The Comrade.

A Weekly Journal. Edited by - Mohamed Ali.

Stand upright, speak thy thought, declare
The truth thou hast, that all may share;
Be bold, proclaim it everywhere;
They only live who dare!

—*Morris.*

Vol. 7. No. 20. Single Copy Annas 4. Delhi: Saturday, May 16, 1914. Annual Subscription Indian Rs. 12. Foreign £1

CONTENTS.

	Page.
WEEK	389
OUR LONDON LETTER	391
TETE A TETE—	
Political Amenities in England	392
Party Accusations	392
Sad Lack of Humour	393
Tram Car Casualties	393
The Arnold Case	393
Mr. Arnold's Counsel on the Judgment	393
The Duty of Government and of Journalists	393
New Delhi	394
Vested Interests	394
England and Egypt	394
"Discovery" or Invention?	395
LEADING ARTICLES—	
The Privy Council and Indian Criminal Appeals	395
Young India—III	396
GHASITA: A BUDMASH—	
I.—The Escape from Jail	398
INDIAN IN SOUTH AFRICA—	
The Commission's Report	400
SHORT STUDIES—	
Studies of Extravagance	403
DOES CONQUEST PAY?	405
THE BALANCE OF THE BALKANS	406
ADVERTISEMENTS	407—408

MANAGER'S NOTICE.

Subscribers are requested to quote the Subscriber's Number in every communication to the Manager otherwise the office will not be responsible for any delay in replying to such communications.

The Week.

The New Delhi.

London, May 11.

In the House of Lords to-day Lord Curzon drew attention to the estimated expenditure on the new Delhi and moved for papers. He said that he welcomed the Viceroy's speech giving an estimate of £6,000,000 and pointed out that this was an increase of 50 per cent on the figures so confidently submitted two years ago. Even the six million estimate was only made possible by cutting out a number of items which were really part of the Government's policy.

Lord Curzon dealt in detail with incidental subsidiary expenses such as the cost of the transfer of the Government, the temporary Delhi Cantonment, railway re-construction, sanitation and the loss on the buildings unoccupied in Calcutta and Dacca. He now thought that his original statement that the total cost would be not less than twelve millions was an under-estimate. The Indian taxpayer would get off cheaply if the Government's policy cost him less than fifteen or sixteen millions. Lord Curzon paid a warm tribute to the Viceroy's courage and devotion to duty in connection with the attempt on his life, which the House applauded heartily. He asked whether the Viceroy was to visit Calcutta only occasionally and whether the salary of the Governor of Bengal would be increased, seeing that he now had to fulfil the duties of Lieutenant-Governor and also largely those of the Viceroy, a difficult and hampering task. If he was convinced that Delhi was the proper seat of Government and that the Government would be able to govern more sympathetically and effectively from that city he would not grudge a rupee, but in his view they were creating an official capital on an arbitrary and artificial site. He quoted Mr. Ramsay MacDonald's view of the new Delhi as identical with his own.

He did not doubt that the general opinion in India was steadily hardening against this policy, while commercial India was seriously questioning the advisability of thus spending all these millions when so much was wanted for social and commercial progress. The provision of only £66,000 this year for railways was absolutely contemptible. The destiny of capitals dependedl on natural laws. An artificial capital might have mechanical existence but never real vitality unless it represented the need of the Government and the real interests of the people. If it did not, no expenditure could endow it with real substantality. Nature in time would have her revenge and they would be forced to conclude that the revenues of the Indian taxpayers had been wasted. Lord Curzon spoke for an hour.

Lord Crewe announced that he declined to reargue the question as to whether the change of capital was wise. He protested against the inclusion in the cost of charges of many changes which would still have been necessary had the Government remained at Calcutta. Regarding the estimate of four millions he pointed out that the Indian Government had never stated what its estimate of expenditure really was. He agreed that the actual expenditure on the new Delhi should be made clear each year and he would consult with the Indian Government as to how this could be most clearly done.

It was impossible for any Viceroy to fix the term which he was bound to stay at Calcutta but it was quite clear that any Viceroy would desire to pay a visit to Calcutta for some period in the cold weather. Regarding the salary of the Governor of Bengal, Lord Crewe pointed out that his allowances were far larger than those of the Governor of Madras. Referring to Lord Curzon's assertion that residence in Delhi was only tolerable for five months in the year, Lord Crewe said that the intention was that the Indian Government should be in Delhi seven months but it was impossible to say if this could be carried out. The Viceroy, however, would spend a longer period every year in Delhi than recent Viceroys had spent in Calcutta,

There was, Lord Crewe continued, now very little criticism of the project in India either by officials or non-officials. He had no doubt that the Viceroy would not agree with Lord Curzon that departure from Calcutta meant departure from the main current of Indian life. Lord Crewe could only speak of Calcutta with the highest admiration and respect but to regard it as representing the main current of Indian life or as the natural capital of India, which was to be replaced by an artificial capital, was a view which he was altogether unable to share.

Referring to the alleged unsuitability of Delhi as a meeting place for the Legislative Council owing to the inability of members to attend there, of which Lord Curzon had given two instances, Lord Crewe said that if this was found to be a permanent result of the transfer to Delhi it would be necessary to consider the holding of special sessions for special business in other more commercial centres. No such proposition, however, had reached him officially. He hoped that the desired result could be achieved by the Commercial Department making progress to three or

four great commercial centres and the reascertaining what was required with a view to passing the necessary egislation when the Council met.

He was afraid that he had not succeeded in altering Lord Curzon's conviction, but he had not heard anything make to him regret his share in the change and he was certain that the Indian Government was equally content with the results so far as it was able to judge them at present. He hoped to lay papers which would throw more light on the subject.

Lord Curzon withdrew his motion, and in so doing stated that Lord Crewe had not convinced him any more than he had satisfied Lord Crewe.

Albania.

London, May, 7.

The Epirote Government has consented to suspend hostilities on the intervention of the International Commission, which will undertake to supervise and guarantee the continuance of concession by the Albanian Government.

London, May, 7.

Report from various sources confirm the news of crucifixions at Kodra. Nails were driven through chests, hands and feet of the victums. Children were found at Hormova, cruelly tortured. Many had had their fingers cut off. It is also asserted that many Albanians at Vrbecko and other places near Leskovitch have been massacred or burned in their houses by Epirotes.

South Africa.

Cape Town, May, 7.

It is understood that General Smuts has promised a deputation of Johannesburg Mussulmans that the Indian Grievances Commission's recommendations generally will be carried out. He also promised to do everything to settle the marriage question satisfactorily. He said that when the Immigration Act came before Parliament for revision Government did not intend to put any hardships in the way of Indians.

Cape Town, May, 12.

Replying to questions in the House of Assembly, General Smuts announced that he intended to introduce legislation on the Indian question this session.

Indian Finance and Currency Commission.

Lahore, May, 7.

The *C. M. Gazette* understands that the Secretary of State is about to address the Government of India on the subject of the Report of the Indian Finance and Currency Commission and pending the Report of this Commission no news on the matter is available. It would appear, however, from the oppointment of Mr. William Robinson as Financial Assistant Secretary to the India Office that the Secretary of State has accepted the subsidiary recommendation of the Commission that the Finance Department should be strengthened by the appointment of a second Secretary to whom the work of a purely technical financial character should be allotted. It would appear that the fundamental recommendations of the Commission, including the reconstitution of the Finance Committee of the India Office are undergoing further consideration.

Turkey.

Constantinople, May, 7.

The Chairman of the Military Affairs Committee in the Senate has introduced into the Senate a resolution permitting the President to increase the regular army above 1,000,000—the statutory limitation.

Eleven Kurds, including Sheikh Shehabeddin, have been hanged at Bitlis in connection with the recent revolt.

Indian Students.

London, May, 9.

A large meeting of Indian students was held at Caxton Hall yesterday and a Resolution was passed, expressing disapproval of the existence and the increasing activities of the Indian Students' Department as a reflection on their character and capacity and as injurious to their interests and demanding its immediate abolition. It was decided to draw up a printed statement of the students' grievances and to form a Standing Committee. Mr. J. M. Mehta, who presided, complained of the ineffectiveness of the efforts of the Department to overcome racial prejudices againt the Indians at educational institutions and urged an absolute boycott of the Department and all the agencies concerned with it. As to the new Hospitality Committee they did not want patronage or hospitality while they were denied educational facilities. The department was a minor edition of the Immigration Department of South Africa and its existence implied inferiority of the section of the community it was looking after.

Turkish Mission to Livadia.

London, May, 12

Particular importance is attached this year to the annual Turkish Mission to Livadia to convey the Sultan's greetings to the Tsar. The Mission will also proceed to Bukharest. It is stated that the Porte is desirous of obtaining Romanian mediation on the question of Chios and Mitylene. The Mission, headed by the Minister Talaat Bey, was ceremoniously received by the Tsar yesterday evening. At a State banquet, the Tsar drank to the health of the Sultan and the prosperity of the Turkish Empire.

Persia.

London, May, 12.

At question time in the House of Commons, Mr. Pointsonby asked whether Great Britain would ask Russia to withdraw her expeditionary force in North Persia in fulfilment of her pledges in order that the Shah might be enthroned as ruler of the country, the sovereignty and integrity of which were not seriously impaired. Mr. Acland replied that Russia had given assurances regarding her troops, of which recent withdrawals from Tabriz and Kazvin were practical illustrations. It could hardly be urged that all should be completely and suddenly withdrawn until it was evident that such a course would not be followed by outbreaks in the North, similar to those which had recently occurred in the South.

Ulster.

London, May, 12.

In the House of Commons to-day Mr. Asquith made a statement regarding the "Suggestion stage" of the Home Rule Bill. He emphasised that the speeches of the Opposition revealed a complete aversion to the principle of Home Rule. He made no complaint on that account. It was perfectly logical and consistent. He intimated that if a settlement by consent was to be reached the only proper course was to introduce an Amending Bill for which Government would make itself responsible. This and the Bill itself would become law together. He trusted that there would be a settlement. He would take the third reading before Whitsun.

Mr. Asquith continued that Government supported none of the amendments to the Disestablishment Bill; consequently there was no advantage in halfing the "Suggestion stage." (Opposition uproar) The failure to have the "Suggestion stage" did not detract from the ultimate power of the House (Opposition dissent).

Mr. Bonar Law affirmed that such an encroachment on the liberties of the Opposition would lead in any other country to a violent outburst. The minority's only protection was a sense of fair play, He denounced the Parliament Act as wrecking representative government and did not share the Premier's hope that the Amending Bill would bring peace. It was six months since the first conversations and Government had simply drifted and was drifting still. The crux was between Mr. Asquith and Mr. Redmond alone. The Nationalists would be overjoyed at the passing of the Bill, but the Ulsterites would feel that the position was becoming worse. It was impossible to exaggerate the danger ahead.

In the House of Commons to-day, Mr. Redmond said that the course which Government was taking was the best if a settlement was to be reached; but he objected to the statement of Mr. Asquith that an Amending Bill would be introduced even if finally there was no hope of a peaceful settlement. The Amending Bill should only be introduced to carry out previous agreement; otherwise he would hold himself free to deal with the situation when it arose.

In the House of Commons an amendment refusing to pass a Resolution restricting time for the discussion of the remaining stages of the Home Rule and Welsh Disestablishment Bills until Government had produced its suggestions for an amendment of these Bills in accordance with the Parliament Act, was rejected by 293 votes to 217.

London, May, 13.

The new phase of the Home Rule situation was opened up by a speech of Mr. Redmond in the House of Commons yesterday evening, disapproving the Amending Bill to the Home Rule Bill unless the previous agreement was secured and holding himself free to deal with the situation when it arose.

Conservative papers consider that Mr. Redmond's threat to government destroys the hope of the settlement. Liberals are of opinion that Government have made a strategical mistake by their declaration on the Amending Bill at the present juncture.

After Mr. Redmond's speech, Sir Edward Carson telegraphed to Belfast:—"Redouble your efforts."

London, May, 12.

Mr. Asquith accepted an Opposition amendment allowing a day for the discussion of the Financial Risolution of the Irish Bill on the ground that the Budget might be regarded as changing the position in this respect. The closure was then carried by 276 to 194.

London, May 12.

A small steamer evaded destroyers on the north-east coast of Ulster and landed twenty machine-guns, which were conveyed inland in motor cars.

Congress Deputation.

London, May 12.

The *Times* says that Lord Crewe yesterday informally received Sir William Wedderburn and Messrs. B. M. Sarmn, M. A. Jinnah. N. M. Sarmarth, Mazar-ul-Haque and S. Sinha, delegates from the Indian National Congress, with regard to Lord Crewe's proposals to amend the constitution of the Council of India.

The Aga Khan's Tour.

London, May 11.

The Aga Khan, who is on the continent, is starting in a few days for a prolonged tonr of British and German East Africa, Madagascar and Australia.

Our London Letter.

London, April, 24.

The Political Situation.

The House of Commons has reassembled after the brief Easter recess, but so far there is no substantial evidence of any improvement in the prospects for peace in the Home Rule campaign. Party feeling naturally is running very high, particularly at question-time, but the speaker is always ready for any emergency and controls the excited legislators remarkably well. There is a long list of questions on the paper every afternoon bearing on the Ulster problem and the recent army crisis, but Mr. Asquith, who now answers for the War Office, has proved too strong for his hecklers. In his characteristic style, full of composure and dignity, he replies laconically and precisely and "honourable members opposite," who had hoped to expose some imaginary "plot" or to disclose some mysterious "scheme" on the part of the Government to "subdue" Ulster, eventually find, much to their disgust and disappointment, that the Prime Minister is after all a "hard nut to crack." The White Paper issued this week, containing further correspondence that had been exchanged between the G. O. C. in Ireland and the War Office as well as that passed between the Naval authorities and the Admiralty, has conclusively proved that the steps that had been taken in reland—steps that had not only been honestly misunderstood by the Senior Officers in the Curragh, but deliberately misrepresented to the country by the Opposition—were purely of a precautionary character, as had been repeatedly stated in Parliament by the Ministers. Sir Arthur Pigot himself bears ample testimony to this and the nation has at last been given a splendid opportunity for judging the honesty and the sincerity of Mr. Asquith and his colleagues. The country is now convinced—and those who have been impartially observing the course of recent events had been convinced from the very beginning of this wretched business—that all the Ministerial statements on the floor of the House as well as on the platform have been throughout absolutely consistent with the realities of the situation. The Prime Minister had from the very outset taken the House and the Country in his confidence and had in no mistakable language placed the entire case before them. The Unionist leaders, however, had declined or rather pretended to decline to believe in all such authoritative statements. Now at last one would expect them, if they have an atom of patriotism and sportsmanship still left in them, to accept their defeat and honourably face the situation, created entirely and solely by their own misdeeds.

Both the political parties are for the present very hopeful of coming to a peaceful solution of the Irish problem during the "suggestions" stage of the Home Rule Bill, and it is quite possible and indeed very probable that "conversations" will in the meantime be held between the responsible leaders on the two sides. We have, therefore, for the time being, to await further developments calmly and dispassionately.

Dr. Bagee Shah.

Dr. Bagee Shah, the elder son of the late Aga Zainulabedin Shah of Bombay, has been appointed House Surgeon at the Miller Hospital. He has had his professional training at St. Bartholomew's Hospital in London, an institution of world-wide reputation and fame. During his stay in this country, Dr. Bagee Shah has closely indentified himself with the Islamic Society and the London section of the Indian Guild of Science and Technology. It is true he has never taken any official part in the management of these institutions, but he has been acting, specially in the Islamic Society, as the "man behind the scenes" and has always placed his services, though informally and in a private capacity, at the disposal of the Society's officials and that too, it must be frankly admitted, ungrudgingly and disinterestedly. It is no doubt this type of men, whose work and whose services in the sacred cause of Islam cannot but appeal to all those who have the true interests of our great faith at heart, that are to-day needed in the Moslem community. It is this class of private members, whose passion and zeal for earnest work could only be adequately estimated by those in intimate association with them, that really form the very backbone of the Islamic Society. They hate to shine in the limelight of publicity and despise the vanity of self-advertisement. Yet privately and quietly they are daily discharging those noble and sacred duties that have been so emphatically enjoined by the great Prophet upon all true moslems. Dr. Bagee Shah is to be heartily congratulated on his recent appointment. The Islamic Society, with which he has been so intimately associated for several years, wishes him every success in his future professional career and hopes he will be able to serve the cause of Islam in future as faithfully and as honourably as he has done in the past.

Colonel Aziz Ali Bey.

The announcement that Col. Aziz Ali Bey has been pardoned by the Sultan will no doubt be received favourably throughout the Moslem world, particularly in Egypt. The *Times*, in a leading article, takes a modest pride in being chiefly instrumental in securing the Colonel's release. As a matter of fact, it is nothing of the kind. It is true a very widespread agitation had been cunningly started in this country against the trial and subsequent conviction of Col. Aziz Ali Bey, not really in the interest of justice and fair-play, as it has been pretended, but obviously with a view to strain the hitherto cordial relations that have happily existed between Constantinople and Cairo. We were repeatedly told that, considering the enormous Moslem interests of Great Britain, British prestige would necessitate the ultimate interference of England in this affair. It is indeed a paradox, and I am not going to discuss it again at length beyond just drawing the attention of your readers to the fact that British prestige, so we are given to understand, is said to suffer if a Moslem subject of the Caliph is going to be tried in accordance with the laws of the country. There was not even a shadow of doubt as to the efficiency and impartiality of the Court-martial which had been appointed to try the Egyptian Colonel. Aziz Ali Bey could get as much justice in Constantinople as any British subject can ever hope to get in a British Court. He was found guilty on some of the most serious charges that a military officer could ever be accused of. He was sentenced according to law and now has been finally pardoned by his Imperial Master. The incident, as far as Turkey and Egypt are concerned, is definitely closed and the matter is at an end.

The *Times* and some other organs of the British Press have attributed Aziz Ali Bey's arrest and trial to Enver Pasha's "jealousy." That accusation puts the whole case in a nutshell. The plain fact, however, is that those who are to-day accusing Enver Pasha of jealousy towards Aziz Ali Bey are themselves keenly jealous of the great Turkish hero. Enver Pasha is an old comrade-at-arms of the Egyptian Colonel and has indeed throughout the proceedings actually shown some partiality in Aziz Ali Bey's favour for the sake of "old friendship." We have fortunately the Colonel's own statement on record to that effect and that is sufficient to expose the falsity of the cruel insinuations that have been made against Enver Pasha in certain newspapers in England.

