

# India

FOR THE

No. 195. NEW SERIES.  
No. 292. OLD SERIES.]

WEEK ENDING FRIDAY, OCTOBER 18, 1901.

[REGISTERED AS A PAPER.—2d.  
NEWSPAPER. 1 By Post, 2d.]

Notes and News ... ..	181	Indian Famines and the Famine Commission:	
The Larger Issues of the Pennell Case ... ..	184	Mr. Romesh Dutt at Liverpool 187	
Our London Letter ... ..	185	The Dismissal of Mr. Pennell: His Reply to his Official Accusers (continued) ... ..	189
Chronicle of the Week ... ..	186	Advertisements ... ..	190
The Famine in India			
305,000 Persons on Relief ... ..	186		

Commission to enquire into the present industrial condition of the country.

Similar resolutions have been repeated year after year since 1888. There has been no lack of urgency on the part of the Congress.

## NOTES AND NEWS.

IT is a simple enough thing to attempt to discredit the Indian National Congress by alleging that it is a "talkative" and not a "practical" body, and with the Congress everybody that is in any way associated with it. Ordinarily, we are inclined to treat such allegations with silent contempt. Once in a way, however, it seems worth while to apply a test that just now forces itself upon us. We refer to the recommendations of the recent Famine Commission on the fundamental point of famine prevention, or "protective measures" of anticipation (INDIA, vol. xvi, p. 152). Take the root mischief, the poverty of the people. The true preventive of indebtedness, says the Report, is to be found "in the promotion of education, in the development of proper and popular institutions for organising credit and thrift at the very door of the cultivator, in the removal of the causes inherent in the agrarian system of the country which force the cultivator into debt, and in the advancement of agricultural efficiency in all its branches." The Commissioners merely mention education; they do not enlarge upon it because it did not expressly come within their reference. They recommend the formation of agricultural banks. They blame the agrarian system, especially in Bombay. They confirm the opinion of the Commission of 1898 that irrigation works should "take the place that protective railways have hitherto occupied in the famine insurance programme." "The possibilities of smaller protective works" of irrigation, they say, "have in no province been exhausted, while in some provinces they have as yet hardly been examined."

Now, the very first Congress (1885), looking at the drain on the country, resolved that "the proposed increase of the military expenditure of the empire is unnecessary, and, regard being had to the revenues of the Empire and the existing circumstances of the country, excessive." The less the cost of warlike action and preparation, the more rupees would remain in the hands of the rayat. As for Education, Resolution vii of the Third Congress (1887) ran thus:—

That, having regard to the poverty of the people, it is desirable that the Government be moved to elaborate a system of Technical Education, suitable to the condition of the country, to encourage indigenous manufactures by a more strict observance of the orders already existing in regard to utilising such manufactures for State purposes, and to employ more extensively than at present the skill and talents of the people of the country.

Next year (1888), the Congress expressed itself much more fully. Resolutions ix and x ran as follows:—

IX.—That, this Congress being of opinion that it is the first duty of the British Government in India to foster and encourage education, general as well as technical, in all its branches, and that the declaration made in the recent Resolution of the Government of India on the subject of education is calculated to encourage the tendency to reduce imperial expenditure on education and to withdraw from the control of it, respectfully urges upon Government the extreme importance of increasing, or at any rate of not decreasing, the present expenditure on education, and of the Government continuing to control the Educational Institutions of all kinds now existing.

X.—That, having regard to the poverty of the people, the importance of encouraging indigenous manufactures, and the difficulty of practically introducing any general system of technical education with the present imperfect information, the Government be moved to delay no longer the appointment of a mixed

Nor has the Congress overlooked the hard lot of the rayat and the necessity for organising institutions of credit and thrift in aid of his struggles. The poverty of the country has been the burden of Mr. Dadabhai Naoroji's argument for more than a generation: he told the Second Congress (1886) that he "was laughed at" when he first mooted it, and "assigned as one of its causes the employment of an expensive foreign agency"; but he was then able to quote a Secretary of State in confirmation of his words. Sir William Wedderburn told the Fifth Congress (1889) that "the main interests of the Indian taxpayer are peace, economy, and reform"; and "we cherish the idea," he said, "that if he had fair play the rayat might develop into a substantial yeoman instead of being the starveling he is," at the same time giving the doleful history of the official rejection of "the German system of peasant Banks," which the Famine Commission at last recommend. "I think I may say with confidence," he declared, "that the India Office has not yet heard the last word on the subject of Agricultural Banks"; and now, after a dozen years, the Government Resolution on the Famine Commission Report states that "the Government of India have taken action" on this subject, though without the least reference to the prolonged urgency of Congress men. Resolution iii of the Seventh Congress (1891), and again Resolution ix of the Eighth Congress (1892) expressly advocated Agricultural Banks; and the subject was again and again subsequently pressed, for example, in Resolution xiii of the Twelfth Congress (1896), which urged "That Agricultural Banks be established, and that greater facilities be accorded for obtaining loans under the Agricultural Loans Act" as one of several suggested "measures for the amelioration" of the "deplorable condition of the poorer classes in India."

Again, the agrarian system was incisively criticised by the Congress many years ago. Thus the Fifth Congress (1889) called for practical action on the subject, and the Sixth Congress (1890) passed Resolution vi in these fuller terms:—

That, having reference to the expectations created throughout the country by the Despatch of her Majesty's Secretary of State in 1862, the principles of which were re-affirmed in a subsequent Despatch of 1865, promising the extension of a Permanent Settlement to all temporarily settled tracts in which certain conditions were fulfilled, and to the fact that throughout large portions of the country those conditions have long since been fulfilled, this Congress respectfully submits that the Government of India is now in honour bound to take up this question of Permanent Settlement without further delay, in view to practical action thereon, such that fixity and permanency may be given to the Government Land Revenue demand, as explicitly promised by her Majesty's Secretary of State more than a quarter of a century ago. Again and again has the Congress returned to the demand, in varied forms. Thus Resolution iii of the Seventh Congress (1891) gave as one of the causes of "this unhappy condition of affairs"—meaning the fact that fifty millions were "dragging out a miserable existence on the verge of starvation," while "in every decade several millions actually perish by starvation"—this:—

A shortsighted system of Land Revenue Administration, whereby not only is all improvement in the agriculture of the country, on which nine-tenths of the population depend for subsistence, rendered impossible, but the gradual deterioration of that agriculture assured.

Mr. R. M. Sayani, in his Presidential Address to the Twelfth Congress (1896) dealt with the conditions of the



country, and "this," he said, "leads me to rivet your attention on the great danger looming in the near future in connexion with our agrarian problem." The Congress, however, has gone against the recommendation of the Famine Commission in favour of the new policy of limitation of the transfer of holdings. Resolution ii of the Fifteenth Congress (1899) deprecated the Punjab Land Alienation Bill as "calculated (1) to decrease the credit of the agriculturists and landholders, (2) to make them resourceless on account of their inability to meet the ever-increasing State demands upon their land," and recommended as a mode of "real relief" that "where the Government is the rent-receiver the rule proposed in 1882, prohibiting any enhancement except on the ground of rise in prices, be enforced, and that where private landlords are the rent-receivers some provision to prohibit undue enhancement of rent be made." It remains to be seen who is right.

The Congress—and men in sympathy with Congress ideas, before as well as after the establishment of the Congress—will be found also to have strongly advocated "the advancement of agricultural efficiency in all its branches." We would recommend the Government to republish and circulate broadcast the pamphlet of Mr. A. O. Hume, C.B., late head of the Agricultural Department. Failing that, our readers will find enough of it for forming a judgment in a paper of the late Mr. Robert Knight's published in the "Statesman" (London) for November 1880. And while they have the "Statesman" in hand, let them also study Mr. Knight's "Memorandum on the Condition of India" (August, 1880); the late Colonel R. D. Osborn's three articles on "The Peasantry of India" (September and October 1880, and February 1881), and his two articles on "Mr. Caird and the Government of India" (December 1880, and January 1881); and Sir William Wedderburn's paper on "The Land Question in the Deccan" (June, 1881). Then let them verify the facts in the Government Reports cited in these articles, in order to extend and deepen the impression of the Government's neglect of the people's most intimate interests. The Resolutions of Congress we have already quoted will sufficiently represent the early and continuous attention paid to this question by that "unpractical" and "talkative" body of nobodies! And, as to Irrigation in particular, which the Government of India now say they "have already taken action on"—by way of "local enquiry as a preliminary step to a thorough investigation by an expert Commission during the forthcoming cold weather season"—it is the contention of all Congressmen that irrigation should long since have obtained the place hitherto assigned to railways as a measure of prevention. We may add that every one of these preventive measures has been discussed and urged over and over again in our own columns. Let no one henceforth allege that the Congress is "unpractical," or give credit to the Government for keeping abreast with the necessities of the country.

