, and it would be impossible for us to form our judgments satisfactorily were it not for the admirable manner in which the cases are prepared by able and experienced solicitors and clerks, and for the arguments and the ability which are bestowed upon those facts by accomplished barristers." (Cheers.) If this is the case in one of the leading cities in the Empire, what safeguards must we insist on for the poor European in the district? There are no

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able and experienced solicitors there; further, there are no accomplished barristers. But, gentlemen, I can tell you what will not be wanting. As a jurymen I have had to listen to suborned witnesses; they and the other surroundings will find a place. An oath or affirmation to the uneducated native classes is of little or no value; and are we to expose our countrymen to criminal charges made on such evidence? Far be it from me to speak otherwise than respectfully of native magistrates whom this country chooses to honour with the dignity. As educated men we expect a great deal from them. But I hold that in a criminal charge against a European things may arise on which an Englishman or British-born subject only can form a correct judgment. If, therefore, the magistrate, witnesses and other surroundings are entirely native—can we suppose that there will never be a miscarriage of justice? From the public press which has lately been flooded with literature on this subject, we find that the native community are far from agreed, for in common fairness we may put Mr. Khory's letter of this morning against that of the Honorable Mr. Tyabjee. A leading magistrate who had a great many years' experience in the Mofussil, when speaking to me quite recently, was not slow to point out the dangers which would beset the proposed alteration in the law. Perhaps a time will come when a revision of the existing Code may be considered with advantage—but it is clearly not now. The lower classes amongst the native community must first be advanced. The non-official classes very justly complain that they have not been consulted in this matter, especially seeing that they will be affected by Mr. Ilbert's proposed change. The legal and official classes, however, were consulted, and we learn that they have not been unanimous. English capital is now pouring into the country for reproductive works, necessitating a large number of European employes. They consist of railway servants, press and mill managers, cotton agents, and the like. In this Presidency they are fewer in number than in the other two, but they are not less deserving of our care and attention.

(Applause.) Their probable future is a question for sociologists, and I cannot say that I look upon it with anything like satisfaction. With the progress of works in the Mofussil their numbers will increase, but from the Natives who are making such rapid strides in education, they will have to suffer the keenest competition, a competition, not likely to diminish. A large portion of those now labouring in the districts will never again behold the land which gave them birth, while their families will have to make the best of life under all the disadvantages of a tropical sun. These are the classes most likely to be seriously affected by the new bill, and as they can least protect themselves it is our duty to see that their rights and privileges are kept inviolate. They supply that cheap European labour which at the present time is indispensable in the formation of public works. As a rule, many of them are poor, and the fee necessary to secure the services of an English barrister, or a first-class vakeel, for defence in a criminal charge, is more than they are able to command. Let us therefore be careful and not deprive our poorer countrymen of privileges which they have hitherto en-

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joyed and on which they attach the highest value. According to the best authorities, they now do this without in any way interfering with the rights of the natives of the country. Sir James Stephen's remarks are valuable. He says :—" In countries situated as most European countries are, it is no doubt desirable that there should be no personal laws ; but in India it is otherwise. Personal as opposed to territorial laws prevail here on all sorts of subjects and their maintenance is claimed with the utmost pertinacity by those who are subject to them. The Mahommadan has his personal law the Hindu has his personal law. Women who, according to the custom of the country, ought not to appear in court, are excused from appearing in court. Natives of rank and influence enjoy, in many cases, privileges which stand on precisely the same principle ; and are English people to be told that, whilst it is their duty to respect all those laws scrupulously, they are to claim nothing for themselves ? that whilst English courts are to respect, and even to enforce, variety of laws which are thoroughly repugnant to all the strongest convictions of Englishmen, Englishmen who settle in this country are to surrender privileges to which, rightly or otherwise, they attach the highest possible importance ? I can see no ground or reason for such contention." (Applause.) We have now to consider in a careful spirit what ought to be done ? It is not too late for Government to withdraw the bill, and this might be gracefully done in the interests of all concerned. No one wishes to see a race feeling exist, and our native fellow-subjects are no doubt as anxious on this point as we are. The Government is full of other schemes for their advancement, and it is a good old maxim not to have " too many irons in the fire." A thing may be done with dignity and prudence to-day, which the force of events, if not checked, may materially alter in a week's time. In conclusion, I appeal to the imperial Government to withdraw a measure which under existing circumstances is unnecessary ; I appeal to those in power to stem the current of class feeling which appears to have arisen on the other side of India, and which, if continued, may be fatal to the best interests of the country, (Loud applause.)

The Hon. W. M. MACAULAY said : When I consented to second the resolution which Mr. Mowat has just read, I did say in the firm conviction that it was not desirable for us to follow in the footsteps of our brethren in Calcutta. I think it is very much to be regretted that the speakers so far forgot themselves that they neglected their duty to their fellow-subjects, and one of them has since apologised, for such a thing cannot assist in achieving the object we have in view. On the contrary, it will rather damage it. In speaking of the resolution I shall, with your permission, refer to the second portion of it, and I confess, with a feeling of very deep regret, that the Government of India have introduced the measure of such vital importance to a large and most important section of the community without consulting one individual of that community who would be affected by the measure. It is true, as Mr. Ilbert said, that the various local Governments were consulted—that no one could object to. We were also told that the opinions expressed by the officials who had been consulted contained a consensus of opinion in favour of the proposed change

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It is not so long ago that it has faded from our memory, that a bill which was passed through the local Council of Bombay with an overwhelming consensus of opinion was vetoed by the same Government who now attaches so much importance to the same official opinion. I think, therefore, that this leaves a door open to them by which they can retire from the ground, and assign the very reason for the position they assume that they have acted on wrong information. We have been told that the Judges of the High Court of Bombay have with one exception expressed themselves in favour of the measure. This may be so, but I think it is not improbable, and in fact I have some ground for stating, that the opinion which was so given was more an opinion from a theoretical point of view, as just observed by the chairman. If the Judges of the High Court here, whom we all respect, as Mr. Mowat so well stated, had been asked to express an opinion as to the practical application of these changes to the whole mofussil district of India and the outlying districts of Assam, the Punjab, and the other equally partially civilized localities, I do not hesitate to say that there would have been amongst these judges more than one dissentient. It is a source of great regret to every right-thinking person that the Government did not take the public into their confidence as they have promised to do. It was perfectly easy for them to ascertain to a nicety what the public—English public—would think of the measure. By consulting public bodies like this Chamber, there are the Planter's Association and 'Trades' Association in various parts of India who could tell if a reference had been made to them that it would raise a storm such as we have now experienced. Happily for us, the circumstances of Bombay, even the mofussil of Bombay, render the measure less objectionable than it would be if applied to the whole of India. Here, so far as the lengthened experience of Bombay goes, I know that a feeling of amity exists between the two races of Europeans and natives as very different from what exists on the other side of India. There is more mutual confidence and friendship. I have heard many intelligent native gentlemen, many of whom I rank amongst my friends, express their opinion that for their part they would prefer to have their affairs dealt with by the European judges rather than their own countrymen. We could not expect such a subject to have unanimity. But I think that there is a very strong section of the native community who think that the bill is not at all called for. In our daily mercantile experience we come in Bombay in contact with numerous natives, keen-witted to a degree. These natives daily in hundreds of cases enter into contracts with Europeans relying in the event of dispute on arbitration by Europeans. This, I think, speaks volumes for the confidence that they repose in the integrity of the Europeans, (Applause.) That the measure is unequalled for, at this stage, I think there can be no doubt. Until the introduction of the measure in the Supreme Council, so far as I know, the question had slumbered since discussion took place in the Council in 1812. Our native fellow-subjects have lately been more than satisfied and gratified by the radical changes which have been introduced, or are about to be introduced and which will give them a great deal of power in the management