The *Daily Telegraph*, however, true to its traditional fairness to Turkey, is an honourable exception and its able correspondent at Constantinople attributes Aziz Ali Bey's pardon to the wisdom, sense of justice and statesmanship of the Cabinet and not in any way due to external influence, as has been suggested by its other less sincere contemporaries. The *Times* seems to be particularly astonished at the "extraordinary" fact that Aziz Ali Bey has received the Imperial pardon, after having been sentenced to 15 years' imprisonment and hastens to claim it as a victory gained through its own influence. A man actually found guilty and then pardoned! That, of course, would be nothing extraordinary, had it happened elsewhere. It is a matter of common practice elsewhere for prisoners to receive the Royal clemency, after they have been found guilty and sentenced in a court of law. But the moment a similar incident occurs in Turkey, these "good" and "honest" men immediately begin to suspect and doubt. They at once produce various kinds of fables to show that some "powerful factor" has been behind it all.

They may now similarly rejoice over Aziz Ali Bey's pardon and pose as his protectors, but those who are well-versed in modern Ottoman diplomacy know only too well how absurd and how utterly ridiculous such an attitude would be. The fact remains that Colonel Aziz Ali Bey has been finally pardoned and that the Imperial clemency has been exercised solely and entirely on the initiative of the Sultan's own advisers. British influence and British interference had never been, and indeed could never be, entertained in this purely domestic Turkish affair, and there the matter ends.

TETE À TETE

Political Amenities in England.

Of course, the man who called Englishmen *tartufes* (or is it *Tartuffes* ?) was an unspeakably wicked person, and had he lived in these spacious days of Sections 124 A. and 153 A. I.P.C. and the Press Act, our alert and wideawake Local Governments would have seen to it that the impudent wretch got transportation for life and had the Press which had the insolence to publish this wicked libel confiscated together with the security of ten thousand rupees. This for a preface. Now let us get to business. Is there a single Anglo-Indian newspaper that has not almost every day accused Indians of recklessly, and sometimes even maliciously, criticising a long-suffering Government and its officials ? Have not charges of using unpardonably strong language likely to bring Government into contempt been levelled against Indian "hot-heads"? From these expressions of horror one would imagine that the English were a race of men with angelic tempers, and even a slight rhetorical exaggeration in criticising their political opponents was as little known to this noble breed as falsehood or "the saying of that which was not" to that other noble breed of Houyhnhnms of Dean Swifts' creation. Nevertheless, occasionally there floats over the Indian breeze the distant and dull rumour of the use of strong language and even fisticuffs in "the Mother of Parliaments" where top-hatted and frock-coated humanity assembles to teach political amenities to a world of sable hue. An Englishmen has neither the excuse of natural temperament nor of climate to be a Hotspur, which the Indian has, but whenever a question on which opinion is really divided comes up for discussion in Parliament the spectacle of these cold-blooded gentlemen, living far beyond the heat-belt which gives to people living in it a perpetual inferiority, quarrelling with each other in a manner that would shame an Indian schoolboys' debating society. Who does not remember the hoarse eagle's cry (we shall not say the screech-owl's) of "'Vide!" "'Vide!" that was raised by the Hon. Member for that nursery of good manners, the University of Oxford, and echoed by the whole party of aristocrats, which made it impossible for the House of Commons to hear the Prime Minister? Who can forget the scene when the blue-bloods called the Liberals "rats" as they marched out of the House and were in return reminded of the fact that they prided themselves on being "the gentlemen of England"? If we do not mistake, some one threw a book at Mr. Winston Churchill on one of these occasions. During the recent Ulster debates linguistic temperature was fairly high and shouts of "It's a lie!", "It's a damned lie!" and accusations of this nature were fairly frequent. Mr. Austin Chamberlain openly characterised the resignation of Col. Seely and its non-acceptance by Mr. Asquith as "a put up job". This is what the English Opposition thought of the English Ministers. Unable to censure the Government in the Commons, the Tories wreaked their revenge in mail week on the Earl of Lincolnshire, President of the National Liberal Club, for the resolution which that Club passed last March on the Tory attempt to seduce the Army from its loyalty to the Sovereign, which we may venture to remind them is "the King in Parliament." Even Lord Midleton, whose controvesy with Lord Curzon taught some important lessons in discipline to Indians, made his existence felt and characterised the noble but offending Earl as an aristocrat by nature and a Tribune by calculation. We wonder what he would say if, after the President of a Provincial Council had for the hundredth time assured the members of his sympathy with the ideals of the Progressives, some Indian member got up and called him a "Sundried bureaucrat" by nature and a "Labour Member" by calculation? Only last year the Hon. the Home Member had indignantly protested when the Hon. Mr. Vijayraghavachariar had accused him of political "sleight of hand" and performing "tricks," and was not satisfied till "tricks" was withdrawn, though "sleight of hand" was permitted to pass. Who can imagine an Indian Council in which Mr. Gokhale would be found accusing the Viceroy of "put up jobs," or Mr. Bannerjea would be leading the chorus of "'Vide!" "'Vide!" when His Excellency had risen to make an official pronouncement? Let officialdom thank its stars that the pupil is not as apt as it could be.

Party Accusations.

We offer no apology for reproducing from the *New Witness*, the non-party organ of "Clean Government" the following description of the motives and character of each of the two great Political Parties in England according to the other, and that journal's description of the motives characterstic of both as discovered during the present Army Crisis in Ulster. Referring to "the minor history of the grotesque proceedings which led up to the Curragh incident," the *New Witness* says:—

"It would be difficult to find a better illustration of the working "of the Party System than is conveyed in this disastrous and ludic-"rous story. In order to illustrate our meaning let us take first the "Ministerial version of the affair. It runs more or less as follows:—

A number of ardent democrats, raised to power by the direct will and mandate of the populace, and having no thought in their minds save the rescue of the oppressed from all forms of tyranny, resolved to do justice to the people of Ireland. They find their good intentions frustrated by a treasonable conspiracy engineered by a very wicked man called Edward Carson. For a time their delicate humanity urges them to spare the wretched fellow and his unfortunate dupes. At last, however, the matter goes too far, and these men, as brave in battle as they are generous in victory, decide on resolute action.

But the infamous Carson has meanwhile entered into an intrigue with a number of haughty aristocratic officers who, hating Liberty and Democracy, refuse to carry out the orders of the People. The Government therefore, appeals, to the nation to save itself from military tyranny by rallying to the support of its chosen champions.

"That is one story. Now for the other.

A gang of low-born ond low-minded ruffians having obtained power by appealing to gratify the passions of the multitude, wish to gratify the hate and envy felt by the horrible Papists of Ireland towards our nobler race. This they propose to do by handing over to the rack and the stake the loyal Protestant people of "Ulster." These brave fellows rightly resolve to resist and their martial valour instantly strikes terror into the hearts of the conspirators. They see that there is nothing for it but to massacre the whole population of "Ulster" forthwith. This they resolve to do, but their plans are thwarted by the noble British soldier, who declares that he will have no part in the work of blood. The Government retires baffled, and the nation is called upon to execrate its abortive atrocities and to applaud the noble refusal of the Army to serve it.

"One sees at once how thrilling are both these narratives, how "well they fit in with each other, how excellently both are adapted "to electioneering purposes, and how absorbing must be the contro-"versy as to which is the true version of the affair. In the excitement "of such a controversy (? who) would not forget the paltry matter "of having 4d. a week docked from his wages or being fleeced by "Government contractors who have let Ministers into a good thing "on the ground floor?

"And now, for a change, let us talk about the truth.

A small team of professional politicians, co-opted by other professional politicians and financed by very wealthy men who expect some return for their money, in receipt of large salaries out of the taxes and utterly indifferent to everything but the retention of those salaries, is in considerable distress. These gentlemen are in distress firstly, because they have been paid by the great employers to pass a law for the regimentation of their workpeople which has met with an unexpected measure of resistance, and, secondly, because some of them have been caught taking a secret commission from a Government Contractor and subsequently lying about it. The other team of professional politicians, not yet in receipt of salaries, would doubtless like to have its turn at them, but it does not want to fight on either of these issues because in the first case it is paid by the same great employers who ordered the aforesaid unpopular bill from the other team and in the second case because it is koown that when once public curiosity as to the proceeding begins it is impossible to say where it will end. Both teams have, therefore, a common interest in diverting public attention from these questions to some other topic. The obvious other topic is Ireland. The two veracious narratives set out above are therefore, devised and the necessary evidence manufactured to support them. In this they derive great assistance from a lawyer belonging to the "Opposition," who had done a good deal professionally to help the members of the "Ministerial" team out of their secret commission difficulty.

"That is the real story. Can either team fight an election on "that? Certainly not. Then let it be suppressed,"

We cannot say that we altogether agree with the *New Witness's* description of British politicians; but who can say that our contemporary has in the least exaggerated what one party is saying of the other? And yet we hear that an English tutor of an Indian College not ten thousand miles away from Delhi says he will not shake hands with a member of the Board of his employers because the latter has expressed strong disapproval of the foreign policy of Sir Edward Grey and Mr. Asquith in relation to Turkey and other Moslem states and kingdoms, although the learned professor does not assert that the peccant journalist ever denied to these English Ministers and their more masterful colleague, Mr. Lloyd

George, the title of gentleman. In fact, he is prepared to swear before any number of Justices of the Peace that he does not believe the Lord Chief Justice of England and a former Under-Secretary of State for India, or, for the matter of that, *two* former Under-Secretaries, to be low dishonest swindlers. It is quite possible that the peccant journalist is a Radical, and, like all who have undergone even for a year the sundrying process of the Indian sun, the learned Professor is by now a high-born, well-bred, pleasant-mannered Tory!

Sad Lack of Humour.

In a recent issue of *Punch* its well-known "Charivaria" columns contain the following:—"Oil has been dis-"covered in Somaliland, and it is rumoured "that the Government is at last about to "realise that its obligations to our friendlies demand a forward move "against the Mullah." We have been noting for sometime the tremendous decline in humour in our jovial contemporary, but that it should have come to this! Does *Punch* really hope to raise a laugh out of the merest commonplaces of the East? Try another, my friend!

Tram Car Casualties.

We do not know what purpose is served by Reuter's cabling to India news of accidents involving injuries or loss of life. The latest is not a railway but a tramway collision on Blackfriar's Bridge in which fourteen persons received severe injuries requiring attending to in a hospital, besides many others who received minor injuries. But even if such news must be imported into India, what about the export of similar news to England to establish the balance of trade in such news? If tram cars in the English metropolis deserve such publicity, what have the tram cars in our Indian Metropolis done to deserve such neglect? If we had had anything to do with the Delhi Tramways Company we would have knocked down Reuter's man here the first time we met him in a lonely lane, or, better still, we would have invited him to take a ride in one of the Company's tram cars at "owner's risk" rates.

The Arnold Case.

The Judicial Committee of the Privy Council has dismissed the appeal of Mr. Channing Arnold against the judgment of Sir Charles Fox, Chief Judge of the Burmah Chief Court, who had sentenced Mr. Arnold to a year's simple imprisonment on the ground that he had libelled Mr. Andrew, the District Magistrate, over his action in the McCormick case. Our readers would no doubt still remember the case since we had drawn the attention of Government to Mr. Arnold's very serious allegations against Mr. Andrew, and had also published for some time the verbatim report of the proceedings in the Magistrate's Court in the libel case. Although in doing our duty the first consideration with us is not whether it is "safe" to do so, we may take it that even in India it is quite safe to approve of the views of an English Tory newspaper, and whether we would have otherwise hesitated to say the same thing or not, we can have no hesitation now in echoing the words of the *Spectator* that "Mr. Arnold is a man "of conscience and courage, who believed he was standing up for "the injured and the oppressed. Therefore, even if he blundered and "even if he deserved punishment . . . . he also deserves our "sympathy. The trade of a journalist would be a very ignoble one "if it were not for the spirit which inspired Mr. Arnold." We may frankly state—and we have stated it repeatedly when journals like the *Times* have contravened against this view quite recently—that we dislike equally with the *Spectator* the notion of "re-trial by newspaper." But in order to appraise the value of the judgment delivered by Lord Shaw it is only right and just that we should have regard to the circumstances of the case and not content ourselves merley with the decision that their Lordships of the Privy Council "will humbly advise His Majesty that the Appeal be dismissed."

Mr. Arnold's Counsel on the Judgment.

In fairness to Mr. Arnold we reproduce the letter of the junior counsel for him to the *Spectator* and part of the letter to the *Nation*. Mr. David Alec Wilson writing to the *Spectator* says:—"Your "readers will see in Wednesday's *Times* the "Privy Council judgment, which is what is called in the East the "'last guess' of English Courts of Justice, in the Arnold case. There "is little in it so good as the brave English declaration that 'no "privilege or protection attaches to the public acts of a Judge which "exempts him, in regard to them, from free and adverse comment'. "Their Lordships may be assured that, for a century or longer, the "judgement in this case will be subjected to 'free and adverse commen "in Asia. But here I will only mention the logical blunder "which vitiates its argument, and which it was my duty to rise and "mention when it was delivered. Their Lordships say that 'all the "libels, in so far as they were assertions of fact, were admitted to be "false.' What I had to remind their Lordships of was that neither "Sir Robert Finlay nor myself made any such admission, but only "did *not allege the truth*. This correction was accepted, and it makes "'printer's pie' of their argument. The reason why we relied on 'good "faith' only, and did not undertake to allege the entire truth, was "that the evidence to prove the truth of the libels was not on record. "It had been excluded by Sir Charles Fox in the Lower Court, and "he had declined to allow argument about it. Moreover, under the "Indian Penal Code, 'good faith' was a sufficient defence." He supplements this information in a letter to the *Nation* in which he states:—"Mr. Arnold was not allowed to give evidence on his own "behalf. He might answer questions put by the Court. If a man "accused makes an additional statement in Burma, the law does not "require it to be recorded, and it seldom is. Thus, in the Court "of the magistrate, Mr. Cooke, who committed Mr. Arnold for trial, "Mr. Arnold, in addition to answering questions, made a long state-"ment, which duly appeared in the newspaper reports; but not a "word of it was, or by law was required to be, recorded by Mr. Cooke, "or considered by their Lordships." As regards the facts of the case itself, Mr. Arnold's conduct and the judgment and their effect in India, he writes to the *Spectator* as follows:—"The accepted facts, "on which their Lordships concur with Sir Charles Fox, are that in "1911 Mr. McCormick, a rubber-plantation-starter in Mergui district, "took to his house a little Mohamedan girl of about eleven, called "Aina, and detained her till July. 'He admitted,' said Sir Charles "Fox, 'he had examined the child . . . a thing no man with a "proper sense of decency should have done. . . . His treatment "of the mother herself when she went and asked for the child and "of the relations . . . also was inexcusable.' The child's father "sent for her in vain, and died without seeing her again. Mr. Buchanan, "the Sub-divisional Magistrate, issued a warrant for abduction, and "recorded an opinion that Mr. McCormick should be committed for "trial for abduction and rape. Their Lordships express confidence "in the good faith of Mr. Buchanan. Mr. Andrew, the District "Magistrate, admitted being on friendly terms with Mr. McCormick, "and refused to commit him for trial, giving as his finding that "Mr. McCormick's motives had been 'pure and philanthropic.' "Their Lordships say they do not agree with that opinion, and "indeed, that is fortunate. It is an insult to common-sense and "resented accordingly. An indignant European wrote to Mr. Arnold, "an editor in Rangoon, and after long delay, and when he found "no further inquiry could be obtained, Mr. Arnold denounced the "conduct of Mr. Andrew as a 'mockery of British justice.' He used "strong language which Sir Charles Fox's ruling as to evidence "prevented his counsel justifying; and, indeed, it is a pity he went "beyond the notorious facts not now disputed, for they are sufficiently "scandalous. But even if he did wrong, which I cannot admit, "his punishment has been out of all proportion to his offence. The "purity of his motives has never been questioned. If his conduct "be regarded fairly all round, he has rendered the greatest possible "service to the Empire by showing to the Asiatics an English gentle-"man sacrificing himself and going to gaol in his zeal for justice to "a little Mohamedan girl he had never seen. Asiatics can appreciate "this even better than we. They believe in family life more than we "do. The Mohamedans thereabouts in particular are zealous puritans, "to whom European sexual laxity, such as they see it there, is an "abomination. If this case does not drive them into sedition, it "will be in spite of our Courts, and because the martyr for justice "is an Englishman. What more than any other detail in this case "has infuriated the Asiatics is Sir Charles Fox's statement that, "by taking and keeping away a girl as Mr. McCormick did, a man "commits no offence unless the woman from whose immediate custody "he takes the child can be brought forward to say she did not give "consent. This seems little less than, what the Judge certainly never "intended, free licence to the most shameful traffic in children, a "crying evil in Burma. If the Judge's law is right—and their "Lordships do not repudiate it—then there *must* be legislation at "once, or we shall lose the loyalty of every clean-minded Mohamedan "and Burman in Asia. Already we have strained them very sore."

The Duty of Government and of Journalists.

In the course of his letter to the *Nation* Mr. Wilson makes the following appeal to Government and to journalists, and we hope it will not go in vain. He writes: "Instead of holding a "fresh enquiry, as they should have done, "the local authorities wreaked their wrath "on Mr. Arnold, at the public expense. All the money spent against "him in the criminal proceedings just ended, and all the money being

"spent in the civil suit still pending, come out of the public purse. "If only the executive authorities knew what the people are saying "about them, they would know that the waste of money is a small "part of the mischief they are doing; and it is all futile. They "'cannot paint mud.' I appeal to all the honest journalists and "editors in the Empire to stand by Mr. Arnold, and demand that "the civil case stop at once, and that a payment of costs in the "criminal case be made to him. The punishment he ha already "suffered cannot be justified. If his fellow-journalists fail to help "him, then they will deserve to be called—

"'A servile race by folly cursed,
"Who truckle most when treated worst."

We offer our humble but emphatic support to this appeal, and we trust Government would not deny a brave and honest Englishman, whose Imperialism is a thing we can all understand and appreciate, such an act of grace.

New Delhi.

