



majority at all events,—must have a moderate competence secured to them by the possession of land, yet without furnishing any ground for cavil, since each had no more than was necessary to furnish employment to his hands. It needs no ghost to tell us which to prefer.

In the places which have fallen under notice, the sovereign, for the most part, has parted with his proprietary right to the soil; so that where the husbandman is not his own proprietor, an intermediate class of men, consisting of a landed aristocracy, has come to existence. In most of the Asiatic regions, however, the sovereign has retained this right in its entirety, and the cultivator has held of him direct. His portion has generally been paid in kind, and has always been moderate in appearance—varying from a tenth to a fifth, and seldom rising above a fourth of the gross produce. Economically, therefore, there seems nothing very objectionable in this arrangement, however the vices of the administration, and the rapacity of revenue officers and other subordinates in power, might, in practice, have reduced the peasantry to a state of indigence and debasement. But the union of the characters of sovereign and universal landlord, not only generates despotism, but a tendency in that despotism to perpetuate itself. Whoever has paid any attention to the progress of society in Europe, cannot have failed to observe how essential such a class as the barons were to the development of political freedom in its western kingdoms. The influence and authority which naturally sprung from the possession of large landed estates, enabled them not only to exercise a direct control over the powers of the crown, and shield from its encroachments the rights of the people; but very often led the crown itself to take part with the latter, to add to their privileges and raise their social status, in order to form a counterpoise to the troublesome power of the barons. And even where liberty has not yet found a home, it is impossible not to perceive how the existence of a landed aristocracy has created some regard, at least, for decency and forms, and prevented even the most despotic government of Europe from exercising what may be called the unmitigated despotism of an Eastern Monarch. The absence of any such independent class in society in most parts of Asia has reduced all to one dead level of an abject and grovelling dependence on the throne, and rendered progress and improvement nearly hopeless.

Such then are the principal varieties of tenure under which land has been held and occupied by the cultivating classes. From the survey we have taken, it may be gathered that among



the causes contributing to the misery and debasement of the agricultural population, ought to be reckoned as the most important,—1st, the depriving them of all durable interest in the soil on which their labours are employed, and 2nd, the exposing them to the hazards which must always attend the vicissitudes of commerce and exchange; and that the most desirable situation in which the cultivator—the representative of near three-fourths of the community,—can be placed, is to have made over to him in perpetuity the title to the farm from which his subsistence is derived. The tests thus brought forward, we shall now apply to the situation of the *ryot* under the Zemindaree tenure;—prefacing, however, our remarks with a slight retrospect of the revenue institutions of the country, to render intelligible the various interests connected with its soil.

Under the original constitution of Hindu society, each village was held in severalty by a body of hereditary cultivators, subject to a fixed assessment payable in kind, and varying from a tenth to a fourth of the produce. The cultivators portioned out the burden among themselves; and each community was represented by a village head called the Gram-Adikar,—answering to the Padhan of Orissa and the Lombardar of the West. The Gram-Adikár, while watching over the interests of the constituent body, collected also the revenue from individual cultivators on behalf of the crown. But beyond this he had no authority over them or their property. Over him and in subordination to the provincial governors, was a higher grade of functionaries—the Des-Adikárs—charged with the revenue administration of districts consisting of a hundred villages each. To keep registers of titles, deeds, conveyances, and sales and transfers of land, with a view to the prevention and settlement of disputes thereto relating,—was the duty of certain district and parish clerks, known under the names of Des-Lékuks and Gram-Lékuks. Upon them devolved also the function of revenue accountants for the districts or parishes to which they respectively belonged. Their offices, as well as those of the Des-Adikárs and Gram-Adikárs, were commonly hereditary; and for their services, were all paid by endowments of land.

Thus was constituted the village system of the Hindus of old—the *Bhyachara* of the North Western Provinces—under which the cultivator lived in plenty and in peace. But considerable and radical changes were introduced under the Mahomedan rule. Not only were new and arbitrary taxes imposed; but the peasant was required to pay in *money* what all along he had paid in *kind*. To raise this money,



however, was by no means an easy task for him. There are villages even now where exchange is mere barter, and is carried on without any intervention of specie. In those days of limited commercial intercourse, therefore, one can readily imagine how little gold and silver—hoarded though they might be in the hands of the rich,—must have entered into the transactions of the peasant. Yet was produce of no avail to meet the imperial demand. Any how it was necessary to convert it into specie. An opportunity was thus presented to monied men, which they failed not to seize and turn to account. Parties came forward offering to advance the money rent levied by the crown, on condition of being permitted, in turn, to raise sufficient contributions in produce from the ryots to re-imburse themselves. This concession was made of course; and thus a knot of speculators, under the euphonious titles of *Zemindars* and *Talukdars*, came to be interposed between the sovereign and the holders and owners of land. Villages and districts were farmed out to them; and to expedite collection, they were armed with considerable powers of a summary kind. It could not be long, however, ere such powers began to be abused in the hands of men, who had amassing of money as the only end in view. And, indeed, as the government itself often levied arbitrary assessments upon the *Zemindars* and farmers of revenue, it afforded them a fair pretext to indemnify themselves by extortions from the ryots. The demands upon the latter went on, accordingly, multiplying without end; and distrains, evictions, and summary oustings, became frequently their lot. Under such circumstances, as a matter of course, the interests connected with land became unsettled and ill-defined; the ryot retained no more than a nominal title to the soil; and a parcel of revenue contractors became substantially the proprietors thereof. And notwithstanding the efforts of Akbar to restore matters, as far as possible, to a state of pristine integrity, lapse of time only appears to have brought additional oppression and hardship to the ryots. Under the later Nabobs, so fearfully disorganised became the state of government, that all order was at an end; there was no law but what the strong hand might impose; and the collection of revenue was only another name for a regular system of usurpation and rapine,—officers of every grade being engaged in the delectable task of plundering all within their range, though the inferiors were often obliged to surrender their spoils to those in authority and power over them.

Such being the state of things when the country passed into the hands of its present rulers, the necessity of a revenue re-

form was not long in being perceived. But the novelty of the business, combined with the absence of local knowledge on the part of the authorities, presented heavy obstacles in the way of any thing being attempted in practice for a number of years. Meantime, (as writes Mr. Auber) "the collections violently kept up to their former standard added to the distress of the country, and threatened a general decay of the revenue, unless immediate remedies were applied to prevent it." In the opinion of Mr. Hastings, "the farming system, for a course of years subjected to proper checks and regulations, seemed the most likely to afford relief to the country." The Court of Directors also noticed it with approval. Lands, accordingly, were farmed out for five years under the inspection of a committee of circuit; and to secure the ryots from any undue exactions on the part of the farmer, the latter was prevented from receiving more than the stipulated rent, on pain of being obliged not only to return the excess to the ryot on conviction, but pay an equal sum by way of fine to the *Sircar*; and in case of repetition of the offence, of having his lease annulled. But notwithstanding these precautions, the expected relief was not forthcoming when the five years had expired. Nevertheless, when the question of a new settlement came before the council, Mr. Hastings clung to his own favourite scheme, and no more was done than to farm out the lands for another year. It deserves to be noted, however, that Sir Philip Francis put on record, on this occasion, the just and truly statesmanlike sentiment "that a *permanent fixed tribute* ought to be determined, instead of acting upon the principle of raising the greatest possible revenue from the country."

The annual system of farming with increase of assessment was continued for some years following. But arrears of rent and defalcations, with oppression of the ryots, frequent dis-trainment of property, and seizures of estates, were the results. The complaints and grievances of the landed interest even reached the ears of Parliament; and an Act was passed requiring the Court of Directors forthwith to take the matter into their serious consideration, and to settle and establish "upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which their [the landholders'] respective tributes, rents, and services, shall be in future rendered and paid." The Court accordingly issued instructions to the local authorities to institute enquiries into the rights and privileges which the Zemindars and other landholders had enjoyed under former governments, with a view to some permanent settlement of the revenue on a fair and reasonable basis. The retirement of the Mysore prince to his capital af-

forded leisure to Lord Cornwallis—then at the helm of administration—to attend to the injunction of the Court, and take up the question of a new *bundobust* in earnest. But sufficient data were far from being collected for so important an act. The leaning shewn by the Directors towards the Zemindari class, seconded, perhaps, by his own natural prejudices in favour of an aristocratic order, led him to fix upon that body as the fittest with whom a permanent arrangement ought to be made; and the amount of *jumma* on each estate was determined merely by the average obtained from the rental of a few preceding years. At first, however, only a decennial settlement was made; but the proposals of the Governor-General to render its terms perpetual, having met with the sanction and approval of the Court of Directors, on the 22nd of May, 1793, the PERMANENT SETTLEMENT was declared.

By this settlement, then, Government parted with its proprietary title to the soil, and limited its claim to an unalterable tribute rent. We have alluded already to the pernicious tendencies of the union of sovereignty with universal ownership of land,—the uniform degradation of every class of society under such an arrangement. In the opinion of Lord Cornwallis himself “nothing could be so ruinous to the public interest, as that the land should be retained as the property of Government.” For having contributed, therefore, by his vigorous exertions, to its transference to other hands, his Lordship ought certainly to be hailed as a benefactor to the country. But then comes the question—to whom was the transfer made? The Zemindars, we have seen, were originally only a band of speculators, who in consequence of the commutation of the produce into money rent, managed to interpose themselves between the public treasury and the actual payers of rent, without any vested interest of their own in the soil, and deriving their whole claims and pretensions from that general confusion of rights and titles which resulted from the abuses and weaknesses of the Mahomedan government. Yet in these men was Lord Cornwallis pleased to vest the hereditary ownership of land, ignoring entirely the husbandman and his claims. Viewed in reference to the ancient and original rights of all parties, therefore, or the Act of Parliament which enjoined conformity to the laws and constitution of the country, the basis of the Permanent Settlement must be pronounced to be entirely and radically wrong,—as installing the mere farmers of revenue in rights which never appertained to them before, and favouring and endowing the bare instruments of collection at the expense of the hereditary cultivators and rightful owners of the land.



But the irrevocable step has been taken. It were vain now to go further into the question of titles and of rights. We proceed, therefore, to study the Zemindari system as it is—in its actual tendencies and bearings.

Well, the Zemindars being declared the hereditary owners of the soil, the ryots, of course, were deprived of all right to it beyond what they derived from the *pottah* or lease granted by the former. But though in the long run ryots were as necessary to him as his lands were to the ryots, the Zemindar in the first instance was naturally tempted to assert the rights of a proprietor, and dictate his own terms to the ryots. The more necessitous, no doubt, were obliged to submit: but many still retaining in mind, that they had possessed an independent title of their own to the soil, demurred to his arbitrary terms and immoderate demands. Pottahs were offered; but as based on exorbitant rates, were deemed unconscionable, and refused. The refractory parties were ejected of course. They applied to law for relief, but the law could offer none. The legislature had given them no defined title to the land. Yet the sudden dislocation of existing rights could not fail to lead to frequent and troublesome litigation, in which the fortunes of the tenant and the Zemindar were alike entombed. All the time, too, the Zemindar found a difficulty in collecting his rents, and so was unable to meet the demands of the State. His estate was sold to realise the public revenue, and he was ruined. Thus the first effects of the Permanent Settlement were not only to create undue exactions upon the ryot and deprive him of all share in the profits of the land, but even to impoverish the very parties on whose behalf it was made. "It is said by some (says Sir Henry Strachey) that we created the Zemindars: it is known to all that we have destroyed most of them. They could not collect their rents as they used to do; they fell in arrear, and we sold their lands: they and their families were ruined."

But what was the remedy devised? Why, when the revenue of the State was affected—as it could not fail to be—under the frequent confusions which ensued, "the legislature (even to quote the words of a Governor-General of India, the late Marquis of Hastings) contented itself with arming those who were under engagements with the Government with additional powers, so as to enable them to realise their demands in the first instance, *whether right or wrong*." Such procedure, of course, cleared the ground for a full harvest of oppression and evil: it left the ryot entirely at the mercy of his Zemindar, and made his situation miserable in the extreme.



Yet so sagacious a writer as M. de Sismondi, has been betrayed into the remark that "la condition de ryot n'est point malheureuse, plusieurs des paysans de l'Europe pourraient lui porter envie." Now if this were true, and the situation of the Indian ryot were enviable when compared to that of many of the peasantries of Europe; one, in vain, would strain his imagination to conceive what their actual condition is. But the truth is that whoever in the absence of a practical acquaintance with the subject tries to form an estimate of the state and position of the ryots, merely by glancing over the Revenue Code, will, in general, be led into the belief of their being a great deal more favourably circumstanced than is in reality the case. That Code, though making their rights dependant on the Zemindar's pottahs, entitles them—(by far the greatest majority of them, at all events, the *khudkasht* or *chuppar bund* ryots,) to have such pottahs renewed at the established rates upon application, and to remain in possession 'as long as they continue to pay the stipulated rent.' They would seem, therefore, to be not only far above the serfs, but considerably better off than the cottier or *prolétaire*, as not removable at the will of another, or liable to new encroachments at the expiration of a short and temporary lease. Their situation, in fact, would appear to make a near approach to the desirable one of a peasant proprietor, subject to a fixed tribute rent. And now that the original grounds of dispute as to *rates* must have been removed—the rates themselves being in the course of a few years settled and defined,—every thing must conspire to secure peace and comfort to the ryot. On turning round, however, will one find any of those anticipations realised, in which the situation of the ryot as depicted above, will naturally lead him to indulge? Or will he not, on the contrary, meet only with a debased and pauperised being, almost as low as the serf, and quite as destitute as the cottier—half-starved and in tatters? Yet why so? Why has the peasant of Bengal, with nearly the same possessory title to his farm, failed to derive that plenty from his rich and fertile plains, which the Swiss has compelled even his rocky and mountainous soil to yield? Why in spite of so many natural advantages is he sunk in the lowest pit of wretchedness and want? To this enquiry then we next proceed.

Now, though from an early period of the British administration—even from the time of Warren Hastings, as we have seen,—attempts have been made to put a stop to undue exactions from the ryot, yet to this day, we are sure, he will have much reason to thank his stars, if the *nirikbund* rent, i. e. rent accord-



ing to the established rates of the *pergunnah*, and to which alone the *Zemindar* is entitled by law, were all he had to pay. The fact is, that notwithstanding all enactments to the contrary, various irregular contributions are still levied on him, and which it is not in his power to refuse. First and most important among these are what, in want of a more appropriate expression, we shall call judicial fines. Among other indignities which it has been the lot of the *ryot* to endure, he has been nearly deprived of the privilege of resorting to the public tribunals of his country to seek redress against a brother *ryot*. The *Zemindar*, in fact, has arrogated to himself the right of adjudicating all cases between his tenants. Whenever information reaches him, therefore, of any one having had the temerity to apply to the civil or criminal authorities of the district, anon the mandate goes to the entire village not to appear in evidence on his behalf; and woe to him who dares disobey the *Zemindar's* injunctions! The complainant is ordered to sign an immediate *rajeenamah* before the court, and transfer the case to his own *cutchery* for decision. The proceedings commence, of course, with levying a fine on the party who had the effrontery to transgress the *Zemindar's* sacred prerogative of administering justice to his *ryots*, by preferring his complaint before a different tribunal; and while the matter in dispute is under investigation, the *gomashtahs* are frequently instructed to enquire as to which of the two—the complainant or defendant—has the longer purse, in order that the verdict may be given against him from whom the largest sum may be extracted by way of fine! Frequently fault is found on either side; and fines, levied on both.

The above will serve to convey some idea of the delectable principles according to which trials are conducted and judgments given, in cases—numerous and frequent, too, such cases are—in which the *Zemindar* is the prosecutor himself. On this head, therefore, it would be needless to enlarge.

Several other illegal exactions are likewise made on the slightest pretext for the purpose presenting itself. The celebration of a *shrad* or marriage, a tour through the *Zemindari*, an interview solicited by a *ryot*, are the commonest occasions in which these demands are enforced; and which under the various names of *Magná*, *Jachná*, *Parbuni*, *Salami*, *Nuzzur*, &c. &c., are familiarly known as so many forms of *Bajé Abob* to whoever has the slightest insight into *Zemindari* management and concerns. Often no tank can be excavated, even where the scarcity of water is most severely and pressingly felt, without laying a goodly *Salami* at the *zemindar's* feet; nor even the fruits of a tree enjoyed in peace, without letting



his myrmidons have the *Chout*! And to such extent have the *Bajé Abobs* come to be regarded in the light of 'matters of course,' as seldom to be lost sight of in the valuation of a Zemindari in effecting purchases and sales. The forced and irregular collections constitute, in fact, as important and as recognised a source of Zemindari profits as the authorized and regular ones.