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of their affairs. I am quite sure that on this side of India, at all events, there are very few people who dreamed of such a change being necessary since Lord Ripon promised this self-government scheme. It is a great pity, as the chairman has pointed out, that for the benefit of a few, I think if I am not mistaken the numbers mentioned by him are somewhat smaller than the number of magistrates who will be affected by the bill. I believe that in this Presidency alone some half a dozen magistrates would be affected by it. But then for half a dozen, or ten times half a dozen it is no justification to introduce the measure which was calculated inevitably to stir up strife and to re-open wounds which we hoped had passed away for ever. (Applause.) That for this local self-government scheme which is not yet started it is most inopportune that Government should burden their hands with further legislation, especially of such a character as this. I very much fear that if the bill is proceeded with, it will prejudice the proper development of this scheme. I doubt not, the advance of civilization, the opening up of the country by railways and the spread of education, will exercise even a more rapid improvement in the future than in the past. Great progress has been made within the last twenty years, and had it not been so, I do not think that even a modified change in the laws which permitted magistrates of native birth to have jurisdiction over Europeans in the Presidency towns would have been effected. It is, therefore, premature at this early stage to introduce such a radical change from laws which have always been enforced since the country has been occupied by our countrymen. With these remarks I will second the proposition (Loud applause.)

MR. N. BYRMJEE JEEJEEBHoy said : Gentlemen.—I rise to propose an amendment to the proposition which is before the meeting. I am strongly of opinion that this Chamber will be exceeding its functions by committing itself to a proposition of this nature. Ever since the Chamber was first established—on 22nd September 1836, mainly owing to the exertions of Mr. Harry George Gordon, of Messrs. Ritchie, Steuart and Co., it has never ceased to interest itself in the commercial welfare of the city and port of Bombay, and has on numerous occasions rendered most valuable assistance and collected important information, not only to the advantage of the local commercial community, but to the Government of India, who has frequently consulted the Chamber on special important subjects. The Chamber has hitherto steered clear of all race distinctions and has shown itself most creditably above all race prejudices. This characteristic of the Bombay Chamber of Commerce has been acknowledged and emphasized by the admission of natives. The Chamber has always been considered an influential and representative body, but since the accession of native members, its representative power and character has increased considerably, and instead of representing only one class of the vast mercantile community of this city, it now lays claim, and very justly too, to be the advocate and mouthpiece of the whole commercial community of this Presidency, and is no longer the European Chamber of Commerce, but truly and literally the Bombay Cham-

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ber of Commerce. What does the Chamber represent as a body. It represents Bombay commerce, and should be very careful not to curtail its representative character by lending its influence, to politico-sectarians sentimentality and race questions. The Bengal Chamber and the Madras Chamber may be excused for their action in the matter of the Jurisdiction Bill, composed as they are entirely of European merchants. It is not very long, gentlemen since this Chamber extended its scope of usefulness and influence, but during the short time that has elapsed since the joining of the native members, things have gone on very smoothly and harmoniously, and it would be a thousand pities were that harmony and unanimity to be unnecessarily disturbed. I do not wish to enter now into the controversy about this bill which the Government of India, all the local Governments, her Majesty's Secretary of State and all the more distinguished officers of Government throughout India, considered necessary for the due administration of justice in this country, and all I wish to say is that such a proposition as that moved by Mr. Mowat could not, and should not, come appropriately from a mixed Chamber of Europeans and natives. If the European merchants of Bombay are desirous of giving expression to their views about the bill, by all means let them do so at a public meeting of the European citizens. I am aware that I shall be in a very small minority, and the proposition will most probably be passed in spite of my humble opinion, yet, gentlemen, I conscientiously believe it to be my duty to make that opinion known and my feeble voice raised against what I respectfully submit and maintain is an unnecessary and untimely proceeding likely to disturb the harmony of the Chamber and to mar the good will which now happily characterises its proceedings. If this much-to-be-regretted action on the part of this Chamber will, as I apprehend it is sure to do, give rise to a strong counter-movement on the part of the native community of Bombay, the Chamber will be responsible for creating any bad blood and angry feeling which may unhappily arise, and I am sure no one will be more sorry than I shall be if the commendable good feeling and harmony which exists in this Presidency amongst the different sections of our mixed community are needlessly disturbed or destroyed. Gentlemen, my first connection with the Chamber dates so far back as 1865, and from that time up to now I have never known a single instance in which the Chamber lent its influence or countenance to any question of race or class distinctions or differences, and it ought not to do so now. (Applause.) With these remarks I beg to propose as an amendment—"That in the opinion of this meeting the action now proposed to be taken with regard to the Criminal Procedure Amendment Bill is one foreign to the object and purposes of the Chamber, and that it is highly desirable for many obvious and weighty reasons that the Chamber decline to take up any politico-sectarian question."

MR. SORABJEE FRAMJEE PATEL said : Gentlemen,—I rise with reluctance to second the amendment my friend Mr. Nanabhoy Byramjee Jeejeebhoy has proposed, for I consider it unfortunate for me at this juncture to be compelled to go against the wishes of

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gentlemen, for many of whom I entertain the highest esteem. With not a few of them I have at times been associated in discussing important questions in a most friendly spirit, when serving as a member of the committees of the Chamber. In fact, gentlemen, my connection, including that of my father, with the Chamber, dates as far back as the last 35 years or more, and I must admit, that in this long interval both he and myself have received every kind consideration at its hands, as I am sure my native friends who have since joined have also experienced. I therefore feel it the more incumbent to appeal to your good sense and judgment to avoid, as far as it may be in your power, taking any step that may tend to disturb the harmony which has for many years so happily prevailed. What I beg of you, gentlemen, is to weigh calmly my request; for I am no less grieved at the disunion which your resolution will create in the Chamber than the ill feeling and passions it is calculated to arouse throughout the great and varied commercial community of Bombay. The sequel of your step in this matter might unfortunately be either the holding of public meetings by those who are in favour of the Bill, or unpleasant, injudicious and imprudent writings in the press. In both cases no one, as you are aware, can answer for the lengths to which party feelings and passions may be carried by those who cannot command themselves. But the effect of all this will be certainly most disastrous to all concerned, and will excite bitter feelings and leave indelible remembrances which it will take perhaps a full quarter of a century to efface. I have no wish, gentlemen, to enter into a lengthy discussion with such intelligent and liberal-minded members as those who are in favour of the resolution; but I cannot help drawing your attention to the fact, that you cannot with propriety take up questions which are purely political, and do not affect the general commercial interests of the community, nor could you take up class questions, much less grievances, of a particular race. In support of this assertion, permit me to quote the very first of our Chamber's rules and regulations. It states that "the object and duties of the Chamber shall be to encourage a friendly feeling and unanimity among commercial men on all subjects involving their common good to promote and protect the general mercantile interests of this Presidency." I ask, with your permission, does the action which the Chamber is asked to take tend to "promote and protect the general mercantile interests of this presidency?" Will it "encourage a friendly feeling among the commercial classes on all subjects involving their common good?" Does it come within the category of "the removal of all acknowledged grievances affecting merchants (European and natives) as a body or affecting mercantile interests in general?" Certainly not. I am sure, gentlemen, if you will only dispassionately weigh my reasons and arguments, supported by the fact that they are based on the fundamental rules and regulations framed by this Chamber, you will, I doubt not, adopt the amendment proposed by Mr. Nanabhoj and seconded by myself. In coming to a conclusion on this important question, I beseech you not to let your party feelings be roused by what indiscreet persons may have said and written elsewhere. (Applause).