Lord Curzon's recurring assaults on New Delhi seem to have grown a regular item of his Lordship's parliamentary programme. No one, of course, would grudge him the luxury of these performances if they serve to keep his interest in Indian affairs alive. Ex-proconsuls of his super-sensitive temperament can hardly bear the agony of a least suggestion that they are beginning to be forgotten. It is only natural, therefore, that they should clutch at every opportunity to remind the world that they existed, that they knew a thing or two and that but for their presence things might be infinitely worse. Lord Curzon's periodical deliverances against New Delhi reveal the ex-viceroy in a strange and wonderful light. His excessive concern about the "cost" is supremely amusing. He believes it would run up to fifteen or sixteen millions sterlings. He thinks it is utterly unjustifiable and the revenues of the Indian taxpayers would be wasted. It should do one's heart a world of good to hear from Lord Curzon a plea on behalf of the Indian taxpayer and his burdens. We may assure his lordship that he is in no danger of being forgotten in this country. India remembers him only too well and cannot for a long time forget that some of the acts and measures of his regimé were not exactly conceived in sympathy with the interests of the Indian taxpayer. He held his Durbar at Delhi—perhaps the only place suitable then for that "ritual of the State"—and the pomp and circumstance, with which he surrounded himself, and the display of barbaric wealth and the cloth of gold did cost some little trifle to the Indian revenues. His twelve Labours of Hercules had to be paid for generously, and his "missions" were no beggarly enterprises doomed to starvation at their birth. His elaborately-planned excursion into Tibet and his somewhat inglorious promenade in the Persian Gulf had their bills. The wheels of the administration were ceaselessly oiled and new and costly wheels were created within wheels. The great ex viceroy had a sneaking wish to play the Grand Mogul, and the traces of his extravagant freaks still testify to his aching desire to crystallise his "Imperial Idea" in some abiding symbol. The Victoria Memorial Hall has yet to be completed and may it grow to be a worthy monument of a great epoch! Lord Curzon did not grudge the cost when he set to conceive, like Titan, a memorial to be associated with his rule. All these acts and measures cost the taxpayer to the tune of some millions sterling. This expenditure, we may be told, was justified in the interests of internal security and administrative efficiency. Exactly so. Cannot the change of capital to Delhi be justified precisely on this score?

Vested Interests.

Lord Curzon, however, thinks otherwise and condemns the transfer on higher grounds of policy. He does not think that the Government would be able to govern more sympathetically and effectively from Delhi. In his opinion, an official capital is being created on an artificial and arbitrary site, "which might have a mechanical existence but "never real vitality unless it represented the needs of Government and "the real interest of the people." He did not doubt that "the "general opinion in India was steadily hardening against this "policy, while commercial India was seriously questioning the advis-"ability of thus spending all these millions when so much was wanted "for social and commercial progress." For a sympathetic and effective government what is really wanted is not so much a particular locality as a particular type of rulers. We are familiar with the Calcutta argument about the Government of India thus shutting themselves away from the main currents of enlightened and progressive opinion. We would, however, like to know what this "enlightened and progressive opinion," in sober fact, amounts to. No one can seriously be asked to believe that the Government in its pre-Delhi days was an obedient instrument of the independent Bengali Press, or that it readily danced to the tunes of public demonstrations in the streets of Calcutta. The noise and tumult of the place might have occasionaly got on its nerves and led it to convulsive action here and there. Delhi is at a safe distance from partisan clamour and the Government can, if it so desires, ascertain the direction of Indian public opinion without the least difficulty from this central and detached position. What is really meant by the currents of "enlightened and progressive opinion" are the views and opinions of the European commercial interests in Calcutta. They have lost their close touch with the Government of India and are afraid lest they might lose their old influence over Government policy. They are powerful; some of the most resourceful Anglo-Indian papers in Calcutta are on their back; they have influential friends amongst the Conservative party in England; and the amount of noise and agitation they have been able to create in consequence is out of all proportion to their importance and deserts. Does the Government of India virtually exist that a few prosperous and fat business concerns in Calcutta may grow fatter and more prosperous? Is public money to be poured on construction of new railways and rolling-stock with the sole object that the Calcutta company-promotor and his shareholders may earn huge dividends? Has every policy and measure of Government, which is responsible for the progress and welfare of 310 millions of mere Indians, to submit itself to the *fatwa* of the Bengal Chamber of Commerce? It is such ludicrous doctrines as these that Lord Curzon has been got to advocate in the House of Lords. The bathos of it all becomes all the more glaring when the orator is driven to reinforce his arguments by a solemn reference to the needs of education and sanitation and social progress in India. The *Statesman's* passion for the growth of primary education and sanitation in India is well-known. Its attitude towards Mr. Gokhale's Elementary Education Bill has not yet passed out of the memories of the people. Its treatment of all non-official demands in the Legislative Councils for larger allotments for sanitary reform has been violently sarcastic. And yet, when the tirade against New Delhi has to be penned, even the *Statesman* is forced to indite as follows:—"It "would, we suspect, be highly instructive to the Secretary of State if "he spent a leisure hour in calculating how many of the millions of "children in India now doomed to be illiterate could have received "a sound primary education if only twelve millions sterling were "available for the purpose, how many waterless villages could be supplied "with tanks for a like sum, or how many of the sick and ailing could "have been provided with medical relief." This sudden access of enthusiasm for primary education, village tanks and medical relief in quarters where such absurd and impossible propositions could not be seriously entertained a short time ago, is little short of the miraculous. Lord Hardinge's desertion of Calcutta is having portentous effects. The heresies of yesterday are becoming the articles of a new and liberal creed to-day, and we wish he could devise more *coups* as sudden and startling as this one about the change of capital, if only to bring more heretics to the ranks of the faithful and thus accelerate the pace of true "social progress" in India.

England and Egypt.

Works of varying degrees of merit on India and Egypt have grown to be a distinct feature of the publishing season in England. They furnish in a sense a measure of the interest that the British democracy has begun to take in Indian and Egyptian affairs. Most of these works are not of any abiding value. They are frankly partisan in their views, or record the fleeting impressions of cold-weather tourists who visit these countries to satisfy their craving for the novel and the picturesque. Works of real merit with deep insight and breadth of view are rare. Unless men with abundant imagination and sympathy apply themselves to the study of the Indian and Egyptian problems and state their conclusions with frankness and ability, the British democracy will have but an imperfect idea of its responsibilities towards the races that are under the British tutelage at the present time. The ephemeral mass of literature on the subjects only serves to increase its dislike for outlandish topics; and it is content to leave the conduct of affairs in these countries to the discretion and judgment of that infallible instrument of government, "the man on the spot." Mr. Sidney Low's new book, *Egypt in Transition*, which has just been published, appears to have been out of the common run. Mr. Low has made an extensive study of public affairs in England and abroad; he is a man of discernment and considerable literary skill. We have not yet seen the book, but according to the various press notices it is considered to be a work of exceptional merit and a valuable contribution to the study of Egyptian problems. Lord Cromer in his Introduction to the volume says that it is a lively and very trustworthy account of the present condition of affairs in the Valley of the Nile. Mr. Low deals with the development of the Sudan under the Anglo-Egyptian rule and with the present condition of things in Egypt. His observations and conclusions in regard to the latter are stated to be somewhat as follows. He is proud of the work of his countrymen. Egypt is still burdened by old debts, and the removal of the fetters of the Capituations, urgently needed as it is, seems as far off as ever. The people are much more advanced than in the Sudan. A Mohamedan race never likes to be governed by a

Christian Power. He speaks of Egyptian Nationalism without sympathy, he nevertheless accepts the programme of training Egypt for self-govrnment; but he contends that it will take long time to carry out. He rejects the establishment of a Protectorate as "an act of bad faith and a gratuitous insult to our Mohamedan fellow-subjects throughout the Empire." He notes the immense material progress achieved by irrigation and the general financial prosperity. Female education is becoming popular. He speaks in high terms of Lord Kitchener, and of his two chief measures, the Five Feddan Law and the new Constitution. On the other hand, he is impressed with a remarkable increase of serious crime, a large part of which goes unpunished. He thinks that it is in some ways a rather thankless task that confronts England in Egypt. "We are not popular "in Egypt. Feared we may be by some; respected by many others;but "really liked by very few. It has been a difficult experiment, which "seemed foredoomed to failure; it is creditable to many Englishmen "and some Egyptians that it has been, on the whole, a success." Mr. Low's observations and conclusions are not very original, nor do some of them accord with more independent testimony. His aversion to Egyptian Nationalism reveals his angle of vision, which is almost identical with that of the Tory Imperialism. How far a writer, who is unable to appreciate the most hopeful sign of a country's vitality, can give us a true insight into its affairs we need not pause to judge. Lord Kitchener seems to have created a host of his admirers and Mr. Low burns incense at his feet after the prevailing fashion. But the "Constitution" that the modern "Pharoah" has been pleased to confer on Egypt is, according to some independent English observers, not much better than a farce.

"Discovery" or Invention ?

Reuter had infromed us some days ago about the "discovery" of some remarkable documents containing variants on the text of the Koran which were to be published by the University Press of Cambridge. The entire Muslim World must be on the tiptoe of expectation and waiting with consuming anxiety for the great "discovery" to see the light of day. In the meantime they may console themselves with the following account published by the *Times* in its issue of the 25th April:—"In a few weeks the University Press of Cambridge will publish some remarkable documents belonging probably to the beginning of the 8th century, or to the end of the 7th, containing variants on the text of the Koran ; they are contained in a palimpsest MS. purchased by Dr. Agnes Lewis in 1895, in which the upper or later writing consists of extracts from the early Christian Fathers. The handwriting of this book has been pronounced by the experts of the British Museum to belong to the end of the 9th century. The text of the *Protevangelium Jacobi* and the *Transitus Mariae* in Syriac underlies the greater part of it. This was published by Mrs. Lewis in 1902, as No. XI. of the series entitled *Studia Sinaitica.* In her introduction she gave an account of five quires —*i.e.*, 23 leaves, whose underscript is undoubtedly portions of the Koran, resembling the script of Plate LIX. in the Palæographical Society's Oriental Series. Mrs. Lewis thought that they were parts of two MSS., one of which she named Koran I. ; the other, Koran II. She contented herself with copying four lines from every page, the top and the bottom ones, and two in the middle, which were generally free of the upper wri ing. She thought, not unnaturally, that, as it is said, 'there are no variants in the Koran' ; and as the remaining 17 or 18 lines on each page were only appearing dimly through the closely-written Arabic of the Christian script above them, she judged that nothing she could gain from them would repay her for the strain on her eyes while deciphering so difficult a text. So the MS. lay in the owner's library, until last November Dr. Alpohonse Mingana, for 13 years Professor of Semitic Languages in the Syro-Chaldæan Seminary at Mosul, began to read No. XI. *Studia Sinaitica* He saw at a glance from the number of *sics* which adorn the margin of the Quranic pages that the undeciphered lines might be well worthy of his attention. The *sics* referred, with one exception, merely to the archaic spelling of single words : but Dr. Mingana's laborious decipherment of the text has had surprising results. He has established beyond doubt that these leaves are from three sources or more ; some of them written before the Mahomet's amanuensis, Zaid Ibn Thabit, compiled the *textus Receptus* of the Koran, after the Prophet's death(A. D. 632), and before the Caliph Othman ordered the destruction of all earlier copies or fragments of the sacred book of Islam (A. D. 652). The 35 pages which Dr. Mingana has deciphered show at least the omission of four interpulations. most of them being decided improvements on Zaid's text. For instance, Sura 17 begins "When we knelt" (not "When we blessed") "round the Harâm," A hope has been raised that we may yet see a lamentable gap filled up in the histroy of one of the world's most famous books ; and that the beginning of a kind of criticism has been made which will bring us nearer to the real thoughts of the great Arabian Prophet."

The Comrade.

The Privy Council and Indian Criminal Appeals.

LUCKILY or unluckily not all of us are lawyers, and to many in India it will came with a shock of surprise that the Judicial Committee of the Privy Council is *not* a Court of Criminal Appeal for India. And so long as there is no separation of the Judiciary and the Executive, so long as the Judges of the Chief Courts are appointed by the Executive, so long as all High Courts except one are under the Local Governments and so long as even that one exception, the High Court of Calcutta, is under the Home Department of the Government of India, the re-affirmation of Lord Shaw in the Arnold Case judgment, that the Privy Council is *not* a court to which those dissatisfied with the judgments of Indian courts in criminal cases can appeal, would cause no end of apprehensions.

Lord Shaw quotes the words of Lord Kingsdown in the case of *The Falkland Islands Company* v. *The Queen* (1 Moore N. S. 312) that: "It may be assumed that the Queen has authority by virtue of Her "Prerogative to review the decisions of all colonial courts, whether the "proceedings be of a civil or criminal character, unless Her Majesty has "parted with such authority. *But the inconvenience of entertaining "such appeals in cases of a strictly criminal nature is so great, the "obstruction which it would offer to the adminstration of justice in the "colonies is so obvious, that it is very rarely that applications to this "Board similar to the present have been attended with success.*"

Again, after citing the words of Lord Watson in *re Dillet* (12 A. C. 459) to which the counsel for the appellant had referred, his Lordship said: "If they are to be interpreted in the sense that wherever there has "been a misdirection in any criminal case, leaving it uncertain "whether that misdirection did or did not affect the jury's mind, "then in such cases a miscarriage of justice could be affirmed or "assumed, then the result would be to convert the Judicial Committee "into a Court of Criminal Review for the Indian and Colonial Empire. "Their Lordships are clearly of opinion that no such proposition is "sound. *This Committee is not a Court of Criminal Appeal.* It may "in general be stated that its practice is to the following effect: "*It is not guided by its own doubts of the appellant's innocence or "suspicion of his guilt.* It will not interfere with the course of criminal "law unless there has been such an interference with the "elementary rights of an accused as has placed him outside the "pale of regular law, or, within that pale, there has been a viola-"tion of the natural principles of justice so demonstratively "manifest as to convince their Lordships first, that the result arrived "at was opposite to the result which their Lordships would themselves "have reached, and secondly, that the same opposite result would "have been reached by the local tribunal also if the alleged defect "or misdirection had heen avoided."

Referring to another case, *Lanier* v. *The King* (L. R. 1914 A. C 221), Lord Shaw goes on to say : "It was pointed out that the inter-"ference was not on any matter of form, but because of matters lying at "the very foundation of justice (the Judge had been a Judge in his own "cause), justice had 'gravely and injuriously 'miscarried' *Lanier "stands as a fair type of* ALMOST THE ONLY CASE *in which the "Board would advise the interposition of His Majesty the King "with the course of criminal justice in the colonies or dependen-"cies.* THAT EXTREME CASE IS THIS, THAT IT MUST BE ESTABLISHED "DEMONSTRATIVELY THAT JUSTIE ITSELF IN ITS VERY FOUDATIONS "HAS BEEN SUBVERTED, AND THAT IT IS THEREFORE A MATTER "OF GENERAL IMPERIAL CONCERN THAT BY WAY OF AN APPEAL "TO THE KING IT BE THEN RESTORED TO ITS RIGHTFUL POSITION "IN THAT PART OF THE EMPIRE."

We have very carefully read these passages of Lord Shaw's judgment over and over again, and compared them with the passage from Lord Kingsdown's judgment cited by his Lordship, and we humbly submit that his Lordship has distinctly narrowed down the grounds on which alone he would accept a criminal appeal from the colonies and the dependencies. Compare again the words of Lord Shaw with those of Lord Watson in *re Dillet*. Lord Watson observed that "the rule has been repeatedly laid down and has been "invariably followed that Her Majesty will not review or interfere "with the course of criminal proceedings unless it is shown that by "a disregard of the forms of legal process or by some violation of "the principles of natural justice or otherwise substantial and grave "injustice has been done." Do these words convey the same meaning as Lord Shaw's interpretation of them? Before interfering His Lordship would almost invariably require the trying Judge to act as shamelessly as the Judge did in Lanier's case when "he . . . . was a

"member of the family council which instigated the proceedings and "himself was a party to appointing two barristers to conduct the "prosecution and arranged about their fee," and, as the report states, "the Counsel for the Crown very properly admitted that he could "not contend that any jury upon the evidence submitted would have "convicted the appellant of crime." If Lanier's, then, is "a fair "type of almost the only case" in which the Privy Council would interfere, we must clearly understand that for almost all those who honestly and with good reason believe that injustice has been done to them the highest Court of Appeal, even in a case in which the Local Government is directly concerned as a party, would in several Provinces be a Court of which the Judges are appointed by the same Local Government.

But we submit that in the "extreme case" when "*Justice is "in its very foundations has been subverted,*" and "*it is there-"fore a matter of general Imperial concern that . . . . it be "then restored to its rightful position in that part of the Empire*", surely it is the duty of His Majesty's servants to draw His Majesty's attention to such a grave situation *suo motu* instead of waiting for the appeal of one of His Majesty's subjects who may be too poor or too much afraid to present it. Criminal justice is in its origin nothing but private revenge; but in all civilized states it has now become necessary for the vindication of the might and dignity of the State itself. This the basis of the distinction between cognisable and non-cognisable, compoundable and non-compoundable cases. If the Police can take cognisance of certain cases without a complaint from the party aggrieved, and the Magistrate and Judge can proceed to deal with the accused in spite of his having been forgiven by the aggrieved party, so that the dignity and puissance of the State be vindicated, is it right to wait for a criminal appeal from a person unjustly accused and unjustly punished in India by a Judge "who had been a Judge in his own cause" before justice, itself subverted in its very foundations, could be restored by His Majesty to its rightful position in that part of the Empire, or, in the words of Lord Morley in "their Lordships' only Empire?" We trust the matter will not be left here, but will be taken up by the political bodies of India and by all those who are interested in the maintenance of justice which is the bedrock of the British Empire in this country.