Elsewhere we print a lengthy report of the highly successful meeting organised by Mrs. Blair (formerly Miss Bonnerjee) and addressed by Mr. Romesh Dutt at Liverpool last Friday. It would not be easy to exaggerate the importance of such meetings, especially if audiences come to them, as the chairman, Sir Edward Russell, said in his opening speech, with a "disposition to increase and to cultivate in themselves the feeling of responsibility." Mr. Dutt's subject was Indian Famines and their Causes, and, as will be seen from the report, he had something to say of the sound if belated recommendations of the Famine Commission. He enumerated four main directions in which efforts should be made towards the prevention of famine:—(1) the lightening of the burdens on land; (2) irrigation; (3) the revival of industries; and (4) financial reforms. This order, we take it, is not intended to represent the order of importance. The fundamental reform is, of course, the last—especially the reduction of the "tribute" which is annually drawn away from India to this country. Mr. Dutt, through limits of time, appears to have dealt with this fundamental matter somewhat incidentally, but there can of course be no doubt that both logically and politically it is the root of the matter.

For in the first place we are not likely to see much reduction of taxation, or development of irrigation, or revival of industries in India until a more equitable financial system is established; and, in the absence of a more equitable system, those subsidiary improvements, even if they were made, might not greatly benefit the rayats. It is for this reason that Mr. Dadabhai Naoroji does such excellent service in insisting, primarily and invariably, on the underlying comprehensive question of the "economic drain" from India. When the report of the Famine Commission is published it will be interesting to see what precisely are its conclusions regarding land revenue assessments. Our inference from such materials as are at present available was that the Commission found, not so much that the assessments were too heavy, as that there was in some parts—especially in the Bombay Presidency—undue rigidity in collection. It is satisfactory to see that the meeting at Liverpool resolved to form a local association "to gain information and to stimulate public opinion" upon Indian questions. Meetings are good, and resolutions are good. But permanent associations of a well-informed and vigilant kind are excellent. Mr. Dutt is to be congratulated upon so admirable an achievement.

The "Times of India," in dealing with Mr. Dadabhai Naoroji's recently published book, asks a question on a point which is no doubt a difficult one to many. If the main cause of Indian poverty is the drain of wealth from India to England, how is it that the Native States also suffer from poverty? Though some of the States pay a direct tribute to the Indian Government, it is small. The great drain from India is due to alien administration and exploitation from which the Native States are at least comparatively free. But if the "Times of India" will study the effects of such a drain, as explained by John Stuart Mill in the third book of his "Principles of Political Economy," it will see that the actual amount of the payments made abroad is not the whole loss of the tributary country. A necessary result of the tribute is that the country paying it has to force a market for its productions, and, therefore, to sell cheaper and buy dearer throughout its foreign trade.

Now the Native States are not separate entities as regards trade. If, in consequence of India having to lay down a large sum annually in London to provide for Home charges, interest on debt, pensions, etc., etc., she has to force a larger quantity of her products on the European market, and to accept a lower price, the effect will necessarily extend to the products of the Native States. Exports from Bombay will fetch the same price whether they come from Native or British territory. If, therefore, the price is lowered owing to the necessity which British India is under to force a market, Native India will also suffer. It is worthy of note that another great cause of Indian poverty, the loss of indigenous manufactures through the inrush of cheap wares from Europe, also affects the Native States. The example, too, of British India is an incitement to the Native Princes to raise the land-tax. With so many possibilities of expenditure both personal and public, it is hard for them to resist the temptation. British methods are apt to set the fashion for adjoining Native territory, where, moreover, a great share of effective authority is in the hands of the British Resident.

Even when we entirely disagree with Mr. Theodore Morison, it is impossible to deny that his views are generally worthy of attention. This is certainly the case with a paper on "Political Action by Mahomedans" which has lately appeared in the "Pioneer," and with much of which we are in substantial agreement. Noting the growing desire among Mahomedans to make their influence felt in public affairs, he discusses the three courses that seem open to them. The first is to join the National Congress; the second to form a Mahomedan Congress to give voice to the wishes of the Mahomedan community; and the third, to establish a Mahomedan Council to watch public affairs, collect information, and make public pronouncements from time to time. The last of these Mr. Morison considers more useful, as it would certainly be much



cheaper than the second; while as is well known he views the first with unalterable dislike.

With all he has to say in regard to the difficulties of founding and carrying on a purely Mahomedan Congress we cordially agree. Not only is it doubtful if that community has the resources and energy needed for so ambitious a scheme, but it is doubtful if the Mahomedans, as distinguished from the rest of their fellow-countrymen, have any special grievances—whether in fact they have not hitherto been favoured rather than depressed. And even if this were not so, the questions in which they are peculiarly interested and which are of sufficient importance to act as a real stimulus, only come to the front at long intervals; and it would be very difficult in the meantime to keep the organisation in full vigour. As to those questions in which Mahomedans are interested equally with their countrymen of other faiths, they would surely be more effectively dealt with by a body like the Indian National Congress which appeals to all Indians.

Mr. Morison, however, would have the Mahomedans keep away from the Congress. He asserts that its cardinal principle is "the introduction into India of representative institutions," by which he considers Mahomedans, as a minority, would suffer. It is difficult to discover how he arrives at such a conclusion as to the aims of the Congress. A scrutiny of the resolutions passed by that body would suggest that the subjects in which they had most concern were the stopping of the drain from India, the offering of greater facilities for Indians to enter the public service, the decreasing of taxation, and the safeguarding of such liberties as they already enjoy. Nowhere do we find any suggestion that Indian institutions should be slavishly modelled on those of England. Mr. Morison draws attention to the tendency of Mahomedans and Hindus in such bodies as the Senate of the Allahabad University to form two separate parties. The cure for this is for the two communities to work together in the removal of their common grievances. All Mahomedans who admit that their country is suffering from public evils should join with the rest of their countrymen in endeavouring to remove them.

But while we wish to see the Mahomedans taking their full share in the National Congress—and they have never been without representatives there—it does not follow that the formation of a Mahomedan Council to watch public affairs is to be reprehended. On points where it found itself in agreement with the Congress, its adhesion would be of great use; and provided it was carried on in a broad and generous spirit, it might do much for the political education of the Mahomedans. Mr. Morison speaks of "the deserved ascendancy which education has given the Hindus of Bengal among Indian communities," and declares that "Mahomedans would be much better employed in imitating their attention to education than in grumbling at their success or belittling their achievements." Would they not also be much better employed in joining with them in defence of the common interests of their country?

Mr. Dadabhai Naoroji's address to the Brixton Literary and Discussion Society has been postponed to the 23rd inst. His engagements at present are as follows:—

- 1901.—October 23.—Brixton Literary and Discussion Society, 8 p.m., in the Lecture Hall of Brixton Independent Church. Subject, "British Rule in India."
- " November 1.—Liverpool Peace Society.
- " November 5.—Dulwich Liberal and Radical Association, 136, Lordship Lane, East Dulwich, S.E., 8.45. On "India."
- " November 13.—Young Scots' Society, Edinburgh. Meeting in the Protestant Institute Hall, 17, George IV Bridge, at 8 o'clock, on "The Condition of India."
- " November 15.—Young Scots' Society, Gala Branch, Galashiels, N.B.
- " November 26.—Young Scots' Society, London Branch; 28, W. Dulwich Mansions, S.E.
- 1902.—February 9.—Nottingham Labour Church. Morning meeting at 10.45 a.m., and evening meeting at 6.30 p.m.; to be held at the Mechanics Lecture Hall, Nottingham. Subject, "The Indian Problem."

In the current "Economic Journal" Mrs. Rhys-Davids sets out briefly and ably the general results of an

enquiry into the economic conditions in ancient India on the basis of the latest literary investigations. Down to about three centuries before the Christian era, she finds that the rural economy "was based on the system of village communities of landholders, not on that of feudal landlords"; that "the Kings are never mentioned as interfering with rights of tenure," but as giving political protection in return for "a tithe on the raw produce, varying between a tenth and a sixth." The system reminds her of "some characteristics of modern communities of peasant proprietors—those of Alpine districts, for example." It is not clear whether, after deduction of the royal tithe from "the granary" in which the village crop of grain was amassed, the remainder was taken away to private barns or left there; or whether the granary thus mentioned served for that reserve store of grain in case of emergency which was made universally and from time immemorial in India until the middle of the last century "to meet famine or local scarcity. There is nothing to show agriculture was regarded "as more dignified than what is specifically understood as trade. It is considered unfit, in the brahminical tradition, for the ruling and learned classes." The Aryans were not land-grabbers, possibly "because annexation of land meant to a large extent, as it does even to this day, clearing of land, i.e., of the jungle." "Except for the Dravidian and Kolarian settlements along the rivers, the task of the Aryans was more like that of pioneering squatters in America," land being "not an appanage involving special privileges and duties, but a commodity like any other."