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Mr. J. K. BYTHELL : Mr. Chairman and Gentleman—I came here this afternoon determined not to sepeak, but after the remarks made by my friends, Mr. Nanabboy and Mr. Sorabjee, I should like to say a few words. Their arguments, as I understand them, are that, the Chamber has exceeded its functions, and that its functions ought to be limited to what they term measures affecting our commercial welfare. They are also of opinion that we are proposing to take steps now which are likely to raise class prejudices and to create race feeling. It appears to me that the Chamber is not exceeding its functions at all. A great many of us have representatives in the interior, and if we deal with a measure which is introduced into the Legislative Council affecting our welfare and detrimental to our interests, it seems to me that it is quite within our functions to bring the matter before the Chamber of Commerce, which is the only body in Bombay representing our interests. (Applause.) I think the two gentlemen who have just spoken are mistaken when they are inclined to think that the resolutions before the meeting will if passed foster class prejudices. Native gentlemen know that we not only welcome them when they propose to join us, but we have invited them and asked them to do so. I can say that during the time I was officially connected with the Chamber I did all I could to get my native friends to join the Chamber. I have always wished to get as large a proportion of native merchants and native gentlemen connected with trade in the Chamber as possible in order that it might be strictly representative of Bombay and not merely representative of a class; and I think that these gentlemen will say, on reflection, that it is quite possible for us to be very strongly averse to having any of our European *employés* in the interior tried by native magistrates where we cannot get a European barrister. \* Even in the case of natives, cases have been known in which men have been tried and convicted in the interior with respect to matters which, if tried in Bombay, would have resulted immediately in an acquittal. Take, for instance, the old Cotton Frauds Act. You know that in Dharwar and in many other parts of India, where there was no public opinion and no press, natives were prosecuted, convicted, and fined for mixing cotton from adjoining fields; and, as I have told gentlemen, Government servants, the same thing was being done here by European merchants, myself included, and that they should come and prosecute us in a place where we could get a barrister to defend ourselves. There is an example, and a very forcible example, between the justice in a place where you cannot have a counsel to represent you, where you have no public opinion, and the dispensing of justice in Bombay where you have a strong press and can employ a counsel to defend you. (Applause.) It is quite possible for us to hold a strong opinion upon this subject and yet not be actuated by class prejudices. (Hear, hear.) We don't object to native gentlemen acting as magistrates in Bombay where there is a healthy public opinion and where we can have our fellow-countrymen as counsel; and it appears to me that if race questions are raised, it is not the Chamber who is to blame, but the Government of India who stirred this matter up. (Applause.) The

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old state of things did no harm to anybody. Mr. Macaulay thinks that the chairman was mistaken in stating that only one gentleman would be affected by having these powers given to him if the Bill is passed; but I have been informed that this is correct, and that there is only one gentleman in the presidency on whom these larger powers would be conferred under the amendment if the Bill was passed, and as my informant said, why stir up all this class prejudice and set us all by our ears in the manner that the Bill before the Government of India has done? (Hear, hear) With reference to the question of giving more extended power to the natives, I may say that I differ most materially from the chairman that this proposed extension of municipal power is a mistake. When the Municipal Act under which our Corporation now sits was introduced, we had sixteen days consecutive debate in Poona about it, and I protested most strongly against the inhabitants being allowed to elect one-half of the members of the Corporation and still having no power to vote their own budget. In the same way when the Mofussil Municipality Bill which was passed in 1873, came on for consideration, I protested most strongly against the principle of the Bill, and contended that so long as you had the collector in the chair, a great many official members on the board, and all the non-officials elected by the chairman, it was a farce to call it a Municipality at all. I would go in for giving the natives much more power in these things, but while advocating their claims in that way, I must say I do object very strongly indeed to a European connected with our own firms in the interior being brought up before a native magistrate where we cannot have the assistance of our own countrymen to defend them. It has been spoken of as an anomaly that these things should exist: I know that this is delicate ground to touch on, but as a newspaper said the other day, if you are going to take up that argument, our whole position in India is an anomaly. So long as we are in India anomalies must exist, and it appears to me that the best course for the Government of India to take is to leave such matters alone, unless it can clearly be shown that great injustice is being inflicted upon somebody. In the case of this Bill, it is impossible to show that injustice is being done. You cannot say that it is great injustice that half a dozen gentlemen invested with magisterial powers should not be permitted to try Europeans. We contend that this Bill, if passed into law, instead of allaying class prejudices, will foster them to a great extent, and I hope that the Government of India will be induced to withdraw the Bill. I hope that the native gentlemen connected with this Chamber will realise and see that it is quite possible for us to oppose this Bill and yet entertain very kindly feelings towards them and that we are always very glad to see them amongst us. (Applause.)

Mr. VEIZBHOOHANDAS ATMARAM said: As a party signing the protest which has just been read over to the meeting, I feel constrained to say a few words so as to explain fully the reasons which have induced to adopt this course in reference to the action it is intended to be taken in the name of the Bombay

Mr. VEIZBHOOHANDAS ATMARAM.

Mr. Nanabhoy said the first intimation that he had received that the meeting was to be held was at two o'clock on Monday, and he was not in office at the time.

The Chairman said that Mr. Nanabhoy went to the meeting quite prepared to discuss the matter and he did not see what he had to complain of. He was informed that the circular calling the meeting was sent to Mr. Nanabhoy's office twice.

Mr. Nanabhoy: My house is not far away. I am living at Mazagon. The circular ought to have been sent there. (Cries of nonsense," "absurd," &c.)

Mr. Clement Poole said: I beg to propose "that the following members of the Chamber, namely, the Chairman of the Chamber, Mr. M. Mowat, the Hon. W. M. Macaulay, Messrs. Bythell, Russel, L. R. W. Forrest, Blascheck, and Marshall, be appointed a sub-committee, with power to add to their number to prepare a memorial to the Viceroy praying that His Excellency may be pleased to abandon the proposed alteration in the law." At this late hour I would not recapitulate the remarks made by the previous speaker, but I will say this, that the names of the committee read out to you are a sufficient guarantee that the memorial which will be presented to Government will be drawn up with moderation and good sense, and will be free from expressions which have reached us from other places. (Applause.)

Mr. Blascheck said: I second the resolution. I abstain from making any further remarks at this late hour.