Taking the very extreme case mentioned by Lord Shaw in his judgment, let us examine whether there may not arise circumstances in India very analogous to the case of the judge being a judge in his own cause. "Love thy neighbour as thyself" is no doubt a counsel of perfection: but the altruism on which it is based is universally accepted as an ideal. Such altruism is more difficult or less according as the love of one's neighbour coincides or conflicts with the love of oneself. For instance, if our neighbour also claims some land that we claim as ours, it is not easy to accept our neighbour's claim as just on the ground that we should love him as we love ourselves. On the other hand, if a third person also claims some land which our neighbour claims as his, and we fear that this third person may subsequently also lay claim to some land that we regard as *ours*, then the counsel of perfection comes well within the pale of "practical politics", and we can easily love our neighbour as ourselves. To come to closer grips with reality. Is it or is it not a fact that there is a strong *espirit de corps* among Anglo-Indians which generally gives them a strong bias in favour of Anglo-Indians? In spite of the Hon. Sir Harry Stephen's opinion, Sir John Rees apparently believes that Bengalee juries have such a rooted racial prejudice that they are "unwilling to convict Bengalis of so-called political crimes," and we do not see why a Bengalee may not say the same thing of Anglo-Indians in cases in which the parties are Indian and Anglo-Indian. We know that many members of the Indian Civil Service accuse Sir Henry Cotton of being a renegade simply because he honestly criticises some of the inevitable failings of the Service. In the Cawnpore Mosque case, to many Anglo-Indians and Indian Civilians the case of Messrs. Tyler and Sim was their own case. In this very case, already "An Official" has become indignant at the sympathy of the *Spectator* for Mr. Arnold even though it is qualified by the assertion that Mr. Arnold has got what he deserved. He writes to that journal:—

"What Mr. Arnold did was to accuse a public official of disgraceful "conduct without sufficient reason to believe that the accusation "was true and with some reason to believe that the accusation was "false. All the Courts have held that the refusal of that public "official to take the line which Mr. Arnold advocated was justified. "In these circumstances I regret to observe your opinion that "Mr. Arnold strove to follow a high standard of journalistic conduct. "In my opinion, that high standard should include due care and "attention before publicity is given to scandalous accusations. No "amount of alleged sympathy with the oppressed can excuse the "reckless use of the power of publicity. And in the estimation of "motives, the desire to make a sensation and to gain importance cannot be overlooked." We ourselves experienced that the publication of the proceedings of Mr. Arnolds' case by the *Comrade* was distasteful to many Anglo-Indians who plainly showed it in their conduct in a way injurious to us. We are, therefore, right in saying that circumstances may, occasionally arise in which judges and juries may become prejudiced against a man like Mr. Arnold who shows that he has both conscience and courage.

In such cases would it be altogether wrong to suspect that a judge was the judge in his own cause? Technically, he would not be a "member of the family council which instigated the "proceedings," and the action of Government itself would save him from being "a party to appointing two barristers to conduct "the prosecution and arrange about their fee." We do not suggest in the least that Sir Charles Fox was actuated by such motives. But if he had been, would there have been anything so obviously on the surface as in Lanier's case which could have induced Lord Shaw to restore justice, itself subverted in its very foundations, to its rightful position in Burmah? We wish we were satisfied that their Lordships of the Privy Council understand any more than other Englishmen who swear by "the man on the spot" the actual state of affairs in this part of the British Empire. There is, no doubt, an eminent Indian who sits on the Bench of the Judicial Committee; but we cannot say what share he has in influencing the judgment of his colleagues. We do not refer here to a particular case, but to the general conditions governing the administration of justice in criminal cases in India, and we feel that if their Lordships of the Privy Council knew them as well as we do, they would certainly feel inclined to modify even the words of Lord Kingsdown in the case of *The Falkland Islands Company* v. *The Queen*, let alone the modification of their own more rigid views. Far from offering any "obstruction" to the administration of justice in India, it is "obvious" that the frequent interference of His Majesty in cases like the one under review would facilitate the administration of *real* justice. As for the "inconvenience," surely the appellant has to bear far more of it than the Privy Council and the Crown, even if convenience and inconvenience can be regarded as words which are in their proper place in matters of such grave moment.

Young India.

III

The Indian college, whether controlled by the State, or by a public or a denominational body, is the hard, material setting in which the thought-struggles of Young India reach a crisis and in many cases end in catastrophe. The Young Indian, who has passed out of the college can never forget the intoxication of the moment when he first entered the Mecca of his intellectual hope. It marks the consummation of a desire that had been the tumult of his blood ever since he came under the spell of the "B. A." of his town or neighbourhood and was lost in rapt admiration of his immaculate views and ways. His parents show some hesitation at first and naturally count the cost and risks of the "adventure", but he overrides all considerations by his persistence, and gains his way in the end. He packs his things and, armed with his matriculation certificate and other "chits" about his character and school conduct, appears one fine morning within the precints of the college. If he is a Hindu the range of his choice of a college is wide, and he generally abides by the advice of his parents or his friends. If he is a Mussalman, his gaze is usually fixed at Aligarh. In any case he goes to the college of his choice with feelings akin to one's entering a sacred shrine. For the first week or two the youthful pilgrim is the victim of a huge bewilderment, and he takes in his impressions with a series of gasps. His mental picture of the place was a dignified abode of grave, sedate youngmen filled with patriotic sentiment and spending their lives in ceaseless rounds of lectures on communal topics, on religious and social reform. What he actually sees are scattered little groups in the rooms and verandahs of the college hostels, engaged in indolent gossip, which is punctuated at intervals by hissing sounds of mockery or peals of irreverent laughter. His animal spirits may be roused by the hearty bounts of hilarity characteristic of youth, but his earlier picture is shattered for ever. From the first moment of his arrival he feels ignored—nobody seems to care a scrap for that portentous event. Things go on shamelessly as before, as if nothing had happened so epoch-making as his coming to the college. He feels an alien and out of tune. However, he soon gets over this feeling—generally within a fortnight—as he begins to pick up the various threads of the inner relations of things around him and learn the freemasonary of the undergraduate talk, allusion and gesture. He even speedily lives down the smart of anger and insult that goes to his heart when the merciless college wits poke fun at his dress and appearance and hit off his angularities by some

claiming phrase on a scandalous nick-name, which sticks to him for the rest of his life and which renders his days empty of sunshine and his nights sleepless and hideous for weeks. Before he is formally admitted to the college he sees the Principal—generally a European gentleman of brief and snappish discourse and scrupulously correct and reserved in manner. The interview does not usually last beyond a couple of minutes, but it leaves a lasting impression on the youth's mind.

When the "fresher" is thoroughly acclimatised with his surroundings—the process does not usually take more than a couple of months—his intellectual and moral sensibilities come under vital stimuli through a multitude of new suggestions. They drink in the elixir of their life at every pore. Fresh waves of thought and feeling flood his consciousness in his new atmosphere; and in the classroom, the library, the debating-hall, the play-ground, the dining-hall and in the free, daily intercourse with his fellows he sees glimpses of a sunnier and more gracious spirit than the spirit of the public school, which seems to pervade the life around him and reflect its radiance on all human things. A feeling of real intellectual freedom is born within him, and he casts off, with a sense of mutinous joy, the numerous invisible chains that had held his spirit in thrall. This intellectual self-confidence would be perilously near anarchy but for the inexhorable limits imposed by the psychology and previous training of the youth. It could be the real creative force in the development of his personality, but it is very short-lived —it usually dies, after a year or two of intermittent energy, for sheer want of nourishment.

In the whole problem of Indian education no question can be of graver import than a careful and searching study of the causes that usually undermine the intellectual self-confidence of Indian youths before they reach the end of their college career. That such a catastrophe actually happens in the majority of cases there can be no manner of doubt. What this catastrophe means in essence we will try to make clear presently; but before passing on to its discussion we wish to draw to it the utmost attention of every intelligent student of the Indian educational environment. Young India is the product of Western education. It is no doubt full of hope. To all outward seeming it does not lack energy or the vigour of conviction. It seems to be confident of India's future and trying to gather up its forces for pushing on full steam ahead. But is its heart really stout with the courage that never quails? Is it not torn with doubts? Is not its faith as yet a mere expression of the instinct of self-preseveration? Is it absolutely sure of its path and its goal? Frankly, Young India is not only half-hearted and nervous with strange fears, but its faith has not also struck roots into the soil and its ideals have not yet emerged from the cloudland. It yearns for faith, certitude, conviction, for some sure and straight path. It is crying for direction and not for the moon. But its yearning is not passionate enough. its cries do not ring with the confidence and courage of the fanatic. There is some sense of inadequacy, some element of inertia, sticking to the mind and character of Young India. It has not passed out of the college without losing an irretrievable something of its spirit and feeling.

Before trying to measure this loss it is of infinite importance to see how the loss occurs. As we have seen, the fresh undergraduate, soon after he finds himself at peace with his new surroundings, feels an illimitable freedom of mind. The old restraits of habit, of convention, of innumerable prohibitions imposed by tradition, authority and usage, gradually fall off as the heady ideas of the West begin to career through his mind in full blast. The vast English literature with its remarkable range, beauty and power, the romance of history and of modern science, the thrill and fascination of the world politics, the scope of modern effort and achievement in art, invention, industry and commerce, the modern thought and modern philosophy, the dreams of the elect of humanity, the griefs and doubts of its afflicted sons, the wonder, the beauty, the joy of things that have nourished the spirit of man through the ages and keep it in full trim of battle under the stress of modern conditions—all these burst upon his vision through the dense opacity of the college atmosphere and he scales dizzy heights of feeling and thought. Every undergraduate goes through this exhilarating experience to a more or less degree. Temperaments and intellectual sensibilities, of course, differ, and there are undergraduates whose period of romance is brief and whose inner flame is soon extinguished by the first blast of cold wind that blows from the conditions and circumstances of their actual lives.

The undergraduate displays, naturally, a variety of type. There is, for instance, the undergraduate whose mind never flowers, so to speak; whose aspiration withers away early in the bud. Little, calculating "wisdom" of the worldling, learnt in a hard, matter-of-fact family environment, or derived from a superficially clever and shrewd companionship, chokes his founts of lofty desire and bounds him up within a tough, material crust for life. He values nothing but the "degree" of B. A., and he knows its price. After a dull, dreary toil he is at ast punished by his success at the University examination and quietly passes off into the ranks of those who earn honest livelihoods in Government service or some other hard-worked, frugally-run establishment.

There is the undergraduate, easy-going fancy free, with a fastidious sense for appearances, to whom one serious thought about life and its problems is a perfect boredom. He makes the "smart set" and sometimes degenerates into a fop. He is usually active in his habits and makes the life hum in the college. The ceremonial and showy aspects of college life owe much to his energy and devotion. He is keen, intelligent, with untapped reserves of character within him, but some defect of early training combined with a lively temperament has switched his mind off to seeking social distinction and scenic effects. His quest is for the plums of life, for light and juicy things, for easy, personal conquests, and he goes to England as soon as he can to turn his intellectual acqusitions into current coin by taking on the veneer and polish of the West. When he comes back he generally settles down to unlearn much that he had fondly acquired before, and becomes a useful solvent in social life. There is, again, the undergraduate endowed with great mental stamina and strength of purpose, whose power of application and industry is remarkable. The fates, however, have played him a cruel trick by robbing him of the saving grace of imagination. His college attendance is regular, he is never known to have broken any rule of discipline, he is the pet of his professors, the envy of his less industrious classmates, the but-end of the wits and idle gossips of the college. The text-book is his treasure, his love, his all. He wins distinction in house and University examinations and goes out into the world as a "brilliant" passman, encumbered with a load of certificates and other vehicles of encomia and good will from his teachers. He gains a "respectable" post in the service of Government and thrives and prospers as far as his worldly desires go. He usually forms the respectable, regular-tax-paying class that is the repository of all social conventions, the vindication of the State and the chief concern of the Legislature.

But the type with which we are concerned is the idealist, the child of imagination and of faith, whose mind roves with eager wonder over vast, unexplored realms of mystery and whose heart is free from petty personal cares and little prosaic selfishnesses—free to grieve for impersonal wrong, to love right and justice and to devote itself to the worship of the true and the beautiful. The sense of freedom that comes to the fresh undergraduate, as a divine breath from heaven, lasts according to the strength of his personality. It is at once a wonderful stimulus and a test of character and mind. The college is a microcosm, however inperfect, of the Indian world with its cross-currents of divers thoughts, ideas, social purposes, its hopes of rekindled faith, its grave doubts and unsettling problems. The youth's mind feels the first flush of dawn as the spell of its earlier environment dissolves under the wholesome pressure of the college atmosphere. Thought becomes easy, ideas flit in hosts across his brain and feeling grows natural as appetite. When he was at school his sense of communial patriotism had come to birth. In the college he discovers the whole cosmos and claims it as his bride. The process of discovery is swift—the mind rushes with lightening speed through the ascending stages till it comes to dwell in the glory of its recovered heaven. The communal feeling becomes for a while the bedrock of his cosmopolitan emotion. His first discovery is, of course, the boundless world of books. He gets brief, hurried glimpses from them of what has been thought and done and suffered since the birth of creation. He discovers humanity, its essential unity and brotherhood, its sorrows and joys and triumphs. He is held in thrall by the vision of mankind marching with laborious and weary steps through the centuries, still marching on, inspite of its heavy load of sorrows, the sufferings that it has undergone, the unmerited and dull misery of persecuted generations in various climes and at various epochs, the selfishness, cruelty and murderous greed of individuals, the mute distress of unnamed millions who perished unaccountably on the way and whose silence is heard only of God. He feels this with a sinking of his heart, and yet he recovers instantly his joy and confidence through the spectacle of the race manfully battling with fate and circumstance, its hope never flagging and its energies being always refreshed by its inner faith, by the courage and devotion of its martyrs, by the angelic purity of its saints, by the fiery optimism of its prophets who have never failed it in its darkest hour, rekindled its enthusiasm and urged it on to its life-long quest. He probes the eternal riddle, and even without getting a complete and definite answer, he feels sure that the universe is a place worth living in and life is not all a mistake. His sense of justice becomes preternaturally alive, his vision of truth grows brighter. He surveys the modern world and is impatient of the dull, lethargic fellows who can still allow wrong and suffering to exist in the life of mankind. The

character of the past ages was immeasurably worse, because they knew so little. Should, however, the modern age, that knows so much and is endowed with such powers and resources as were never dreamt of by the earlier generations, let the old absurdities and obstructions go on? It is monstrous for him to have to think that statesmen and men of power should have neither faith nor ability needed to recast the life of the world in the light of modern thought. Their petty rivalries and quarrels, there insane waste of great personal gifts in violent struggles over trivial matters, their vile schemes and plots to check-mate and thwart their rivals, their levity and cynicism and their indifference to the essential needs of humanity, scandalise him and outrage his sense of the fitness of things. He is puzzled by the strange inconsistencies of the modern civilization, by the sterility of effort and the boldness and fertility of social thought and speculation, by the colossal issues involved in the problems of life and the paultry measure of practical energy devoted to their solution. Surely, the amelioration of the lot of man ought to be the highest ambition of the big men in power. It seems to him so easy and simple. Why do they not attempt it? He is sure he could do it if he had the necessary opportunity and power. He would at any rate try to do his part of the work nearer home. India needs a reconstructed society. He has a clear vision of what it should be. There shall be no rivalries of creed and sect, no caste privileges, no cruelties and injustices upheld by custom. The rank growth of weeds in the social and religious systems shall be swept into the dustbin. Every individual shall have an opportunity to live a clean and beautiful life. His own life and its settings would be a model of perfection. And he then thinks of the sort of wife he should have—a sweet, lovable companion fully responsive to the inner music of his soul. He must really work with vigour for the emancipation of Indian woman. He thinks of education and follows with consuming earnestness the fitful progress of the organised educational and social movements of his community. The old communal wiseacres seem to him to be palsied creatures fumbling nonsense in a jejune spirit. He would put more heart and vigour into the undertaking when the time comes.

But before these glorious fancies have time to settle into a clear purpose and practical lines of conduct, the heavenly vision begins to grow dim, until it finally disappears leaving not a rack behind. Youthful dreams feed the springs of purpose and the roots of character only when they have some relevance, however remote, to outward circumstance. The conditions of actual social life in India are in a hopeless muddle. The dreams of the undergraduate are in fact no more than the phantasies of a pure, abstract easthete or intellectual anarchist. They run in a detached orbit of subjective emotional experience and fade into oblivion at the first touch of thespirit of reality. The process of disillusionment begins in the class-room. The text-book starves the undergraduate mind. The food he hungers for it does not give. The root-evil is that the type of college education is not based on the national needs of India, or on her race consciousness and experience. Then, the teacher, who has more of the politician in him then of the preceptor of youth, completes the disillusionment by his treatment, example—by his harsh, unsympathetic ways, his irksome impositions, his ceaseless attempts at systamatic suppression of the boy's personality. The intellectual self-confidence of the undergraduate is ruined before he passes his B. A. This is the handiwork of the expert educationist who ist he chosen instrument of a blind and blundering system. The graduate takes his degree and descend from empyrean heights—where he was permitted by fates to play as a god for a dreamwhile—to the ordinary world of men—at best as a Deputy Collector or a Vakil of the High Court.

♣

Verse.

A Vision.

From out the golden dawn of vanished years
  She gildes into my dreams, a form divine
Of light and love, to soothe the thoughts that pine
  For what has been, to stem the tide of tears
That inward flows upon the heart and sears
  Its inmost core Her countenance benign,
Where chastened Pity's softest graces shine,
  Reflects the hallowed light of other spheres.
Then to my yearning soul, with care outworn,
  Comes, like a strain on ærial wings upborne,
This message from her soul—" Bid sorrow cease:
  Love dies not; 'tis the immortal life above:
And chastened souls, that win eternal peace
  Through earthly suffering, know that Heaven is Love"!

NIZAMAT JANG

Ghasita: a Budmash.

I.—The Escape from Jail.

I have little sympathy with the European who indulges in ceaseless diatribes on the subject of the Indian climate. He avails himself somewhat too freely, methinks, of the recognised right of his nation to grumble, though as his service grows to an end the same individual will wax wroth concerning the fogs and too sudden changes of his native land and admit that life in the East is by no means the worst form of human existence.