The bulk of the Northern Indians, then, lived in this way "without riches or poverty, without landlords or paupers." In an area of some 600,000 square miles, barely a score of towns are named in the books, but some of the towns are "great cities." Within these industries grouped themselves: there is the ivory-workers' street, the dyers' street, and so on. Down to the age of Buddha the chief industrial and commercial centre was Benares, with a practical monopoly of muslins and silks; after that date, Patna came to the front. "Communication, both inland and foreign, was of course effected by caravans and by water," the usual caravan route being east and west, and the ships coasting to Ceylon and to further India. The records furnish no warrant for Professor Cossa's conclusion "that labour, in spite of 'liberty,' stiffened and crystallized into hereditary castes, which impressed on Oriental civilisation the character of immobility." On the contrary:—

They go far to show that, (1) whereas there was, in industry and commerce, little liberty in the sense of absence of organisation, (2) there was no such thing as a hard and fast division of the industrial world into hereditary groups or castes, but on the contrary there was a considerable degree of mobility both of labour and capital.

Most callings, if not all, were organised as guilds. The leading guilds are spoken of as 18 in number. Their special regulations do not appear, but the guild as a body seems to have "exercised a quasi-paternal control over its members." "Combined with this widespread corporate regulation of industrial life, there was unquestionably the tendency for the son to follow the father's craft." This is but natural, and by no means peculiar to India. "We can say with assurance that the caste-system, in any proper or exact use of the term, did not yet exist. What we actually find is caste in the making." Mrs. Rhys-Davids also treats of the methods of exchange in use in ancient India.

Remittances on India for 50 lakhs were on Wednesday offered for tender by the India Council, and applications for bills amounting to Rs. 7,53,60,000 were received at 1s. 3d. and 31-32nds and 1s. 4d. The following amounts were allotted—viz., Rs. 35,23,000 on Calcutta, at an average of 1s. 3.969d.; Rs. 12,27,000 on Bombay, at an average of 1s. 3.970d.; and Rs. 2,50,000 on Madras, at an average of 1s. 3.971d. Tenders at 1s. 3d. and 31-32nds will receive about 6 per cent. Last week remittances for 45 lakhs were sold for £299,417, making the total disposed of from April 1 to Tuesday night Rs. 10,23,43,987, producing £6,795,555. Next week 50 lakhs will again be offered.



### THE LARGER ISSUES OF THE PENNELL CASE.

THE result of the Pennell case so far as it concerns Mr. Pennell himself has already been dealt with in these columns. There remain some still graver considerations which vitally affect the Government and the people of British India. The affair has four stages, each of which throws a light on the administration of justice and the relations between the Judiciary and the Executive. First, there was the Chupra conspiracy and its exposure; (2) the punishment, if it can be called by that name, of some of the guilty, and the transference of Mr. Pennell to Noakhali; (3) the Noakhali murder trial, the appeals to the High Court, and the re-trial before Mr. Geidt; and (4) the expulsion of Mr. Pennell from the Indian Civil Service.

The Chupra case is well known to the readers of INDIA, and it is needless to recount its story. Beginning in an act of violence, it then took the form of a conspiracy to shield the guilty by the prosecution of the innocent victim. That Government officials were among the conspirators was bad enough. That some of their number, including his immediate official superior, should seek to overawe the Indian magistrate, before whom the case first came, was even worse. Worst of all was the conduct of the higher executive officials when Mr. Pennell began to unravel the conspiracy—conduct which, if it had not been frustrated, would have had the effect of hushing up the case and screening the delinquent officers. The proceedings of the Bengal Government subsequent to the disclosures in Mr. Pennell's Court seem to suggest an almost cynical disregard of public opinion. The magistrate who had lent himself to the purposes of the conspirators was, indeed, formally censured. But he was not even transferred, although Mr. Pennell had with good reason pointed out that his retention at Chupra would be a grave scandal. It may be admitted that the position of an Indian judicial officer on whom pressure from European officials is brought to bear is one of considerable difficulty. But so much cannot be said for those European officials themselves. Yet one finds the District Magistrate, who had ordered his Indian subordinate to convict in a false case, and the police officer, who had instituted that case, let off with a temporary stoppage of promotion, and nothing beyond a formal censure visited upon the higher police officer who had assisted in the institution of the case and the intimidation of the trying magistrate. The unreality of these censures and punishments was made still more manifest by the subsequent treatment of the officers concerned. As for the higher officials, who had tried to screen their subordinates, they received no punishment, and one at least was soon afterwards promoted. And the Judge who had gained the gratitude of the whole people of India by exposing the conspiracy received as his reward a removal to one of the worst climates in Bengal.

The Noakhali case was not so serious. An attempt to shield a criminal does not evoke the same horror in the public mind as a conspiracy to convict an innocent man. In the Noakhali case only one European official was implicated, and the prosecution against him was stopped by the High Court. The attempts to get him admitted to bail were no doubt serious, but it is possible that the case would have attracted little attention if Mr. Pennell had not been the Judge before whom it came, and if his subsequent treatment had not excited the public interest still further. The whole series of events raises in a decisive form the question of the relations between the Judicial and Executive powers in India.

That the situation exposed by these trials and their results is very grave scarcely needs to be said. It is an old boast that British justice and good faith have done infinitely more than British arms to preserve and strengthen the Indian Empire. To the popular imagination in England, the British officials in India, the flower of English youth and manhood, are the best representatives of her civilisation, upholding her dominion no less by their just dealing and devotion to duty than by their force of character and capacity for administration. Nor would those who know India better be inclined to belittle their substantial merits, their faithful performance of dull tasks, and their readiness in such crises as famine or pestilence to throw themselves into the breach with unbounded energy and to sacrifice even their lives in the service. But like

every other calling, theirs has its own peculiar difficulties and temptations. Thrown together, a little band of strangers ruling over a people of another civilisation, they have the feeling of comradeship and "esprit de corps" in a special and exaggerated form. As they pass their lives as part of a great administrative machine, generally hidden from or careless of outside criticism, the machine in time tends to become more important than its work. The "honour" of the service and the inclinations of friendship in the end may sometimes come to overshadow the claims of justice. And when it is added that in India, in defiance of the results of experience elsewhere, the judiciary are in large measure subordinate to the executive—to the heads of this great administrative machine—it will be seen how little chance of judicial impartiality remains, if the judge be a man cast in the ordinary mould, and like most men subject to the influences of his immediate environment. Upon such a man, the small but close circle of his friends and colleagues around him, and the great impersonal administration of which he forms a part must exercise a power that he can rarely resist. All the more ought the Government to cherish those who, whatever their faults of method or of taste, show their independence and their determination to do justice at every hazard.

Now both at Chupra and at Noakhali there were obvious signs of the evils which have just been enumerated. In the former case European officials thought the saving of themselves or their colleagues so much more important than the fate of an Indian policeman that they were ready to effect their purpose even by bringing a false charge in a criminal court. This having been done and exposed it immediately appeared to certain officers in high position that it was desirable to save the honour of the service even at the cost of shielding their guilty subordinates. Finally, it is obvious that, though punishment of a kind was seen to be necessary in the case of the guilty, the Judge who made that guilt public to the world and freed the destined victim was a much greater object of animosity on the part of his superiors. Nor could this fact fail to re-act prejudicially on the second case. After the treatment he had received, Mr. Pennell was naturally inclined to be suspicious of the Administration. Rightly or wrongly, he thought that pressure was being brought to bear upon him. The Government on their side deeply resented his suspicions. They not only suspended him at once at the request of the High Court, but when the High Court withdrew, declaring his contempt purged, they broke their own rules, and kept up the suspension, though they had never informed Mr. Pennell of the charges against him. Finally, the Bengal Government had asked that he should be removed from the Civil Service, and the Government took advantage of an act done after the request was made in order to comply with it.