The proposition was then put to the meeting and carried.

A vote of thanks to the Chairman concluded the proceedings.



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"THE PIONEER."

(Allahabad.)

March 1.

It may perhaps be argued that the Native Jurisdiction Bill was affirmed by the executive, and that it was supported, as the mover of the Bill expressly declared, by an overwhelming consensus of opinion. Was it? Take the case of Sir Ashley Eden, a man far too shrewd to hastily commit himself to any such view. Nothing can be more cautious than his express and carefully-worded recommendation that the proposal should be considered whenever, at any future occasion, a fitting opportunity should arise. It would be idle to affirm that any such occasion has arisen. On the contrary, the complete Act had only a month previously come into force with all the real amendments which twenty years' experience had shown to be needed; and precedent and common decency alike required that *bonâ fide* objections to the Act, as it stood at its last revision, should be shown by actual experience. But the greed of popularity is like the greed of wealth—*qui dives fieri vult, et cito vult fieri*,—and this is the only interpretation which plain men will put upon the attempt to tinker the substantive law of the land only a few weeks after it had been deliberately and, as it was hoped, finally passed. The true value, the real signification of this vaunted consensus of opinion we have recently discussed. To say nothing of the weighty dissents which the correspondence actually discloses, it is open to remark that the High Court at Calcutta was not consulted at all, and that, short of actual pressure, the strongest possible inducements were held out in the circular sent round to the Local Governments to ensure an opinion in a particular direction. We trust that this circular at all event is a new departure without precedent or successor, for we shall be much surprised if it does not provoke comments that will prevent its recurrence. It was only after the Government of India had altogether prejudged the points of issue that it asked to be "favoured" with the views of its assorted correspondents.

What is the value of opinions so elicited from a few officials, who of late years have been carefully tutored in the view that concurrence is the royal road to promotion? What attempt was made to get any independent opinion from those who had real interests at stake—from the planters in Assam or Behar, or from the many scattered Europeans who in other parts of India are beginning to initiate a new era of industrial progress? These are the men who are really interested in the measure. Their lives and fortunes are cast in this country, and no flourish of rhetorical commonplace about anomalies, or the merit of symmetrical legislation will blind them to the fact that it is upon them the real burden of the measure will fall, or reconcile them to the loss of those privileges which they most value. "Alterations of laws and customs and the breaking of privileges" have been declared on high authority to be the most potent causes of discontent as well as "Whatsoever in offending people joineth and knitteth them in a common cause." Let the Government weigh these things and retire from the false position they have so inconsiderately assumed. If they want honest opinion let them consult the right persons in the right way. Let them remember that popular agitation always outruns reason, and that it is sorry statesmanship to excite race antagonism for an object which those whom it is hoped to conciliate do not really want. Above all let them consider well how the machinery of the administration can be so improved, as in future to minimise action not consistent with the interests of the administration as a whole.

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*March 2.*

It is a suggestive commentary upon Lord Kimberley's mention in the House of Lords of the "eminent authorities" at home who approve of the Native Jurisdiction Bill, that when first proposed to the India Council in London the measure met with strong opposition so much so, as we learn from private sources, that Lord Hartington, the then Secretary of State, undertook to represent privately to the Viceroy the danger

of driving his coach too fast. The Government at home will now be in a position to judge of the effect in India of Lord Ripon's "breathless benevolence," to quote the words of an English newspaper. The meeting held in Calcutta yesterday must convince even Lord Kimberley that something more is needed than the opinions of "eminent authorities" to pass an Act which has aroused even phlegmatic Anglo-Indians to a pitch of enthusiasm unprecedented in the history of this country.

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We are not likely to be accused by anyone who has followed what we have written on the subject of an undue partiality for the said Jurisdiction Bill. There is the less reason therefore that we should shrink from admitting anything that can be urged in its favour by those who uphold the measure—a minority small indeed in numbers, but unquestionably entitled to a respectful hearing. After a long course of discussion, as every day experience teaches, arguments and objections are apt to run in circles and the point arrives when nothing further can be gained by controversy. If this point has not yet been reached in the present case, it is owing to the fact that the advocates of Mr. Ilbert's Bill have so far had their say only in the disadvantageous form of cut-and-dried statements, and it is easily conceivable, that had they enjoyed a greater latitude of expression than the official style of composition generally allows of, they might have appealed more convincingly to the public mind. So far, however, one fails to discover in what is commonly said in behalf of the measure, anything more than what has been already advanced in the papers published, and, as we believe, fully met. There is some force of course in the argument that if a native officer is capable of exercising the immense powers of magistrate of a district, and is fitted to be entrusted with the government of perhaps a million souls, he is also fitted to try the few Europeans that may be brought up before him, and that it is an indignity as well as an anomaly that such

a man should be obliged to make over these cases to his subordinate. But though this may be readily admitted, it does not tend in the least to shake the primary objection of Sir James Stephen that it is not the feelings of the Judge that have to be considered, but of those that come under his jurisdiction. If the ground is shifted to the inequality involved, the argument becomes still less tenable, and we have an answer in the practices of the law-courts themselves. While the Governor-General of India is liable to be called as a witness in the courts which various native gentlemen of different degrees are exempted from attending, it is impossible to attach much weight to the plea for abstract equality. But in truth the "anomaly" argument has been so often exposed that it is needless to waste words upon it.

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There is more point, undoubtedly, in what is said of the administrative inconveniences to which the present system gives rise. While native officers are incapable of hearing charges against Europeans, they cannot well be posted to stations where such cases are likely to come up—stations, for instance, such as Dacca or Chittagong. But granting this it is as doubtful as ever whether the alteration of the law would work any real remedy. Though it might be legal that native magistrates should sit in trial on Europeans, it would remain practically inexpedient, and every wise Government would recognise it to be so. The fact moreover that the Government of Bengal, which is most concerned with the inconveniences complained of, is opposed to the proposed change, may be taken as a sufficient answer to the arguments founded on these grounds. Finally, there is the familiar story of necessity: the oft-repeated argument that the general drift of our policy has got so far in associating the people of the country with its Government that distinctions such as the present are no longer possible; and this line of reasoning is the harder to meet from its generally finding refuge in the misty abstractions which obscure the horizon where politics and morality meet. But though it is palpable that

the admission of natives into all branches of the Government service and to the Covenanted Civil Service in particular, must give rise to many embarrassments as time goes on and brings them to the higher posts in their several departments, it is quite another thing to maintain that the solution of the difficulty lies in levelling each obstruction that comes up with the engines of the Legislative Department. Until some better reasons can be put forward for the proposed amendment of the Civil Procedure, the public will continue to believe that it is no more called for now than when it was thrown out of the Council ten years ago, and the almost ludicrously inadequate motive that has been assigned for the Government's action in the matter will help to keep them in countenance.