But should the Zemindar be at the same time an Indigo Planter as well, then woe upon woe to the ryot! Not only are all the best lands within his jurisdiction appropriated to indigo culture and plantation, but the ryot is compelled to neglect his rice-fields and pressed into the service of the Zemindar at his own dictation and terms. So heavily has this oppression been felt, that in a neighbouring *Mehal*, some ten or twelve years ago, the ryots agreed to inflict a voluntary tax upon themselves, in case the Zemindar would give up his indigo concern. The Zemindar assenting, a yearly assessment of a rupee and a half was fixed on every plough at work within the estate, and the aggregate profit from this source amounts—we are told—to about Rs. 2,500 per annum. It deserves to be stated in this place that an Indigo Planter is always a troublesome neighbour to the ryots, even though he may not be the Zemindar himself.

But keeping even all this out of view, the very rents to be paid by the ryots are far from being clearly settled and defined. The law, it is true, furnishes a criterion in the *nirik* or 'the established rates of the Pergunnah,' beyond which it does not permit the Zemindar to exact. But the *nirik* varies according to the 'quality and description' of land; and considerable difficulty is experienced in practice in determining to which 'quality and description' any particular parcel of land is to be referred. Availing themselves, therefore, of this absence of a certain and definitive standard, the Zemindars have been enabled to effect considerable augmentations in the rates of rent since the Permanent Settlement has been proclaimed. As often, indeed, as a Zemindari changes hands, attempts are made to increase the rental by so much per rupee; and though some opposition is shewn at first by the heads of the village,—they are so worried and harassed, as in the majority of instances, to be obliged, at length, to submit. And when once a precedent is established, the Zemindar is never idle in turning it to account against the rest of the ryots. Thus the *nirik* itself is raised; and by the new standard, all in future are obliged to abide. The Zemindar, in fact, by mere dint of oppression, has succeeded in twisting even the law to his side.



The question will naturally be suggested to every mind, however, as to why the ryot submits to the Zemindar's arbitrary demands? Simply because if opposition is evinced, he has no alternative left but to be utterly ruined and undone. "Under the existing regulations, a person to whom arrears of rent are due, is authorised to proceed against the defaulter, either by distraint of his property or attachment of his person; and he may exercise the option allowed him in such mode as he may conceive most convenient to himself."\* In case, therefore, any among the ryots shall have the audacity to oppose his demands or refuse compliance with his requisitions, the Zemindar has only to reduce him to beggary by plundering his property, under colour of distraint, for alleged arrears of rent, and this may be done in course of an hour, without the slightest notice being given to the ryot, merely by putting a few rupees in the pockets of the sale-ameen,—or subject him to all the inconveniences of a sudden arrest, and removal from where his presence may be most required;—according as one way or the other his own views may be answered best. The ryot may do thereafter what he may: the Zemindar knows too well that a few repetitions of the aforesaid processes can never fail to bring him round at the end. Even such as have the courage to favour in any way the refractory ryot, are made to taste a little of the wholesome discipline by way of example to the rest; and thus a general awe is spread, and few dare dispute in any way the Zemindar's claims, however arbitrary they may be. It is worthy of note that the abuses referred to are often committed under a mask, some fictitious under-farmer being set up ostensibly to do the dirty work.

Yet summary as are the powers with which the legislature has entrusted the Zemindar for expediting the collection of rents, these serve only as terrors suspended over the heads of the ryots, or occasionally to give a breaking to the more obstinate and refractory spirits. For every day use, i. e., for collection of ordinary arrears of rent, and even the common forms of *bajé-abob*, a still more summary method has been devised; and the ryot has been subjected to personal violence of different kinds and degrees, as the readiest way of helping him to disburden his purse. Imprisonment and castigation with the shoe are the commonest forms, and for current purposes, have been found to answer sufficiently well. The more violent and refined forms of torture are put in requisition, therefore, only on extraordinary occasions, and in dealing with parties who have rendered themselves particularly obnoxious by resistance

\* The discourse was originally written in 1857.



and opposition. It is but just to add that their practice is not countenanced by all; the humanising influence of English education having, at all events, rendered those resident in town, for the most part, repugnant to their use.

But still the question recurs—has the ryot no remedy for all this? Yes, but a remedy more dangerous than the evil it is meant to cure. Previously to the year 1793, there existed no regular code of laws or regulations for the country; and the rules and orders passed, either remaining in manuscript, or printed only on detached sheets of paper, were difficult of reference both by the Officers of Government and the people. And though Lord Cornwallis supplied the people at length with such a code, with the laudable view of enabling them “to render themselves acquainted with the laws, upon which the security of the many inestimable privileges and immunities granted to them by the British Government depends; and the mode of obtaining speedy redress against every infringement of them;”—separating at the same time, the judicial from the fiscal branch of the administration, in order that justice might be more efficiently dispensed, and Government divested “of the power of infringing in its executive capacity, the rights and privileges, which as exercising the legislative authority, it has conferred on the landholders:”—yet herein too, as in the Permanent Settlement itself, beneficent principle and generous intention were spoiled by vices of execution and errors of detail. A most inadequate estimate was formed of the judicial wants of the people, and the Courts created under the new *regime* were fettered down to a system of intricate procedure—loaded with minutiae of technicalities and forms—which rendered it necessary for the Judges to travel a long way even for deciding a single case. Hence it came to pass that they were soon overwhelmed with an amount of business—and arrears accumulated—which it was impossible for them ever to get through. No doubt, the Permanent Settlement, by disturbing existing usages and rights, and the chaotic state of the Regulations before, contributed very materially to swell the lists. But instead of the evil being traced to its proper source, all in a lump was ascribed to the litigious disposition of the natives; and as a sovereign panacea to cure them of the malady, justice was rendered difficult of access, and a tax levied on every stage of a judicial proceeding with the avowed object of diminishing the number of applicants for redress! In the forcible language of Mr. Mill, “Government enacted that every man who applied for justice should be punished, literally punished, as if the application for justice was a crime.” Comment on such a procedure would



be quite a supererogation. We shall simply observe, therefore, that absurd and preposterous as it was, no change for the better has been effected up to the present day.

In the department of criminal justice, the defects and insufficiencies of Lord Cornwallis's scheme of reform appeared, if possible, more glaringly still. For a magistrate with a jurisdiction over a hundred miles by fifty, and necessarily incapable of maintaining a vigilant control over the officers below; these officers with a miserable stipend insufficient even for preserving indispensable appearance, but armed with considerable powers of annoyance, and capable at any time of subjecting an individual to the serious inconvenience of being forwarded before the magistrate from some dozens or scores of miles; and village watchmen consisting of the very dregs of society, and often in league with dacoits and robbers;—contributed together not only to make the criminal judiciary establishment wholly useless for the purposes of security and peace, but to render it a positive evil in itself, held in dread by the people almost as much as the dacoits themselves.

Some improvements, no doubt, have since been made. The inadequacy of Lord Cornwallis's judicial machinery was the unavoidable result of his having almost entirely excluded native agency from the administration of the laws. This was perceived by Lord William Bentinck—gratefully will the name be remembered by every native!—when placed at the head of affairs. He saw how hopeless was the attempt to dispense justice to millions through the instrumentality of a handful of European functionaries alone,—necessarily restricted in numbers by the high scale of remuneration at which their services were engaged. He entrusted, therefore, the primary adjudication of civil suits to the natives of the country; and justly deeming it a wasteful expenditure of agency to assign to European officers the lower grades of judicial function, confined them to the exercise of appellate jurisdiction, and a mere general superintendence over the native functionaries, placed below. The successors of Lord William have in the main followed up the course in which he so happily led the way; and since his time, that exceedingly useful class of officers, the Deputy Magistrates, have been added to the judicial list. But though the right principle has been laid down and recognised, it has only as yet been partially acted upon in practice. The number of judicial officers, especially in the criminal department,\* is far too inconsiderable still,

\* A considerable addition has since been made to the number of Deputy Magistrates in Bengal.



and utterly disproportioned to the wants of the country; and the consequence has been, that, except here and there in some populous villages, matters, for the most part, continue substantially the same as before.

If then a ryot would seek redress at law against the oppressive exactions of the Zemindar, or the still more oppressive practices by which the same are enforced, he can only have it on condition of his being able to pay a certain sum at the outset, and sundry other sums during the progress of the suit in shape of a judicial tax, besides engaging the services of a vakeel,—the technical method of procedure rendering it impossible for him to conduct his case in person. And this, too, while he has been dispossessed of his farm, or plundered of his little property for pretended arrears of rent. He must be prepared, at the same time, to neglect his usual avocations for weeks and months, and maintain himself and his family the while by means of some previously accumulated fund. And all these not merely for once, but successively for a number of times, inasmuch as he is sure to be dragged through a series of appeals in case the first verdict happens to be pronounced in his favour. Now, it may be readily imagined, how seldom men, literally living from hand to mouth, and depending for subsistence on their daily labor, can afford to obtain relief on such heavy terms! And since they cannot, the law has pronounced them to be *pariahs* who must not approach within the sacred precincts of the temple of justice. It was a sad blunder in legislation to suppose that rendering justice expensive, and thereby difficult of access, was the way to prevent litigation. The truly litigious are always prepared to bear the costs of a protracted suit, and delight in the difficulties and obstacles thrown in the way of speedy redress of wrongs; as it is by their means alone that the intended victim can be crushed. The weak and helpless are the only ones to suffer thereby. It is the assurance, accordingly, on the part of the Zemindars, that tardy and expensive justice has placed legal redress beyond the reach of the ryots, that emboldens them to do with them as they like, and practise all the extortions and oppressions to which reference has been made. Instead of looking upon the law as the avenger of injured rights, they avail themselves of it as a powerful engine, by the help of which the more effectually to promote their own wicked ends and designs. The ryot, on the other hand, dreads it as a mighty evil: he regards it only in the light of a formidable weapon of offence, whose stroke, of all things, he is the most anxious to avoid. Too well he knows that once in the



meshes of the law, it is not in his power to get out again. Wisely, in his situation, therefore, he makes up his mind contentedly and resignedly "rather to bear the ills he has, than fly to others he knows not of."

Then as to engaging in a criminal prosecution some scores of miles away from home,—leaving the plough in the furrough, and the fields to the jackals, during a lengthened interval, and until the overburdened *Huzur* may have time to take up and try the case;—what more needs be said about it, when it is universally known that the very threat to bind over a party before the magistrate, either as principal or witness, enables the *Darogah* to extort even from the most parsimonious, a liberal and handsome bribe! Truly did Sir Henry Strachey observe "the ryot must have speedy justice, or none."

We have said nothing hitherto of the various classes of middlemen frequently intervening between the Zemindar and the cultivating ryots; but for any of the purposes here in view, they need not detain us long. Deriving from the Zemindar the rights and powers which he himself possesses over the ryots, they in general do not modify their condition in any other way, than by serving, perhaps, as an additional turn of the screw. This may be particularly predicated of the *Ijardars* or farmers for a limited number of years, who try, as a matter of course, to make the best of their temporary interest, and squeeze the ryots as well as they can, before the lease expires. The only ones producing any material change in the position, though not much in the prospects of the ryot, consist of a class of under-proprietors, known by the name *Gatidars* in the technical phraseology of the Zemindari code. These men hold various allotments of land within a Zemindari on permanent leases—at all events on leases which cannot be cancelled during the continuance of the Zemindar's own interest in the estate. Each again parcels out his own allotment among a number of cultivators, called *Jotedars*, on terms mostly of the *metayer* system to which we have heretofore referred. These last, therefore, must escape the risks and inconveniences which we have found to be attendant on the money-rent system. When harvest fails, they have not the Zemindar's myrmidons to dread. The *Gatidar* must satisfy his demands. Often too, he acts as a shield between the Zemindar and them in respect of *baje-abobs*. But it is seldom that they can entirely escape the same. The *Gatidar* likewise comes for some *baje-abobs* of his own. And what with the one and the other, the cultivator often finds not enough of provision left for himself and his family. By borrowing it



from his patron, he only gets the more completely into his hold, unless able to pay off the loan, with the enormous customary rate of interest at the ensuing crop, as otherwise what could not be paid in kind, must be rendered back in labour and service; and it becomes compulsory on him in consequence to cultivate the patron's lands. It is needless to say that in such cases, the scantiest pittance that can keep a man alive, is alone doled out to him; the *Gatidar* taking the remainder of the produce in satisfaction of former claims.

We may embrace this opportunity to observe that, even where *Gatidars* do not exist, the oppressive exactions of the Zemindars have very frequently driven the ryots to seek for patrons of a somewhat similar description, in a different class of men; and it may be added with exactly similar results. The ryot is detained in custody, or his property laid under distress. The Mahajun kindly undertakes to advance the money; and the offer of course is accepted with thanks. But interest runs at a compound heavy rate; and the ryot, without any addition to his means, has another claimant to satisfy. The Zemindar's exactions containing the same, however, it is seldom that he can meet the Mahajun's whole demand at once, and so get clear of him. The little he is able to pay at a time goes to satisfy the interest alone; the *ashul* or principal remaining nearly undiminished and the same. And so the unhappy ryot is doomed to see the fruits of his toil entirely wrested from him by others,—the Mahajun claiming what the Zemindar spared. Between two such mill-stones, of course, he is effectually ground to dust.

It will appear, then, on reviewing the foregoing observations, that whatever may be the rights with which the ryot has been endowed by the mere letter of the law, he, in practice, is subject to the operation of both the principles which we have found to be among the principal causes, contributing, in other parts of the world, to the pauperised and degraded condition of the agricultural classes;—that his rent is liable to be increased at the will of his landlord; and having to pay the same in money, he is at all times exposed to the hazards of exchange, and enjoys no exemption in years of failure;—that even where the intervention of middlemen has taken these risks off his head, the benefit has been nullified in other ways; and he has been left much in the situation of the French metayer previously to the Revolution;—and further, that the general prevalence of arbitrary claims and exactions on the part of landed proprietors, has driven him frequently to the tender mercies of a class of men who have served only as



a counterpart to themselves, and occasionally has even reduced him nigh unto the condition of a serf—having to render compulsory service to his lord. No wonder, if under such circumstances his actual situation is one of the most abject and miserable it were possible to conceive. Yet wretched and miserable as it is found to be, it is consolatory still to reflect that the fault lies not so much in the great scheme of the Zemindari system itself, as in the details of collection, and still more in the vicious and defective state of judicial administration; and that, in consequence, reform is possible without injury to the fundamental rights of any particular class of men. We shall try to indicate briefly a few of the leading features of the reform to be desired.

The peasant proprietor, as we have seen, is in the most desirable situation in which a cultivator can possibly be. Of course, in a country where land-tax forms the principal source of revenue of the State, it would be impossible, for the present at least, to endow the peasantry with the absolute ownership of their several allotments of land. We could heartily wish, indeed, as a measure fraught with the most important effects on the future well-being of the country,—this tax were gradually replaced by others of a less exceptionable kind; and every facility afforded to the Zemindars for redeeming, at a reasonable number of years' purchase, the fee simple of their estates. Such a step is essential, at least, to develop the full utility of Lord Cornwallis's benevolent views and intentions, in parting, on behalf of the sovereign power, with the proprietary title to the soil. So long as the whole produce of land continues, year after year, under hypothecation to Government, and the Sudder Jumma haunts the Zemindars by day and by night as the most dominant idea in their minds, it is simply impossible they can constitute a really important political element in the state, or answer any of the great ends contemplated in the creation of a territorial upper-class in the country. A change so fundamental, however, both in a political and financial point of view, can only be wrought by slow degrees, and must necessarily extend over a considerable period of time. Meanwhile, as regards the ryot, it may not be reckoned a peculiar hardship to hold a farm, as any other property in fact, subject to such fixed assessment as it may be necessary to levy upon it for the purposes of the State; and, accordingly, he may be vested with the freehold thereof under an invariable tribute rent, not liable to be enhanced. It would be necessary, for this purpose, on the part of the legislature to compel the Zemindars to make a similar settlement with their ryots, as Government concluded with



them in 1793. Nor is this by any means a new or unusually bold step that we recommend. Peter Leopold in Tuscany obliged the Church to alienate its lands under a fixed perpetual rent; and the celebrated Ministers Stein and Hardenberg in Prussia converted an entire population of serfs to a numerous body of small proprietors, covering the estates owned solely by a privileged class of nobility before. Indeed, the local Government itself went the same way to work when it prescribed a limit to Zemindari rents, in 'the established rates of the Pergunnah.' Only that the criterion it fixed upon, being in its nature vague, has proved to be illusory in practice. It would be no violent stretch of authority, therefore, of which the Zemindars could complain with justice or reason,—to enforce, by more stringent measures, the principle already recognized and sanctioned before; to shut up the loop-holes left in former enactments; and regulate and establish by a more definite and unmistakable standard the rental of every district and every village.