It is not necessary to ask whether the punishment meted out to the Chupra conspirators and to their Judge is calculated to redound to the credit of the administration of justice in India. It is obvious that the general effect of the treatment of Mr. Pennell must be still further to sap the independence of the Judiciary. It has long been known that the ways of a Judge who rendered himself obnoxious to the Executive would be hard. Apparently he may now be suspended without even the charge on which he is suspended being made known to him. Appointed, transferred, and it seems suspended at the arbitrary will of the executive, every official must know that he will be independent at his peril. Over some men, fears of this kind would have no power. They would do justice not merely at the cost of livelihood and position, but even of life itself. But there are others who, however great their desire to be just, find such pressure irresistible. They have been accustomed to look on obedience to their superiors as necessary for the due administration of the country; they have no hopes or interests outside their service; and they yield without knowing that they do so.

It is for such men as these that the separation of judicial and executive powers would be a useful safeguard. But it would be still more valuable inasmuch as it would give a new faith in the administration of justice to those whose confidence has been rudely shaken by such melancholy incidents as the Chupra and Noakhali cases and their sequels. The Executive by forwarding the separation of the powers would show conclusively that it had no desire to use their combination to bring pressure to



bear on the Judiciary; while the Judges would feel an assured independence which it would be unnecessary to vindicate by extravagance or invective. Yet great as these advantages are, it must never be forgotten that the evils exposed in the Chupra and Noakbali cases lie deeper still. As long as the prejudices of race and office cling to the administrators and judges of India, so long will there be danger of the perpetration of foul injustice.

### OUR LONDON LETTER.

WESTMINSTER, Thursday.

One sensation has followed another during the past week, and all have fallen equally flat. Indeed, it would require an effort of memory to recall which was thought at the time the greater of the two greatest sensations—General Buller's onslaught on his critics, or Mr. Cecil Rhodes's exposure of the ethics of Rhodesia. These are stirring times, but the public hide grows callous. Two years of excitement and disillusion have produced the inevitable reaction in which everything is made to appear flat, stale, and unprofitable. An equinoctial gale of newspaper abuse, to quote Sir Michael Hicks-Beach, has blown over the heads of the Government without in the least disturbing the lethargy either of Ministers or of the country. The former are secure in their own conceit, and the latter is sunk in an abyss of weariness and disgust. Now and again a paroxysm of fury shakes the Press, but it passes and the era of sloth is unbroken.

Sir Redvers Buller's indiscretion delighted his enemies and depressed his friends. He had gratified the latter by intimating that on no account could he take notice of anonymous attacks in the newspapers. A few days later he startled both his admirers and his adversaries by delivering a speech which might have been concocted by a lady novelist. Anonymous critics were criticised, secret despatches were dragged into the light, and there were hints of a conspiracy, with the shadowy figure of an "international detective" lurking in the background. Never was there so complete a metamorphosis from the still, strong man in a blatant land to the most garrulous of egotists. And yet if Sir Redvers had exercised more art in the expression of his defence his speech might have been quite effective. The charge against him was that after the battle of Colenso he despaired of ever being able to reach Ladysmith, and heliographed to Sir George White advising him to surrender. What General Buller really did, according to his own statement, was to suggest a certain course of conduct in case Sir George White should feel himself compelled to capitulate, and in taking this action, as he explained, his object was to relieve General White from a sense of responsibility. The thought was magnanimous, if mistaken, and in its magnanimity it was certainly characteristic of Sir Redvers Buller.

Although the professional critics have been extremely severe on the loquacious soldier, it is probable that his defence has attracted a good deal of popular sympathy. A story has been circulated to the effect that no less a personage than the King wrote to Sir Redvers in the earlier stages of the controversy, assuring him of the Royal support. It is extremely unlikely that his Majesty would do anything of the kind. Probably, however, he wrote to both Sir Redvers Buller and Sir Evelyn Wood at the time of their appointments, congratulating them on their selection by the War Office. It is quite conceivable that his Majesty may have found much that was unpalatable in the general strictures on those appointments, for to some extent, at least, those criticisms applied not only to Sir Redvers Buller and Sir Evelyn Wood, but also to the Duke of Connaught.

Mr. Rhodes's wonderful bomb-shell exploded in his own hands, and the debris is still falling on his devoted head. For some inexplicable reason, Mr. Rhodes felt impelled to come to the rescue of the "Spectator," which had got into hot water by starting an egregious story to the effect that by accepting a contribution of £5,000 to the Liberal party funds Sir H. Campbell-Bannerman and Sir William Harcourt had virtually bound themselves to the donor's chariot wheels. First of all, it was alleged, they abandoned the idea of evacuating Egypt in consideration of Mr. Rhodes's gift, and subsequently their consciousness of this corrupt bargain sealed their lips as members of the Jameson Raid

Committee. The story was bluntly stigmatised by the Liberal leaders as a lie. It was certainly not true. Mr. Rhodes, as the correspondence proved, gave his £5,000 to assist the Home Rule movement, but at his own request the donation was treated by Mr. Schnadhorst as confidential. None of the responsible leaders knew anything about it, and in divulging the secret Mr. Rhodes has simply demonstrated the subterranean character of his own political methods, and the single-mindedness of the men with whom he and his friends are now at loggerheads.

Who is responsible for the prolongation of the war? Some people may imagine that the belligerents are to blame. Our statesmen, soldiers, and philosophers hold a different opinion. The Chancellor of the Exchequer declares "before God" that not the Boers but the pro-Boers are culpable. Sir Redvers Buller on the other hand, pillories the editors of the "Spectator," the "Times," the "St. James's Gazette," and other bugles of patriotism which have lately been trumpeting abuse of British Generals. A third wisecrack has suggested that if Mr. Stead could be put in prison for a time—shooting or hanging being inexpedient at present—hostilities might be brought to a triumphant conclusion; while Mr. Stead himself, not to be outdone in the contest of unreason, gravely arraigns Mr. Brodrick, Lord Roberts, Mr. Balfour, Sir Redvers Buller, the ex-leaders of the Opposition, and various other personages as traitors, on the ground that they had betrayed a public trust. If all those good people would kindly hang, shoot, or imprison one another, it is just conceivable that the Boers might at last begin to realise that they were prepared for any sacrifice.

Good wishes have showered on Sir William Harcourt this week on his celebration of his seventy-fourth birthday. It is difficult to realise that the veteran statesman is so much of a patriarch. Mr. Gladstone was scarcely seventy when people first began to speak of him as "the Grand Old Man," but since that time, chiefly owing to Mr. Gladstone's own example, the standard of age has continued to expand till now, as Mr. Dooley would say, no politician is considered mature unless he is a centenarian. It is certainly the custom of the House of Commons to regard the grey-headed Mr. Balfour as a mere boy, and to speculate on the future of Mr. Chamberlain—that weather-beaten political weather-cock—as if he had eons of gyrations yet to come. Among those battered juveniles, Sir William Harcourt is a venerable senior, the acknowledged repository of our highest Parliamentary traditions, and the most popular statesman of the day.

London is slowly entering on its winter season. The theatres are again in full swing, and the art galleries are beginning to organise their Christmas shows. From the provinces come echoes of political strife, bringing with them some suggestion of an early renewal of the fray at Westminster. An autumn Session would be not unpopular in fashionable circles, nor would it be disliked by many members if they could have assurance of compensation in the shape of a later meeting in the spring. But Ministers are reluctant to confront their inquisitors. If an autumn Session comes at all it will come not as a social diversion but as a most disagreeable financial necessity.

### CHRONICLE OF THE WEEK.

THURSDAY, October 10.—Sir Michael Hicks Beach, speaking at Oldham, said the financial means already supplied by Parliament were not at all exhausted, and he did not anticipate an autumn Session.

Sir Redvers Buller, speaking at Westminster, complained strongly of the manner in which some of the newspapers of the country criticised the conduct of the troops and their commanders in South Africa. He instanced as specially unfair the treatment meted out to Major Gough in connexion with the disaster near Scheepers Nek. Sir R. Buller proceeded to allude to attacks on him in the "Times" and other papers in connexion with his appointment to the Aldershot command. It was said that he was not fit to be in command of the First Army Corps, but he asserted that there was no one in England junior to him who was as fit as he was, and he challenged the "Times" to say who was the man they had in their eye more fit than he was. He went on to enter into explanations with regard to his telegram to Sir George White, after the failure at Colenso, in which he contemplated the necessity of a surrender of Ladysmith.



Mr. Brodrick, replying to a letter from Sir Howard Vincent, said that he was in daily correspondence by telegraph with Lord Kitchener, and there was no single demand which he had made that had not been promptly met. There were, roughly speaking, 200,000 men with 450 guns in South Africa, and over 100,000 in training at home.