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*March 3.*

It has long been acknowledged in political circles at home that enthusiasm about India and its concerns is a mistake of the gravest kind, and one calculated to interfere seriously with a man's success in public life. An enthusiast only too often degenerates into a bore long before his mission is accomplished: if his natural talents save him from his fate he not improbably becomes that prince of political prigs a doctrinaire. Now a bore is never tolerated, but a doctrinaire may sometimes be listened to patiently if the subject-matter of his discourse excites sympathy or even interest in the minds of those whom he seeks to instruct; so long as he is in touch with his listeners his views may not prove absolutely unpalatable. Should it chance, however, that the subjects enlarged upon are foreign to the ideas of his audience, but one result is possible: passive indifference if not active contempt on the one side and sullen dogmatism on the other arise sooner or later, and a mutual understanding becomes impossible. Indian affairs are, unfortunately, far removed from the observation of the ordinary politician in England, and thus it has happened that the enthusiasts who have undertaken to guide public opinion upon subjects connected with India have become mere



doctrinaires and have received but scant attention on platforms and in Parliament. They dogmatise in and out of season, and are voted utter failures by friends and foes alike. One has only to be present in the House on an Indian Budget night to realise how complete is the indifference with which our legislators regard everything Indian. So long as snug sinecures or manufacturing interests are not threatened, they show perfect apathy towards that "great Eastern Empire" which they sometimes refer to in a peroration, or lightly touch upon in debates regarding the safety of the Suez Canal, or Russia's advance in Central Asia. It is not wonderful, therefore, that there is a lack of enthusiasm upon Indian affairs in English political circles, and that even statesmen of tried ability and assured popularity shrink from too intimate association with questions which the doctrinaires have made their own.

It may be taken as a fact that subjects upon which Parliament shows indifference are unfamiliar and even distasteful to the general body of the English people. With our active political intelligence and combative instincts in all that touches our national pride there is intermixed a certain element of selfishness; and we are only too apt to look upon current events in India and the Colonies from the standpoint of parochial interests. What can India concern Parliament or the English people when Ireland is on the verge of anarchy? What interest can be excited regarding the opium revenue or the depreciation of the rupee when there is a question of an extra penny being imposed on the Income Tax? Parliament says at once that its duty is to deal with matters which affect the immediate welfare of the mother country, and the world which moves within the British Isles endorses this view. Public attention refuses to be attracted by what it considers a will-o'-the-wisp, and India is forgotten save by the few whose sympathy may have been keenly excited by her troubles.

It is therefore all the pleasant to note that, for once, the selfish feeling of which we have spoken has been put aside,

and that in this burning question of native jurisdiction over Europeans, which Mr. Ilbert's Bill has called into life, there is being shown in England an earnestness of purpose and an intensity of argument which we were scarcely prepared for. When the news first reached London Parliament had not met, but the prominence given by the *Times* to the latest phase of Lord Ripon's policy in India at once attracted notice and stimulated discussion. The leading journal condemned in the severest terms the proposal of the Indian executive, and its note of alarm was re-echoed by two such influential organs as the *St. James's Gazette* and the *Daily Telegraph*. The Ministerial papers, the *Daily News* and the *Radical Pall Mall Gazette*, were studiously silent: they either did not understand the full purport of the measure or were loth to act the part of apologists in the face of the determined attack made upon the Indian authorities. What they have ventured to say since the mail of the 9th of February left London we cannot yet tell, but this at least is certain that the position taken up by the *Times* and the journals which followed its lead has enormously strengthened the agitation in India itself. The Liberal Ministry have already taken the alarm, for whereas Mr. Cross said only ten days ago that the Home Government did not intend to delay the proposed reform by referring the matter to Parliament, Lord Kimberley has since stated that the Bill would not pass through its final stage until November, and that meanwhile papers would be furnished to the House. There can be no doubt that this concession is mainly due to the opposition raised in England itself, for the agitation in India would be powerless unless it had been deeply sympathized with at home.

It is some consolation to know, then that in spite of the unwillingness of public men in England to risk their reputations by taking up Indian subjects, there are occasions on which national feeling may be so thoroughly aroused that our statesmen cannot sit by silent and inert. The present is such an occasion, and we doubt not that for the next few weeks India will claim great attention at the hands of both

political parties. Her affairs will for the time being pass from under the control of the doctrinaires and Parliamentary bores, and will be discussed with all that acumen and tenacity of purpose which are so characteristic of the English people. Anglo-Indians will no longer seem aliens in the eyes of their kinsfolk in the old country, and ties which have often been strained almost to breaking will once again become strong and enduring. The enthusiasm may die away as rapidly as it has been excited, but there will at least be left behind the feeling that after all, the Englishmen who have made India their home have claims upon their countrymen in Europe which cannot be abrogated at the will of a Secretary of State or calmly set aside by the dictum of a Viceroy.

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*March 5.*

The sight which was witnessed in Calcutta on Wednesday last, stands, happily almost alone in the history of the British Indian Administration. For the first time, certainly, within the memory of living man, the Viceroy of India is confronted with the entire body of Europeans in the country. It would be idle to suggest that the assembly was not in the highest sense of the word representative. The Chairman spoke of piles of sympathising telegrams from every part of the country; the Calcutta hotels were crowded with Europeans who had flocked in from the mofussil for the purpose of being present on the occasion, and the tone of the meeting was unmistakeable—a tone of determined opposition and emphatic condemnation. The speakers spoke as men who knew that their sentiments were re-echoed, not only in the hearts of the vast multitude before them, but in a thousand remote quarters, where Englishmen were watching with anxiety the progress of a measure, which they are firmly convinced to be unnecessary, impolitic, and unjust. Mr. Keswick and Mr. Branson were with excellent judgment, selected for the principal speakers of the day the one the best possible representative of

the class of Europeans, whose capital energy and skill are covering the country with industrial enterprise, the other a gentleman, noted not less for his forensic ability than the benevolence of his character, and his high standard of honor, and morality. He spoke from the heart, and his words went to the hearts of all who heard him. Gentlemen, in Mr. Keswick's and Mr. Branson's position have exceptional opportunities of knowing the real administrative history of the country, the real public opinion, the feelings which arise not from theory, study, or sentiment, but from the practical experience of every-day life. Their constituents come from all classes, and are connected with the most varied interests. Mr. Branson had occasion only a few weeks ago, to appear in Mr. Gupta's court, and his own experience informs him how far Englishmen in the mofussil would be wise in waiving the right, which they have hitherto enjoyed, of being tried by their countrymen, in favor of gentlemen of Mr. Gupta's stamp; and Mr. Keswick's and Mr. Branson's opinion is, we venture to say, the unanimous conviction of all Europeans, who have lived in the country, who know what a mofussil magistrate's court really is, and who are cognizant of the innumerable side influences that are brought to bear upon a native official, embarrassing his action, clouding his judgment, and imperilling his impartiality. Independence of character is a quality which, difficult enough to find in an European, is really unknown in ordinary circles of native life. But the magistrate, who has to deal with the case of an European tried on a criminal charge, has need of no inconsiderable independence. He must shake himself free of every prejudice of class, race, and rank; he must be able to turn a deaf ear to the seductions of social flattery on the one hand, or the hinted displeasure of a powerful neighbour on the other. He must have a deep-rooted sense of justice in the highest sense, and a code of honour under which the slightest defection from the highest standard becomes an indelible disgrace. These qualities Englishmen find or believe that they find in the European officials before whom each of us is liable, by

the accidents of life, to stand on his trial. But will the wildest of flatterers tell the average native official that he is regarded by his own countrymen or by any one else, as endowed to at all the same degree as his European counterpart with these inestimable qualities? It is painful to say so; it is offensive to every cannon of good taste and right feeling to assert in plain language the superiority of one race to another. The blame must rest on those who have provoked the invidious comparison, and have necessitated the outspoken declaration of facts which all parties might well be content, and have for so many years been content, to leave in convenient and decorous obscurity. But if the fact is called in question by a proposal to carry into practical effect a plan based on absolute national equality, it becomes necessary for Englishmen, who have to live in India, and whose children are likely to follow their example, to state in unmistakable terms their convictions on the subject. This is what the Calcutta community, representing the principal assemblance of Europeans in India and by far the largest planter's interest, have resolved to do, and the meeting of Wednesday left no room for doubt as to what they mean to say.