Those fortunate individuals who can afford to go to Cashmere, or a hill station, from the middle of March till the middle of of October, and spend the remaining portion of the year at some station situated in the Punjab or the United Provinces, enjoy the rare felicity of living in an unsurpassable climate throughout the twelve months. Even the luckless person, whom a small salary and a large family compel to reside on the plains during the hot weather need not—if ordinary precautions are observed—have his health seriously affected. There is, however, one month in the year when life down below becomes particularly trying: when most of us crawl about under "that inverted Bowl we call the Sky" feeling wretchedly limp and too deficient in energy to enter with any real zest on either work or play. I allude to September on the plains, and at that period the following story opens. A "break" in the rains had occurred, one of those lamentable lacunae of nature which are common enough in the majority of Monsoons, when the firmament assumed a deep blue colour, as crude as it is cruel, differing widely from the bright clear skies of winter and spring, and more depressing, on the whole, than the dull heavy dust-laden clouds that cover the heavens for the fortnight immediately preceding the advent of the rains. If the stifling heat and general mugginess of atmosphere were a severe trial to the official and non-official communities living at Agra, the same conditions were still more sadly resented by compulsary immates of the Central Jail in that Station. The gang of prisoners, each man with close convict crop, a wooden label descriptive of his sentence and what section of the Penal Code he had broken hanging round his neck as a sort of infernal chaplet of (un) holy beads, clad in a long loose garment of hideous grayish hue, and working under the supervision of warders, moved as lazily as they dared from one end of the ward enclosure to another, performing the allotted tasks in a rather perfunctory fashion. The annual carnival of white and colour washing—called "Repairs"—was in full swing and free labourers were aided by their captive brethren in cleaning up the walls and buildings of the Jail, so that Inspecting Officers on their winter tours might not have cause to find fault or be ashamed of the spick-and-span appearance of the Government building under their charge. Personally I do not believe the majority of Indian prisoners find much of a detterent nature in the existing state of Jail management. The lower classes do not incur obloquy from having "done time", while in days of scarcity and famine, the temptation to secure regular and wholesome food, have your bodily health carefully attended to, be able perhaps to earn a certain sum from your toil at the loom or other branch of prison industry in return for a fair day's work, must often lead a man to commit comparatively menial breaches of the law in order to share the advantages of a sojourn in the house of the father-in-law, as an Indian Jail is wittily nicknamed by the mass of the population.

In one of the several gangs thus employed, a man might have been noticed who evidently had no taste for confinement within four walls and whose sullen aspect marked him for a character of more dangerous criminal type than most of his companions. His short but sturdy frame, the low forehead, the coarse features, among which a nose of undue width attracted attention, and the sunken eyes, resembling those of a beast of prey without the startling brilliancy of the latter optics, combined to distinguish Ghasita from the rest of his gang. Suddenly the sight of a ladder left resting against the outer wall of the Jail by some careless workman, prior to his retirement for a couple of hours to eat the midday meal and smoke the *huqqa* forbidden within Jail precincts, created a change in the savage apathy reigning on the coun-enance of my hero—for such must Ghasita, as chief actor in the events to be narrated, claim to be considered, albeit there was a brutal, rather than a heroical, strain in his composition—and he forthwith proceeded to study the situation in much the same way as a General Commanding examines the strategical points of a battle-field and determines on the best sort of tactics to employ.

The warders knew that the dinner hour was close at hand and were thinking of that repast and temporary cessation from their duties with natural interest such matters invite. Armed only with short batons, they would not be able to render great resistance to a desperate man, making a rush for liberty, and the rarity of attempted escapes from Jail would make them slow to grasp

an unexpected departure from the ordinary routine of prison discipline. With few exceptions—Ghasita being one of these latter—the Indian *qaidi* is too great a fatalist to seek in flight his freedom from the sentence awarded him by a court. He calmly accepts the inevitable, and, if a professional criminal, finds opportunities during enforced absence from his calling as a burglar, dacoit, or common thief, to pick up useful "tips" from fellow convicts and leisure for concocting "felonious little plans" to be put in practice as soon as he emerges from Jail and is at liberty to resume his former mode of livelihood.

In the eyes of Ghasita the forgotten ladder seemed a direct boon from Providence and one he would be a fool not to take advantage of. The drop on the far side of the wall might be a trifle risky, yet he was accustomed to jump from high roofs in his burglarious expeditions. The thing was worth trying, and for such attempt the man was ready as soon as the time arrived. The last notes of the big prison gong summoning the convicts to their respective barracks, where dinners were about to be served out, had scarcely died away when each warder proceeded to marshall his little troop of black sheep, and hold a roll-call ere marching them out of the large enclosure where they had been at work. This was a suitable chance for Ghasita, and he managed to loiter behind his comrades, pretending to have hurt his foot by treading on some sharp substance, so had halted to remove it before coming forward with the other members of his gang. The warder did not notice anything strange in this delay, so he commenced shouting out the men's names in monotonous tone, receiving the usual *hazir* from the convicts in reply. A shout from one of the regular Jail Guard—men armed with smooth-bore muskets and on a quite distinct footing from the ordinary warders, who are selected from the better behaved prisoners, which frequently means those who have had previous convictions, consequently "know the ropes" of prison life and are able to make themselves generally useful to a *Darogah* and his subordinates—created a stir among both the prisoners and warders, which rose to wild excitement when Ghasita was seen scaling the wall with wonderful rapidity and almost at the top rung of the convenient ladder. The Guard in question hesitated to shoot as he would have been perfectly justified to do by his orders—till just too late, the charge of buckshot rattling against the wall when the fugitive had surmounted the coping and dropt down on the other side. Of course a scene of hubbub and confusion ensued. The *Darogah*—a stout personage, whose girth of waist testified to the excellent emoluments connected with the post he held, waddled out of the office in the main gateway; the armed Guard fell in and stood awaiting instructions; the warders hastened to place their charges under lock and key in the long barracks inhabited by prisoners and the gangs commented on the (to them), extraordinary audacity of Ghasita in thus taking French leave of Jail without first having obtained the permission of the *Sirkar*. Meanwhile that worthy was running for all he was worth down the road that passes the lofty tower of the Roman Catholic cathedral at Agra, with the hope of discovering a safe hiding place from the pursuit that was bound to come after him. Paradoxical as it may appear to a European unacquainted with India, the fact of his escape being effected at midday was greatly in favour of the convict. Unless compelled by business of an urgent nature, none of the citizens were stirring abroad between the hours of noon and 5 P. M., so intense was the stifling heat, so total the absence of the slightest breeze.

Shop-keepers had ceased to expect customers and had taken refuge in the "honey-heavy dew of slumber"; reclining on the small wooden platforms which stood a foot or two above the level of the street and served as common vantage ground for purchaser and seller to engage in the art of bargaining. Passing a stall where an array of round caps—of the kind affected by young men studying for an Entrance Examination—caught the eye of Ghasita, who adroitly substituted his headgear of the standard pattern in use in Jails for a smarter article of head dress and had already managed to cut the string whereby the wooden label had been suspended from his thick neck. He looked eagerly round for same convenient place to hide himself in till evening came and the inevitable pursuit would have been abandoned for the present. Turning sharply to the right, he skirted the large compound of the Agra College and venturing to enter the grounds—where not even a *mali* was to be seen at work—he spied an outhouse that might serve his purpose. Going into the shed, he found one corner of it occupied by a stack of old beams, probably removed as unsound when the annual repairs were in progress, and behind these *bullis* he devised a fairly comfortable retreat, unlikely to be examined by the Police, who, moreover, would hardly suspect him of seeking so apparently open a spot for concealment, the shed not boasting of a door and being well in view from the highroad and College buildings. Ghasita evinced considerable sagacity in his choice, for twenty minutes later he had the satisfaction of watching a mixed party of Jail Warders and Constables from the Police Station of Hariparbat hurrying along the road and questioning the very few persons they met as to whether the latter had seen anything of the runaway convict. Their quest proved a fruitless one, for the owners of shops and stalls had—as I remarked above—abandoned busines for repose, and were in too much drowsy a state to worry themselves about escaping Jail-birds.

The venders of native sweets—usually on the look-out to get the pice in exchange for their sugary wares—dozed placidly in the scanty shade afforded by the awning of a booth, their weighing scales deposited at their feet, and themselves quite indifferent to the swarm of yellow, tapery wasps and fierce hornets with brown bodies relieved by an orange band, that hovered over the pile of *jallebis*, *batashas*, and the thick slabs of *peta*: a toothsome delicacy for which Agra is famous. Ghasita, therefore, lay *perdu* in perfect safety till nearly sunset, when he hoped to make his way to the adjoining mohulla of Lohamandi, where some relatives of his resided and where he could get a new outfit in lieu of the prison dress he had on. It will be necessary to make a short digression here, before continuing the story of Ghasita, in order to give our readers a fuller insight into the personality and past career of that most unprepossessing personage. He was *Kachi* and belonged to one of several families of that caste who lived in the Lohamandi bazar and earned money by growing and selling the common kinds of vegetables to soldiers in the neighbouring Cantonment, and people in the Civil Lines and the city. When a young man of twenty, or thereabouts, he had been annoyed by a British soldier who resented being charged more than the fair price for some onions of inferior quality and who accordingly had driven Ghasita from the barrack-room with a hearty cuff and shower of military abuse. Tommy Atkins attached no importance to the episode, so was taken unawares an evening or two after this event when he found an Indian rushing at him with a sharp knife in hand, which weapon he plunged into the side of the soldier. The crime was committed in the Sudder bazar—where most of the British rank-and-file did their shopping, so the arrest of Ghasita was quickly accomplished, and before a month elapsed he found himself in Jail for seven years: a sentence that obliged his journeying to the Andamans to serve the greater portion of his term of confinement there. Released on the expiration of the period mentioned, and not having won any remission by good behaviour while in prison, Ghasita first tried Calcutta as a good field for his talents in the housebreaking line, and "conveyed"—"a fie for the phrase"—a fair amount of property from its rightful owners to the dirty lodgings he occupied in a Calcutta slum. The proceeds of his crimes were speedily dissipated, for Ghasita felt that his stay in the Andamans required to be compensated for by a round of pleasure, and spent his rupees in the pursuit of wine and women almost as rapidly as he made them. Unluckily he became a subject of strong suspicion to the Bengali policemen and was "wanted" in a notorious case of robbery with violence. His record was hunted up and inquiries made from Agra as to the antecedents and general character of our friend; unpleasent curiosity on the part of the authorities that showed him it was time to quit the City of Palaces for a season and seek new worlds to conquer by the aid of his trusty "jemmy" and resolute daring. Accordingly he took a ticket for his native home and shook off the dust of Howrah as he entered that terminus of the E. I. Railway. Not being what is termed a "family man"—his wife dead some years ago and no children to share his ill-gotten gains or worry him by questions regarding his mode of life,—Ghasita lost no time in getting in touch with the local bad-characters of Agra; a criminal community whose numbers they make up for their want of social status. He chose the Rikabgunge mohulla in preference to Lohamandi where his caste-fellows chiefy resided, and this course endangered his liberty from surveillance, since one of the Constables belonging to the Municipal Police had sufficient length of service to retain lively memories of Ghasita, the *Kachi* who had severely wounded a soldier and been sent to jail for that offence. This fact, coupled to the knowledge of his being a close associate of habitual thieves, receivers of stolen property, and other bad characters, led to proceedings being started against Ghasita under the provisions of section 110 of the Criminal Procedure Code and—to shorten the tale—he was duly arrested and sentenced to three years imprisonment. Nobody came forward to stand surety for his good behavour, for the most careless student of human nature would have shrunk from reliance on any hopes of amendment from so desperate and hardened a ruffian as the man who stood in the dock, scowling with impartial hatred at the Magistrate, the Police and, especially, at the Constable whose reminiscences had formed a strong point in the prosecution. He allowed his rage to overcome his prudence where that person was concerned, for—on the order for his committal to the Central Jail being read out by the Court—he fiercely shouted out his avowed intention of having his revenge directly he was a free man again. Such threats are usually treated as a mere piece of idle bravado, a sort of sign that the utterer of them dies "game," but coming from Ghasita they ought to have been paid serious attention to, as the sequel will serve to show.

The sound of the Azan, wafted by the gentle evening breeze from the lofty minarates of the Jama Masjid just opposite to the red sandstone fortress built by the mighty Akbar, awakened him from an uneasy slumber he had fallen into, and he impatiently waited till it was sufficiently dark to permit of his proceeding on his way without grave risk of attracting notice by the manner in which he was dressed. The street lamps in those days—perchance at the present time—did not do much more than cast a feeble light on the surrounding gloom, and the majority of people were too busied in their own affairs to notice the actions or appearance of a stranger. The hum of reviving traffic and mercantile activity rose from the thronged bazaars of the city with increasing volume, and Ghasita experienced no difficulty in making his way unobserved to Lohamandi and the cluster of humble huts inhabited by the little colony of *Kachis*. His advent, when he stood from outer darkness to where several members of the caste were seated in a circle, discussing the prospects of trade and smoking by turns—the fragrant *huqqa* passed from man to man as the conversation progressed—caused as much consternation as it did agreeable surprise. Ghasita affected to ignore. He briefly related his escape from the Central Jail and made known his wants in the shape of garments and a "square meal." A general desire to get rid of their visitor as soon as possible led to both requests being complied with. The prison garb was carefully hidden away, to be burnt later on in the night, and replaced by a soiled *kurta* and a *dhoti* that had evidently seen better days and which had not been aquainted with soap and water for a lengthy period. None of the party seemed interested in the returned prodigal, except a girl of about sixteen years of age, called Nasibun, in whose eyes the escaped convict figured as an oppressed hero of romance. His scaling the prison walls seemed to her a feet worthy of Hanuman, the Monkey God who assisted mighty Rama when Lanka was attacked and stormed. His looks were certainly not calculated to inspire tender passions in the female breast, still one must not forget the case of Othello and Desdemona, and the exploits of Ghasita—told while greedily devouring the *chupatties* and vegetable curry set before him—exercised as potent a spell over the mind of Nasibun as did the tale of

"Moving accidents by flood and field;"
"Of being taken by the insolent foe,"
"And sold to slavery:"

influence the duaghter of the Venetian Senator in favour of the Moorish warrior. Ghasita was bound for the cantonment railway station,—when he intended to travel to Saiyan, a place about 17 miles from Agra, and from which he could make his way into the hilly tract of country between the Native States of Dholpur, Bhartpore, and British territory. He had learned from talks with dacoits in Jail that the region in question was a capital hidng place from the officers of justice; without any fixed population save in tiny hamlets, situated in recesses of the hills and mainly inhabited by "broken men:" outlaws from British law or sought for by the State authorities. Before leaving he perceived with grim satisfaction the manner in which Nasibun regarded him and his past doings and mentally resolved to make use of the girl as a spy or carrier of information should occasion for employing her in such capacity ever arise. It was close on midnight before the convict left his anxious hosts and stole away to the railway, where he caught his train and before another day dawned was several miles on his road to the hills of the robbers.

A. N. G.

♣

Indians in South Africa.

The Commission's Report.

The Marriage Question.

This is the most difficult of all the questions into which we have to enquire and it raises several separate and distinct points.

(*a*) The first is as to the right of entry into the Union, of the wife and minor children of an Indian resident in South Africa. Section 5 (*g*) of the Immigration Regulation Act, 1913, excepts from the definition of prohited immigrant "any person who is proved to the satisfaction of an immigration officer, or in the case of appeal to the satisfaction of the Board, to be the wife or the child under the age of 16 years, of any person exempted by paragraph (*f*) of the section (that is to say any person with certain exceptions, domiciled in any Province) including the wife or child of a lawful or monogamous marriage duly celebrated according to the rites of any religious faith outside the Union." Judging from the debates in Parliament on the Bill and the evidence before us, the intention of this clause appears to have been to admit freely into the Union the wife and the children by her of any *domiciled Indian*, if she were in fact his only wife, even though she had been marreid to him according to the rites of a religion which recognises polygamy. Natal Courts held, however, in the case of a woman named Kulsan Bibi, that under the words "lawful and monogamous marriage" are included only such marriage as are recognised as valid in South Africa as well as in England, that is to say "the voluntary union of one man with one women, to the exclusion, while it lasts, of all others," and that consequently the marriage of a man with one woman under a system which recognises the right of the husband to marry another women, was in law not monogamous but polygamous.

Seeing that the Act of 1913 is a general Act and does not deal with Asiatics *eo nomine* it is impossible to question that decision. Unfortunately the effect of it clearly is to defeat the apparent intention of the legisture, and to stigmatise as a prohibited immigrant the only wife of a domiciled Indian if she were married to him according to the rites of a religion which recognised polygamy.

There is abundant evidence, however, to show that it has never been the intention of the Government in the administration of the Act to place upon the words of Section 5 (9) their strict legal meaning. Accordingly when Mr. Gandhi, in his letter to the Minister of the 2nd July, 1913, required from him an assurance that "the present practice of admitting one wife of the Indian immigrant, so long as she is the only one in South Africa, irrespective of the number of the wives that he might have in India, should be continued," that assurance was readily given.

In the letter of the Secretary of Interior to Mr. Gandhi, dated 19th August, 1913, he says "the present practice of admitting one wife of an Indian now entitled to reside in any Province, or who may in future be permitted to enter the Union, irrespective of the fact that his marriage to such wife may have been solemnised according to tenets which recognise polygamy, or that she is one of several wives married aboard, will be continued so long as she is his only wife in South Africa."

In the case of Kulsan Bibi, already referred to, the reason why her entry into Natal was prohibited, was, according to the evidence of the immigration officer, because her reputed husband already had a wife living with him in Natal. There was therefore no departure in that case from the recognised practice of the Department, with regard to which no complaint had been made to us. Inasmuch, however, as the practice is contrary to the express provisions of the Act, which recognises the right of entry of only the wife of a lawful and monogamous marriage, and as no other women, therefore, could legally claim the right, it is desirable in our opinion that the section of the Act in question should be amended so as to bring the law into conformity with the practice.

(*b*) The next point raised by Mr. Gandhi in his correspondence with the Minister on this subject was with regard to the right of entry into the Union of the plural wives of Indian resident in South Africa.

It is not altogether clear what is the exact extent of the claim made by him on this point. In his letter to the Minister, dated 24th August, 1913, he says, "All I contend is that in continuation of the practice hitherto followed, existing plural wives of domiciled residents should be allowed to enter. And this was the assurance given in the letter quoted by me in my correspondence with you.