FRIDAY, October 11.—Sir E. Grey, speaking at Newcastle-on-Tyne, denied that there was panic or alarm or even doubt in the public mind about the issue of the war; but there was impatience, and deep dissatisfaction, at the futility, blundering, and want of resource of our too optimistic Government. A telegram from Middelburg stated that Commandant Lotter had been found guilty on all the counts of the indictment against him, and sentenced to death, and that Lord Kitchener had confirmed the sentence. In the case of other members of his commando, who were also capitally convicted, the sentence had been commuted to penal servitude for life.

It was announced that the Viceroy had received a letter from the Amir Habibullah which announced his peaceful accession to the Afghan Throne. The letter stated that the Amir Abdur Rahman died on October 3, and that on the same day Habibullah held a public durbar, at which his younger brothers, all the sirdars and nobles present in Kabul, and the army acknowledged him as Amir, swearing allegiance in the customary manner. Habibullah assured the Viceroy that he would follow in his father's footsteps, and hoped that the friendship between the British and Afghan Governments would grow stronger than ever.

SATURDAY, October 12.—Lord Kitchener reported that General French's columns had captured Commandant Scheepers.—A Reuter telegram stated that the capture was effected yesterday afternoon, at Ketting, by a troop of the 10th Hussars.—Commandant Lotter was executed yesterday morning at Middelburg. Two young farmers who had twice joined the enemy were hanged at Vryburg to-day, and other farmers sentenced to death at Kimberley had their sentences commuted—in one case to ten years' penal servitude and in the other to deportation.—A further list of 18 Boer leaders captured since September 15, permanently banished from South Africa, was issued at Pretoria.

It was announced that Monday was to be observed throughout India as a day of mourning for the late Amir Abdur Rahman. Daily reports reaching Peshawar were to the effect that all continued quiet in Afghanistan. Precautions had been taken by both the Indian and Afghan Governments to prevent "undesirable refugees" crossing from India into Afghanistan. Habibullah's accession seemed to be popular in Kabul, and on the day of his father's funeral the crowds who assembled in the city universally acclaimed the new ruler.

MONDAY, October 13.—That excellent and courageous Liberal, Mr. Thomas Shaw, M.P., speaking at Galashiels, said that having again perceived a large body of the official literature connected with the war, his conviction was stronger than ever that the war was unnecessary and therefore unjust. Not only so, but his opinion had been unhappily confirmed that the course of the war and the policy of its conduct fell under a like condemnation in respect of violations of the rules obtaining among the civilised nations of the world, against which violations he had in his place in Parliament publicly protested. He wished he could agree that we were fighting in a just cause, that we had always fought according to acknowledged civilised methods; but as an honest man he could not do so. After dealing with the events which preceded the ultimatum, he said that we showed acute provocation, and it was a narrow and unjust view to take to start with the ultimatum as if it had sprung from the diseased imagination of an unprovoked foe. When people said that the ultimatum caused the war, they should ask them what caused the ultimatum. We had stepped from illegality to illegality; and the most stupendous of all was the proclamation of martial law over Cape Colony, and this at the hands of the Executive and without the sanction of either the Imperial or the Local Legislature. Every student of constitutional law knew that under cover of martial law so set up without legislative sanction every arrest was a wrongful arrest, every imprisonment a false imprisonment, every seizure of property was legally a robbery or theft, and every execution a murder. Was it possible that these things could be condoned in the name of Empire? Having referred to the fruitless conference between General Botha and Lord Kitchener, he urged the appointment of a Commission as was done in the case of Canada.

Mr. Chamberlain opened a new temperance hall at Birmingham. In the course of his speech he said he was no pessimist on the question of temperance, and in his view there had been some improvement through the efforts of the temperance societies. A real change had been effected in the habits of the people. No man would contend that there was no need for legislation, but if legislation was to be successful it must have behind it more moderate opinion than

had been commanded by any measure dealing with the question in his experience.

TUESDAY, October 14.—Mr. E. Robertson, M.P., addressing a meeting of his Liberal constituents at Dundee, spoke fearlessly on the subject of the war and the conduct of the Government in connexion with it. At the general election, he said, Ministers made a statement and a prophecy, both of which were false. The statement was that the war was over, and the prophecy that South Africa would be pacified immediately if the Conservatives were retained in power. He believed, on the contrary, that if the Government had been defeated or weakened they would have been succeeded by men in a position to deal with the situation solely in the interests of the Empire, and in that event the Boers, on their part might have been more willing to make concessions. The war might thus have been a thing of the past by now, and there might have been a South African Federation with the Boer Republics as willing members. He would believe that the country went into the war with clean hands, but that the Government did so. He was an Imperialist before the word became fashionable, and as such he said that if the Empire was to be saved it could only be by the destruction of Lord Salisbury's Government. It did not much matter who succeeded them.

A letter from Sir William Harcourt was received by a Burnley Liberal who had sent the right hon. gentleman his good wishes on his birthday, together with the congratulations of a Conservative of exactly the same age. Sir William replied:—"As we grow older we learn to value more and more the old friends and the old cause. I certainly have no desire to join those who wish to exchange old lamps for new. I shall always stick to the old ship and steer its old course. Pray return on my behalf the good will of your Tory friend."

Lord Rosebery distributed prizes to successful students of the Birmingham and Midland Institute, and delivered a presidential address in which he pointed out the disadvantages of miscellaneous reading without discrimination, settled plan, or knowledge; suggested that it tended to the discouragement of independent thought, and urged that much thought would be needed if we were in the future to maintain our national power.

Lord Kitchener, in a telegram of Monday, said that since October 7 the columns had reported 26 Boers killed, eight wounded, 194 prisoners, and 42 surrenders, with the capture of 108 rifles, 38,260 rounds of small arm ammunition, 40 wagons, 2,200 horses, and 3,250 cattle. Heavy rains had considerably impeded operations and communications.

The Viceroy replied to Habibullah acknowledging him, with the assent of the Home Government, as Amir of Afghanistan, and at the same time transmitting a message of condolence and good wishes from the Emperor-King.

WEDNESDAY, October 16.—Mr. Asquith, addressing a meeting of Liberals in Edinburgh, reiterated his view that with regard to the Irish Nationalists the Liberal party should claim and exercise absolute independence, which, however, need not necessarily, or on all subjects, imply hostility. After a brief reference to the war and to the incident of the Rhodes-Schnadhorst letters, Mr. Asquith proceeded to contend that the two great safeguards of our commercial supremacy were free trade and the command of the sea, the maintenance of which ought to be cardinal points of Liberal policy in the future. He also discussed the questions of temperance and education, and said that with regard to these and other subjects there was still a great work for the Liberal party to do.

The Cobra Court-martial was concluded at Portsmouth. After some hours' deliberation the Court found that the Cobra did not touch the ground or meet with any obstruction, nor was her loss due to any error in navigation, but to structural weakness of the ship. The Court also found that the Cobra was weaker than other destroyers, and that in view of that fact it was to be regretted that she was purchased into His Majesty's service.

## THE FAMINE IN INDIA.

"MORE RAIN IS NEEDED."

395,000 PERSONS ON RELIEF.

The Secretary of State for India has received the following telegram from the Viceroy, dated October 12:—

"Rainfall still confined to Assam, Bengal, Burmah, Madras, and South Deccan, where the prospects are good. A favourable report also from the greater portion of the North-Western Provinces, but in the Central Provinces and North Deccan more rain is needed in order to secure fair crops and enable full rabi sowings.

"The Punjab, North-Western Provinces, Rajputana, In-



dore, and Kathiawar have fallen off in condition, and over large tracts the kharif crops have totally failed, and rabi will be unsond should there be no rainfall.

"Prices as yet do not indicate public anxiety. The dearest rate in Bombay is 11 seers per rupee at Ahmed nagar.

"In Bombay the number of famine relief recipients shows a decrease of 46,000. The death-rate per mille for September is below 2.6 in the affected districts of the Deccan.

"Number of persons in receipt of relief.—Bombay, 247,000; Bombay Native States, 27,000; Baroda, 26,000; Hyderabad, 2,000; Madras and Central India States, relief discontinued; Mysore, 3,000; total, 305,000."

The "Reformer" writes (October 15).—The famine in India has long been dismissed from the public mind as a closed affair, yet on October 7 there were 361,000 persons still in receipt of Government relief, of whom no less than 324,000 belong to the Presidency of Bombay. In many parts rain has fallen and greatly improved the prospects for the next harvest, but the Viceroy telegraphs that none has fallen in Kathiawar, Rajputana, Indore, the North-West Provinces, and the Southern Panjab, where "rain is wanted in order to avert widespread failure in unirrigated autumn crops as well as enable spring sowings." The report of the Indian Famine Commission was signed on May 8, but there is so far no word of its official publication in this country, although it appears to have been published in India. It is suggested—with some show of reason—that the publication has been delayed in order to admit of the passing of the Bombay Land Revenue Bill, "a measure (says the "Manchester Guardian") designed, according to Bombay Native opinion, to take the wind out of the sails of the Famine Commission's findings so far as they involved criticism of the Bombay land revenue system." This criticism is, we gather from INDIA, very severe, especially in reference to the rigidity of the collection, a system which the Commissioners report forces the cultivator into debt.