It would be premature to speculate on the particular manner in which the Government will retire from a position which practical experience has demonstrated to be untenable. Whether the matter will be allowed to drop for the present, and so lapse into convenient oblivion; or whether a convenient order will arrive from the Secretary of State, recommending that with a view to the existing public opinion on the subject, the Bill is not to be further proceeded with or whether the Viceroy will have the manly frankness to acknowledge that the proposed change was not warranted by the convictions of the European community, it is certain that somehow or other the matter must be shelved. We should be sorry to pay the Viceroy's good sense so poor a compliment as to suppose it possible that he and his supporters (and it is believed that they form but a bare majority of the Council) intend to persist



in a course which every European of experience in the country emphatically condemns. The apostle of self-government must pay some deference to the wishes of the most intelligent and educated class in the country as to a matter which, so nearly touches its feelings and so seriously rouses its alarms. It would be monstrous if, at the moment when every villager in Bengal is being summoned to a share in public life, and to an expression of opinion as to his wants and wishes. Englishmen alone should be forced to accept a change in the law which they vehemently dislike, and for which no single reason that will bear an instant's scrutiny has been adduced. There is good reason to believe that a powerful minority—and one which has on its side the authority of practical experience—object vehemently to the proposed change, and have recorded dissents, which in the course of time, will no doubt see the light. We shall also, no doubt, learn hereafter what is the opinion of the Lieutenant-Governor of Bengal and of the High Court Judges, who it appears strange to say have not been consulted on a matter, on which it is certain that they would, one and all, have an opinion to deliver. Already there is a mass of weighty official opinion on record in opposition to the change. The only two Members of the Madras Government who know anything of the country, deprecate the proposed innovation as unnecessary and dangerous. Even Mr. Grant Duff, though defending its logical justice, regrets its ultimately introduction. Mr. J. D. Sandford and Mr. A. Howell, officials of the highest standing, join in an emphatic condemnation. On the other hand, we have the promptings of philosophic radicalism, that lofty indifference to public opinion which is the frequent characteristic of a certain type of the modern Liberal—that jaunty conviction that the disciples of Mr. Gladstone, and the admirers of Mr. Chamberlain, can never be wrong, and that the dissentient portion of society are the victims of prejudice and stupidity. English Liberals have had several rude awakenings, and we hope that the present lesson will not be

thrown away upon statesmen who seem to have translated to the shores of the Ganges, some of the most dangerous of those modern political habits of thought and action, which in England have led so many members of the Liberal party to regard the language and actions of its leaders with apprehension and amazement.

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March 7.

BREATHLESS BENEVOLENCE.—A cynical observer at the recent Trades' Dinner at Calcutta made a remark which the bystanders, at the moment, took for nothing better than a sneer, but which subsequent events have proved to have been an especially sagacious forecast. "I give Lord Ripon,"—he said, as the plaudits earned by the Hon'ble Kristodas Pal's panegyric on the best of all possible Viceroys were still ringing through the Town Hall, "I give Lord Ripon six months to become the most unpopular Viceroy that ever came to India." The irony of Fate decreed that within a fortnight the same building should be filled by the largest, noisiest, angriest assemblage of Englishmen that Calcutta has ever seen, gathered for the express purpose of declaring—or, to follow the choice language of the principal orator of the occasion—"swearing" undying hostility to a measure which may perhaps more than any other be regarded as symbolizing Lord Ripon's policy. The behaviour of mass-meetings is not usually discreet or dignified, and the units of which the mass of Wednesday was composed did their best to sink to the appropriate level of violence and indecorum. The wild yells with which the name of the proposer of the obnoxious measure was greeted—the cheers which followed upon each fresh outburst of violence or insult—the insane proposal, which had at one time some chance of being carried into action, of marching *en masse* to Government House and singing "Rule Britannia" under the windows of a ruler unpatriotic enough to suggest that the freedom of Britons should be imperilled in a native tribunal—and lastly the repentant reaction, in which Mr. Branson, having

done his best to lash himself and his audience into a fury, writes the next morning to bemoan the impropriety of his more violent tirades,—all these not particularly pleasant or dignified phenomena point in a single direction, namely, to a degree of angry excitement, inflamed by mutual contagion and stirred by opportune circumstance into a mood in which common sense and common decency were for the moment swamped, and speakers and hearer alike forgot every thing but the necessity for a violent demonstration. Such lapses from the good nature and good sense of the average Englishman are to be expected when a sufficient number of angry Englishmen assemble for the purpose of assuring each other and the world how very angry they are, and what excellent reasons they have for their anger. But after eliminating every phrase which the appeal from Philip drunk to Philip sober would condemn, we shall still find in the rhetoric and arguments of the speakers a solid residuum of common sense and justifiable sentiment, which, ascertained as it is to be the general sentiment of the community, no sane Government can venture to ignore. It is quite impossible for Lord Ripon to take a step which would place him in permanent and irreconcilable hostility to the entire non-official class of Europeans in India and to a large proportion of his own officials. No Viceroy has ever occupied this odious position, and we may be sure that Lord Ripon will not choose and if he did choose, would not be allowed, to occupy it. Such an estrangement would be a real misfortune. A conscientious, honorable and genial gentleman earnestly bent on doing his best for the good of the country has too much in common with all that is best among Englishmen in India to allow of their permanently occupying hostile camps. For that very reason it is worth while to analyze the causes of the present rupture, and explain why Lord Ripon finds himself suddenly at arm's length with the entire body of his countrymen. The main reason is, of course, their belief that, in the removal of an anomaly, or illogicality, a sentimental grievance or, something equally intangible, a privilege, which the practical ex-

perience of Mofussil life has taught Englishmen to consider of the highest importance, was, without hesitation, without regret, and without any previous inquiry that deserved the name, to be swept away. The mere statement of such a belief is enough to show how much there is in it which Englishmen would dislike and fear. For one thing, the enquiry was a sham of the worst possible description. The view of the Government of India was expressed in explicit terms, and the Local Governments were merely paid the barren compliment of being allowed to offer a few remarks previous to the Government taking action on the policy so categorically announced. The framer of the circular had not even the candour to supplement Mr. Gupta's one-sided statement by a fair account of the question or even the publication of the excellent speeches in which Sir James Stephen and others supported the existing arrangement. Mr. Gupta's statement of the case was unfair, even in an advocate, but it was really disgraceful when adopted by the Government as an adequate explanation of the points in question. Mr. Gupta "contend himself with merely appending a few extracts" from the speeches which happened to favour his arguments, and naturally omitted those which conclusively demonstrated its futility: nor, naturally enough, did he think it necessary to state that Sir George Campbell, though ultimately supporting Mr. Ellis's amendment, stated that he "had seldom greater difficulty in making up his mind," and that the motion "involved matters of sentiment with which it was very difficult to deal;" and that the Commander-in-Chief expressly moved an amendment of his own, cutting out the provision which enabled Magistrates of the first class being Justices of the Peace and European British subjects to try European British subjects and impose imprisonment for three months and a fine of a thousand rupees. His Excellency reinforced his amendment by adducing several instances, which in his opinion showed the danger of allowing *any* Magistrate, of whatever nationality, to try an European British subject. Nothing of all this appears in the Government of India's circular note