The letter referred to by him is one of the 10th July, 1913, written by the Chief Immigration Officer in reply to one received by him from Cachalia, the Chairman of the British Indian Association, drawing attention to a recent judgment of the Transvaal Provincial Division, and enquiring "whether it will affect the practice hitherto followed of allowing more than one wife of Mohammedan residents of the Province to enter it. "By the judgement referred to it was laid down that under the Transvaal law only one wife of an Asiatic was entitled to enter that Province. The reply of the Chief Immigration Officer is as follows:

"With regard to your letter of the 5th instant I am instructed to inform you that the ruling of the learned Judge in the case of Adam Ismail *versus* the Registrar of Asiatics regarding the immigration of the wives of Indians has been noted, and to state that if any case involving hardship is brought to the notice of the Hon. the Minister it will receive consideration." This letter is decidedly noncommittal, and certainly does not bear the constuction placed upon it by Mr. Gandhi in his letter of the 24th August already quoted. It is unfortunate that he did not himself appear before the Commission to explain exactly what it is that he desires in this connection. From Sir Benjamin Rabertson and others, however, we gathered that the general principal as recognised in the practice of the Immigration Department of "admitting one wife of an Indian immigrant so long as she is the only wife in South Africa, irrespective of the number of wives that he may have in India" is generally accepted by the Indian community, but that it was desired that an exception should be made in favour of a limited number of men of long residence in South Africa, who have now or have had more than one wife living with them in this country, so that these wives should be allowed to go backwards and forwards to India without question. Sir Benjamin Robertson stated that he understood that there were only from 40 to 50 of such persons in Natal, that a list of them could be made, and that it would be regarded as a graceful

concession if this privilege could be extended to them. Mr. Dick, the Chief Immigration Officer in Natal, was examined on the subject. He informed us that up to with in the last seven to ten years the practice in Natal had been to admit more than one wife of a husband resident in that Province, but that of late the right of entry had been restricted to only one wife. Where more than one wife had been admitted by the Department, the right of such wives to go backwards and forwards to India was also recognised. He thought that there might be in Natal from 50 to 100 old residents to whom this privilege had been accorded, and if it was to be continued he thought that a register should be made of them, that a period of 12 months should be given them within which to register their names and those of their wives, and that the right should be limited to those so registered and to their minor children. The period of twelve months was suggested, inasmuch as that is the time for which an identification certificate which is given to Indians visiting their native land remains in force. Consequently there would be sufficient time for any of such persons who might be absent from the country when the register was opened, to make application for registration after their return to South Africa.

The evidence goes to show that a similar state of affairs exists in the Cape Colony and Transvaal, though we have no accurate information as to the number of the persons coucerned in these Provinces.

The concession asked for in respect of the limited number of Indians resident in South Africa is a comparatively small one, and should in our opinion be granted. With regard to plural wives who are at present lawfully living with their husbands in any of the Provinces, their case will seem to be met by Section 25 (2) of the Act, and we understand from Mr. Cousins, the Chief Immigration Officer of the Province of the Cape of Good Hope, that there would be no obejction to granting them identification certificates if they desired to go to India for a visit with the intention of returning to this country. The only point that could arise as to them would be with reference to the period of their absence, inasmuch as identification certificates lapse after the period of one year. If, however, the recommendation which is hereafter made that the period should be extended to three years is adopted, no difficulty need be anticipated regarding them. It may very well be, however, that there are women who have been in South Africa with there husbands, but who are at present in India, and in their case we are of opinion that they with their minor children, should be allowed to join their husbands again at any time that may please them. It is chiefly with view to these that we recommend that instructions should be issued to the Immigration Department to open registers in the various Provinces as suggested by the Chief Immigration Officer of Natal.

(c) The third point that arises in connection with the marriage qnestion has reference to the celebration in South Africa of marriages between Indian men and women in conformity with the rites of their respective religions. In his letter to the Minister of the 2nd July, 1913, Mr. Gandhi writes: "As to the marriage question, in view of the Searle judgment, it is absolutely necessary to legalise Indian marriages celebrated or to be celebrated within the Union. This can be done by amending the marriage laws of the different Provinces authorising the Government to appoint marriage officers for different denominations, whose certificates as to the celebration of marriage according to the rites of the respective religions of the parties would be recognised as proper proof of marriage."

It is necessary to point out here that as regards Mohammedans provision has been made in the Cape Colony by Act 16 of 1860, and in Natal by Act 19 of 1891, for the appointment by the Governor of marriage officers for the purpose of solemnising the marriage of persons professing the Jewish faith and of persons professing the Mohammedan faith. We are informed, however, that, though both in the Cape and in Natal, after the passing of the Acts, Mohammedan priests were appointed as marriage officers, the Mohammedans have not availed themselves of the privilege to any great extent, and that for years past no appointment of marriage officers has been made. The difficulty, according to the evidence before us, is that their religion recognises the right of a man to marry as many as four wives, and they consider that they should be false to their faith if they renounced that right. A marriage contracted in South Africa before a marriage officer would necessarily be monogamous and not polygamous, and they prefer not to enter into such unions, but to accept the position that in law their marriages are not valid rather than renounce the doctrines of their religion. This is the attitude which has always been taken up by the Malays in the Cape Colony, and, as far as we know, there has been no agitation on their part for an amendment of the law so as to recognise polygamous marriages as valid.

Whether the Indians who profess religions other than the Mohammedans hold the same views on this subject seems doubtful. A witness named Aiyar, who is the editor of the Indian newspaper called the *African Chr nicle*, and who gave evidence before us, stated that the Indians would be quite willing to contract marriages before a priest who had been appointed a marriage officer, with full knowledge of the fact that by so doing they were entering into a monogamous and not a polygamous marriage. Whether the witness speaks with authority and represents the views of the Indians generally, we unfortunately had no opportunity of ascertaining, as the Indian community in general, other than the Mohammedan section of it, persistently ignored the Commission. From the fact, however, that Mr. Gandhi, in the letter already quoted, made a request for the appointment of marriage officers for the different denominations, we gather that he is of the same opinion as Aiyar for be must have realized that a marriage celebrated before a marriage officer would necessarily be in accordance with the laws, of South Africa, or, in other words, would be monogamous. And that this was his view at the time when this letter was written is further indicated by the following passage in it: "With reference to the marriage amendment in the new Act, I understand that only monogamous marriages will be registered, and I appreciate that nothing more can be done in law at present, but an assurance is necessary to the effect that the present practice of admitting one wife of an Indian immigrant, so long as she is the only wife in South Africa, irrespective the number of wives he may have in India, will be continued." In that passage he apparently accepts the position that only monogamous marriages can be recognised in law as valid. Whether Mr. Gandhi is still of this opinion was have had no opportunity of ascertaining from himself.

As regards the indentured Indians, however, we do not anticipate that any difficulty will arise. They apparently are quite content to contract monogamous marriages. By the Indian Immigration Act 25 of 1891 of Natal, it is provided by Section 66 "that no polygamous marriages which may hereafter be contracted by Indian immigrants in this Colony shall be considered valid as far as this Colony is concerned, and that no polygamous marriage shall be registered by the Protector of Indian immigrants or by any Magistrate."

Provision is than made in Section 70 for the marriage of all Indian Immigrants, except those professing the Christian religion, before a Magistrate or before the Protector of Indian Immigrants. Such marriages are registered by these officer, and are necessarily monogamous.

According to the evidence of the Protector of Immigrants the indentured Indians have no scruples against contracting such unions. During last year, he informed us, that 1,075 marriages were solemnised before himself and different Magistrates in Natal. Many of these persons are first married according to the rites of their own religion, and subsequently go through the ceremony of marriage before the Protector or a Magistrate. In respect of these Indians, therefore, there appears to be no necessity for making further provision.

When, therefore, Mr. Gandhi applied for the appointment of marriage officers amongst Indian priests, he probably had in mind Indians other than indentured labourers, who might have scruples about contracting marriages before any such official. We are informed that amongst their priests in Natal and other Provinces there are educated men of good character, by whom marriage registers could be kept. If that be so we see no reason why the request for the appointment of marriage officers from amongst their number should not be granted. The Minister, indeed, in his reply to Mr. Gandhi's letter, entirely approved of the principles. In the letter of the Secretary of the Interior of the 19th August, 1913, he writes: "Fourthly, General Smuts is prepared, when some suitable occasion presents itself for dealing with the consolidation of the Union, to make provision for the appointment of special marriage officers, for denominations other than Mohammedans, upon its being shown that there is a demand by the members of such denominations for such appointment, and that there are suitable persons in the different communities on whom the appointment could be conferred." We would recommend that the necessary legislation on the lines of he Cape Act 16 of 1860 should be passed as early as possible, so that those who are desirous of availing themselves of the privilege of contracting a valid marriage before their own priests, whether such persons be many or few, should have the opportunity of doing so without further delay.

(*d*) And that brings us to the fourth and last point which is raised on this question, and which presents greater difficulties than any of the preceding.

The point is not brought out very clearly by Mr. Gandhi in his letters, but it has been elucidated by the evidence given before us, especially by that of Sir Benjamin Robertson. It has been held in more than one case in the South African Courts, and

notably in what is spoken of throughout the evidence as the Searle judgment, that where a man had married only one wife under a system which recognises polygamy, such a marriage is in law a polygamous and not a monogamous marriage. The result is that, as polygamous marriages are not recognised by our law, the wife in such a case has no legal status as a married woman, and the children are illegitimate. It appears from the evidence that the Searle judgment, which was delivered in 1910, caused intense feeling in India as casting a slur upon Indian women. That judgment, however, merely laid down the law in accordance with previous decisions of the Courts, both in England and in South Africa.

In the Cape Colony it was decided, so long ago as 1860, in the case of Bronn and Fritz Bronn's executors, that children born of a marriage celebrated according to Mohammedan rites in the Colony, were illegitimate, as no valid marriage had been contracted. It was in consequence of that decision that Act 16 of 1860 of the Cape of Good Hope was passed authorising the Governor to appoint marriage officers for the purpose of celebrating the marriages of persons professing the Mohammedan faith, but, as already explained, the Malays in the Cape Province have failed to take advantage of the provisions of that Act, preferring to accept the legal position that their marriages are invalid than to renounce the right which is recognised by their religion, of marrying more than one wife.

It is almost unnecessary to point out that on this subject our law is identical with that of England, and that the status in that country of a woman married under a system which recognises polygamy is no better than it is in South Africa. So far as we know, however, there has been no demand for a change in the laws of England with the view of validating such marriages. The probable explanation is that there is no large Indian population settled there, so that the question is not brought home to them as regards that country. But, however that may be, we are bound to consider the subject on its merits, without regard to the position in other parts of the world.

Now the suggestion, as we understand it, is that some provision should be made by legislation for legalising what are called *de facto* monogamous marriages, that is to say, the marriage of one man with one woman under a system which recognises the right of the husband to take one or more other wives. Such marriages are the rule amongst Indians of all denominations. It is the rare exception for an Indian to have more than one wife. It is more often amongst the Mohammedans that that number is exceeded, but even with them it is a matter of only occasional occurrence. And in all cases where in fact a man is married to only one woman we can see no objection to legislation validating such marriages from the date when they were contracted, *on certain conditions*.

The first condition is that such marriages should be registered before a marriage officer, whether he be a priest or a Resident Magistrate or an official specially appointed for that purpose. It is important in our opinion that a complete register of all marriages should be kept and that Indians both men and women, who have been married according to the rites of their respective religions and who desire to avail themselves of the proposed law to validate such marriages should be required to appear before a marriage officer and apply for registration. It is not suggested that they should go through any ceremony but merely that they should satisfy the officer that their marriage is a *ipso facto* monogamous one, and should supply him with particulars of their names and ages as well as of the time and place of their respective marriages.

It is unfortunate that in India there is no system of registration of marriages, otherwise all that would have been necessary would have been to produce to the officer a copy of the register. As that, however, is impossible the necessary information for filling in the register must be obtained from the persons applying for registration. When the particulars have been entered in the register and when it has been signed by the officer the marriage should be taken to have been validated from the date when it was contracted. Provision should also be made for the filling of a duplicate original register in the office of the Minister of the Interior as is required in respect of all marriages celebrated in South Africa.

It has been suggested that a law should be passed simply validating all *de facto* monogamous marriages and not insisting upon registration. The objections to that course are obvious. In the first place registration of marriages is important from the point of view that it provides a simple means of proof of the fact that a marriage has been solemnised. In the absence of registration the only way in which a marriage can be established, when that fact is in issue, is the evidence of witnesses who were present at the ceremony or who can prove it in some other way. Serious difficulties might often arise in such cases, particularly if the marriage had been contracted many years ago, or if one of the parties chose to deny the fact.

In the second place it may very well be that there are many Asiatics who have no desire that their marriages should be validated except on their own terms and their wishes should be respected. All persons therefore, should be entitled to elect whether they should come under the provisions of the proposed law or not, and an application for registration would be conclusive evidence of such election.

The second condition which in our opinion is essential to the validation of such marriages is that they should by registration become monogamous in law as well as in fact. All the legal consequences therefore which flow from marriage under our common law, should follow upon such registration, except in so far as it may be deemed necessary to make special provision by legislation. One result would be that thereafter the husband could not enter into any relations with another woman which would be recognised by law.

If, however, he desired to go through a form of marriage with another woman before a priest, who is not a marriage officer, according to the forms of his religion, we see no reason why such a proceeding should be prohibited by law. It clearly would not amount to bigamy, inasmuch as a marriage solemnised before such a person would not be valid by our law, and consequently the legal requisites which are necessary to constitute the crime of bigamy would be wanting. Inasmuch, therefore, as such mirriages would not transgress the provisions of the criminal law, there is no necessity for interfering with those who desire to contract them. But it must at the same time be clearly understood that the* relation so created is an irregular one, which is not recognised by law, which would not confer any rights upon the woman and her offspring, and of which the first wife, if she is so disposed could take advantage.

Nor do we recommend that any legislation should be passed to recognise and legitimise such an intercourse. To do so would be to ignore the principles underlying monogamous marriages and partially to recognise polygamy. In our opinion, however, there can be no convenient half-way house between monogamy and polygamy. If the latter is to be recognised at all in respect of Asiatics, we must be prepared to go the whole length and accept it to its utmost extent. We are not prepared, however, to recommend that legislation should be passed to legitimize polygamy. That would be so serious a departure from our principles and law that we do not think that it would be endorsed by public opinion. The position is that the Asiatics have of their own accord migrated to a country where monogamy is the rule, but nevertheless they have never been restricted in the exercise of their religious rights. The Malays have accepted the situation for many years past and there has been no demand on their part for a change in the law. In truth the agitation on this subject has arisen rather in India than in South Africa. It has already been pointed out that the indentured Indians have in practice accepted the principle of monogamy, and have no scruples about contracting such marriages. Moreover, Mr. Gandhi himself in the letter already quoted above, says that he understands that only monogamous marriages will be recognised, and that he appreciates that nothing else can be done in law at present; while in another letter of the 22nd September, 1913, he says "With regard to polygamy, I have not asked for legal recognition." The demand indeed for recognition of polygamy comes only from the Mohammedan section of the Indian community. That claim is distinctly formulated in the evidence given before us by the three delegates of the Natal Indian Congress. When asked the question whether they claimed that polygamous marriages should be recognised, the answer was:—"That is the only thing we could ask." They also stated that they would object to registration of a *de facto* monogamous marriage if the husband was thereby to be limited to one wife, as by so doing he would be false to his religion.

They also object for the same reason to becoming subject to our laws with regard to divorce. According to the doctrines of their religion there is no necessity to apply to a Court of Justice for the dissolution of a marriage. In fact, as regards divorce the husband is the judge in his own cause. If he is satisfied in his own mind that his wife is misconducting herself, he is entitled, after warning her three times, an interval of a month taking place between each warning, to go to the priest and write out before two witnesses what is called a "Divorce Paper" setting forth his reasons for divorcing his wife.

He then utters a special word signifying "I leave her alone," and thereupon the marriage is dissolved. The paper is handed to the wife as evidence, to enable her to contract another marriage. The priest himself, it will be noted, makes no investigation into the charge, and all that is necessary is that the husband himself should be satisfied of his wife's misconduct. On the other hand the wife has no similar right to divorce her husband. All she can do is to lay a complaint before the priest who enquires into the matter and, if satisfied that the charge is true, he summons the husband before him and if he persists in his misconduct, the priest can bring pressure upon him, to divorce his wife.

This is the effect of the evidence given before us on this subject and this is the law which we are asked to recognise. It needs only to be stated, however, to realise how open to abuse it is, and how impossible it would be for us to accede to the request of the Mohammedans that we should recommend legislation, recognising and legalising the Mohammedan law of marriage and divorce.

It is possible, however, that, if they clearly understand that there will be no prohibition against their going through the form of marriage with one or more women after their first marriage has been registered, and that by so doing they would ~~not~~ be incurring any penalties, they would be prepared to accept the suggestion already made as a solution of this question. What they apparently object to is the renunciation of the rights, which they enjoy under their religion, of marrying more than one wife. Such a registration as we have suggested, however, would not require any renunciation of their rights, nor would they be debarred by law from marrying other women in accordance with the rites of their own religion, though these women could not be recognised as having any legal status as married women.

The solution which we have suggested is approved of by Sir Benjamin Robertson in his evidence. Moreover, there is precedent for it in the Natal laws with regard to the indentured Indian immigrants.

By the Consolidation Act 25 of 1891, section 68, provision is made for the registration by the Protector of Immigrants of persons who are described as married in the Immigration Lists, and such registration has the effect of validating the marriage. There is a distinct prohibition, however, in section 66 against the registration of any polygamous marriage, though by an earlier Act, 12 of 1872, provision was made for the registration of such marriages, and section 68 provides for the validation of those which had been registered at the time of the passing of the Act of 1891. A later Act of 1907 departs from the principle laid down in section 66, "That no polygamous marriage shall be registered by the Protector of Indian Immigrants or by any Magistrate," for by section 6 it is enacted that "The provisions of section 68 of the Indian Immigration Law 1891 shall, as regards Indian immigrants arriving in the country after the commencement of this Act, apply to all marriages shown in the certified copies of their marriage certificates notwithstanding that any such marriage may be a polygamous marriage." And in section 7 provision is made for the registration of polygamous marriages of Indian immigrants who had arrived in the Colony prior to the commencement of the Act. The section then sets forth, "That the registration of a marriage under this section shall have the same validity and effect as the registration of marriages under the 68th section of the said Law 1891." In this Act, therefore, it wil be seen that there is a distinct recognition of polygamy in the case of a limited number of indentured Indian immigrants, but as immigration from India has now been stopped this Act is no longer of any effect. The principle embodied in it, however, is one of which we do not approve, aLd we do not feel justified in recommending that it should in any way be extended.