The report comments upon the fact that only one-fifth of the Bombay cultivators are out of debt, while at least one-fourth have lost their lands. The Commissioners suggest that the condition of the agricultural classes might be improved by a "greater elasticity in revenue collection; the establishment of agricultural banks; the encouragement of land improvement; the expenditure of a larger share of State funds on irrigation works, and generally wider attention to measures for increasing the knowledge, the intelligence and the thrift of the cultivators." It is true it has never occurred to us to advocate measures for the inculcation of thrift amongst the agricultural classes of India; for the well-fed man to preach thrift to a man who in good seasons has to exist on a maximum of 3d. a day (or £4. 10s. per annum) and less than half that amount in the bad seasons, seems to savour somewhat of irony. For the rest, however, the recommendations of the Commission are familiar to the readers of the "Reformer," and have in fact been advocated for many years past by the Indian National Congress and its sympathisers. We await with interest the delayed publication of the Report, and hope to say something further upon it when the Blue-book is actually in our hands.

## INDIAN FAMINES AND THE FAMINE COMMISSION.

### PUBLIC MEETING AT LIVERPOOL.

#### ADDRESS BY MR. ROMESH C. DUTT, C.I.E.

##### [SPECIAL REPORT.]

On Friday last, in the Common Hall, Hackins-hey, a public meeting was held for the purpose of hearing an address by Mr. R. C. Dutt, Lecturer in Indian History, University College, London. Sir Edward Russell presided, and among an attentive and appreciative assemblage and pretty numerous attendance were Archdeacon Madden, the Rev. E. N. Hoare, Dr. Permewan, Mr. J. Hope Simpson, Mr. J. Samuelson, Mr. W. H. Russell, Mr. E. W. Cropper, Mr. Allan Bright, Mr. F. Salisbury, Mrs. Stewart-Brown, Mrs. W. H. Russell, Mr. J. W. S. Callie, Mr. Sam Reeves, Mr. and Mrs. W. C. Bonnerjee, and their daughter Mrs. Blair. As the Chairman remarked at the close of the proceedings, the demonstration and its signal success were owing to the patriotic efforts of Mrs. Blair, assisted by some English ladies.

Apologies for unavoidable absence were received from the Bishop of Liverpool, the Rev. R. A. Armstrong, and Alderman W. B. Bowring.

\*The CHAIRMAN, in his introductory remarks, said they were assembled to be instructed in a subject which deeply concerned reputation, and the honour of the British Empire. (Hear, hear.) He need scarcely say, both on his own account and on behalf of many in that room, that they were not there to dogmatise—in fact, that they were incapable of dogmatising on the subject upon which they were to be addressed. But they hoped to be

instructed by a man whom they knew to be thoroughly possessed of the facts of the case, to have formed strong opinions upon it, and to have great hopes of a reform in the management of such affairs as tended to the supply of food in India and the avoidance of the catastrophes which they had so deeply to regret. The real thing they started with that afternoon, he hoped, was a disposition to increase and to cultivate in themselves the feeling of responsibility which should come to them as members of the great Empire which had India under its control. (Applause.) There was a great deal indeed to lament in the past in the apathy with which such occurrences as they had had to deplore had been regarded. It was almost a proverb in this country that Indian affairs had not received the attention to which their magnitude and the extent to which India was bound up with our honour and credit entitled them. Let them make at the very outset the resolution that that meeting should be the beginning of a different state of things, at all events, as regarded themselves. It was impossible to listen to, or to read of, the terrible famines that had occurred in India, the loss of life, and the lives of abject misery that were led, without feeling that it was a state of things for which, if they were in any degree responsible, they should at once, as far as they could, try and devise some remedy. There were various ways of looking at the matter. They might regard famines as things to be prevented, or they might regard the occurrences during famine as evils to be mitigated and sufferings to be lessened as far as they could. But the whole matter had been plunged into the mystery in which such great catastrophes of Nature were involved. All they could hope for was that they might be enabled, by the information they might derive, and by the impulses given to them in the direction of responsibility and in the direction of improvement, to create a real interest in the subject, which should make it a constant effort on their part, in reference to Parliament and in reference to public opinion, to produce such a change as they must all desire. (Applause.) They were about to hear a lecture by a gentleman who was a master of the subject. He was not only acquainted with the subject and had studied it, but he was known to and knew all those best entitled to speak upon it. He (Sir Edward Russell) was sure they would listen with deep interest, great anxiety, and profit to all Mr. Dutt had to say on the matter. (Applause.)

MR. ROMESH DUTT said that when he was asked a few weeks ago to speak on the subject of famines in India in that great city of Liverpool, he felt some natural hesitation in undertaking the task. The subject had been so constantly before them during the last three or four years, and had been so frequently dealt with in the Press and on the platform, that he felt some misgivings in bringing the matter before them once more. Nevertheless there were grave reasons which induced him to accept the kind offer. Indian famine was an Imperial question, and the gravest of all Imperial questions. (Applause.) Indian famine was a serious problem which Englishmen would have to face again and again till it had been satisfactorily solved. There was no man or woman in that hall, or in the United Kingdom, who had not felt humiliated by the recurrence of these distressing famines under British rule in India, and who did not desire to do all that was humanly possible to avert these great and terrible catastrophes in the future.

#### INDIAN FAMINES DURING FORTY YEARS.

Famines were a thing of the past in all well-administered Western countries in the world. They read of famines in past centuries in France, Germany, Ireland, and other countries, when hundreds of thousands of people perished for want of food. Those days were gone, he hoped for ever, and the introduction of a better government and a sounder system of finance had made famines on a large scale impossible in these countries. In India, unfortunately, the reverse was the case. Not only had famines continued after a hundred and forty years of British rule, but they had become more frequent, more widespread, and more fatal. He would not trouble them with the history of these hundred and forty years that afternoon, but he would mention that within the period which he could well remember—within the last forty years—there had been in India ten or twelve desolating and wide-spread famines, and nearly 20 millions of people had perished of starvation. He remembered the great famine of 1866, when they, as schoolboys, were asked to contribute 1 franc, 2 francs, 3 francs, or 4 francs, to save the thousands of people who were then perishing in Northern India. He remembered the famine of 1866 when the Province of Orissa lost one-third of its population, and the city of Calcutta was filled with starving emigrants from that Province, men and women with children in their arms dying in the streets, in spite of every possible endeavour to relieve them. He remembered the famine of 1874, when he had the honour of being employed as a Relief Officer, when the famine of 1874, which was more widespread than any previous famine had ever been in India. They then thought that it was the worst calamity which could happen to any country in any single year. But they were mistaken. In 1899 followed a still more widespread—and what was worse, a more continuous—famine, for it had lasted these three years, and was not quite over yet. Nothing in the history of India, or of the world, was more appalling than the recurrence of these famines, claiming their victims by the hundred thousand or by the million, every third or fourth year. No story of wars and invasions in modern



or ancient times was more tragic than the story of the deaths of twenty millions of silent uncomplaining sufferers in India, within the last forty years of British rule.

#### PREVENTION OF FUTURE FAMINE.

These were facts which all Englishmen would have to face. All Englishmen of all classes and all political persuasions were convinced that famines could be stopped by human wisdom and endeavour; they should be stopped in India. There was a school of writers and speakers, some of whom existed this day, who represented that India was the natural home of famines, that famines were the work of God, and that human endeavours to prevent them were unavailing. To him such a creed appeared to be not only untrue and unmanly, but even blasphemous. [Loud applause.] There was a manlier and honester school of writers who had candidly held that these famines were mainly due to human blunders, and that they could be, and should be, prevented by human wisdom and endeavour. They pointed out that there never had been in any year a deficiency of food supply in all India; that it was the poverty of the people which had prevented them from buying food from neighbouring districts and provinces when the crops failed in any one province, and that famines could be prevented by removing this poverty and enabling the people to buy food from their neighbours in bad years, as they in England did in all years. The obvious and radical remedy for famines was to improve the material condition of the people—(1) to lighten the burdens on the land, (2) to save crops by irrigation, (3) to revive the industries of the people, and (4) to reform the financial arrangements of the country.