Such, then, is the principle of the reform we advocate and recommend. To effectuate it in practice, however, it will not do merely to encumber the Revenue Code with a number of additional regulations and enactments. Decided and vigorous steps must be taken to cut off from the Zemindar those *practical* opportunities of tyrannising over the ryot to which we have alluded in the course of our remarks; and place within the reach of the poorest peasant the means of, speedily and at once, redressing his wrongs.

And as of the utmost importance at the outset, a general and detailed survey of the province conducted upon scientific principles, and with a view to the preparation of village maps containing boundary outlines of holdings and estates, should be undertaken and completed. At the same time, a Commission to accompany the survey, should be empowered to decide and adjust upon the spot—the parties face to face—all existing disputes relating to boundaries, tenures, or possession of land; as also to settle the rents for every estate and every part thereof, according to the original rates current at the time of the Permanent Settlement,—putting them down, of course, where they have been violently raised up to a higher standard. And each holding or field having a number affixed to it, opposite to each number, in some tabular appendix is to be registered the holder's or proprietor's name, the amount of rent he is to pay, and the like. The task, no doubt, will require somewhat of a Herculean labour for its execution at first. But once done, matters will be considerably simplified at every subsequent



stage. A vast mass of rubbish, which so seriously impedes, at present, the workings of the judicial machinery, will be removed; and the complicated web of relations between the different classes of landed interest, disentangled and resolved. Litigation will be much reduced; and the Judge or Collector—as the case may be—instead of having to wade through a maze of contradictory, perhaps, perjured evidence, will be able to decide, with almost unerring precision, merely by referring to the survey records, on a hundred points at issue relating to rights and tenures, ownerships, and occupations. In some of the North Western Provinces, of which a survey, much like the aforesaid, has been already completed, the benefits in question are said to have been sensibly experienced and felt.

But the survey records will in course of a few years cease to be of value, unless followed up by an efficient system of registration, to record subsequent transfer, sales, or changes of ownership by inheritance, deeds of gift and the like. The system which has obtained at present, has been rendered practically of little avail, in consequence of registry not being rendered *essential* to the validity of deeds. Whereas registration should be made compulsory; and no paper admitted in evidence unless duly entered in the local Registrar's Court. "A considerable proportion of the time of the courts (says a writer in the *Edinburgh Review*) is now fruitlessly occupied in doing that tediously, and with uncertainty, which registration would effect, as it were, mechanically." By means of it, therefore, much time and trouble would be saved. In a country like this, in particular, where perjured evidence can be so easily and cheaply procured, and where a number of witnesses are frequently made to swear to the truth of opposite and contradictory statements, by the litigant parties, it would be an invaluable help to judicial functionaries of every grade. To guard against the registration of fictitious deeds, however, it will be necessary to evince considerable jealousy in respect of mere *ex-parte* statements, however circumstantially corroborated they may appear to be, and ascertain through duly qualified officers, appended to each Registrar's Court, by local enquiries and upon the spot, as to whether the estate or holding purporting to be transferred or sold to such and such party, has actually and *bonâ fide* been so transferred or not?—and whether the deed put in for registration has been really executed by the party whose signature it purports to bear? The minute and elaborate system adopted in several parts of Continental Europe where peasant proprietors have prevailed,



and under which every right and interest connected with any particular holding or parcel of land, can be ascertained in course of a few minutes, and with little expense, merely by reference to the papers in the District Registrar's Court, will, no doubt, furnish us, in many very essential respects, with a most excellent model.

And lastly, to render justice accessible to all, the judicial machinery should be recast and moulded anew. Every member of a community—even the meanest and poorest—acquires a right to the protection of the laws by contributing his mite towards the support of the State. Such protection, therefore, ought not to be turned into a saleable commodity, and rendered conditional on the payment of a value in exchange—in the shape of a judicial tax. The wronged, the aggrieved, and the helpless, besides, are not the fittest subjects for taxation at all. The obnoxious stamp duty should, therefore, be abolished at once; and the intricate and technical system of procedure, now in vogue, replaced by such a summary and rational method of inquiry as will enable every man to act the lawyer for himself. Such a method followed in the Small Cause Court here, is known to have given universal satisfaction; and parties have even abandoned large excesses to bring their cases within its jurisdiction, and have them speedily brought to an issue. A tardy system of procedure, even independently of the expense, is a heavy bar in the way of most people who have other avocations to mind and attend, and compels them even to forego some just claims of theirs in consideration of the loss which neglect of regular business for a lengthened period would be certain to entail. Courts on the plan of the one named above, therefore, should be established all over the Mofussil within convenient distances of one another; and to these tribunals must the Zemindar resort for the recovery of rent as of any other dues,—the summary powers he has so egregiously abused, being, of course, wrested from his hands.\* The only valid objection to leaving Zemindars to recover their rents by a regular process, rests on the ground of their being unable in that case to make the collections in time to meet the demands of the State. But this ground must fail them when

\* The rights and privileges of the Zemindars have been materially affected by Act No. X. of 1859. It has taken away from them the power of compelling the attendance of ryots for adjusting claims for rent,—which perhaps of all others was the most egregiously abused. The right of distraining their property has also been defined within much narrower limits. Duty enforced, the Act cannot fail to exercise a very beneficial influence on the position and prospects of the ryots.



courts\* on the plan suggested will have been established, and every case could be heard and decided in the course of a couple of weeks or so. Or if it be repugnant to the ideas of English legislators,—whose early prejudices have been enlisted on behalf of a system of jurisprudence so decidedly partial to the landed class,—to deprive the Zemindar of the prerogative of distraint, let it be left, at least, to the Judges of the newly constituted tribunals to issue processes and authorise sales for arrears of rent, only on satisfactory evidence being adduced as to such arrears being actually due; and let such sales be taken from the hands of those wretched men—the present class of Ameens—whom a few rupees will induce to suppress every notice to the victimised ryot. A considerable addition should at the same time be made to the Criminal Judicial Staff and Police; and a magistrate's jurisdiction, reduced within limits over which it can be reasonably expected of a man to exercise something like an efficient vigilance and control. A magistrate, in fact, should be a reality, and not as now, a mere name and shadow, to (the majority of) those whose peace he is intended to guard and protect.

These reforms, to be sure, will involve some considerable additional outlay and expense. But such outlay and expense ought to be cheerfully borne. The ryot represents in his person nine-tenths of the population of the country, and is the being by whom the rest of the community is nourished and maintained. No price, therefore, can be too great for his security and peace. His interests, too, are identified with some of the best interests of the country. The Zemindars, as every one knows, have paid no attention to cultivation at all; and the ryot has neither thought nor cared about improvements, knowing that the accruing advantage was not to be reaped by him. The country, in fact, has suffered from all the evils of the cottier system noticed above. But only give the ryot a firmer hold on his farm, and ensure to him the fruits of his labour, and there can be no doubt that our fields will teem and smile with richer harvests than before; and that the spirit of the proprietor, awakened within the cultivator's breast, will lead him, by minute and assiduous attention, to study the properties and better to develop the resources of every part of the soil, and introduce that garden-like culture which has been so much recommended and admired. And inasmuch as the resources of the State must depend upon—even if they are not identical with

\* Courts of the kind are now in course of being established throughout the interior of the country. Worked in a proper spirit, they will surely prove a great boon to all classes of people.



—the resources of the country, humanity and interest ought alike to prompt the legislature to take the ryot under its protection, to listen to his complaints, and redress his wrongs. And, indeed, it is only by measures like these,—by securing to the people the benefits of a good revenue settlement,—by rescuing them from the grasp of those who have hitherto oppressed them and trodden them under foot,—and guaranteeing to every man that he shall not toil and sweat in vain,—that England can found her empire on the hearts and affections of the *millions* in the East.

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CSL

## LECTURE ON THE LAWS OF ENGLAND,

BY

JOSEPH GOODEVE, Esq.,

BARRISTER.

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MR. PRESIDENT AND GENTLEMEN!

In the Courts of the ancient Athenians, there existed a practice to limit the speeches of the Advocates, to which in part has been ascribed, the terseness and conciseness of Grecian advocacy; and which some may think, might be introduced with advantage into the legal Tribunals of more modern times.

In actions brought for ill-treatment by children against their parents, wards against their guardians, and heiresses against their husbands, there was no limit to the latitude of forensic proseymism; as there was none to that of forensic invective. In other cases, however, the speeches were regulated by an instrument called a *clepsydra*, or water-clock. A certain quantity of water was measured out to each speaker, which ran something after the manner of sand in a modern hour-glass; and, when the water had run out, the Orator had to come to a stand still, finished or unfinished.

To redress what was often found an inconvenient embarrassment to a pleader, overflowing with the wrongs of his client, a system of mutual accommodation was occasionally resorted to, in the loan by one Counsel to another, of a portion of his own allotted water. Still the system was never popular, either with disappointed suitors, or loquacious lawyers; and the Court often rung with the complaint of the Advocate, that he was compelled to omit heavy charges, not because he was short of wind, but because, like a railway locomotive, he had become short of water.\*

In attempting to compress, within the limited compass of an evening's lecture, a sketch, however faint, of the Laws of Eng-

\* Forsyth's *Hortensius*, p. 50.



And, I feel myself in the position of the Athenian orator, who overburdened with the weight of his theme, was compelled, under the embarrassment of his relentless clock, to omit many, perhaps of his gravest, topics, and yet still struggled on to avail himself to the utmost of the little space which his ebbing water allotted to him.

It is recorded indeed of a distinguished Divine, in more modern times, that delivering his sermons extempore, he was compelled to resort to an hour-glass to check the overflowing out-pourings of his own mind, but that his insatiate audience, drinking in the stream of his eloquence with "an appetite which grew with that it fed upon," would recur to the stratagem of giving a turn to the glass, when the first hour had run out. Perhaps, on so dry a subject as law is usually considered, you would prefer in the present instance the inexorable clock of the Athenian tribunal, to the yielding and reversible glass of the modern pulpit; and fortunately for you, if so, having reduced my lecture to the limit of a written compression, mine is a glass which will not turn.

Now, as we are going to enter upon the consideration of a Nation's laws, it may be as well to have some definite idea of what Law itself is. And it has been defined to be,—"*a rule of action prescribed by the supreme power of a State, commanding what is right, and prohibiting what is wrong.*" It is that which, however much based upon the sanctions of both, still, apart from morality, apart from religion, lays down the obligations under which, as the component parts of the State, the members of a civil community must be content to live. Having defined what is right, it proceeds to the remedy of what is wrong;—and this it does, in *civil* cases by awarding restitution or compensation to the party injured;—in *criminal* ones by affixing penalties on the commission of crime, and punishment of the offender; on the principle that the punishment of crime in the person of one man, will operate to its prevention at the instance of another;—and in *both* the law carries out its will,—asserts its supremacy,—by the aid of that physical force which the State places at the disposal of its Executive Powers, in aid of the decrees of its Judicial Tribunals.

A very little reflection will tell us that the rules of action which, in the shape of law, are to govern the internal relationships of a Nation much advanced in civilization, must in themselves be of a very comprehensive character, and their range proportionate to the degree of that civilization.

In that earlier stage of society, in which people but present the simpler forms of tribes of shepherds, huntsmen, or tillers of the soil, but very simple laws are required. It is enough



that the social union achieves for each member, safety to his person,—security for the fruits of his labour,—and protection to his domestic hearth. The shepherd when he goes forth to tend his flock, the agriculturist to sow his lands, the hunter to his chase, only desire, that the tents or huts which they quit,—the few scanty articles which constitute their furniture,—their wives and their children,—should be free from aggression, and it almost suffices to enact,—“Thou shalt not kill,” “Thou shalt not steal.”

But the law is the creature of civilization, the growth of a nation's expansion.

As society passes from this pristine stage on to that more advanced one, in which the wandering life of the hunter or the shepherd, is turned to a fixed habitation;—in which cities are built, and there grows up within their walls the busy hive of a manufacturing race;—in which one man interchanges with another, for the gain of both, the products of their labour;—in which the traffic, limited at first only to the people of the soil, is extended to a commerce with foreign nations;—in which police establishments and judicial tribunals,—in which fleets and armies arise;—in which the nation assumes some form of constitutional government;—when society, I say, reaches to this point, it is obvious that the law which sufficed for its earlier growth, must prove inadequate to its more complicated wants; and that which at first was comprehended within the corner of a bare page, by degrees becomes a book;—in time volume upon volume;—and ultimately an almost countless library.

When, for example, property becomes fixed, laws must come into being to regulate the course of its disposition;—when men congregate into cities there must be regulations to control their rights of private proprietorship,—of public enjoyment. When trade assumes an importance, there must be laws addressed to buying and selling;—when it takes the more extended shape of foreign exchange, laws must be framed to regulate it. When police and judicial establishments are scattered over the land, there must be laws to define the powers of their functionaries. Fleets and armies even require laws to secure their discipline; and the very Government itself must be subservient to rule.

Let any one compare the few and scanty enactments of the twelve tables of Rome, with the epitome of her more advanced jurisprudence to be found in the Code of Theodosius, or even the Digest of Justinian,—or, to turn to England, let him contrast the compilations contained in what are called the Laws of Alfred and of Edward the Confessor, two of our early kings, or the statute book of more mediæval reigns, with those

books which are the record of our law at the present day, and he will learn how the law's bulk increases with a nation's development. One branch only of the latter, the decisions of the Judges, is collected in books called Reports. It was some time ago calculated that of these reports of ours there were in existence not fewer than 600 volumes; and that they contained no less than 240,000 rules or principles of law. Since this calculation was made, some hundreds perhaps of the volumes, and some thousands more of the rules, have been added to the amount; and, this is wholly independent of that vast compilation of positive enactments, which is to be found in the statutes.

Yet voluminous as English law undoubtedly is, if the Roman historian is to be credited, it can be scarcely more so than was that of the laws of ancient Rome; for Livy tells us that so great at one time was their bulk, that they were computed to be *many camels' load*. Sulpicius, the Roman Senator, is recorded to have left behind him about a hundred and fourscore volumes of his own compilation only. The law of France assumes to have reduced itself to a Code, and foreigners imagine that the few simple volumes which make up the text of the Code Napoleon comprise the whole bulk of its law. Never was a greater misapprehension. To say nothing of hosts of new and supplemental edicts, the *interpretation* of that Code has to be sought in the decisions of the Court upon its construction, and these are to be found only in volume piled upon volume of reports, Peleón heaped upon Ossa. It is neither the ingenuity of the lawyers or their own profit in the multiplication, which gives this vastness to the law of a civilized country; but it is the expansion of the Nation itself.

It was said by Justinian that all law might be reduced to three principles;—to live reputably; to hurt nobody; to render to every one his due. Suppose a Code with these three enactments only, I wonder how near to redress, any one would get, who had some practical grievance to complain of.

The fabulous mythologies of Greece and Rome represented Minerva, the Goddess of Wisdom, as not subject to the ordinary birth of infancy, but to have sprung from the opening head of her potent father, Jupiter, in the full growth, the panoply, of a perfected Goddess. Were we to assign to Law a niche in the Temple of this mythology, we should treat it rather as coming into the world an ordinary baby,—then handed over to be dandled in the arms of that venerable Nurse whom the ancients called Saturn, and we call Time,—and not until the due period of

“Muling and puking in its nurse's arms”

should have passed, would the bantling have outgrown its babyhood, and arrived at the full perfection of an age of maturity.



It has been at times indeed attempted to dwarf this growth. You have heard probably of the Laws of the Medes and the Persians, which are said to have admitted of no change; and Native Gentlemen of India, if I may be permitted to make the observation without offence, you have your own institution of *caste*, than which nothing was ever more ingeniously contrived to restrain, as within an iron mould, the development of your national powers. But even the best institutions of one age are frequently only ill adapted to those of another. All attempts to legislate irrevocably for futurity, where the laws are themselves vicious, or imperfect, however for a time they may throw up a dam to keep back the tide of civilization, must prove abortive at last. The flood will finally burst the embankment which pens it in.

Indeed the Laws of a Nation and its Morals have a mutual dependence on, and reflection of each other. It was remarked by that profound observer, Machiavel;—"As good morals, to maintain themselves, need the aid of Laws, so Laws to make them observed, require the support of good Morals."\* Nothing can be more true; and thus Law becomes not only the governing rule of a people's action, but the mirror of its morals.