what *does* appear is that the Government has a strong preconceived view on the subject, intends to act upon that view, and merely invites an expression of opinion previous to proceeding to action. Was it likely that a careful or outspoken answer would be given to a question so asked? "*Et cantare pares et respondere parati*" is, it is to be feared, a too faithful account of subordinate administrations, who know that what is wanted at headquarters is a loyal acquiescence in an already settled policy.

The main cause of irritation and alarm, however, lies deeper than the mode in which the measure was initiated. Lord Ripon has for long past been shaking the confidence of Europeans in his practical sagacity. He was wafted out to India by a tempestuous wave of triumphant Liberalism, and thoughtful Englishmen from that day to this have been realizing how much of rashness, shallowness and unwisdom there was in the national sentiment of that period and in the policy which it inaugurated. Lord Ripon came out to India, pledged by the rashness of his leaders, to restore to the Vernacular Press, the liberty of preaching treason, and to retreat from the advantage ground which the great majority of authorities considered imperative on us to hold at Kandahar. Since then he has given free rein to that impulsive benevolence which is the easy virtue of amiable and short-sighted natures. He has listened with too credulous an ear to the glib compliments of servile panegyrists. The multitude whose vanity he flattered, and whose restlessness his schemes and promises gratified, have kept him in a fool's paradise of adulation. He has been assured by a hundred congratulatory committees that his reign is a new epoch in Indian history; that none of his predecessors has understood the real wants of India; that the stern *régime* of unsympathetic repression had, under his auspices, given place to an era of benevolence and enlightenment, of equal laws, of personal freedom, of intelligent self-government. Every new concession has been the signal for a fresh outburst of thanksgiving and applause. The reluctant assent, the hinted distrust, the open disapproval of more experienced and cautious



councillors have been more and more neglected. The Viceroy of India is to a large extent despotic, and it is easy for a despot to silence opposition or to disregard it. All went merry as a marriage feast ; none the less the cynical guest at the 'Trades' Dinner and those whom he represents, grew more and more cynical ; the sneers became louder and more frequent ; the belief in Lord Ripon as a cool-headed, far-sighted and calmly-judging statesman less and less. Educated Englishmen stand aghast when schemes, hot and fresh from the Secretariat brain, are launched with all the easy assurance of long-established success, and when the rulers of India consider that for a thing to be anomalous is sufficient to condemn it. At last Lord Ripon's career of triumph has brought him into direct collision with his countrymen on a matter about which they necessarily know a great more than he does, and as to which their convictions and feelings lie very deep. He has concentrated upon himself an amount of distrust, dislike and disapproval, the like of which certainly no one now in India can recollect. He has now to learn by practical experience that in politics as in war

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"No feat

Is bolder than a brave retreat"—

and when that retreat has been, as we trust it soon may be, safely effected, the rulers of India will, it may be hoped, be content to march with more cautious feet and on a less ambitious course—to have somewhat more regard for the tame lessons of experience, to feel, somewhat less scornful of feelings, convictions, and even prejudices, which are at any rate the outcome of practical acquaintance with the country and its inhabitants—to suffer even "an anomaly" gladly so long as it works no real injustice and produces no real inconvenience—in fact to do as a long series of great statesmen in India have done in times past—realize of how many discordant elements Indian society consists, and by how many contending influences its equilibrium is maintained, and to reform when reformation is shown to be not only theoretically desirable, but

practically expedient and possible. It is upon these lines that great, good and benevolent men have governed India. Lord Ripon must be content to follow in their steps, to observe the same caution and submit to the same restrictions, and, doing so, he will, we sincerely trust, command not only the applause of the native community, but the respect and esteem of his fellow-countrymen.

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*March 8.*

The preliminary meeting which took place at Allahabad on Tuesday last, of which we give some particulars in another column, may serve a useful purpose as the nucleus of a better organized gathering hereafter, should the attitude of the Government at the meeting of the Legislative Council to-morrow point to the necessity of inviting our large and scattered community to a general demonstration. There seems not much to object to in the tone of the speakers: one of them, indeed is said to have made a well-timed allusion to the claims of the natives of this country to generous consideration, which deserves to have been more fully reported: although his reference to the want of independence of the Government officials for having absented themselves from a meeting which they would obviously have been indecorous in attending, was unfortunate. It would have been well, perhaps, if a Memorial, now in course of signature, a copy of which has been published in a Calcutta paper, had emanated from a Committee appointed by the meeting, instead of being circulated in advance of it. The Bengal Chamber of Commerce may be readily acknowledged as the proper centre of organised resistance to the obnoxious Bill; but are, perhaps, inadequate judges of the attitude in connexion with it which, we may safely say, all but an insignificant minority of the European inhabitants of these provinces would desire to see observed. The local circumstances which seem to have lent peculiar bitterness to the language of the recent Calcutta meeting are, happily, absent here. In the North-West

Provinces the native community have no desire whatever to trespass upon the constitutional privileges of Englishmen in this country. They are absolutely indifferent to the possession of the costly bauble which the Government is in such haste to present them with. Their relations with their European fellow-subjects are relations of mutual trust and esteem. The maintenance of a resolute opposition to the Bill is quite consistent with calm and dignified language, and of a studious avoidance in discussing it of one single word or allusion that can wantonly wound the feelings of our native neighbours, or tend to intensify the strife already provoked and always to be sincerely deplored.

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The invitation to the European and Anglo-Indian community of Allahabad to be present at a preliminary meeting at the Mayo Hall, on Tuesday evening last, to protest against the proposed amendment of the Criminal Procedure Code, so far as it affects the jurisdiction of natives over British-born subjects, was responded to by a goodly number, there being between 200 and 300 people present. The following is a report of the proceedings :—