There is another precedent in South Africa for the validation by registration of marriages which were invalid by law in the regulations for the Native Territories made in 1879 under the provisions of the Transkeian Annexation Act of 1877, which regulations have the force of law in those territories. Regulation 31 provides that "Any marriage celebrated according to ordinary Kaffir or Fingo forms, provided that it is registered within three months from the date of such marriage in a book to be kept for that purpose by the Resident Magistrate of the district, shall be taken to be in all respects as valid and binding.....as a marriage contract under the marriage laws of the Cape Colony."

The recommendation which we have made on this subject, therefore, is one which not only commends itself to our sense of what is right and proper in the circumstances, but it is also supported by precedent, and we feel justified, therefore, in submitting it for favourable consideration.

♣

Short Studies.

Studies of Extravagance.*

The Writer.

Every morning when he awoke his first thought was: How am I? For it was extremely important that he should be well, seeing that when he was not well he could neither produce what he knew he ought, nor contemplate that lack of production with equanimity. Having discovered that he did not ache anywhere, he would say to his wife: "Are you all right?" and, while she was answering, he would think: "Yes—if I make that last chapter pass subjectively through his personality, then I had better——" and so on. Not having heard whether his wife were all right he would get out of bed, and do that which he called "abdominal cult," for it was necessary that he should digest his food and preserve his figure' and while he was doing it he would partly think: "I am doing this well," and partly he would think: "That fellow in 'The parnassus' is quite wrong—he simply doesn't see——" And pausing for a moment with nothing on, and his toes level with the top of a chest of drawers, he would say to his wife: "What I think about that Parnassus fellow is that he doesn't grasp the fact that my books——" And he would not fail to hear her answer warmly: "Of course he doesn't; he's a perfect idiot." He would then shave. This was his most creative moment, and he would soon cut himself and utter a little groan, for it would be needful now to find his special cotton wool and stop the bleeding; which was a paltry business, and not favorable to the flight of genius. And if his wife, taking advantage of the incident, said something which she had long been waiting to say, he would answer, wondering a little what it was she had said, and thinking: "There it is, I get no time for steady thought."

Having finished shaving he would bathe, and a philosophical conclusion would almost invariably come to him just before he douched himself with cold—so that he would pause, and call out through the door: "You know, I think the Supreme Principle—" And while his wife was answering, he would resume the drowning of her words, having fortunately remembered just in time that his circulation would suffer if he did not douse himself with cold while he was still warm. He would dry himself dreamily developing that theory of the Universe, and imparting it to his wife in sentences that seldom had an end, so that it was not necessary for her to answer them. While dressing he would stray a little, thinking: "Why can't I concentrate myself on my work; it's awful!" And if he had by any chance a button off, he would present himself rather unwillingly, feeling that it was a waste of his time. Watching her frown from sheer self-effacement over her buttons sewing, he would think; "She is wonderful! How can she put up with doing things for me all day long?" And he would fidget a little, feeling in his bones that the postman had already come.

He went down always thinking: "Oh! hang it; this infernal post taking up all my time!" And as he neared the breakfast room, he would quicken his pace; seeing a large pile of letters on the table, he would say, automatically, "Curse!" and his eyes would brighten. If—as seldom happened—there were not a green-colored wrapper enclosing mentions of him in the press, he would murmur: Thank God!" and his face would fall.

It was his custom to eat feverishly, walking a good deal, and reading about himself, and when his wife tried to bring him to a senes of his disorder, he would tighten his lips without a word, and think: "I have a good deal of self-control."

He seldom commenced work before eleven, for though he always intended to, he found it practically impossible not to dictate to his wife things about himself, such as how he could not lecture here; or where he had been born; or how much he would take for this; and why he would not consider that; together with those letters which began:—

"My dear—,

"Thanks tremendously for your letter about my book, and its valuable criticism. Of course, I think you are quite wrong. . . , You don't seem to have grasped. . . In fact, I don't think you ever quite do me justice.

"Yours affectionately,

"——."

When his wife had copied those that might be valuable after he was dead, he would stamp the envelopes, and exclaiming, "Nearly eleven—my God!" would go somewhere where they think.

It was during those hours when he sat in a certain chair with a pen in his hand that he was able to rest from thought about himself; save, indeed, in those moments, not too frequent, when he could not help reflecting: "That's a fine page—I have seldom written anything better;" or in those moments, too frequent when he sighed deeply, and thought: "I am not the man I was." About half-past one he would get up with the pages in his hand, and, seeking out his wife, would give them to her to read, remarking: "Here's the wretched stuff—no good at all;" and taking a position where he thought she could not see him, would do such things as did prevent his knowing what effect the pages made on her. If the effect was good he would often feel how wonderful she was; if it was not good he had at once a chilly sensation in the pit of his stomach, and ate very little lunch.

When in the afternoons he took his walks abroad he passed great quantities of things and people without noticing, because, he was thinking deeply on such questions as whether he were more of an observer, or more of an imaginative artist; whether he were properly appreciated in Germany; and particularly whether one were not in danger of thinking too much about oneself. But every now and then he would stop, and say to himself: "I really must see more of life, I really must take in more fuel;" and he would passionately fix his eyes on a cloud, or a flower, or a man walking, and there would instantly come into his mind the thought: "I have written twenty books—ten more will make thirty—that cloud is grey;" or: "That fellow X—— is jealous of me! This flower is blue," or; "This man is walking very—very ——. D—n 'The Morning Muff,' it always runs me down!" And he would

*No individual has posed for any of these caricatures.

have a sort of sore, beaten feeling, knowing that he had not observed those things as accuratey as he would have wished to.

During these excursions, too, he would often reflect impersonally upon matters of the day, large questions of Art, Public Policy, and Human Soul; and would almost instantly find that he had always thought this or that; and at once see the necessity for putting his conclusion forward in his book or in the press phrasing it, of course, in a way that no one else could; and there would start up before him little bits of newspaper with these words on them: "No one, perhaps, save Mr.——, could have so ably set forth the case for Baluchistan." Or, "In the 'Daily Miracle, there is a noble letter from that eminent writer, Mr. ——, pleading against the hyperspiritualism of our age."

Very often he would say to himself, as he walked with eyes fixed on things that he did not see: "This existence is not healthy. I really must get away and take a complete holiday, and not think at all about my work, I am getting too self-centred," and he would go home and say to his wife: "Let's go to Sicily, or Spain, or samewhere. Let's get away from all this, and just live," And when she answered, "How jolly" he would repeat, a little absently, "How jolly!" considering what would be the best arrangement for forwarding his letters. And if, as sometimes happened, they did go, he would spend almost a whole morning, living, and thinking how jolly it was to be away from everything; but towards the afternoon he would feel a sensation, as though he were a sofa that had been sat on too much, a sort of subsidence very deep within him. This would be followed in the evening by a disinclination to live; and that feeling would grow until on the third day he received his letters together with a greeu-colored wrapper enclosing some mentions of himself, and he would say: "Those fellows—no getting away from them!" and feel irresistibly impelled to sit down. Having done so he would take up his pen, not writing anything, indeed—because of the determination to, "live," as yet not quite extinct—but comparatively easy in his mind. On the following day he would say to his wife: "I believe I can work here." And she would answer, smiling, "That splendid"; and he would think, "She's wonderful!" and begin to write.

On other occasions, while walking the streets or about the countryside, he would suddenly be appalled at his own ignorance, and would say to himself; "I know simply nothing—I must read." And going home he would dictate to his wife the names of a number of books to be procured from library. When they arrived he would look at them a little gravely and think: "By Jove! Have I got to read those?" and the same evening he would take one up. He would not, however, get beyond the fourth page, if it were a novel, before he would say: "Muck! He can't write!" and would feel absolutely stimulated to take up his own pen and write something that was worth reading. Sometimes, on the other hand, he would put the novel down after the third page, exclaiming: "By Jove! He can write!" And there would rise within him such a sense of dejection at his own inferiority, that he would feel simply compelled to try and see whether he really was inferior.

But if the book were not a novel he sometimes finished the first chapter before one of two feelings came over him; either, that what he had just read was what he had himself long thought—that, of course, would be when the book was a good one; or that what he had just read was not true, or at all events debatable. In each of these events he found it impossible to go on reading, but would remark to his wife: "This fellow says what I've always said"; or: "This fellow says so and so, now I say——" and he would argue the matter with her, taking both sides of the question, as to save her all unnecessary speech.

There were times when he felt that he absolutely must hear music, and he would enter the concert hall with his wife in the pleasurable certainty that he was going to lose himself. Towards the middle of the second number, especially if it happened to be music that he liked, he would begin to nod; and presently, on waking up, would get a feeling that he really was an artist. From that moment on he was conscious of certain noises being made somewhere in his neighbourhood causing a titillation of his nerves, favorable to deep and earnest thoughts about his work. On going out his wife would ask him: "Wasn't the Mozart lovely?" or, "How did you like the Strauss?" and he would answer: "Rather!" wondering a little which was which; or he would look at her out of the corner of his eye, and glance secretly at the programme to see whether he had really heard them.

He was extremely averse to being interviewed, or photographed, and all that sort of publicity, and only made exceptions in most cases, because his wife would say to him: "Oh! I think you ought;" or because he could not bear to refuse anybody anything; together, perhaps, with a sort of latent dislike of waste, deep down in his soul. When he saw the results he never failed to ejaculate: "Never again! No, really—never again! The whole thing is wrong and stupid!" And he would order a few copies.

For he dreaded nothing so much as the thought that he might become an egoist, and knowing the dangers of his profession, fought continually against it. Often he would complain to his wife: I don't think of you enough." And she would smile, and say: "Don't you?" And he would feel better, having confessed his soul. Sometimes for an hour at a time he would make really heroic efforts not to answer her without having first grasped what she had said; and to check a tendency, that he sometimes feared was growing on him, to say "What?" whether he had heard or no. In truth, he was not (as he often said) constitutionally given to small talk, Conversation that did not promise a chance of dialectic victory was hardly to his liking; so that he felt bound in sincerity to eschew it, which sometimes caused him to sit silent for "quite a while," as the Amricans have phrased it. But once committed to an argument he found it difficult to leave off, having a natural, if somewhat sacred, belief in his own convictions.

His attitude to his creations was, perhaps, peculiar. He either did not mention them, or touched on them, if absolutely obliged, with a light and somewhat disparaging tongue; this did not, indeed, come from any real distrust of them, but rather from a superstitions feeling that one must not tempt Providence in the solemn things of life. If other people touched on them in the same way he had, not unnaturally, a feeling of real pain, sush as comes to a man when he sees an instance of cruelty or injustice. And though something always told him that it was neither wise nor dignified to notice outrages of this order, he would mutter to his wife: "Well, I suppose it *is* true—I can't write"; feeling, perhaps, that—if *he* could not with decency notice such injuries, she might. And, indeed, she did, using warmer words then even he felt justified, which was soothing.

After tea, it was his habit to sit down a second time, pen in hand; not infrequently he would spend those hours divided between the feeling that it was his duty to write something, and the feeling that it was his duty not to write anything if he had nothing to say; and he generally wrote a good deal; for deep down he was convinced that if he did not write he would gradually fade a way till there would be nothing left for him to read and think about, and though he was often tempted to believe and even to tell his wife that fame was an unworthy thing, he always deferred that pleasure, afraid, perhaps, of too much happiness.

In regard to the society of his fellows he liked almost anybody, though a little impatient with those, especially authors, who took themselves too seinously; and there were just one or two that he really could not stand, they were so obviously full of jealousy, a passion of which he was naturally intolerant, and had, of course, no need to indulge in. And he would speak of them with extreme dryness—nothing more, disdaining to disparage. It was, perhaps, weakness in him that he found it difficult to accept adverse criticism as anything but an expression of that same yellow sickness; and yet there were moments when no words would adequately convey his low opinion of his own powers. At such times he would seek out his wife and confide to her his conviction that he was a poor thing, no good at all, without a thought in his head; and while she was replying: "Rubbish! You know there's nobody to hold a candle to you," or words to that effect, he would look at her tragically, and murmur: "Ah! you're prejudiced!" Only at such supreme moments of dejection, indeed, did he feel it a pity that he had married her, seeing how much more convincing her words would have been, if he had not.

He never read the papers till the evening, partly because he had not time, and partly because he so seldom found anything in them. This was not remarkable, for turned there leaves quickly, pausing, indeed, naturally, if there were any mention of his name; and if his wife asked him whether he had read this or that. he would answer, "No," surprised at the funny things that seemed to interest her,—

Before going up to bed, he would sit and smoke. And sometimes fancies would come to him, and sometimes none. Once in a way he would look up at the stars, and think: "What a worm I am: This wonderful Infinity! I must get more of it—more of it into my work; more of the feeling that the whole is marvellous and great, and man a little clutch of breath and dust, an atom, a straw, a nothing!"

And a sort of exaltation would seize on him, so that he knew that if only he did get that into his work, as he wished to, as he felt at that moment that he could, he would be the greatest writer the world had ever seen, the greatest man, almost greater then he wished to be, almost too great to be mentioned in the press, greater than Infinity itself—for would he not be Infinity's creator? And suddenly he would check himself with the thought: "I must be careful—I must be careful. If I let my brain go at this time of night, I shan't write a decent word to-morrow!"

And he would drink some milk and go to bed.

—JOHN GALSWORTHY
in The *Nation*.

Byron in Rome.

The half-identification of the house—66, Piazza di Spagna—where Byron lodged in Rome during April, 1817, for barely three weeks recalls us to that unfading compelling personality. There he finished "Manfred" and dashed off those wonderful stanzas of "Childe Harold." This was the sole visit that he paid to the capital of the Cæsars, and it was after it, at the Venetian carnival of the ensuing year, that he was to send Murray that thrilling and Roman sentence, "I will work the mine of my youth to the last veins of the ore, and then—Good night. I have lived and am content." A few years longer he lived, never content—ever the mad bull in the Dresden china shop of society: finally a hero intercepted by a fever—and a hero for the future of a nation that mainly appealed to him through their past. He deemed himself a fallen spirit. A spirit he certainly was, and the strange light (or lightning) of him still shoots and flashes.

What did he see in Rome? Very few letters survive, and an important one from his sister is missing. "Childe Harold" communicates his inmost thoughts, but from passers-by he concealed the depths. Rather with infinite curiosity and *insouciance* he surveyed the modern things in their majestic setting, and he surveyed them with ironic mirth as well as with his ironic melancholy. The British tourists who made him one of their gazing-stocks were his abomination. But he loved all queernesses, even the queernesses of coiffure.

I perceive [he tells Murray] you are publishing a *life* of Raffael d'Urbino. It may perhaps interest you to hear that a set of German artists here allow their *hair* to grow and trim it into *his fashion*, thereby drinking the cummin of the disciples of the old philosopher [Latro the rhetorician, who recommended it for a "studious complexion"]. If they would cut their hair, convert it into brushes, and part like him, it would be more "*German* to the matter,"—I'll tell you a story. The other day a man here—an English—mistaking the statues of Charlemagne and Constantine, which are *Equestrian*, for those of Peter and Paul, asked another *which* was Paul of these same horsemen?—to which the reply was, I thought, Sir, that "St. Paul had never got on horseback since his *accident*!" I'll tell you another; Henry Fox, writing to someone from Naples the other day, after an illness, adds—"and I am so changed that my *oldest creditors* would hardly know me."

These stories of their kind would be difficult to better; the last is worthy of Sheridan.

After "Childe Harold" perhaps the next except may fall somewhat flat. Byron, unlike Goethe, indulged in no Roman erotics, and he had left a lady-love behind him. But his realization of a "sixth sense" is extremely interesting.

I am delighted with Rome—as I would be with a bandbox, that is, it is a fine thing to see, finer than Greece. . . . As a *whole*, *ancient* and *modern*, it beats Greece, Constantinople, everything—at least that I have ever seen. But I can't describe, because my first impressions are always strong and confused, and my Memory *selects* and reduces them to order, like distance in the landscape and blends them better, although they may be less distinct. There must be a sense or two more than we have, as mortals . . . . for where there is much to be grasped we are always at a loss, and yet feel that we ought to have a higher and more extended comprehension.

And, again, in another letter; "Of Rome I say nothing; it is quite indescribable, and the Guide-book is as good as any other." Did Murray take the hint, has Baedeker taken it? At any rate, Childe Harold has become a *cicerone*. He met Lord Lansdowne, he had met the Jerseys and Lady Jersey (Disraeli's "Zenobia") was one of the very few who had been kind to him at the last. He rode most of the day—a picturesque figure. Always he rode, at Constantinople, on the Lido facing Venice: it is the exercise of poets. He called Rome the "elder sister" of Byzantium—the elder "and the finer." The "top of the Alban Mount" he pronounced superb. As for the Vatican, only one statue figures in his letters—that of the Appollo Belvidere. And why? Because it reminded him of a lady to whom once he had nearly proposed. Lady Adelaide Forbes—"I think I never saw such a likeness." So was it ever with Byron. all was living to him. That is why his appeal is European more than English-European, and beyond. His last words on Rome are a commentary. "I have seen the Pope alive and a Cardinal dead—both whom looked very well indeed."

If the numbering be unchanged, this lodging in the Piazza di Spagna is *the* house, and if so, it has a strange fitness, for it fronts the rooms where Keats died—where the "fiery particle" flickered and was quenched. And it points to whence, by night

The soul of Adonais, like a star,
Beacons from the abode where the Eternal are.

Rome has indeed changed since then, yet is she not still unchangeable. Let us hear Byron once more. He is on the palantive:—

Cypress and ivy, weed and wallflower grown
Matted and massed together, hillocks heaped
On what were chambers, arch crushe'd, column strown
In fragments, choked up vaults, and frescos steep'd
In subterranean damps, where the owl peep'd,
Deeming it midnight:—Temples, baths, or halls?
Pronounce who can; for all that Learning reap'd
From her research hath been, that these are walls—
Behold the Imperial Mount! 'tis thus the mighty falls.

And soon follows that magnificent passage beginning

Admire—exult—despise—laugh, weep—for here
There is much matter for all feeling.

—a passege that has in it the ruins of the world and the cenotaph of the centuries—lines that ring, as if, so to say, they were a Napolean in rhyme. That is the real Byron, the Byron in Rome. Lady Adelaide Forbes and the Apollo Belvidere retreat. The "edict of earth's rulers" resounds and the man who Byronized others, the centrally self-centred, appeals to "The Niobe of nations" and sobs forth,

Oh Rome, my country! city of the soul,
The orphans of the heart must turn to the. —The *Times*.

Does Conquest Pay?