Such being the general nature of a nation's Laws, what would you expect to find the character of those of that Nation so forward in the march of civilization as the one of which we are this evening discoursing; and Gentlemen, What is that Nation?

Hear the noble apostrophe to her genius, delivered now some two hundred years ago, in the then condition of her progress, by one of the greatest of her sons, the Statesman—Poet Milton; with whose sublime poem on *Paradise Lost*, I doubt not many even of my native audience are familiar. Indeed it has become, I believe, a class book in your University.

"Lords and Commons of England!" said Milton "consider what Nation it is whereof ye are, and whereof ye are the governors: a Nation not slow and dull, but of a quick, ingenious, and piercing spirit; acute to invent, subtile and sinewy to discourse, not beneath the reach of any point the highest that human capacity can soar to. Therefore the studies of learning in her deepest sciences have been so ancient, and so eminent among us, that writers of good antiquity and able judgment have been persuaded, that even the school of Pythagoras, and the Persian wisdom, took beginning from the old philosophy of this island. And that wise and civil Roman, Julius Agri-

\* "Perchè, così come gli buoni costumi, per mantenersé hanno bisogno delle leggi; così le leggi, per osservarsi, hanno bisogno dei buoni costumi."



cola, who governed once here for Cæsar, preferred the natural wits of Britain before the laboured studies of the French.”\*

Milton's description is to be found in an address to the Parliament of the day, for the removal of an ordinance then lately promulgated by it, for imposing most wanton fetters on the freedom of the press. The appeal, though one of the grandest combinations to be found in *any* book, or in *any* language, of acute and profound reasoning,—of historic illustration,—of playful wit and satiric power,—of fervid eloquence,—was for a time indeed powerless against the besotted and oppressive intolerance to which it was addressed. But “*magna est veritas et prevalebit* ;”—in other words, Truth is mighty and will ever prevail at last. In that same address, the author elsewhere foretold his Country's future when he says “*Methinks I see in my mind a noble and puissant Nation rousing herself like a strong man after sleep, and shaking her invincible locks : methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full midday beam ; purging and unscaling her long abused sight at the fountain itself of heavenly radiance ; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms.*”

The principles the Areopagitica propounded were ultimately triumphant ; and the shackles which would have kept the human mind in bondage, fell off ;—nor would the voice of all thinking men now hesitate to avow, that among the many causes which have contributed to England's greatness, is that freedom of speech and of writing, that outward vent to inward thought, which is so prominent a feature in our institutions ;—a freedom curbed only when liberty prostitutes itself into licentiousness, or is stolen as a cloak but to cover some private malice.

Milton spoke of England in the then stage of her development ; but she was at that period far behind that which she has since achieved ; and it may not be a useless lesson here for a moment to reflect to what height under Providence, a nation may arrive which, secure in its own stability, yet turns the “*quick ingenious and piercing spirit*” of which the Statesman spoke, into that enduring enterprise, which has so strongly marked the career of the British people.

Time was, when the soil of England, covered by dense forests, inhabited by wild beasts, had scattered over its land a scanty population, scarcely, if at all, emerged from barbarism ; and whose state may be best represented to the imagination,

\* *Areopagitica*.

if we picture to ourselves its people, as they were then described, either in a state of nakedness bedaubed with paint, or, when clothed at all, clad only in skins; and such was the condition in which they were found when Julius Cæsar, but shortly before the Christian era, first led his conquering legions to their shore. The four or five centuries of Roman oppression which followed, left them, on the final withdrawal of the Roman forces in the year 450, in that miserable plight that, becoming the prey of every predatory neighbouring power whom it pleased to make inroad on them, they besought their former conquerors for aid, with the pitiful tale that their barbarian enemies drove them into the sea, and the sea drove them back again upon their enemies. Even so late as what is termed the Norman Conquest, in the year 1066, they were still in a most infantine state, unable to resist the warlike forces brought over from Normandy to seize upon their soil; nor was it, until a considerable period subsequently, that they began to assume any thing like a rank among the nations of the world.

What is their present condition? What "the change which has come o'er the spirit of their dream?"

The soil, erst a jungly waste, now tilled throughout to the highest point of cultivation,—fields of waving corn, of green pasturage,—orchards teeming with fruit,—gardens perfumed with flowers,—even the choice exotics of foreign and remote climes transplanted to grace its conservatories, nourished under the force of an artificial heat.—A vast population swarms upon its surface. Strewed over its whole space are populous villages,—large towns,—and (to say nothing of its wondrous Metropolis, the admiration of the world)—other splendid cities,—the seats of thriving manufactures, the marts of extended commerce, the hives of an ever-stirring, and ever bustling activity; and from the produce of whose industry, a large portion of the globe—this very India—draws the supplies for its own wants. Interspersed at intervals between these towns are the rural residences of its gentry,—sometimes lordly mansions or even stately castles, surrounded by extensive parks, and often princely domains;—in other spots, if not so pretending, abodes in which the elegance of the structure, the beauty of the surrounding scenery, form an abundant compensation for the absence of a more costly magnificence. Scattered about alike in town and in country, are to be found the most exquisite displays of architectural beauty, and architectural grandeur, the monuments of an imperishable genius. The land is intersected by canals,—covered throughout its length and breadth by high roads, railways and electric wires;—with the shady lanes, and bye-paths of more secluded districts,



—Its rivers are bridged,—its very seas embanked :—it has its docks and arsenals,—and to borrow the celebrated translation from the Greek ode,\* of one, once a Judge on your Bench,†—

“Bays and broad armed ports  
Where laughing at the storm rich navies ride.”

It possesses vast armies and immense fleets, as well for the internal defence of the people, as for the assertion of its dignity among the nations of the world,—the protection of its national honor ; and its whole area is one vast Temple of Justice to its people. Even the very bowels of the earth have their dwellers in the persons of her sons ; for, spread about beneath its surface, are vast districts, the scenes of busy industry, mines of wealth from whence are extracted the ores and the minerals, which, while they enter largely into the consumption and manufactures of home, find their way to the use of foreign and even distant nations ; as you yourselves can testify. It has been computed that the coal-fields of England alone, yield double the produce of the whole Globe. Enormous, nay unbounded, wealth is the possession of its people. Religion and philosophy give their stability to its national structure :—art lends the embellishment of her elegancies ; and science its more material development. So enterprising are the habits of the people, that the British flag floats in every harbour of the habitable globe ;—and the English tongue is to be heard wherever the foot of man falls ;—on the icy shores of Greenland,—in the burning deserts of Africa,—in the trackless prairies of America,—in the heights, in the fastnesses of the Himalaya. Almost the entirety of Northern America, one of the four quarters of the Globe, not only speaks the language of England, and, in the main, adopts her laws, but derives its very lineage from her parentage. And the United States of America, once her Colony only, but afterwards separating themselves into an independent State, have grown into a rivalry with their mighty Parent. Other large and thriving Colonies, both in the Eastern and the Western world, the offspring of herself, bear in distant lands the impress of their parent's image, her language, her laws, her civilization—the Western Indies for example—the Cape—the vast continent of Australia, and even this mighty territory of India ;—all alike proud in owning Britain for their sovereign. Indeed, taking in all England and Wales, Scotland and Ireland, the kingdom itself occupies an area less than a twelfth of Hindustan, yet it has been said of its sovereign that the sun sets not on her dominions ; and there is scarcely a civilized

\* Alcaeus.

† Sir William Jones.



State in the world, in which the influence of England's position, the vibration of her power, are not felt. A nation terrible in war,—possessing a renown for deeds of arms unsurpassed by any people of either the ancient or the modern world;—endued with all the elements which are found to insure conquest; that is to say on the part of the Individual, physical strength, indomitable valour, discipline to combine, skill to direct, united with daring to advance to victory and patience to sustain defeat :—on the part of the State, boundless resources. Yet with all this; even in the hour of victory, its first longing is for the olive branch of peace, its desire ever is to turn its sword into a ploughshare, its spear into a pruning hook. War in its passage must ever be one of the greatest scourges capable of being inflicted on mankind. But the struggle once ended, the plague stayed, even where the issue has proved an extension of her territory to the rule of England, the very subjugated people themselves have had reason to bless the triumph whose ultimate result has been, but to bring in its wake a civilization hitherto unknown to them. The greatest of all yet remains to be told. To Truth,—unswerving Truth—next to Almighty God,—is her worship given;—the leading feature of her national character is honesty :—nay, such is the acknowledged integrity of her people, that the pledge of the British statesman—the word of the British merchant, have come to pass as current throughout the earth, as if they were reduced into a coinage, and had the image of sovereignty impressed on the coin, to give stamp to its value, and currency to its circulation. Hear the emphatic testimony of the British General, the great Duke of Wellington, which from the scene to which it refers, this identical India, brings it home almost, as it were, to your very door :—

“I would sacrifice Gwalior, or every other frontier of India, *ten times over*, in order to preserve our credit for *scrupulous good faith*. What brought me through many difficulties in the war and the negotiations of peace? The *British good faith*, and nothing else.”

Such is the country of whose laws I am speaking to you;—such the land, whose people but a few centuries back were driven by the barbarians into the sea, and by the sea back upon the barbarians. To return, however, to its Laws.

The law of England is both unwritten and written: what is termed Common law and Statute.

The Common law is the most ancient body of its laws. It is the creature of the earlier necessities of the Country,—the embodiment of its primitive customs :—it is the clothing in legal obligation, those regulations of security addressed to



person and property, without obedience to which no society can hold together.

Whether it be worked out through the agency of a Patriarch, a Panchayet, or a King, the expression of the will of the Community against acts opposed to its security, or in maintenance of their national customs, must receive an early echo in the judgments of those who are charged with the protection of the people; and those judgments by degrees assume the form of a Law.

For awhile, perhaps, this echo is but a floating element to guide the decision of those, who before the establishment of regular Tribunals has taken place, find themselves invested, however rudely, with the functions of Justice. But, as organized functionaries are established for the administration of Justice, it assumes a more definite shape. What is adopted as the ground of decision in one case, becomes a principle for the decision of others, while the Judges would naturally expand the simpler rules on which they started, so as either to embrace analogous emergencies, or to supply defects hitherto unforeseen; and thus the whole soon acquires the *fixity of a system*.

This Common Law has been compared to a banyan tree,

"Branching so broad and long, that in the ground,  
The bended twigs take root, and daughters grow  
About the mother tree."

Such is the history of the growth of English Common Law; and even for some centuries after the country began to settle down under the form of a monarchical government, the Common Law was all that was administered in its Courts. In due time, indeed, the system requiring some modification, a new principle of jurisprudence sprung up under the head of Equity, the object of which was to control the technicalities of the Common Law, and supply its deficiencies; but even this so far partook of the nature of Common Law itself, that it owed its origin to no written or statutory provision, but was alike founded in the immutable principles of Justice, and the increasing wants of the age, and merely supplied an additional power to the Judicature. Neither the Common nor the Equity law of England, has any other written definition, than that traditional exposition of them which is to be found in the Reports of the Courts, and the Treatises of learned text writers.

Though England indeed has no Code of her own to boast of, the last session of her Indian legislature has given one to India. Anatomists are found experimenting on animals, to enlarge, by the study of comparative anatomy, their knowledge of the human structure and of human action. I will not refer to India as the *corpus vile* on which the Government



of England is experimenting in the cultivation of its jurisprudential science. But should the experiment prove a successful one, India may gratefully reflect back on England, the benefit of the example.

The Statute law of England was the growth of a later age than that which gave birth to its unwritten one; and had its origin, less in the every-day demands of the people, than in the occasion to meet some specific, some national emergence. A statute is the deliberate act of the whole legislature. Thus the first recorded piece of legislation which has been preserved on the statute book, is the celebrated act of Magna Charta. The original form of this was a Charter, granted in the reign of king John; but it subsequently appeared in the form of a Statute, in the reign of his son and successor, king Henry the 3rd.

At the time this Statute was passed, England was yet in that unsettled condition of the State, which left the law but too often to be set aside at the dictates of power; and unlawful and oppressive exactions had come to be practised, sometimes by the Crown,—sometimes by others in its name,—and sometimes by the feudal Barons or their retainers;—in fact, by the stronger generally over the weak. It was to remedy this state of things, that that Statute was passed; and it is a remarkable illustration of the character of the British people, that the first recorded law now to be traced on the statute book, was one, the grand object of which was to place on a firmer footing the liberties of the people. It protected in specific terms every individual in the Nation in the free enjoyment of his life, his liberty, and his property; unless declared to be forfeited by the judgment of his peers, or the laws of the land; and it prohibited all denial or delays of Justice; and imposed on the Judges the obligation of making fixed circuits of the Country, in order that Justice might be carried home to every man's door.

A later, and scarcely less celebrated statute, called the Act of *Habeas Corpus*, passed in the reign of Charles the 2nd, completed, in the article of security to the person, what Magna Charta had begun; by giving specific remedies to secure the person of every one against an unlawful detention.

Other statutes followed Magna Charta; though, until modern times, at distant intervals, and in scanty succession; but in these later days in rapid order, and abundant, some might say redundant, growth.

These may be treated as addressed to the two-fold objects, the regulation of the more domestic affairs of the people, and the government of its state policy.

Of the detail of these, however, it is impossible here to speak,



as it would be to enlarge upon the unwritten law of the realm in its individual particulars. I have said enough I think to show you that, to do this with any effect, my water-clock would require an *ocean's* instead of a *serai's* supply; and, instead of the sitting of an *hour*, you would need one of an *age*. Suffice it to be said that it is under the shade of this huge banyan of Common and Equity law, with the graft of the Statute, that the English Nation has lived and thrived.

Let us pass on to the mode in which these laws have been administered.

And here the great predominating spirit is a scrupulous anxiety that right should be done between the litigants. "*Fiat justitia, ruat cælum*:"—perish Heaven, rather than injustice be done,—is the very watchword of the Court. Nay, in the administration of criminal justice, this has been pushed to an almost chivalric extent; and it has grown into a maxim, that better should *ninety-nine* guilty escape, than *one* innocent man be convicted.

You have seen that Magna Charta provided that no man should be condemned except upon the judgment of his peers. This but ratified the adoption of an even then existing institution, as ancient as the time of the Saxons, the trial by Jury, with which you are all acquainted; and this is still the general course of trial in ordinary criminal cases; and with some exception in civil ones too. In the case of parliamentary impeachments for state offences, the trial proceeds before the whole body of the Peers. Trials of this latter description are, however, now but of rare occurrence, though once more rife in the land. You have heard of Warren Hastings, formerly the Governor-General of this Country.—One of the most remarkable of these trials was that of his impeachment.

In that darkness of her moral night, which enveloped Europe in the earlier history of our Law,—when superstition as a mist covered the land,—our judicial trials did not escape the universal contagion; and there was occasionally resorted to, as the test of innocence, or the criterion of right, that whimsical, wretched, it might be said, wicked farce, called Trial by Ordeal or by Battle; the theory of which was, that Heaven might be invoked to work a miracle, and God himself to award the judgment. Your own laws of Menu, if not in the same form, exhibited in principle, somewhat not very different.

In a Criminal charge, the accuser having made his charge, if it were a matter of no great notoriety or easy disproof, the party *purged* himself by his own *oath*, and those of certain persons called *compurgators* vouching for his credit, and this was an acquittal. If he had been before accused of crime or



was otherwise thought unworthy of credit, he was driven to make out his innocence by an appeal to Heaven in the Trial by *Ordeal*, which was ordinarily either by water or iron.

The *Ordeal* was a religious ceremony. For three days before the trial, the culprit was to attend the priest, to make his offering, and to sustain himself on nothing but bread, salt, water, and onions. On the day of trial, he was to go through a solemn religious ceremony, and swear that he was not guilty of the crime. The accuser and accused came to the place of trial with attendants. The charge was then renewed, and the purgation proceeded. If it was by hot water the accused put his hand into it, or his arm, according to the degree of the offence: if it was by cold water, his thumbs were tied to his toes, and in this posture he was thrown into it. If he escaped unhurt by the boiling water, which might easily be contrived by the art of the priests, or if he sunk in the cold water, he was declared innocent. If he was hurt by the boiling water, or swum in the cold, he was considered as guilty. If the trial was by hot iron, his hand was first sprinkled with holy water; then, taking the iron in his hand, he walked nine feet; the method of taking the steps being particularly and curiously appointed. At the end of the stated distance he threw down the iron, and hastened to the altar; then his hand was bound up for three days, at the end of which time it was opened; and from the appearance of any hurt, or not, he was declared guilty, or acquitted. Another method of applying this trial by hot iron, was by placing red-hot plough-shares at certain distances, and requiring the delinquent to walk over them; which if he did unhurt, was proof of innocence.