#### THE LAND TAX.

Let them take the Indian Land Tax first. India to-day was not a great manufacturing country or a great commercial country, but a great agricultural country; and four-fifths of the population depended directly or indirectly on the produce of the soil. It followed that if the soil were lightly taxed, the people might be prosperous; but if the soil was heavily assessed the people must be impoverished. In Northern India the cultivators generally paid their rents to landlords, and the landlords paid the land tax to the Government; while in Southern India—in Bombay and Madras—the cultivators paid the land tax direct to the State, there being, generally speaking, no intervening landlords. They had urged again and again, no intervening landlords. In Madras and Bombay—where the State levied the tax direct from the peasant proprietors, the assessment was too heavy; that in many cases it swept away the whole economic rent of the land; that it made the cultivator unable to save anything even in good years against years of bad harvest; that it left him resourceless and indebted, and an easy prey to famines. On the other hand the apologists of the Indian Government had denied this charge; they had denied any connexion between land assessments and famines; they had denounced criticism as un-informed and foolish. Well, the critics demanded a public enquiry; they asked for a Commission to enquire into the incidence of the land tax in India, but no such public enquiry had yet been made. However, something was conceded, a Famine Commission was appointed in December last to enquire into the methods of relief operations in India, and this Commission was permitted incidentally to enquire into the subject of land assessments.

The Famine Commission, headed by Sir Antony MacDonnell, the chief administrator now in India, submitted their report on May 8 last, and though five months had elapsed since, that report had not yet been published in England. All that they had been permitted to see yet was a summary of that report which had appeared in Indian and English newspapers; and this summary proved that their criticisms were neither un-informed nor foolish; that heavy land assessment in Bombay together with its rigorous collection was one of the main causes of the poverty and indebtedness of the cultivators of Bombay. The Famine Commissioners said that in Bombay the land tax, such as it was, could not be collected in short years without forcing the rayats into debt. They said that the land tax was "full" in Bombay, and that its rigidity in hard times owed the cultivators into debt. They said that "unless provision for suspension and remission of revenue and rent . . . be an integral part of the revenue system in any province, the cultivator will be forced to borrow on conditions incompatible with his solvency and independence." And they added that "nothing can be more useful in anticipation of famine than improvements in the material condition of the cultivators whereby they may be enabled to withstand the pressure of hard times." These were admissions, made now for the first time in an official document, clearly establishing that connexion between famines in India and its land tax which they had urged again and again within the last few years, and which the apologists of Indian administration had hitherto ignored. He did not say that the Commission had yet arrived at the whole truth. The Commission's figures representing the produce of the soil in the different Provinces of India were admittedly guess work, and obviously incorrect; and they could prove the produce to be vastly over-estimated if the cultivator was allowed to adduce evidence as to the average produce of his field before any Court of Enquiry, or any Commission appointed for the purpose. But nevertheless, or any Commission had stated in its report showed that public criticism was helpful to the cause of truth and of good administration in India, as it was in every other part of the world. Those who denounced all criticism on Indian administration forgot that every Government in the world needed the aid of criticism, and that the best Government on earth would degenerate into blind and blundering despotism if there were no public opinion and no public criticism. Now that the connexion between the land tax and famines had been acknowledged, the public would demand,

not only remissions and suspensions of the tax as the Famine Commission had recommended, but also the moderating of that tax in places where it was excessive. He understood that such a revision of the land tax had already begun in the Central Provinces of India.

#### IRRIGATION.

Next he came to the subject of Irrigation; and here also they would find that well-informed criticism was absolutely in the right. India would have been safer from famines by this time if that criticism had more influence with the Indian Government. The old Hindu Rajas and Mahomedan Governors had left them magnificent irrigation works in all parts of India; and they had urged again and again that while railways had been overdone in India under British rule, irrigation had been neglected. Two hundred and twenty-five millions sterling had been spent on railways; and out of over 200 million acres of cultivated land in India only about 20 millions were protected by irrigation works. Their cry had been a cry in the wilderness. Capitalists and speculators had always brought pressure on the Indian Government for more railways out of the public revenues or under guarantee of profits from the public revenues; and down to the present year the Government of India was spending more on railways than on irrigation. Let them mark what the Famine Commissioners said. Railway construction, they said, had been one of the policy of famine insurance. On the other hand, there was a wide field for the construction of irrigation works. And, confirming the opinion of the previous Famine Commission, this Commission gave its "cordial approval to a departure in famine policy which would place irrigation works in the place that protective railways have hitherto occupied in the famine insurance programme." This was clear and emphatic. If this departure had taken place twenty years ago, when the Famine Commission of 1880 recommended it, India to-day would have been less subject to famines and deaths from starvation.

#### DECLINING INDUSTRIES AND THE ECONOMIC DRAIN.

There were one or two other matters on which he would have liked to dwell at some length if time permitted, but he could only make a bare mention of them. One of the great sources of a nation's income was its industries and manufactures. For a century before the British occupation of India, that country was renowned for its excellent manufactures which found their way to all the great markets of Asia and Europe. It was unfortunately true that under British rule Indian manufactures had declined, and the people of India had been forced to agriculture as the one remaining source of their national existence. This was a state of things which could not be good for the people of India, or of any other people, and one of the most serious problems was to find means to promote the indigenous manufactures of India, to diversify the industries of the people, and to add to their resources. Another great evil from which India suffered at present was the financial straggle under which a large portion of the revenues of India was drained away from that country year after year. They in England were a rich and a prosperous people, and raised an immense revenue from taxation for public expenditure; but the whole of this revenue was spent in the country, flowed back to the people in one shape or another, and benefited the trades and industries of the people. But if one-half of one-third of their public revenue was annually drained out of England, and spent in Germany, America, or America, England, rich as she was, would soon be a land of famines. Yet this was precisely what was happening in India; on the one hand her industries had declined and her agriculture was over taxed; and on the other hand a large proportion of the taxation so raised was not spent in India, but was drained out of that country, leaving her poorer every year. This, in the words of Lord Salisbury, who was Secretary of State 25 years ago, was the "bleeding" of India, and it was necessary to stop this process if they desired to restore to that country life and prosperity. It was an act which was enjoyed by their highest ethics, to do unto others as they would others should do to them; and it was an act which was enjoined by their own interest. Their trade with India could not prosper so long as India continued in her present impoverished state. Within the last ten years the average annual import of merchandise into India had been between 47 millions and 49 millions sterling, and it was possible that about 30 millions of this was British goods. Thirty millions among a population of more than a hundred millions gave an average of two shillings per head of the population. If India were prosperous, that they could double this rate if India were prosperous. In this way they could easily double their exports, add a new India to their possessions, and extend their empire and trade without firing a cartridge. Their duty was the same as their interest; and as history had shown time after time the honestest policy was also the best policy, for nations as for individuals. [Applause.]

#### THE INDIAN FAMINE UNION.

He would not detain them longer. He thanked them sincerely for the attention with which they had listened to him, and he had no doubt the subject was one which would receive their continuous and urgent attention. They would reflect with pain that the calamities which had visited their fellow subjects in India within this generation were unsurpassed, and perhaps unprecedented in the history of any period or of any country in the world. They would reflect with concern that these fatal and disastrous famines were not the work of God, but were the results of human blunders which could be rectified. There was a right way of profiting by an empire, and there was a wrong way. Honest equitable trade was the right way; to drain a subject country by annual contribution without a direct return was the wrong way. Rome pursued this wrong way; she impoverished



Egypt and Sicily and other Provinces, and Rome fell at last, a victim to wealth and luxury. Spain too pursued the wrong way; she impoverished South America, and the Duke of Alva boasted that he sent a stream of gold, a yard wide, flowing from the Netherlands to Spain; the result was that Spain fell, a victim to wealth and moral turpitude. England might yet pursue the right path; she might reduce the Home Charges and the economic drain from India; she might establish an equation between the exports and imports of India; she might thus relieve India while doubling her own commerce. These were the salutary remedies which they recommended, the needed reforms they looked forward to. The same economic laws led to wealth or to poverty in all parts of the world, and the measures which had prevented famines in other parts of the civilised world would have the same beneficial results in India, if they had the wisdom and determination to adopt and pursue them in that country. A Union had been formed in London called the Indian Famine Union, with the object of enquiring into the causes of Indian famines and adopting measures for their prevention. A Memorial addressed to the Secretary of State for India to institute such enquiries had been signed by some of the foremost men in this country. He rejoiced to find the names of the Archbishop of Canterbury, the Bishop of Liverpool, and the Dean of Manchester among the signatories. Further action would be taken by the Famine Union in due time. The people of Lancashire were as deeply interested in the welfare of India as the people of any other part of the United Kingdom, and it was not unlikely they might wish to form a Union among themselves. He had not the least doubt that the opinions and the influence of Lancashire would effectually promote the object they all had in view—to take measures to prevent the recurrence of famines in India, and to promote the prosperity and happiness of the three hundred millions of their Indian fellow subjects. (Prolonged cheers.)