MR. SCOTT-HOWELL, Barrister-at-Law, having been voted to the Chair, and the notice convening the meeting having been read, the elected Chairman proceeded to state exhaustively the motives for which the assembly were met together. The subject itself and the manner in which it has been already examined and dissected, led necessarily to much recapitulation and going over old ground. Mr. Howell, in temperate but indignant language, went on to show that this "Black Act," as he emphatically termed it, was being literally thrust upon the people, being warranted neither by any inconvenience experienced in the administration of justice, nor being asked for by the very natives whom it was presumably to benefit. He said that it was stated in support of the proposed amendment that the law as it stood was an anomaly. Granted that it was, was it the only anomaly that existed in the law? He could assure the meeting that in every page of our Indian Code anomalies would be found calling equally for reform as that which was so dear to them and which they were met to uphold. If there must be reform on this plea, let all anomalies be swept away; but would it not be a greater anomaly than any now existing, if this measure were to pass into law, that the native women of this country would be held exempt from appearing in Courts of law, protected by their veil, that non-descript thing called a *purdah*, while our gentle women, no matter how beautiful

and young, 'no matter how refined and modest and delicate,' must be compelled to appear in a native Court before a native Judge and with raised veil. Was it thought that justice was at present being inadequately administered by European Judges? Or was there a dearth of such European Judges? Or were the cases demanding Criminal Jurisdiction over British-born subjects so numerous as to retard justice or cause inconvenience in the administration of it? If not, why then should it be conceded to the pride and arrogance and self-conceit of the natives that they should have dominion over us? Was it a sentimental prejudice for which they were fighting? No. It was a right, an inalienable right, which they looked on in a particular manner as their own, which had come to them handed down through many generations, and must they be expected calmly and cheerfully to forego it? And though it were a prejudice, should they in every possible manner pamper and encourage and support the many prejudices of the natives engendered by their social, their religious, and their domestic institutions, and will not even one pet prejudice, if it will be so called, be tolerated in the case of Europeans? Mr. Howell predicted the most dreadful consequences, the most calamitous results if the measure were to become law. Already had the motion given rise to the expression of most bitter feeling and the exposition of racing-antagonism, and God alone knew what would follow should their protestations against the amendment have no effect. In the course of Mr. Howell's exordium, Mr. Ilbert, as was natural, came in for his fair share of rough handling. Mr. Gupta, or "Gupta & Co., was spoken of with the bitterness which the unenviable position in which the Babu has placed himself was deemed to have deserved, and the would-be munificence of our Government and the "breathless benevolence" of the Earl of Ripon did not escape severe criticism.

Mr. Saunders, Secretary to the Committee, moved the first Resolution, which was as follows:—"That this meeting desires to express its surprise and alarm at the action of the Government of India in sanctioning the introduction into the Legislative Council of India of a proposed law for depriving Englishmen and women and their descendants residing in the Mofussil of one of their most valued birth-rights."

Mr. Saunders, in moving the resolution, stated that the Committee to which he was Secretary were acting in consonance with the Calcutta Chamber of Commerce, who had approved of a draft of the memorial which he had put into circulation for signature. He said that this meeting, which was convened rather hurriedly, was merely a preliminary one, called with a view to a protest, as extensively signed as possible,

being submitted to Government before the 9th of March, on which day it would be decided in Council whether the Bill should be quashed or postponed for consideration at a future date. In the event of the latter result arising, he hoped that a more influential meeting and a larger one would be held later on. The Resolution was carried.

The second Resolution—"That in the opinion of this meeting all European British subjects are in duty bound to use every legitimate means of opposing the passing of any such law, as calculated, when put in force, to work great mischief and to produce much ill-feeling between Europeans and natives, especially in the Mofussil"—was moved by Mr. F. T. Atkins. He undertook to act in this matter from a sense of duty—duty inasmuch as there could be but two sides to the question of this Bill. Those who were not against it must be for it; and as he was against it, as he hoped and believed all present were, he was proud and happy of an opportunity of doing his duty by joining in this protest. He animadverted on the action of Government in what he spoke of as the injustice of the Koorkee Resolution which did such cruel harm to Eurasian and European young men in India, but the policy of the present Government in all matters to be adjudicated between the European and the native was of a piece.

Mr. J. L. Lyell briefly endorsed all that had been said. He denounced in no measured terms the want of independence of opinion among the official classes of Allahabad, exhibited in their absence from this meeting. And when he proceeded to say that this official class throughout the country was "a nice family party" content to be without an opinion of their own, because they felt that the possession of one would be incommodious and inconvenient, and that they were always ready and willing, without question or dispute, to fall in with any scheme for the furtherance of that Utopian idea of India for the Indians, he was much applauded. He moved the third Resolution:—"That the memorial to the Viceroy in Council, just read out protesting against the proposed measure, be approved and signed by the Chairman on behalf of the meeting, and be sent round for signature of European residents, and every effort be made to induce Europeans in outstations to sign and forward similar memorials."

This resolution was duly seconded and the Chairman then asked if anyone present had objections to offer.

Dr. SHERMAN BIGG, Army Medical Department, rose to speak, but was met by such a storm of disapprobation that he could not obtain a hearing. The Chairman remarked that he was sorry to see there was a



wolf in the fold. Dr. Bigg was informed that he would be out of order unless he intended to confine what he had to say within the four corners of the motion specified in the notice convening the meeting. He resumed his seat in the face of the cries with which he was assailed.

The resolution was carried and the following Committee was elected:—Messrs. Howell, Sanders, Lyell, Mann, Anning, Atkins, and Bradley. A resolution was also passed that a one rupee subscription list be opened at Messrs. Lyell and Co.'s to defray incidental expenses.

Votes of thanks were moved and carried unanimously to the Secretary and the Chairman. "God save the Queen" was then sung by the united assembly, and the meeting, which had been enthusiastic and appreciative throughout the proceedings, dispersed.

March 9.

TO THE EDITOR.

SIR,—The occurrence of the Native Jurisdiction Bill almost simultaneously with the now celebrated Rurki order has naturally led Anglo-Indian society to speculate on the causes to which so much incompetence must be due. The two measures are essentially inconsistent, because the latter cruelly affirms and declares race distinctions which the former ostentatiously asserts to be invidious and unnecessary; but they have this in common—that it was "abysmal ignorance" not to foresee the lamentable consequences, actually predicted, in the case of the Bill, by the dissentients, or astounding imprudence to incur those consequences for so slight an object. Those who are interested in the latter decision should agitate for the production of the papers concerning it, in order that the whole Government may be relieved from the odium which properly, we trust, belongs only to an incapable or obsequious minority. It will be curious to see whether in the latter case also the same farce was enacted of the confidential circular and the more than clear intimation of the direction in which the solicited opinions were required. Public men must be studied and judged in their utterances written and oral, and those who would judge of the Viceroy by the speeches which a cruel kindness has recently reproduced to the world will be reminded by their laboured effort and barren result, their length without breadth, their dreary wastes of the absolutely commonplace, and above all by their dull and ponderous jocularity, of one of Macaulay's most brilliant delineations: "Harley's influence was altogether out of proportion to his abilities. His intellect was both small and slow. He was unable to take a large view of any subject. To the end of his life he

remained a tedious, hesitating and confused speaker. He had none of the external graces of an orator. Yet he was heard with respect: for, such as his mind was, it had been assiduously cultivated. From the absence of show in his discourses many people inferred that there must be much substance; and he was pronounced to be a deep read, deep thinking gentleman, not a fine talker, but fitter to direct affairs of State than all the fine talkers in the world. This character he long supported with that cunning which is frequently found in company with ambitious and unquiet mediocrity. In this way he got and long kept a high reputation for wisdom. It was not till that reputation had made him an Earl, a Knight of the Garter, Lord High Treasurer of England, and Master of the fate of Europe that his admirers began to find out that he was really a dull puzzle-headed man. Can it be that history is repeating itself, and that *mutato nomine, fabula narratur*?

#### HISTORICUS.