When resorted to in Civil cases, the trial was what was called *Wager of battle*; in which Champions were chosen on each side to fight out the strife in bodily combat, in preference to that *war of words*, in which the causes of the suitors are now maintained in our Courts.

The commencement of the proceeding was the throwing down of a glove by the Challenger, which was taken up by the Champion of the challenged. A piece of ground was then set out, and the Champions were introduced armed with batons, and staves an ell long, and covered with a leathern target. In the military Courts the battle was with sword and lance. When the Champions had armed, the first process—somewhat like a modern prize fight—was a mutual taking of one by the other of the hand, and each took oath against enchantment, sorcery and the like. The battle then commenced; and had to be fought on until the stars appeared in the evening; unless either Champion yielded in the meanwhile, and became what is called



recreant, pronouncing the direful word *craven*. The final triumph of either Champion was of course the success of the cause on which he was enlisted.\*

This sagacious mode of trial appears in those barbarous ages, at all events, if not in England, in other Countries which adopted the institution, to have been applied to other subjects, for the decision of which it was about as fit,—even to the solution of the nice questions of State policy or Ecclesiastical casuistry. Two remarkable instances are recorded as having taken place in Spain. Alphonso, King of Leon and Castile, in the eleventh century, meditated the introduction of the Roman law into his dominions; but was uncertain whether this or the Customary law, which had hitherto prevailed, was the better. Were the Council of India in the like predicament, they would probably consult our friend the Advocate-General, or take counsel of the Judges of the Supreme Court, and perhaps the College professors also, as to which of the two systems of law was the best. But this doughty King did, what perhaps after all might have proved a shorter mode of cutting the knot, he appointed two Champions—two steel clad Knights—to determine the question with their swords in actual conflict; and the result was, that the Chevalier who represented the Civil law was beaten. So that the Common law

“Resumed the ancient quiet of her reign.”

During the reign of the same Monarch, the question was agitated whether the Musarabic or Roman liturgy and ritual should be used in the Spanish churches; and the decision was referred, as in the former case to the sword. Two Knights in complete armour entered the lists, and the Champion of the Musarabic, i. e. Gothic, ritual was victorious. The Queen and Archbishop of Toledo, however, were dissatisfied with the result, and they had influence sufficient to have the matter submitted to a different kind of ordeal. This ordeal too was a little whimsical; for if the matter was to be fought out, the fight, or at least the struggle, might as well have been between the *books* themselves bodily as between their *champions*, and a book ought to be able to stand muster for itself. A large fire, however, was kindled, and a copy of each liturgy was thrown into it. The Musarabic (perhaps being bound in some species of asbestos) stood the test, and remained unscathed, while the rival volume perished in the flames. “But,” says the narrator of the history, “those

Who are convinced against their will  
Are of the same opinion still;

\* See these proceedings set out in Reeve's History of English Law.



and because it was discovered, or asserted, that the ashes of the latter had curled to the top of the flames and leaped out of them, the victory was claimed for the Roman ritual. The result was that both liturgies were sanctioned; but as the Roman was chiefly favoured, it gradually superseded its competitor?"\*

Such wicked tom-foolery could of course not survive in an age of reason; and in all the Tribunals of England, the question no longer is whether the unhappy accused sinks or swims, is burnt or escapes,—whether the champions of the one side, or the other, are the more stalwart; but what is the actual *testimony* on which the issue to be tried is to be maintained; and, when the *facts* are ascertained, what is the *law* to be applied to them.

There has been scarcely any one thing in which English Jurisprudence has been more anxiously scrupulous, than in its selection of the *material* which it admits on a Judicial trial, under the term of *Evidence*.

Vague rumour,—what one man has heard another tell,—which may be as much a tale of *fiction* as a tale of *truth*,—one of exaggeration as much as one of exactitude,—a statement which the Law calls *Hearsay* is, save only in certain exceptional cases, altogether excluded from our Courts.

The leading canon is to refuse all *secondary* evidence, wherever *primary* is forthcoming; and to try all causes, by the *best* evidence producible.

The two broad classifications of testimony are into *Direct* and *Circumstantial*, the former being the evidence of eye-witnesses to the fact, or something equivalent to it;—the latter the inference from some *group* or *chain* of accompanying circumstances, surrounding the main fact itself, and leading to the establishment of its existence.

In the case of *Positive* testimony, assuming the honesty of the witnesses, and assuming that they were themselves under no mistake, this must be obviously conclusive.

In the case of *Circumstantial* evidence, its force is dependant upon the *chain of circumstances*, the number and the weight of its individual links.

Take for instance a case of murder, in which the crime might have been committed in a house wherein there was none resident but the deceased;—who might have been old, infirm, and incapable of resistance;—and in possession of hoarded money shown to have been abstracted,—and one may have been seen creeping out of the house, with apparent stealth, and about the probable time of the murder;—and he may have been traced to

\* Hortensius.



some place where concealed clothes may have been discovered, spotted with blood, and a bloody knife may have been found in his track ;—and he may have been seen at low drinking houses, squandering money in debauchery and in profusion beyond his apparent means of living ;—and when apprehended he may have been unable to explain away any of these damaging circumstances. The lone occupancy of the house, the age, infirmity and hoarded money of its occupant, the furtive escape, the clothes, the knife, the dissipation of the drinking scene would all be matters with which in the *ordinary course of things* nothing but the fact of this particular individual having committed the murder would fit in ; and, from the minor or subsidiary facts, the major accordingly would be presumed.

It would, indeed, be within the compass of *possibility* that the murder was *self-committed*, or that some *other* had done the deed and escaped from the house by a different direction ; while the presence of the party at the spot *may* have been accidental : the clothes *might* have been deposited, the knife thrown away by *another* hand : men *may* be seen drinking at houses of entertainment without being murderers, and spending money even largely without being thieves. But in the absence of contradiction or explanation, Courts must put that construction on circumstances of which human experience dictates the rationality, must adopt their deductions ; and the Codes of all civilized countries recognize evidence of this class as the most cogent of proof.

The murder case put, would be an illustration of the effect of circumstantial evidence to *convict*. Such evidence would of course be equally available to *acquit*. In the early part of the present century an English Soldier was brought to a Court Martial on a charge of being asleep on his post at night,—one of the highest of military crimes. He was posted within hearing of a clock which chimed the hours through the night ; and, by some strange slipping of the hand, it had struck at one and the same time the hours of *twelve* and *one*, thus making a strike of *thirteen*. Fortunately for the Soldier, not only was he in fact awake, but had counted the chimes at each stroke of the clock, and was thus enabled to speak to this remarkable incident. The clock's irregularity and his good counting, saved the Soldier, possibly his life. Had it been an ordinary strike of *twelve*, it would have been easy to have pretended a hearing, for which, however, probably he might have got no credit ; but a strike of *thirteen*, who but an actual hearer could have told ? An examination of the clock proved the truth of the tale.

Still, in all cases of Circumstantial evidence, we have to distinguish between the *combination of a chain*, and the mere



*accident of a single coincidence*; and the annals of most Courts afford instances in which innocent people have unhappily suffered from too implicit a reliance on this coincidence, and many more in which they have been exposed but to hair-breadth escapes.

As an illustration of the latter, I will mention to you the case of a shoemaker who was tried in England for the murder of his wife. He wore the leathern apron of his trade; and this, on examination, was found to exhibit pieces pared out, supposed to have been the blood spots of the murder. This looked at first sight very ugly. Lady Macbeth could go no further than seek to exorcise away the spot.—“Out, damned spot!” she exclaimed, “Out, I say—but who would have thought the old man had so much blood in him!” It was thought, however, that in the case of the Cobbler, he had taken the more effectual precaution of cutting it away. Fortunately he was less of a *murderer* than of a *Samaritan*;—he had *cut out the pieces to make plasters for a neighbour*.

A remarkable, and unhappily fatal, instance may be quoted as illustrative of the former, in a well known incident of French procedure; and which created so much interest at the time, as even to have been dramatised for the stage, in both France and England, and turned into an Opera. Indeed, should you ever exchange the Theatre in which you are now listening to the story, for what you may not improbably consider the more amusing ones of any of the Metropolises of Europe, you may yet recognize under the title of the *Gadza Ladra*, or *Robber Bird*, the friend to whom, as regards my Indian audience, I am possibly introducing you this evening for the first time. In a house in Paris, money having been missed, it was traced to the locked chest of a poor servant girl in the family, who had its key. This pointed to her as the thief,—she was taken up upon it,—upon it she was tried,—found guilty,—condemned to death,—and executed. Strangely, however, the theft of the money still went on;—and more strangely still the chest continued to be the place of its deposit. In the house was kept a pet magpie; and magpies are noted pilferers, and cunning birds; but, though the bird had a bad character, who could suspect even a magpie’s wit of forcing a locked chest? A watch, however, was set; the guilty bird was subsequently caught in the very act; and a closer scrutiny of the chest brought to light a hole which had hitherto escaped observation, but through which the money had been obviously introduced. History does not record whether the bird, the real culprit, were afterwards put on his trial. He may have possi-



bly been shot; and certainly it was *he*, rather than the poor girl, who had earned the fate of an execution.

One case more only I will relate to you, which had not however quite so tragic an end; though the circumstantial evidence of both crime and no crime appeared in the different stages of the proceeding with pretty equal force.

In all cases of supposed murder, English lawyers require what is called proof of the *corpus delicti*, that is of the *act of crime*, and you would probably think production of the murdered body went a long way towards this proof. A case has travelled from India to England and got into our Law books,\* where some officers in India were breakfasting in their commander's tent, and the body of a Native, *said to have been murdered* by the sepoys, was brought in and laid down. The crime could not be brought home to any one of them, yet *there was the body*. A suspicion, however, crossed the Adjutant's mind; and, having the kettle in his hands, a thought struck him that he would pour a little boiling water on the body. He did so:—on which *the murdered remains started up and scampered off*.

But the laws of any country may be unimpeachable,—its rules of evidence may be perfect,—yet, to secure a due administration of justice to its people, there is required in the person of the Judges who have presidency over its courts, *knowledge* to understand the law they have to administer,—and *integrity* to dispense it with impartiality.

In England, the law has for centuries been an *established* Profession, and long an important, a *distinct*, and a dignified one. It was once wittily said by one of the Yeoman class of England,—a certain miller,†—in those days when oppression had driven people to the necessity of reminding their rulers that freedom was a birthright,—“that no man came into the world with a saddle on his back, nor any booted and spurred to ride him.” So in England none vaults into the judicial saddle from the mere accident (as happens in India, in its Civil Service) of his wearing the boots and spurs of another order; but the Bench is always recruited from the ranks of the Bar; and before a man becomes a Judge, he has been long trained alike to the *theoretical* study, and the *practical* exercise of the law. As might be expected from such a precaution, there is no Nation in the World with whose Judges is to found greater learning of the law they have to administer, than the British.

\* See Best on Evidence.

† Rumbolt—one of the actors in the Rye House Plot. See Fox's History of James 2nd.

Nay, chosen as the Judges themselves are, from the ranks of the Bar, that Bar is so constituted, as at once to invite to itself, and attract by its own rewards, the greatest intellects of the day. In the Profession of the Law, connected as its members often are with the more aristocratical classes of Society, it equally numbers among its ranks those who, sprung from the lower sections of the Community, have risen above them by the impetus of their own natural powers, the force of their own genius; just as in the natural world, fire will burst up through that which would pen it in,—steam will break through the boiler which would compress it within itself, although it were an iron band. To take an example from earlier days.—The great Lord Hardwicke, the grand architect of our system of Equity, though he afterwards came to be Lord Chancellor, and in virtue of the dignity of that high Office, to walk at the head of England's ancient Nobility, was originally a mere clerk in the office of an attorney, whose wife used to send him to Covent Garden Market to buy and bring back cabbages for the family dinner. To borrow an instance from more modern times in the persons of two of the brightest luminaries of the law of later days, one of them Lord Chief Justice, and the other Lord High Chancellor of England, both were the sons of hair-dressers; that is—taken from the class which in India you would call 'barbers.' What, Indian Gentlemen! would your notions of *caste* say to making a native barber, or the son of one, Chief Justice of the Supreme Court of Calcutta; or what, from the power and eminence of the position of a Chancellor, may be an almost nearer approximation to the resemblance, the making him Governor-General of India?

But judicial *learning* without judicial *integrity* would be only a snare; and fostered as English law has been under the long succession of learning, ability and genius which has presided over its culture until its final development in its present admirable system of Jurisprudence, it has a boast higher even than its own perfection; and that is, that, be the suitor who he may who enters its Courts, or is dragged into them,—be he the richest or the poorest of the land,—the most powerful, or the least befriended,—the stream of justice ever flows unpolluted to his lips.

It is recorded of one of the earlier Lord Chancellors, Sir Thomas More,\* who lived about the middle of the 16th century in the time of Henry the 8th,—(and who in fact subsequently suffered death for his very virtue at the hands of that monstrous oppressor)—that, "having heard causes in the forenoon between eight and eleven,—after dinner he sat in an open hall, and

\* Campbell's Lives of the Chancellors.



received the petitions of all who chose to come before him ; examining their cases, and giving them redress where it was in his power, according to law and good conscience ; and *the poorer and the meaner the suppliant was, the more affably he would speak unto him, the more heartily he would hearken to his cause, and with speedy trial, despatch him.*" On one occasion he was remonstrated with by his son-in-law for that, shutting his door, as the Chancellor did, to all sinister influences, he deprived him (the son) of those little gains, to use the Indian term, "the bucksheesh," he, the son, might himself have got by *the custody of the key.* The answer of the father-in-law was ;—"But this one thing I assure thee, on my faith, that if the parties will at my hands call for Justice and Equity, then although it were *my father*, whom I reverence dearly, that stood on the one side, and *the devil*, whom I hate extremely, were on the other side, his cause being just, *the devil of me should have his right.*"

More, indeed, in that less advanced age, stood in his integrity in some contrast to the world at large ; and so frequent was then the practice of gifts to persons in power, and among others to the Judges, for purposes of bribery, that even when from his very uprightness he had provoked Henry's hostility and been removed from his office, charges of having taken bribes were got up against him. But he had the most satisfactory answer to them all ; and we are told by his biographer that,—"a party having been induced to complain of a decree obtained against him by his adversary, whose wife, it was alleged, had bribed the Chancellor with a gilt cup, the Chancellor surprised the Council at first by owning, "that he had received the cup as a New Year's gift." Whereupon one of the Council indecently, but prematurely, exulted ;—"Lo ! did I not tell you, my Lords, that you would find this matter true?"—"But, my Lords," replied More, "hear the other part of my tale. After having drunk to her of wine, with which my butler had filled the cup, and when she had pledged me, *I restored it to her and would listen to no refusal.*" The other cases of bribery trumped up against him were, one his acceptance of a gilt cup from another suitor, for which, however, it turned out that he had *given a cup of greater value in exchange* ; and another, his acceptance from a lady in whose favour he had made a decree of a pair of gloves, in which were contained 40*l.* in angels ; but the Chancellor, as gallant as he was upright, had told her with a smile,—"that though it were ill-manners to refuse a lady's present, and he should *keep the gloves*, he must *return the gold, which he forced her to carry back.*"



Though corruption, however, it must be admitted was not in our earlier history the rarity it afterwards became, when once discovered, it was, even in days of more general corruption, visited with heavy punishment.

In the reign of Edward 1st, Sir Thomas Wayland, Chief Justice of the Common Pleas, was attainted of felony for taking bribes ;—his lands and goods were forfeited, and he was banished the realm : and in that of Edward 3rd, Sir William Thorpe, Chief Justice of the King's Bench, having been convicted of receiving five bribes, which amounted to one hundred pounds, was sentenced to be hanged, and all his lands and goods were forfeited.

But the most remarkable of all the charges of judicial corruption preferred against an English judge, whether we regard the individual who is said to have stooped to it, or the results which attended it, is that of the great Lord Bacon, pronounced by Pope,

"The greatest, wisest, meanest of mankind,"

and if his master mind did condescend to such a meanness, Oh how were the mighty fallen !! What a dark spot on the brilliant, but varying, escutcheon which has heralded that wondrous man to posterity !