An old world chronicle would have had some words of resigned and puzzled fatalism at the end of the chapter in which it recorded the sequel of the Russo-Japanese War. By the mysterious workings of an inscrutable Providence, the power which won in that terrific conflict is to-day humbled, distracted, and nearly bankrupt; the power which lowered its proud flag and admitted defeat, seems, from a distant view, more prosperous than before, less deeply riven by the cleavage of revolution, and better able to arm and to consolidate its military forces. Nor, with all our modern grasping at scientific sociology, is it easy for the contemporary chronicler to avoid imitating the medieval monk. A touch of piety would make the confession that we do not understand what is happening, so much more graceful and reposeful. The really odd fact about the contrast between Russia and Japan, is that we o not clearly see where, in fundamentals, their stuation differs. Both peoples are, by European standards, dismally poor. In Japan, income-tax is paid on incomes over £30, and it is only a small minority of families which pays. In Russia the average yearly income is said to be only between £5 and £6 per head of the population. Famine is now raging in the poorer Northren districts of Japan, but it is chronic in some parts of Russia, and the fact that harvests have latterly been aboundant does not mean that the peasantry is really on the road to prosperity. In both Empires the burden of taxation is crushing, and in both it is the supposed necessity for great armaments which explains them. In neither is representative government a reality, and though Japan probably has the advantage here, both are swayed by a sacrosanct autocracy, and both are driven to repress the modern phase of revolt by the persecution of a struggling Socialist movement. Each attempts to foster the transition from an agricultural to an industrial form of civilization by high protection, and in each the new factories show a ruthless exploitation of the wage-earners which could not be paralleled in Western Europe. Over the finances of them both, cool critics shake their heads, and predict the inevitable catastrophe. Corruption in the public services is a plague in both.

But where so much is the same, everything none the less is different. Russia can afford to startle Germany by re-arming her artillery, building Dreadnoughts and strategic railways, and now, for climax, by a proposal to increase her "peace" army by 400,000 men. Japan is shaken by a popular revolt against reckless expenditure complicated by shameless corruption, and a Ministry, dominated by the Satsuma clan, which lives by controlling the fleet, must acquiesce in a reduction of its naval estimates by the relatively vast figure of £7,000,000. Defeat has brought a seeming prosperity; conquest has led to ruin, and this paradoxical result has come about where both Powers followed a similar policy in not very dissimilar conditions. It is a pretty puzzle for social science.

To the modern school of pacifists one-half of this pair of facts will not seem surprising. We have before us a collection of Mr. Norman Angell's essays and addresses ("The Foundations of International Polity," Heinemann), which restates his familiar position, not perhaps, with all the freshness and force of his earlier writing, but with unshaken conviction and the same formidable combination of logic with faith. Is there here, in the plight of Japan, a striking confirmation of his central doctrine that conquest does not pay, and that the accumulation of force is not so much a crime as an irrelevance in modern States? Here, indeed, it would seem that conquest, so far from enriching the victorious nation, has actually impoverished it, so that it finds itself unable to maintain the forces which its rulers think necessary to secure its acquisitions. The main conclusion is evidently sound in this instance when the facts are broadly viewed, but we doubt whether this particular illustration goes far on a close view to prove the detailed thesis. Mr. Angell's argument is addressed to peoples of a more advanced civilization than either Russia or Japan. It is true to say of us, or of the Germans, that if we were to embark on a European war, though we annexed trritory, we should not acquire land. Neither

the fields nor the factories of the couquered territory would change hands. A profitable conquest on Norman lines is to-day for us impossible. Our ruling class does not think of land as the typical from of wealth. But that is hardly true as yet of Russia and Japan, which are still partially in an agrarian phase of development. When they expand, they do take land. Even i. Northern Persia, which has not yet been annexed, thousanda of Russian settlers have followed the army of occupation, and have acquired Persian lands at a nominal price. In Korea the Japanese certainly began to carry out a scheme of military colonization at the expense of the Korean farmers, which called forth indignant protests from some English observers on the spot. How far it has gone we do not know. In the Balkans there has been an ominous movement of great masses of the population. Albanians have fled before thr Servs, Bulgarians have quitted Greek territory, some Greeks have fled from the new Bulgaria, and Turks have everywhere abandoned farms and villages. It will be found when the process is comlete and a balance struck, that the victorious races have added to their landed wealth, and a Balkan Domesday Book will record that the fortunes of countless Servian and Greek families have been advanced by conquest. Force at this level of civilization is rather a brutality than an irrelevance. The Norman epoch is not yet quite ended. Even in the British Empire there are Matabele and Zulus and Masai who have seen something of it.

On the higher level of civilization with which Mr. Norman Angell chiefly deals. the order of facts which his thesis fails to cover is subtler and more elusive. We have no difficulty in accepting his main premises. A modern people does not "own" its colonies and dependencies, and therefore cannot as a nation be enriched by conquest. The spoils of Empire do not go to the masses at home, who are unaffected by the process of expansion, save in so far as they bear the burden of taxation and see the resources of social reform squandered upon armaments. The Norman of to-day is not a military adventurer, but the financier and the investor who is concerned in the various dependencies, protectorates, and spheres of influence or penetration which a modern Empire attaches to itself. The export of capital has come to be, from the standpoint of the moneyed class, immensely more important as a direct source of profit and income than the export of goods. Trade does not follow the flag, but the flow of capital on the whole does so. It is a quasi-political process, and it long ago harnessed diplomacy to itself. Nations are not in business as a joint-stock concern, as Mr. Angell puts it; but that is a misleading assumption, unless we recognize also that capitalists do act in national groups abroad, and do receive from diplomacy, not merely protection, put active support in their schemes of expansion. The cruder cases, where this pressure leads to a territorial change, are, of course, easily recognized. Everyone knows that the real motive of the Franco-German struggle over Morocco was the rivalry of French and German capitalists to exploit its virgin mines and to supply it with public works. We all take it as a matter of course that railway building in India or irrigation wor s in Egypt should be in the hands of British contractors. What is not so readily grasped by the General public is that in countries like Turkey and China the competition among financiers for concessions invariably involves their governments. Everyone knows that the Bagdad Railway, financed and controlled by private German citizens, is a semi-official enterprise. But rather less directly, rather less overtly British diplomacy stands behind British railway ventures in China. The fact is avowed where we claim a sphere of manopoly, and one gathers from a telegam a few weeks ago in the *Times* that our pretension to a "place in the sun" in the Yangtze Valley is about to be enforced against rival Powers. The diplomacy which stands behind the exporter of capital is far from relying exclusively on its conversational charm. The shadow of a British ambassador, when he visits the Porte or the Tsung-li-Yamen, is apt to shape itself into the semblance of a Dradnought. Armaments stand behind this competition for economic opportunity, and play their part alike in over-awing dying empires and in impressing rival competitors. The struggle for a balance of power has its motive and its impetus largely in this singular modern relationship between the State and finances.

It is the omison of this puzzling and repugnant set of facts which explains a certain want of co-ordinat on between Mr. Angell's thesis and our modern problem of armaments. Force is not yet an irrelevance, though the ends which it serves are not European ends, or even national ends. Nations struggle no longer over their hearths and homes, their national liberties and their national faiths. They can be induced to struggle for the right to dig iron ore in the Atlas and to dump it in the form of steel rails at Bagdad. Pacifists are somtimes apt to assume that the armament firms alone have an interest in armaments, and that all the rest of the world is their dupe. It is rather the whole world of finance, restlessly seeking outlets in regions which have yet absorbed but little capital, which has this interest. Its power depends in every modern State on the failure of democracy to organize its control over diplomacy. The direct attack on armaments is probably destined to be thwarted until this pervasive and subtle influence has been studied and undermined.—*The Nation.*

The Balance of the Balkans.

The various States in the Balkan Peninsula have now adjusted their respective frontiers, and, after a suitable period of introspective examination, have made reports as to their size and population. The most recently published official figures give the following results:—

	Square Kms.		Inhabitants.
ALBANIA	32,000	...	880,000
BULGARIA—			
Old territory	96,345	...	4,329,108
Territory lost	7,525	...	285,757
Territory gained	26,257	...	709,646
Present area	112,077	...	4,752,997
GREECE—			
Old territory	64,657	...	2,732,952
New territory	56,611	...	1,620,000
Present area	121,268	...	4,352,952
MONTENEGRO—			
Old territory	9,080	...	285,000
New territory	5,876	...	230,000
Present area	14,956	...	515,000
ROUMANIA—			
Old territory	131,353	...	7,248,061
New territory	7,525	...	285,757
Present territory	138,878	...	7,533,818
TURKEY IN EUROPE—			
Former area according to Treaty of London.	9,168	...	1,623,000
Territory regained by Treaty of Constantinople	16,201	...	725,000
Present area	25,369	...	2,348,000
SERVIA—			
Old territory	48,303	...	2,957,207
New territory	39,047	...	1,210,000
Present area	87,350	...	4,167,207

The arable area in the acquisitions of the various States is said to be as follows:—

	Acres.
Bulgaria	631,366
Greece	6,919,080
Montenegro	494,220
Roumania	1,593,859
Servia	3,706,650
Turkey	3,853,760

Thus the total arable area of Bulgaria at present, including her acquisition of territory, is actually less than it was before the wars by some 760,000 acres!

These figures of population may tend to fluctuate—apart from the normal increase to be expected from the surplus of births over deaths—on account of emigration. There is a certain flow of Bulgars out of Servian and Hellenic Macedonia into Old Bulgaria and the Provinces of the Littoral. Moslems are leaving Macedonia for Asia Minor, as many as 8,000 having passed through Salonika in one week, and Greeks are moving from Ottoman Thrace into Old and New Greece. Albanians and some Bulgars are passing out of New Servia into Albania, Epirotes are leaving Albania in order to move into New Greece. A certain number of Salonika Jews have left for South America, and others are likely to follow. The Balkan races are in process of sorting themselves, and within a few years the astonishing ethnological and ecclesiastical diversities of Macedonia will have been very largely obliterated in favour of the nationality, and its State Church under the political denomination of which any given area may find itself.

Bulgaria's share of the cost of the Balkan Wars has been reckoned up by Professor Tsankoff, of the University of Sofia. The heavy bill which she will have to foot is analysed as follows:—The credits voted amounted to £12,400,000. The requisitions are estimated at £6,000,000. The deficit in the revenue due to the hostilities was £2,000,000. On munitions and transport service £6,000,000 has been, or will have to be, expended. Strategic railways and other miscellaneous items account for £7,200,000. For the pensions promised to soldiers incapacitated by their wounds a capital sum of £16,000,000 will be required. That makes a grand total of close upon £50,000,000; while the value of the territory which Bulgaria had to cede to Roumania is estimated by M. Tsankoff at another £60,000,000. The number of lives lost was somewhere between 55,000 and 58,000—between 6 and 7 per cent. of the adult male population of the country.

Personal Experience derived by the learned proprietor of the daily paper of our Moslem brothers.

The Proprietor of the "Akhbar i-Islam," the leading daily of Bombay, in the issue of the 30th January 1913, writes : "The well-known native physician, Dr. Kalidas Motiram of Rajkot, has obtained numerous certificates for his medicines that have stood a successful test to diseases pertaining both to males and females on account of his long-standing experience in the line and has got them registered in Government amongst which, the Royal Yakuti Ananga Vilas, the best tonic, has been very attractive in as much as it makes fresh and youthful blood run in all parts of the body, gives stability to genuine manhood removing all diseases of the body. We had an occasion of giving a trial to a tin of the said pills from which we have been convinced of the fact that the praises regarding the pills made in the advertisement appearing in this paper under the signature of the said doctor are quite free from exaggeration and it is therefore that we specially recommend the use of the pills for persons having a lean body and suffering from debility."

THE ROYAL YAKUTI ANANGA VILAS.

This Yakuti or life-giving nectar has been prepared from the best choicest and richest vegetable drugs. It has a wonderful property of increasing the strength and rectifies all urinary disorders. In fact, it makes man a man. This valuable medicine is used in large quantities among Rajas, Maharajas and many of our esteemed customers. But we have ventured to give it publication simply with a view to place it before the general public owing to the demand of several friends. It is needless to expatiate upon the magical qualities of this our invaluable medicine. We would not like to blow the French horn as is the fashion of the day, but suffice it to say that the use of the medicine is recommended to those who have any faith in the efficacy of Ayurvedic and Unani medicines. We recommend it also to those persons who desire to tone up the nervous system, to strengthen the body, refresh the memory, and to guard against debility. It works like a charm and the effect is lasting. It replaces lost strength and rejuvenates the emaciated, and it is enough to say that *musk* is not that which a perfumer admires, it is that which diffuses fragrance of its own accord. Price per tin containing 40 pills, Rupees ten only (13s. 4d.). Postage extra. No *Parhez* necessary.

Dr. KALIDAS MOTIRAM, Rajkot, Kathiawar, India.

THE "EXCELLUS"

TENNIS RACKET

H. M. Ahmad Beg,

Indian Rubber Stamp Maker, Die Sinker, Copper, Zink Plate and Stone Engraver, Monogramist, Manufacturer of Brass Badges and Seals, etc. Dealer of all Stamping Requisites and Rubber Hand Presses.

31-10-14. **Chandni Chowk, DELHI.**

A Turkish ex-official of high standing who is now established both in Constantinople and London desires to undertake any important business for export and import especially in minerals ; Best references.

Address :—

MAHMOUD BEY,
London Chamber of Commerce,
LONDON, E. C.

"COLPACK"
OR
Genuine Turkish Military Cap
(for Rs. 4 only)

Why a young man is so fond of a **"CALPACK"?**

To make himself look more respectable, and to attract attention, by using the novel head-gear of the same pattern as worns by Turk high officials like **Enver Pasha.**

Please send your order **to-day** to avoid disappointment.

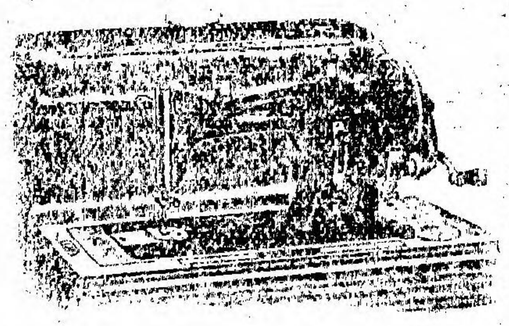
To— **S. F. Chishte, & Co.,**
Near Delhi & London Bank,
DELHI.

Sole Agents for India—
Fabreque National Egyptian De Tarbouches, Cairo
and
Fabreque Imperial De Hereka Constantinople.

Wanted a Match

For a young Mohamedan, Barrister-at-law recently arrived from England, of liberal views, belonging to a respectable and well known family, of good social and financial position, a young girl well educated, England returned preferable equally good in social and financial position. Photoes exchanged.

Address:— A.
C/o The "Comrade,"
DELHI.



SEWING MACHINES.
Special Features.
SEWING FORWARD & BACKWARD.
Silent, Strong and Durable.
Supplies & Spare Parts Stocked by
EAST WEST TRADING Co.,
DELHI. Teleg. Eastwestco.

WANTED

Candidates seeking Examination for the Degrees in scholarship of B.A., B.C.L., L.M.S., or B.E. of the Odessa University (Incorporated of U.S.A.)

For particulars apply to—

Dr. Abul Fazl,
American Commissioner of Dee's,
Kapurthala.

Money! Money! Money!

Everybody Wants It.

You can earn good money—as much as Rs. 3 a day—by getting in touch with us. Our proposition, which is a straight business-like one, calls for ordinary intelligence. And, moreover, the work entailed is so simple that members of an entire family could take to it and thereby increase the present income of the home, enabling many coveted luxuries to be indulged in, which could not be done otherwise.

ALL YOU HAVE TO DO

Purchase one of our celebrated Durbar Auto-Knitters and make Hosiery for us according to our instructions. We purchase all the Hosiery you make at favourable rates.

Men, Women and Children

all can earn more money monthly. Experience unnecessary. Distance immaterial. Write for Prospectus Now—You might forget it later.

Address :—

GENZ, WHEELER & CO., (Dept. 36) 11-2, Lindsay Street, CALCUTTA.

COUPON.

To GENZ, WHEELER & Co.

Please send me full details of your offer to supply me with an Auto-Knitter.

Name.....

Address.....

Genz, Wheeler & Co. (Dept. 36.)
11-2, Lindsay Street, Calcutta.

THE

"JEUNE TURC"

An Ottoman Daily Journal.

Address :—**CONSTANTINOPLE, PLACE DU TAXIM No. 8.**

The **Jeune Turc** is the organ of the modern life of New Turkey.

The **Jeune Turc** gives the most exact and early information about the Political, Economical and Social life of the Ottoman Empire and of the Balkan States.

The **Jeune Turc** publishes Political, Literary and Economical articles on all questions connected with the New East and teems with humorous literature palpitating with Political life.

Whoever wants to keep himself well informed about whatever passes in Turkey and the Balkan States ought to subscribe

FOR THE

"JEUNE TURÇ"

A paper, having the greatest circulation in the East.

:o:

Subscription for Foreign Countries :
For a year Rs. 24/- For 6 months Rs. 15/- & for 3 months Rs. 7/8/-

Notice.

BENGAL VETERINARY COLLEGE.

Candidates for admission to the Bengal Veterinary College for the Session 1913-14 should present themselves with necessary certificates in original, as required by the Regulations, at the College in Calcutta, Belgachia, at 11 A. M., on 20th May 1914 for selection.

D. Dey.
For Principal, Bengal Veterinary College.

AFRICAN TIMES & ORIENT REVIEW.

Edited By Duse Mohamed.

A weekly Review of African and Oriental Politics, Literature, Finance and Commerce. Price 6d. per copy, 12/6 per annum. Also Published Quarterly at 6/- per annum.

APPLY TO—
THE MANAGER,
The African Times and Orient Review,
158, Fleet Street,
London, E. C.

EAST INDIAN RAILWAY.

NOTICE.

The Public are informed that the East Indian Railway City Booking Office at Delhi Sadr has been removed from the East side of the Kutub Road to House No. 2781 situated on the West side of the Kutub Road.

By order of the Agent,
C. M. PEARCE,
General Traffic Manager.

CALCUTTA:
7th May 1914.

Printed and Published by SADIQ ALI KHAN at THE COMRADE & THE HAMDARD PRESS, Kucha-i-Chelan, Delhi.