Lord Bacon's whole conduct, nay the question of any actual guilt of his in this matter, has indeed provoked the keen discussion of differing historians ; and this is not the occasion on which to pronounce a verdict upon it. It is unquestioned, however, that he was impeached by the Commons before the Upper House of Parliament on the charge of having taken bribes in the exercise of his office as Lord Chancellor ;—and though motives explaining away the effect of the proceeding have been assigned to him in modern times, he did in fact throw himself on the mercy of Parliament, renouncing all defence in a sealed paper under his signature, placed in the hands of the Chief Justice to be laid before the assembled Peers. That no question might arise as to the formality of the procedure, the Lords despatched certain members of their body to the house of the Lord Chancellor to inquire if the signature were his ; and they were received by him in that very hall of audience, in reference to his conduct in which the charges against him had originated. Being asked if the signature were his, his answer was :—" My Lords, it is my act, my hand, my heart. I beseech your lordships to be merciful to a broken reed."\*

\* See Campbell's *Lives of the Chancellors*.



It was at this period of his history, that Bacon's worldly ambition appeared to have achieved its culminating point;—and it is sad to look upon the fall;—sadder still would it have been, were it not, that in the dignified pursuit of intellectual culture to which his latter days were dedicated, and the richness of its fruit, not only was there some atonement by himself for whatever may have been the errors of his previous life; but there was left by him that large legacy of knowledge to mankind, of which even this distant soil, nay I trust this very audience, acknowledges the deep obligation.

It is not, however, so much with the memory of Lord Bacon individually, and the truth or untruth of the charge preferred against him, that we desire to deal. Our object is to illustrate a principle of British Jurisprudence,—a sentiment of British Nationality; and acting as the governing powers of that day did, upon what was considered as an admission of the charge, one cannot but feel that the spirit of the British Nation but justly arose to mark the sense which it entertained of the value of judicial integrity, by the punishment with which it visited judicial corruption, when the sentence pronounced was—"1st. That the Lord Viscount St. Albans should pay a penalty of £40,000—(equal to four lacs of Indian money).—2nd. That he should be imprisoned in the Tower (the State prison) during the king's pleasure. 3rd. That he should be for ever incapable of holding any public office or employment;—and 4th. That he should never sit in Parliament, or come within the verge of the Court."

One later instance occurred in the trial for judicial corruption of another Chancellor, Lord Macclesfield, which happened in the year 1725. He was fined in the sum of £30,000, or three lacs of rupees, and ordered to be imprisoned until payment.

You will understand that regard being had to the different value of money in those times and now, practically the fines imposed both on Lord Bacon and Lord Macclesfield were infinitely larger than the same figures would have amounted to at the present day.

That of Lord Macclesfield, thank Heaven! closes the list of trials for this abominable offence; and now for above a century and a quarter, the Temple of British Justice has been free from the pollution. Nay, I believe I may say, throughout the British dominions, and you yourselves can re-echo it for India, that were any one now found at once so simple, and yet so bold, as to venture on the offer of a bribe to a British judge, the Judge would recoil from the proffered gift with the same horror as were he offered a scorpion.



Gentlemen, I fear that from the length of this address I shall have been a trespasser on your patience ; and were it otherwise the inexorable hand of the dial plate would call me to an end.

Having told you what the law of a Nation is,—and somewhat of the nature of English law in particular,—I will conclude by unfolding to you that beautiful panegyric upon *all* law with which one of our great writers, an early Divine, Hooker, concludes a dissertation upon Law in its more general scope, when he says ;—

“ Wherefore, that here we may briefly end, of Law there can be no less acknowledged than that her seat is the bosom of God ; her voice the harmony of the World : all things in Heaven and Earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power ; both Angels and Men and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent admiring her as the Mother of their peace and joy.”

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CSL

INCIDENTS AND IMPRESSIONS  
OF TRAVEL  
IN NORTHERN, CENTRAL, AND WESTERN INDIA.

BY THE  
REV. LAL BEHARI DE,  
FREE CHURCH OF SCOTLAND MISSION, CALCUTTA.

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GENTLEMEN,

I have been requested by your President to give you a brief account of a journey I undertook, in the cold season of last year, to the Bombay Presidency through Northern and Central India. Had this journey been performed a hundred years ago, it would have been a feat. The Bengali traveller would then have been beset with insuperable difficulties. He would have laboured under the capital disadvantage of the want of good roads to the North West, nor can I imagine how, amid the hills of Ramgurn, he would have escaped the claws of ferocious beasts, or the clubs of still more ferocious men. Exactly a hundred years ago, he would have encountered, on the banks of the *Karmanasa*, the disorderly troops of Shah Alam—the 'king of the world,' and found all Behar distracted with the demon of war. At Delhi—that mausoleum of empires, he would have witnessed the celebration of the funeral rites of the magnificent house of Tamerlane by the redoubtable Seda-sheo Rao, and seen the hills of Central India bristling with the lances of the Mahratta soldiery; while from the banks of the Nerbudda, to the foot of the Syadri hills, he would have met with bands of savage Bheels carrying devastation wherever they went. Thanks to the strong arm of the British Government—thanks to the civilization of England, those difficulties no longer obstruct the path of the solitary traveller. A magnificent road—the Grand Trunk Road, 'smooth as a bowling green,' has been constructed from one extremity of the empire



to the other; the tide of Mahratta misrule has been stemmed; the fury of the savage Bheels has been quenched; and a Bengali may now safely go from Calcutta to Bombay without a single adventure; while five years hence, when the great iron road is completed, a trip from Calcutta to Bombay, through Central India, will be as safe and pleasant as a drive on the Calcutta course. Under these circumstances you cannot expect to hear from me this night of romantic adventures, 'hair-breadth escapes';—for the absence of these stirring incidents, for the loss of poetry in Indian travelling, you have to thank the civilizing policy of England.

In conveying to you my impressions of travel, I might have presented you with detached pictures of scenery, of men and of manners. I thought, however, that a plain and unvarnished narrative of my journey with its incidents, though unromantic in their character, interspersed with such reflections as naturally suggested themselves to my mind, would perhaps be more acceptable to you, than laboured dissertations on the geography and ethnology of the countries through which I passed.

On Monday the 17th of October, 1859, after snatching a hasty breakfast, I crossed the Hooghly, went to the Howrah Railway station, and took my seat in a second class carriage, luggage and all. In the course of ten minutes the whistle was heard, and the iron horse trotted off. The other passengers in the carriage were two Eurasians, and three big-bellied Baboos, who seemed to have studied scarcely any other science than that of gastronomy. With such companions, there could be no intelligent conversation, and after the customary interchange of civility and allusions to the weather, I betook myself to the observation of villages and paddy fields smiling on both sides of the iron road. At Burdwan, I changed carriage in the hope of finding better company. But I was disappointed. My fellow-passengers in the new carriage were two European ladies; one of them, a middle-aged woman of forty-five, was evidently, from her conversation and accompaniments, a soldier's wife; and the other was a young lady of considerable intelligence and refinement. After we had started, I began dusting a seat with my handkerchief, on which the old lady, imagining that the dust flew towards her, uttered a multitude of words, of which I caught the following;—"You should respect Europeans." To which I replied, "Madam, I trust I respect always not only Europeans, but all respectable people, and ladies in particular." The young lady said, "O, Mamma, the gentleman meant you no harm." Before we got down at Raneegunge, however, the ladies and I became friends; the old lady apologized; and I showed them all manner of atten-

tion at the station and hotel. The hotel was of a wretched description. We waited fully one hour, and no dinner was forthcoming; so, hungry and angry, I left Raneegunge at six in the afternoon. Before the long shadows of the evening closed around me, I found myself on the Grand Trunk Road. Thanks to the christian generosity of Mr. Greenway, the proprietor of the Inland Transit Company, I was master of a neat and comfortable carriage. In a corner of it I stowed away all my luggage, which consisted of a portmanteau and a carpet bag, spread my quilt on the cushion, and thus fairly began my journey, not forgetting to pray to God for His blessing. As there was no moon in the heavens I did not enjoy the scenery. At dead of night on awaking I found myself, carriage and all, in a river. We were crossing the Barakar. The carriage was hauled up into a boat, was ferried over, and dragged across sand by coolies. It was while walking on the banks of the Barakar that I had a view of the Pachet hill, rising in sombre majesty over the darkened landscape, and presenting to my imagination the idea of a gigantic Rakshasa sleeping on the tops of distant trees. I continued gazing at the noble hill through the murky night, till sleep closed my eyes.

As a Bengali of the Bengalis, untravelled and home-loving, born and brought up on the level plains of green Bengal, I had never seen mountains. My experience of mountain scenery had been confined only to a distant view of the hill Behari Nath from the railway station of Raneegunge. Judge, then, my surprise, when on the morning of the 18th, there burst on my ravished eye-sight the rich hill scenery of Behar, justly styled the "Switzerland of Bengal." I sat on the coach-box; and the hills which bounded the horizon on every side certainly presented a most imposing spectacle. They were clothed with low jungle and were undulatory in their appearance. My eyes continued partaking of the rich feast of hill scenery, till the cruel sun drove me inside the carriage. I soon, however, began to feel that I had need of a grosser feast than the unsubstantial one which nature had provided for me in the encompassing landscape. Great, therefore, was my delight, when at 9 A. M. I was told by my coachman that the traveller's Bungalow of Fitcouri was before me. Fitcouri is said to be upwards of a thousand feet above the level of the sea, and as the Bungalow was situated on an elevated ground, and commanded a striking view of the hills, I anticipated much refreshment both of the body and mind; when, lo and behold, I found the two compartments of the Bungalow occupied by travellers. Famished and exhausted, I ordered the coachman to drive on to Tope-



chanchi, twenty miles distant. The region through which I now passed was of the wildest character. Little or no traces of cultivation were visible. Savage rocks covered with jungle stared you in every direction, and scarcely less savage men, scantily clothed and living in the wild glens of the hills, were seen tending cattle. The heat was oppressive. The road was mended with quartz, which coming into collision with the wheels of the carriage gave out sparks of fire. This was the Rangurh district, in former days the haunt of those redoubtable chiefs who, like the Border chiefs of Scotland, levied black mail, and whose names are handed down to posterity in the rude ballads of the mountaineers.

The scenery around the staging bungalow of Topechanchi defies description. The bungalow is situated at the foot of Paresnath which rises upwards of four thousand feet above your head, and behind you are high hills skirting the horizon. What Olympus was to the Greeks, Sinai to the Jews, and Mount Abu to the Jains of Western India, Paresnath is to the Jains of Eastern India. It was on the top of that gigantic hill that Paresnath, the last but one Trivankar of the Jaina sect, closed the drama of his divine life. There he obtained his *nirvan* or absorption into the divine essence. Thousands of devotees from all parts of India flock round the base of this 'lord of the hills,' ascend its wooded top, visit the foot-prints of the Trivankar, and worship his black image with its canopy of the heads of seven cobras. The chief temple on the top of the hill was built, about a hundred years ago, by Jagat Set, styled by his countrymen, on account of his boundless wealth, the eldest son of Lakshmi—the goddess of prosperity. A Jaina monastery is also there with its full complement of monks and priests. At the foot of the hill is a small village of the name of Madhavan, or the forest of honey, inhabited by devotees of the 'conquering' sect. Of the character and tendency of the Jaina superstition, like those of every other form of superstition, there can be but one opinion; but I confess, when standing at the foot of Paresnath and other temple-covered hills, I could not help feeling, that the erection of edifices of devotion on the tops of mountains was an indication of the lofty sense of religiousness in man. That mountains are appropriate places for the kindling of devotional feelings cannot be doubted for a moment. You seem to be raised from terrestrial things to the confines of heaven; and it is a significant fact, that the Judean mountains play no inconsiderable part in the Evangelical narratives. Paresnath will soon be bought by the Government from its proprietor, the Rani of Palgunge, and converted into a sanitarium.



Early next morning I went over the Dhunwa Pass, the highest point of which is 1500 feet above the level of the sea. The road lies over a hill, and is very steep and serpentine. It is full five miles long. In some parts the road is so steep, that the horse has to be assisted in its downward progress. The scenery of the Pass is highly picturesque. The rocks are graced with trees of every description and size, small rills of water trickle through their rugged ribs, while the road itself, like a thread of silver, winds its sinuous course on the tops of the wood-covered hills. A thousand feet below the highest point of the Pass is the romantic dawk bungalow of Dhunwa, where the hills terminate, and before which lies a level plain.

Passing through Sherghotty, I reached Baron at 2 in the morning and began to cross the Soane an hour after. Rising in the mountains of Gondwana, the Soane—the classical Hira-nyavaha, or the ‘gold bearing,’ so named from the circumstance of its having in ancient times washed down sands of gold, has a course of 500 miles. In former days too, in the upper part of its course, were found *salgrams*, or fossilized ammonites, essential parts of the tutelary teraphim of every respectable Hindu household. At Baron the river cannot be less than five miles broad, though the greater part of the channel is silted up with sand, which is under water only in the rainy season. The crossing is easy, though tedious. The carriage was dragged by four oxen first across sand, then through water knee-deep, then across sand again. About the middle of the river-bed is erected a causeway of stone slabs, over which the wheels made a clattering sound. After crossing a world of sand we came to the brink of the river, properly so called, where the services of the oxen were no longer required. The navigation of the shallow part of the river was tedious and circuitous; but when the boat fell into the main channel, the rapid current bore it away to the opposite bank in a trice. The sun had risen on the hills of the south-east when I reached Dehri. Three hours’ drive from that new and rising settlement brought me to Sasseram. Sasseram, etymologically a ‘thousand play-things,’ owes its name to a tradition that it was originally the residence of a Rakshasa, who had a thousand arms with a toy in each hand. It is celebrated for having been the birth-place of one of those extraordinary men who, from the humblest beginnings, rise, by effort of genius and the felicity of circumstances, to the pinnacle of human greatness. Sher Shah was born the son of a Pathan landlord, and died Emperor of Delhi. His nativity contains his sepulchre in a large octagonal hall in the middle of a tank. I saw also the tomb of his father Hassan, which Sher Shah himself erected,



close to which is a stone bath intended, it is supposed, for the ladies of the seraglio. For the rest, Sasseram is an insignificant place. It is inhabited chiefly by Mahomedans, the houses of most of whom are built partly of brick and partly of sandstone. The inhabitants seemed to be very poor, but I was told that the present wretched appearance of the town was, in a great measure, owing to the mutineers, who twice plundered its bazar, and robbed the wealthy residents of all their gold.

Beyond Sasseram the country presented an interesting aspect. The sterile region of the hills had been passed, and nature began here to appear in all her fertility as in the paddy-fields of Bengal. Plantations of the Jowari (*Holcus Sorghum*), the Bajri (*Holcus Spicatum*), the Indian corn, and cotton, were visible on both sides of the road; and husbandmen were seen busily plying the tools of their useful industry. The Karamnasa was crossed in the cool of the evening. To that river, rising in the hills of Rhotas, has, by the superstitious Hindus, been ascribed an extraordinary influence. As its name imports, it has the singular quality of taking away the merit of the good works of every man that touches its waters. No matter, though the pious Hindu pilgrim had visited all the sacred places from Hurdwar to Ramisseram, from Dwarka to Kamroop; no matter, though the whole of his past life had been devoted to acts of beneficence and piety,—if he were by accident to dip his foot in the Karamnasa, his laborious pilgrimages and good works would be rendered of no avail. Unnumbered blessings, therefore, are pronounced by all Hindu pilgrims on the head of the merchant Putni Mul of Benares, who built an elegant bridge over the Indian Lethe.

With the merit-destroying river commenced the territories of the Lieutenant-Governor of the North-Western Provinces. The scenery continued the same as before. Well cultivated fields smiled on all sides; the Nim (*Melia Agadirachta*), the Sissoo (*Dalbergia Sissoo*), the Shirish (*Mimosa Sirissa*), and other trees lined the Trunk Road; the hills had hidden their diminished heads; and the country once more presented the monotonous uniformity of Bengal. At about ten o'clock at night the carriage was suddenly stopped under a tree. The horse was taken out, and two oxen were substituted in its stead, who forthwith dragged their charge to the banks of the Ganges. The carriage was put into a boat which the rapid current bore to the opposite bank. It was half-past eleven o'clock of the night of the 20th of October, that I first stood on the holy soil of Benares. As I stood I saw not ten yards before me. It was a gloomy night, there was no moon in the heavens, the stars were casting a feeble light, and darkness hung over the



city;—an apt emblem, I thought, of the moral and spiritual state of the stronghold of superstition in Northern India.

Who that is a Hindu, or that has once been a Hindu, can stand in the streets of Benares without the most thrilling emotions? Though looking upon the system of religion whose star is on the ascendant in the 'shining city,' as one of the most pernicious superstitions that ever debased humanity, I confess, I trod the pavements of Benares with no ordinary feelings. Those stone slabs, on which I then stood, had been trodden by the pilgrim-feet of innumerable generations; around those temples, whose lofty tridents still pierce the skies, had flocked, from time out of mind, devotees from all parts of the land of Bharat; and the banks of that river, where religious ablutions are now daily performed by myriads of human beings, exhibited a like scene of animation in the remotest antiquity. My own ancestors, of I know not how many generations, had all visited the city, and looked upon it as the holiest city in the universe, isolated from the rest of the world, and supported by the *trisula* of Mahadeva; and though I had no religious community of feeling with them, I could not help being for a time inspired with that undefinable emotion of awe mingled with solemnity, which involuntarily takes possession of the mind, when contemplating a scene rendered memorable by the exercises of religion of whatever character. But the feeling of awe soon gave place to that of sadness. To every man of right feeling, it is a melancholy spectacle to see a vast and intelligent population subjected to the sway of a most senseless superstition, which profited them neither in this world nor in the coming eternity. I "saw the city wholly given to idolatry." Every where stood the memorials of superstition. Men, women, and children, in 'numbers without number' bathed in the sacred stream, prostrated themselves before the Lingam, presented gifts to the hypocritical priests, and made *pradakshin* of the temples. Covetous Bráhmans of every grade and rank; stark-naked Sannyasis, whether Jogis or Dandis or Paramhansas, 'with all their trumpery;' wandering Bairágis in their parti-coloured dress; religious impostors and enthusiasts of every form and description, revel in the unholy city. In one place you witness a learned Pundit expound the pantheistic tenets of the Vedanta; in another you hear fat priests produce unearthly sounds through the pressed nostrils; and elsewhere you see a knot of Bráhmans chanting the hymns of the Vedas. A thousand temples adorn the city, the pinnacles of some of which are covered with leaf of gold. Brahmani bulls and religious mendicants roam about as in their element. Hand-bells and the sacred conch-shell—instruments dedicated



to superstition, are ever and anon heard ; garlands of flowers offered to idols meet your eye everywhere ; and your nostrils are constantly regaled with the odours of the holy *chandam*. Benares is the paradise of the Hindu gods. The whole city is one vast pantheon. Though the Jerusalem of the followers of Siva, it contains worshippers of a larger number of the three hundred and thirty millions of the deities of the Hindu pantheon than any other single city in India. The representatives of almost every Hindu sect are there. The worshippers of the bull-riding and bhang-drinking god ; the Saktas of both the right-handed and the left-handed ritualism ; the Ramats ; the Ganpatyas ; the vegetarian Jainas ; the flesh-eating and wine-drinking Tantrikas ; and Vaishnavas of every Sampradaya, and of all degrees of madness, are found within the Panchkoshi.

I was glad to find that the strong-hold of Brahmanism was not destitute of the ministrations of evangelical missionaries. Three of the greatest Missionary Societies of England are devoting a portion of their energies to the enlightenment of this priest-ridden city. A band of devoted missionaries preach the gospel every day in all parts of the city in the vernacular dialects of the people. Besides a number of vernacular schools, in which the tenets of our holy faith are communicated to the native youth through the medium of their mother-tongue, there are two English missionary institutions of a superior order. Nor is the press inactive. Besides the translations of the Holy Scriptures into Hindi and Urdu, there is always in circulation a large number of religious tracts. These and other missionary agencies have resulted in the formation of the nucleus of a native Christian population, numbering about four hundred souls.

Benares is the Athens of India. It is the principal seat of Sanskrit learning, the residence of learned scholars, grammarians, rhetoricians, philosophers and astrologers. Its school of the Vedanta philosophy is unrivalled in India, and is frequented by Brahmanical students from all parts of the country, from Assam to Kattywar, from Dravida to Nepaul ; and its expositions of Hindu philosophy are held in as great reverence as the edicts of the Pope in the Catholic world. The Indian Government patronizes letters ; and the noble college which it has raised, in the chief seat of Sanskrit learning, sheds no little lustre on the last days of the East India Company. The College building, a noble Gothic pile, is one of the finest edifices in North India. That the College has exerted a beneficial influence on Sanskrit learning itself, will be admitted by every one acquainted with the labours of its late principal, the



enthusiastic and accomplished Dr. Ballantyne. One fact connected with the English department of the College greatly interested me. All the pupils of the highest class are Bengalis. Am I justified in drawing from this fact the inference, that the people of the North West do not care so much for mental culture as the inhabitants of lower Bengal? Whatever may be said of the physical weakness of the Bengali on the one hand, and the muscular strength of the Hindustani on the other, it is a simple fact, that the former beats the latter in all that relates to mind, and in whatever consists man's superiority over the world of brute force; and, as a Bengali, I could not help being filled with honest pride at the interesting fact that, in one of the greatest cities of North India, my countrymen were leading the van of sound and useful education.

Who that has gone to Benares has not seen an *ekka*? For the enlightenment of the untravelled, I may remark, that an *ekka* is a two-wheeled vehicle of a peculiar construction, drawn by a country pony. Fancy a seat made of strings and cords and one or two planks of wood, broad enough to allow one man to sit cross-legged, with four posts at the four corners supporting a canopy of calico; fancy this seat attached to two wheels, and drawn by a horse enclosed by two sticks projecting from the sides and meeting on the animal's back, and you will have a tolerable idea of a Benares *ekka*. Not unfrequently, small hand-bells are tied to the pony's neck and the sides of the seat, which emit grateful sounds as the vehicle is dragged through the streets. Other sorts of conveyances have their comforts and discomforts; but for first-rate jolting, for exquisite crushing of the bones, for an admirable contrivance for the rupture of the vertebral column, and the generation of rheumatic pains all over the body, commend me to an *ekka*. As a traveller in the North West, I had made up my mind to enjoy or endure, as the case might be, an *ekka* drive through the holy city. Thanks to the kindness of my Benares host, an *ekka* of fair average merit was provided for me. My host and I took our seat in the vehicle, our posteriors only being on the stringy cushion, and our feet dangling down; the driver sat on our front.

Smack went the whip, round went the wheels,  
Were never folk so glad,  
The stones did rattle underneath,  
As if Kashi were mad.

The Chowkamba is one of the most interesting parts of the city. The streets, paved with stone, are so narrow that, as Prinsep justly observes, "even narrow seems a word too wide." On both sides of the streets are houses of red sandstone dwelt in



from generation to generation. The Chowk and the Naya Chowk swarm with human beings, engaged in buying and selling all sorts of commodities from all parts of India. Leaving our ekka, and passing through lanes, in which two persons of moderate dimensions could not stand abreast of each other, we paid a visit to Vishweshwar, the pinnacle of whose temple is covered with gold. Without putting off our shoes we entered the temple and stood within a few feet of the *Sanctum Sanctorum*. Before us was the holy well, in which we saw the upper part of the Lingam drowned in water, flowers and *chandana*. This is the far-famed well in which poor Siva concealed himself to escape falling into the impure hands of the Mussalman, and for a sight of which pilgrims resort from the remotest parts of India. The officiating priest, while in the act of worshipping, solicited *bukshish*—a sad proof of the predominance of avarice over the noblest principles of human nature. Outside the temple, we were shown a large well, the waters of which were said to have the quality of curing diseases. The well owes its medicinal virtues to the god Siva, who, in a fit of intoxication, fell into it along with his physician and all his drugs. Not far from the temple of Vishweshwar is that of Kalbhairava, round which we observed men and women performing *pradakshin*. No right-hearted man can look upon these and other temples without the most painful feelings. It was, therefore, with no little delight that we wended our way to the *Man Mandil*, which is not an erection of superstition, but a temple of science. It is the famous observatory of Benares built in 1680 by Jye Sing. It contains a gnomon, an arc of a dial, a circle, and a meridional line, all in stone.

Near the observatory we hired a boat, and rowed towards the Manikarnika Ghat; and, as we proceeded, we were delighted with one of the finest views I had ever seen. The noble city seemed to look down upon the river with a lofty air. The houses and temples immediately abutting the river; the noble flights of steps of Chunar freestone adorning the steep banks; the myriads of men, women and children in their variegated dresses, making their ablutions in the sacred stream; the buttressed battlements of the castellated palace of Ramnagar rising in the water's edge;—all this makes the river view of Benares a truly fascinating one. We disembarked at Manikarnika Ghat, stood under the lofty dome of the Mosque of Aurengzebe, and ascended one of its minarets. I can never forget the scene which then greeted my eyes. The holy city lay at my feet with its thousand temples and its myriads of stone edifices, all clustered together,



"Thick as autumnal leaves, that strew the brooks  
In Valumbrosa."

We walked again through the narrow and crowded streets, recovered our ekka near the Chowk, and drove back to Secrole, after having been jolted, and crushed, and tortured, and pounded to our hearts' content.

I left Benares on the night of the 23rd of October. My progress was very slow at first. Owing to the multiplicity of passengers, the resources of the Inland Transit Company had been taxed to the uttermost. At some of the stations I had to wait for horses, and when I succeeded in getting them, they did not prove, certainly, the swiftest of their race. From the beginning they generally refused to be yoked—they kicked and belted towards the stables. When with some difficulty a pony was enclosed in the shafts, he refused to move. Hands were applied to the wheels, the pony was pulled gently, then whipped severely—but to no purpose. He was coaxed; words of the tenderest endearment were addressed to him, such as, *chullo, mera báp* (move on my father); *chullo, mera beta* (move on my son); *mera ján* (my life); but in vain. Then the poor beast was threatened, and the foulest language was poured, not only upon his head but on the heads of his father and mother and his remote ancestors. Thus either soothed by flattery or maddened by abuse, the poor animal tried his best and trotted on for a time. Then he would suddenly stop, and the usual appliances of alternate flattery and abuse, patting and whipping would again be had in requisition. In justice to the Transit Company, it ought to be remarked, that their arrangements are excellent, and that the bad behaviour of the horses on this particular day was an exception to the general rule. The snail-like pace of the horses gave me abundant leisure to survey the aspect of the country. It was a level plain, like Bengal, with no elevations to relieve the dull monotony of the scenery. Among the trees on the road side were the nim, the sissoo, the fig and the tamarind. The nim is perhaps the most abundant tree in the North West, where it attains to a larger size than in Bengal. It is remarkable for the coolness of its shade, and I am not aware of any other tree surpassing or even equalling it in this respect; it has, therefore, been wisely selected for the roads, to afford grateful shade to the weary traveller in the heat of the day. Paddy-fields were few and far between; the chief productions being the jowari and the bajri, plantations of which, not unlike in appearance those of sugar-cane in Bengal, grace both sides of the road.

Says the Bengali proverb, "a single river is equal to twenty koss." This saying was verified when I crossed the Soane,



and when standing on the banks of the Ganges opposite Allahabad, I apprehended another verification of it. From Jhoosi to the water's edge there is a mile of sand. Across this sand my carriage had to be dragged. Scarcely had the coolies begun dragging it, when one wheel sank deep in the sand. When the unfortunate wheel was with difficulty pulled out, its fellow on the other side sank down, to the no small annoyance of the coolies; and when that one was extricated, the two front wheels sunk also. It took me no less than two hours and half to reach the opposite bank.

Prayág, the Hindu name of Allahabad, has been a place of pilgrimage from the remotest antiquity. In sanctity it holds equal rank with Benares, Gya, Brindavan and Jagannath. It owes its sacredness to the confluence of the Ganges and the Jumna. Superstition believes in the existence of a third river, the Saraswati, which is supposed to have a subterranean channel. The three divine sister-rivers meet together below the walls of the Fort, the blue Jumna and the turbid Gunga only being visible to the uninitiated eye. Towards the middle of the month of January, every year, the sands below the ramparts of the Fort present an animating scene. Myriads of Hindus from all parts of India repair to those sands, shave their heads, and bathe in the commingled waters of the two rivers.

Allahabad is the seat of a vigorous Christian Mission under the auspices of the Presbyterian Church of the United States of America. What this mission suffered during the late rebellion is already known to the Christian world. But the liberality of the friends of missions has, in a great measure, repaired the ravages of the mutiny. New Mission bungalows have been raised on the ashes of the old; the Mission Church has been repaired; the mission press again set up; and the Bible and Tract Depository re-opened. Owing to the indefatigable labours of the missionaries and other causes, there is in the city a native Christian population of about 400 souls. One hundred of these are in connection with the American Mission, the rest with the Church Mission. These latter were formerly at Agra, but have removed to Allahabad, in consequence of the transference of the seat of Government, as most of them are employed in connection with the Government Press or the Police battalions.

By far the most interesting sight at Allahabad is the Fort. Originally built by Akber and afterwards improved by the Indian Government, according to the most approved system of fortification, it is one of the strongest in India. The old palace of Akber has been converted into an armory, de-



clared by competent authorities to be the best in India. In the Fort is a curious subterranean place called Patalpur. As the passage was blocked up with charcoal, and has, as I understood, since the mutiny, for political reasons, been closed, I had not the privilege of descending into the infernal city. But those who had been in it, in former days, told me, that the passage led into a cave where there are hundreds of Hindu idols, the dried trunk of a fig-tree of the name of *Akshabat*, and the commencement of a subterranean passage to Delhi; and that, before the mutiny, the cave was the resort every year of thousands of pilgrims. In the middle of the Fort is Bhim Singh's *lath*, a graceful stone pillar between forty and fifty feet high. The inscription on it, deciphered by the eminent orientalist James Prinsep, was engraved at the time of Asoka, the Buddhist monarch, three hundred years before the Christian era.

Allahabad is a straggling town, and extends over several miles. Its several parts, the native city, properly so called, the fort, the cantonments, Daragunge, Mathigunge, Kuchpoo-roah, Canningtown, are all distant from each other, and often separated by tracts of ground covered with plantations of the jowari and the bajri, and the rows of the lofty tamarind, the sissoo and the nim. It has, however, a bright future. The mutiny has been its best friend. That event has made it the capital of the North-West. As the seat of government, it will now be more important than ever. There will soon be a larger population. The railway will increase its importance; its trade, now inconsiderable, will be indefinitely increased; and the presence of European troops will contribute to its cheerfulness and gaiety.

By the morning of the 26th October, I was at the Allahabad Railway station. As I was there considerably before the time appointed for the starting of the *ag ka gari*, I paid a short visit to the serai and gardens of Sultan Khusru, the unfortunate son of Jehangir. The serai is a noble quadrangle, surrounded by an embattled wall, and must once have been magnificent. The gateway, and the three mausoleums inside the garden, though in a state of dilapidation, are still beautiful.

In the railway-carriage from Allahabad my fellow-passengers were an East Indian, a British officer, and three native gentlemen. One of these native gentlemen was a perfect curiosity. He rejoiced in, or rather groaned under, the biggest belly owned by any mortal I had seen,—his abdominal regions sticking out in front certainly one foot from the general level of his body, and making right angles with his legs, which were as fat as those of an elephant. This singular belly was band-



aged round in two or three places by straps of cloth, to prevent it, I suppose, from falling off by its own weight. The owner of this jar of a belly had on his body a thick quilt, which stretched from the crown of his head to his knees, the width of the quilt not allowing his incomparable stomach to be completely covered. His arms and feet were naked, and round his neck was a chain of massive gold which must have weighed several pounds. To his two companions, who seemed to pay him profound respect, he spoke in an extremely low voice; while the portly digits of his tremendous hands were, ever and anon, stuffing into his monstrous nostrils quantities of snuff contained in a hollow painted ball of wood. This singular specimen of humanity was, I was given to understand, the son of the Dewan of the Rajah of Rewah, who was then proceeding to the Durbar of Lord Canning, to be held at Cawnpore. We passed through what seemed a very fertile country. I had now entered the Doab, or the tract lying between the Ganges and the Jumna, many parts of which equal in fertility Bengal, which the Mahomedans termed the 'paradise' of India. On both sides of the railroad were fields covered with the everlasting jowari and bajri, with wheat, with the castor-oil plant, with cotton, with pulse of various sorts, and sometimes with paddy. At one of the minor railway stations, all eyes were turned towards a personage standing on the platform. He was of slender make, of rather dwarfish stature, his complexion inclined to fair, with bright and penetrating eyes. He was intelligent in his looks, nimble in his movements, very fidgetty, restless as the sea. He was dressed in a plain pyjama and a satin chapkan, with a girdle round his waist, and a laced cap on his head. He was attended by a train of followers, one of whom held a gorgeous umbrella over his head. He walked up and down the platform, looked at every thing, spoke to every body, and asked a thousand questions. As the train paced back a few yards, he thought it was starting without him. He ran towards one of the carriages, and in a loud voice demanded the door to be opened. On being told the train was not starting, he grew calm. This interesting personage was the Rajah of Nagode, proceeding to the great Durbar at Cawnpore. After stopping one night at Futtehpoore, the next day by rail I reached Cawnpore. Cawnpore! what recollections crowd into the mind at the sound of that name! "Cawnpore!" shouted the 93rd Highlanders under the heroic Havelock, as they stormed the Secunderah Bagh of Lucknow, and bayoneted those murderous Sepoys whose guilty hands had been imbrued in the blood of helpless women and children. Cawnpore has obtained an infamous celebrity; and the pages of Mowbray



Thomson will ever remain the darkest chapter in the annals of British India. It was with a melancholy interest that I visited the spots rendered memorable by Sepoy treachery, by feminine endurance, and British heroism,—the well, the soldiers' grave, the consumed cantonments, the burnt bungalows, the entrenchments, and the sad ruins in many parts of the city. The buildings of the European part of Cawnpore have sermons in bricks.

What struck me most in Cawnpore was its inhabitants. I had never before seen in any place so many stalwart, rough-looking men,—men of fierce countenance, and defiant attitude. As I passed in the evening, the road alongside the Ganges Canal, and as I wended my way through the crowded parts of the Chowk, I thought I had dropt among a race of giants—"among the sons of Anak who come of the giants."

The road from Cawnpore to Lucknow, a distance of 50 miles, will be ever memorable in the history of the rebellion; and the names of Mungurwar, Oonao, Busherutgunge, and the Alum-bagh, have already become household words. Had I the authority of naming roads I should call it the *Havelock Road*, since it was here that the serene genius of that model-warrior was pre-eminently displayed. It was with no ordinary feelings that I passed this road on the 28th of October. Two years before, in the dark month of September, 1857, the darkest month perhaps in the history of British India, had the heroic Havelock thrice come up this road as far as Busherutgunge, and had thrice retreated after exhibiting proofs of the greatest courage and the highest generalship; and in the same month had he, re-inforced by the chivalrous Outram and the fiery Neill, come up the fourth time never to return. A little later in the same year, the sagacious Lord Clyde had come up that road, afforded relief to the beleaguered garrison and army, and returned with marvellous success; and early the next year did the same venerable hero return, by the self-same road to the final uprooting of the Oudian nest of rebels. The city of Lucknow owes its designation to Lakshman, the generous and heroic brother of Ram, the ancient king of Oude. Of the province of Oude, Fyzabad was the former Mahomedan capital until 1775, when Nawab Asoz-u-Dowlah transferred the seat of government to Lucknow. That Nawab and his half brother Sadut-Ali-Khan adorned the new capital with splendid buildings, till it became one of the finest cities in India. The capital of one of the most fruitful provinces of India, and of a nation of handsome and stalwart men; containing before the annexation a population of 800,000 souls; filled with the costliest and the most magnificent edifices; the abode of pomp and



splendour, Lucknow has always been regarded as the gayest and most beautiful city in India. It is truly a 'city of palaces.' In disparagement of this queen of cities, it has been sometimes said, that the buildings are all stucco and plaster. But may not the same be said of the majority of Indian cities, and especially of the metropolis of British India? But whatever may be the materials of the buildings of Lucknow, I envy not the taste and sensibilities of the man who is unaffected at the sight of those superb erections which meet him in every corner of that noble city. The practical and tape-carrying American traveller Minturn pronounced Lucknow a "gigantic sham," while his more accomplished countryman,—the aesthetic Bayard Taylor, described it "as lovely as the outer court of Paradise." Two circumstances tend considerably to damp that emotion of admiration which the edifices of Lucknow are calculated to excite,—their origin and their use. They were built from the extortions of oppression and the profits of misgovernment, were cemented by the tears and the blood of helpless ryots; and they have almost invariably been the haunts of vice and the chosen home of sensuality. It is some consolation, however, to reflect that, since the annexation, or rather since the suppression of the rebellion, a better use of those buildings has begun to be made.

In the city, properly so called, the most remarkable sight is the Chowk, where a considerable trade is carried on. It has two gates, one of which is called the Akberi, after the great Mogul Emperor who is said to have built it at his own expense. Coming eastward you see the Imambara and the Rumi Durr-waza, perhaps the most beautiful of the many beautiful buildings of this truly beautiful city. The central hall, 150 feet long and 80 feet high, is really magnificent. Near these splendid edifices rise the buttressed walls of the Mutchi Bhawan which figured at the beginning of the mutiny. Not far are the residency and the Bailey Guard—the scenes of those exploits, the memory of which will descend to the latest generations. Close to these is the Furhud Bux, long the residence of the kings of Oude, till the present ex-king removed to a building of his own erection. Adjoining this is the Chutter Munzil, an elegant edifice, its top surmounted by gilt umbrellas (whence the name), the abode of the ladies of the *harem*;—its northern face fronting the meandering Gumti, bears still the marks of British guns. Proceeding further to the east you come to a magnificent pile of fairy erections called the Kaiser Bagh, the gardens of Cæsar, built at an enormous cost by the unfortunate Wazid Ali. It is impossible to survey Kaiser Bagh without admiration. The Jilokhanas in front of the northern

and southern gates,—the Cheeni Bagh, so called from the China vessels which embellished it,—the Huzrut Bagh, with its gate of green mermaids,—the Chandiwalli Baradwari, once paved with silver,—the Khas Makam and the Badsha Munzil, the residence of the ex-king,—the Chonlukhi, so named because built at the cost of four lacs of rupees, the abode of the queen,—the tree with its roots paved with marble,—the two Lukhi gates, each costing a lac of rupees,—the Pathuria Baradwari, paved with marble,—and the Kaiser Pusund, surmounted by a gilt hemisphere and semi-circle,—all these, which make up the Kaiser Bagh, it is impossible to look at without admiration. Within the Kaiser Bagh were imprisoned the British captives; in the open space in front of its northern gate is the monument of the Dhowrera and Mithowli captives, inhumanly butchered on the spot; while close to its southern gate is the Neill gate-way, where the saviour of Benares and Allahabad found a soldier's grave covered with glory. Some of the other remarkable buildings are the Moti Mahal, or the pearl palace,—the Shah Munzil, formerly the scene of gladiatorial exhibitions,—the Tarawali Kothi, the house of stars, or the observatory,—the Hyath Bux where the heroic Hodgson fell,—the Begum Kothi, the scene of a dreadful fight, the grave of many rebels,—Noor Bux, from which Havelock drew his designs upon Kaiser Bagh,—Johur Bux, now the seat of a Christian Mission,—the Constantia, built by the eccentric general Martin,—the Dilkhosa, or the heart's delight, the king's hunting grounds and park,—the Shah Nujeef, where Peel, Middleton and Hope signalized themselves under the gallant Sir Colin Campbell,—and Secunderah Bagh, the hall of which once swam with rebel blood, and in the environs of which repose the bones of two thousand mutineers.

Mr. President, I am not about to discuss the vexed question of the annexation of Oude. This is neither the place nor the time for taking up a political question of that sort. But whatever opinion we may entertain of the ethics of the annexation, there can be but one opinion of its utility. Now that the storm of revolt has blown over, that beautiful country has the prospect of the blessings of a strong and humane government, of an equal administration of laws, of universal security of property, and of an increase of national prosperity. The future of Oude must now be a bright one. In the view of these blessings I should like, I confess, to see, if the thing could be done on just principles, all the territories of the remaining native princes, reduced to the direct sway of Her Most Gracious Majesty Queen Victoria. Native courts have invariably been, and at present are, the nests of corruption and oppression, of



barbarism, of incapacity, of profligacy; and the dominions of native princes have been always consigned to the tender mercies of misgovernment. If civilization is to be preferred to barbarism, if an equal administration of laws is to be preferred to capricious misrule, if public virtue is to be preferred to universal profligacy of manners, if virtue is to be preferred to corruption, the annexation of any native kingdom to the sway of Britain must be regarded as an inestimable boon to that kingdom.

From Lucknow I returned to Cawnpore, and as I sipped my morning tea at the verandah of the travellers' bungalow of the latter place, the Trunk Road in front presented a picturesque scene. Hundreds of pedestrians, of both sexes, plodding on their way, some with heavy burdens on their backs,—elephants, belonging to the Durbar Rajahs, gorgeously apparelled, stalking majestically to the sound of hand-bells hung around their necks, their pillar-like legs and their lithe proboscis,—scores of horsemen galloping with lightning rapidity,—dozens of camels, strung together by the nose, walking slowly and heavily, the hunch of their back alternately rising and sinking, and their long ungraceful necks elevated towards the skies, puffing the air of heaven,—and innumerable carriages of all descriptions, belonging to the Government Banghy and Sikram, the Inland Transit, the North Western, the Hindustan, the Central India, and I know not what other Dāk Companies, running apace, with the everlasting bugle sounding in your ears. In the afternoon of that day I was at Merunka-Serai near which, only two miles from the road, lie the ruins and mounds of the ancient city of Kanouge which, two thousand years ago, when the metropolis of India, was fifty miles in circumference and contained eighty thousand shops of betel-nut, and which, eight hundred years ago, sent priestly teachers to Bengal, the progenitors of the Kulin Brahimans. At Bhowgong the road branches off into two, one proceeding to Delhi, the other to Agra. I took the Agra Road. Few carriages, excepting country carts loaded with bales of cotton, were met with, but the road was thronged with passengers on foot. There were faqueers, almost stark-naked, their bodies painted with the white and the yellow ochre, on their back slung a tiger's skin, from one of the shoulders hanging a dried up hollow pumpkin—the depository of other people's charities, the image of a Hindu god in one hand, and a pair of iron tongs in the other. Those women, trudging on so slowly, must have travelled a great distance,—their sore feet being wrapped round with gunny bags to keep them from being lacerated by perpetual friction with the metalled road. You ask what the



contents of those wicker-baskets are which yonder party of travellers are carrying on their backs, and you are told, they contain peacocks and other valuable birds. You see a Hindu lady riding a country pony astride, her husband walking behind and goading the jaded brute, and you declare Hindu females are not so greatly oppressed as they are represented to be, and that gallantry is not wanting in native gentlemen. Those men and those women under yon umbrageous fig-tree, are resting in the heat of the day, some have stretched their lazy length on the bare ground,—others are bathing in water drawn from the adjacent well,—and others still are engaged in cooking a hasty meal. Through such scenes I galloped my way, crossed the Jumna, and entered Akberabad.

On the brow of Agra has been written Ichabod. Originally designed and adorned by the illustrious Akber, the city rose to the highest importance in the times of Mogul greatness. It is said to have contained upwards of six hundred thousand souls, eight hundred public baths, fifteen bazars, eighty serais, and one hundred mosques. Owing to a series of events the city lost its imposing greatness. It began latterly to revive under the fostering care of the British, especially after it was made the capital of the North-Western Provinces. The rebellion, however, has for ever diminished its importance, by removing the seat of government to Allahabad. But Agra will always, on account of its many sights, remain an interesting place.

The fort is built of red sandstone procured from the hills of Futtehpoore Sikri. The Moti Masjid and the palace are the most interesting objects. The former, the mosque of pearl, was erected by Shah Jehan during his captivity in that fort by his son Aurengzebe. It is constructed of white marble and has a most beautiful appearance. It was designed as an oratory for the ladies of the *harem*. It has a large court surrounding it, and four rows of arches, all of milk-white marble. The palace, many parts of which are in a dilapidated state, is of rare beauty. The Shish Mahal, the bath-room, is a great curiosity, its ceiling and sides are decorated with mirrors. I was also shown the rooms where the ladies of the Seraglio used to play *hide and seek*.

At Secundra is a magnificent mausoleum where reposes the dust of one of the best rulers that ever swayed the destinies of an empire. It has a splendid gateway of red sandstone. The building is four stories high, each story diminishing in size from the bottom. The first three stories are of red sandstone, while the walls and pillars of the uppermost story are of white marble. In the centre is the tomb of Akber, of beautifully



white marble, inlaid with precious stones. Around the top of the walls inside are inscribed in Arabic characters the ninety-nine names of the Almighty. From the top of the mausoleum you have a noble view of Agra, six miles distant, and of the adjacent country.

But the most beautiful sight in Agra, in India, perhaps in the world, is the Taj Mahal, the tomb of Mumtaz-i-Mahal, the favourite wife of Shah Jehan, and the niece of the celebrated Noor Jehan, the light of the world. Of its kind the building has no equal, no second in the world. When I stood on its chabootra, the whole seemed to me unearthly. It was a most delightful vision. It reminded me of what I had read of Aladdin's Palace in the Arabian Nights' Entertainments. It has a beautiful gateway of red sand stone, like that of Akber's tomb at Secundra. You then go through a long avenue of cypresses, in the middle of which there are a great many fountains. The premises are surrounded by a wall of the same material as the gate. By a few steps you ascend the chabootra, at the four angles of which are four minarets of white marble. By a light you are taken below, where you behold two exquisitely beautiful sarcophagi, one of Shah Jehan, and the other of his favourite wife Mumtaz-i-Mahal, of the purest white marble, inlaid with precious stones, which emit a dazzling lustre. The sarcophagus of the queen is covered with arabesques, flowers and other fanciful decorations. Each single flower contains one hundred precious stones beautifully polished; and there are several hundreds of flowers in the interior of the building. You come up and enter the rotunda, —the great dome, 70 feet in diameter and 260 feet in height, whose beautiful screens of latticed marble, inlaid with precious stones and covered with the most exquisite decorations, attract your admiring gaze. Within the screen are cenotaphs, like those you saw in the vaults below. I ascended the minaret in the south-western corner of the chabootra, on the immediate bank of the Jumna, and had a fine view of Agra and the suburbs. This fairy erection is said to have taken 20 years in building, to have employed daily 22,000 men, and cost three crores of rupees. The tomb of Etman-i-Dowlah, on the left bank of the Jumna, is inferior only to the Taj in beauty.

I left Agra on the 2nd of November in the Transport Bullock Train, there being no horse-dawk in Central India. The train consisted of eight keranchis, nine passengers, and one guard. For the information of my untravelled hearers, I may remark that a keranchi of the Central India Bullock Train is a four wheeled cart, with the sides raised about two feet high, and a wooden canopy resting on four posts in the four corners, from



which hang gunny-bag screens,—the whole, wood, screens and all, besmeared with pitch. The keranchi is drawn by a pair of stout bullocks, which are changed every six miles. As I paid for only one seat, I had no right to enjoy a whole carriage myself. Through the favour, however, of the Company's agent, an old Scotch soldier, who was full of reverence for a Presbyterian minister of the Gospel, though a native, I was put in a keranchi where I was the only passenger, along with two packages. Six keranchis were over-stocked with packages on which were perched six natives, and in the remaining keranchi were two young Englishmen, connected with the Central India Revenue Survey, proceeding to Gwalior. I took passage for Indore. I spread my quilt on the wooden frame, put my port-manteau along the two packages already spoken of, converted my carpet-bag into a pillow, and thus prepared for my Central Indian journey. After leaving Agra, the bullocks began to run. Then did I for the first time feel the pleasures of Central India keranchi travelling;—tremendous jolting, so vehement at times, that after the fit is over, you anxiously look about to examine whether you have been dismembered, or any of your bones dislocated; a jarring, crashing sound, deafening your ears and drowning all other sounds, articulate or inarticulate; and last not least, the never-ending clouds of dust, filling the waggon an inch deep, hopelessly soiling your clothes, entering into your nostrils so as to supersede the necessity of snuff for a whole twelvemonth, and creeping into the interstices of your teeth and producing a sensation similar to what you feel when chewing straw. After a two hours pleasant drive of this description, the train stopped on a sudden, and I heard a voice address me saying, "Have you any objection to my seeing a friend who lives in a tent close by?" These words were uttered by one of the two Revenue Survey Assistants. I replied, "None at all, if you return soon." The two young men wended their way to a tent which stood not far off. After a short while, one of the gentlemen living in the tent came up to me, and civilly asked me to step into the tent. On entering the canvass house, I found half a dozen young men sitting round a table laid out for dinner, and apparently waiting for me. We fell to and discussed the chops, the rice, curry, &c. After spending an hour with our hospitable host, we of the bullock train returned to our after-dinner drive, which lasted through the live-long night, in those elegant conveyances of which I have already given you a brief description. Next morning, mine eyes opened on a country quite different from either Bengal or the North-Western Provinces. It was wild, rugged, hilly; and the traces of cultivation were scarcely discernible. Table-