The CHAIRMAN, in proposing a vote of thanks to Mr. Dutt for his lecture, said he trusted they would all feel the sympathy which the lecturer had expressed for the exertions being made in London for due enquiry into this great subject. They had felt how very broad and statesmanlike must be the policy that had to deal with the great evil they had to contend with. They had also felt that there were many aspects, even beyond that of famine, in which the statesmanship which dealt with Indian affairs needed reformation. (Hear, hear.) It was a point for them all to keep in their minds, whether the financial arrangements with India were equitable, whether they were worthy of the boasts which we made about our Indian Empire, and whether it might not be an object for our statesmen to place the relations of India, both economically and constitutionally, on a basis more consistent with the reputation of our Empire. (Applause.) He was afraid it was a fact, as was hinted to them in the lecture, that our consciences in this country were much more active when there was anything to be got than when there was anything to give. (Laughter, and hear, hear, and a Voice: "South Africa.") Let them hope, however, that one of the consequences of the great change which had lately taken place in a sort of acceleration and intensification of the Imperial feeling would be that the conscience as well as the ambition of the country would develop—that they would not only develop the ambition which tended to increase the greatness of the country, but that with that would come a conscience for the duty which that Empire involved. (Applause.)

The Ven. Archdeacon MADDEN, in seconding the vote of thanks, said he did not think that mere charity from England was what was wanted. India, in his opinion, should be made for India self-supporting and self-reliant. (Applause.)

Mr. SAM REEVES expressed the belief that the government of India by English officials, whom he described as "carpet-baggers," was prejudicial to the prosperity of the country. His view was that it would be better if Native Indians were allowed to take a more responsible official part in the government of their own country. He urged that before the condition of India would be improved the people of that country would have to "kick," as the people of other countries had had to do in times gone by, before they obtained the reforms they needed.

Sir EDWARD RUSSELL here mentioned that the originators of the meeting were most anxious to hear from any willing to assist in the formation of a branch to gain information and to stimulate public opinion. He added that that demonstration was entirely the result of the efforts of a lady—Mrs. Blair—assisted by some other ladies.

The proposition was then carried with enthusiasm.

Dr. PERMEWAN wanted to know from the lecturer whether private capitalists might not provide the desired irrigation works, considering the 5 or 6 per cent. profit spoken of.

Mr. DUTT replied that the Government would not permit of the intervention of private capitalists in irrigation works, expenditure in which received its return from an irrigation rate. Of course, this did not apply to landlords dealing with their own estates. Answering a question from another gentleman, as to more direct Parliamentary representation for the people of India, Mr. Dutt said it would be impossible for a British Parliament, even if it had more time to give, to understand Indian questions from the bottom, and to discuss with the local knowledge they ought to have. What was looked forward to was that there should be an executive council in every province, and that some representative Indian Council should be placed in each of these, and that the legislative councils of India should be expanded. The Indian Civil Service were an able body of administrators; the official members of the present councils were

able and experienced men; but good government was impossible in India until and unless popular opinion was fairly represented in those councils. Mr. Dutt said he had urged this to the Viceroy himself two years ago.

Mr. JAMES SAMUELSON, in proposing a concluding vote of thanks to the chairman, which was duly honoured, accentuated a remark of the lecturer as to the efficiency of the Indian Civil Service by asserting, on the authority of a personal visit to India, that the better one got in that service the more intense became the sympathetic interest in the Native populations.

## THE DISMISSAL OF MR. PENNELL.

### HIS REPLY TO HIS OFFICIAL ACCUSERS.

(Continued from page 179.)

Yet the Lieutenant-Governor, aware as he must have been how his motives were likely to be construed, not only kept me under suspension on this charge, but refused to give me a hearing. The Government of India endorsed and approved his action. And laudable as they now make out that action to be, it seems to have been the predominant idea of both Governments to prevent his Lordship from getting to know of it!

I have dealt with the arguments advanced by the two Governments in support of the charge, and in defence of their own action with regard to it. I will now turn to the High Court, and will show whether or not they have proved the charge.

All that I need say is that I do not admit the charge, that it does not prove itself, and that the High Court have refused to offer any evidence in support of it. They have not had the manliness to withdraw it and acknowledge themselves in the wrong: but they decline to go on with it.

They purport to have acted not on their own knowledge, but on a report—oral or written I know not—of Messrs. Chapman and Sheepshanks. That report has never been brought to my notice or otherwise made public.

They do not profess to have given me any notice of the action they were taking against me or any opportunity of showing cause against it—the very first thing, I submit, that any person or body acting judicially would do.

The Bengal Government, in forwarding my memorial of the 29th April, say that my statement (in para. 9 thereof) that I had "neither notice nor knowledge of the proceedings of the High Court" is altogether incorrect, for that I had received a copy of the Registrar's letter to the Chief Secretary. As immediately before that statement I had referred to the Registrar's letter, it will thus be clear to his Lordship, and it should, I submit, have been clear to the Government of Bengal, that I did not mean to deny receipt of that letter (which is indeed enclosed with my memorial), but to say, as I say now, that I was not apprised as I should have been of the proceedings held by the High Court before that letter was despatched.

I submit that it is no ordinary departure from the principles of justice usually recognised by our Courts which the High Court of Calcutta have taken in the case: and I would further submit that their action in trying me for my alleged "misconduct" in secret, and without giving me a hearing, is opposed, not only to natural justice, but to positive law. To show this I cannot, I think, do better than insert here an article which appeared in the "Bengalee" of the 14th March—written, I understand, by a Native barrister of long standing. Not only are the arguments cogent, and indeed conclusive; but their publication at that early date will show his Lordship first, that those arguments must have been present to the minds of the High Court, and of the two Governments, from a very early stage of the period of my suspension, secondly, what the people of the country are likely to think of proceedings such as these.

"We are told," says the article, "that Mr. Pennell has been suspended from his office by the Local Government on the recommendation of the High Court. And we shall now proceed to examine into the circumstances attending the enquiry into Mr. Pennell's conduct by that Court which resulted in that recommendation. We are informed that the learned Judges held a meeting 'in camera,' and that at that meeting a majority resolved to recommend Mr. Pennell's immediate suspension to the Local Government. And we are told, besides, that at that meeting of the Judges Mr. Pennell was not present. If these facts are true, it is clear (1) that the High Court constituted itself on this occasion into a secret tribunal for judging what must appear to everybody a most important case, and (2) that the High Court on this occasion departed from its ancient traditions, and in direct opposition to the first principles of British jurisprudence, has condemned a man unheard. Now let us see if the High Court was legally justified in deciding Mr. Pennell's case 'in camera.'"

To put the case briefly, the finding on which the High Court's recommendation for my suspension was based—the opinion expressed in para. 4 of the Registrar's letter "that Mr. Pennell's behaviour in this matter amounts to misconduct within the terms of Section 26 of the Code of Criminal Procedure, 1883," could not be arrived at, under the law, without a judicial enquiry: for, as Mr. Justice Dvarkanath Mitter judicially held, "to find a person guilty of misconduct, otherwise than in a judicial manner, is not the province of a Court of Justice."

And to show that the feeling of distrust and suspicion which this unprecedented procedure of the High Court engendered was not confined to the Native community, I cannot do better than continue the quotation from "Capital," to which I have already referred.



Alluding to the High Court's recommendation, and to a previous action of the Chief Justice's to which I shall have to advert later on, the article proceeds:—

The consequence (of these proceedings) is that an impression has been created that the Chief Justice has made an unholy alliance with the Government of Bengal, whereby the support of the High Court will be given to the executive acts of Government in preference to the furtherance of law and justice. ("Capital," issue of 4th April, "Some Aspects of the Pennell Case.")

There is yet one other aspect of the High Court's action to which I desire to invite His Lordship's attention—it is the extreme and prima facie unaccountable anxiety that showed that I should not merely be suspended, but suspended "at once." This anxiety is reflected in the peremptory terms of the Registrar's letter. The Chief Secretary is requested "to immediately" lay the matter before the Lieutenant-Governor: the Registrar is to recommend that the Local Government do "immediately" issue an order for my suspension, and to request that the Court may be "at once" informed of the orders issued. Such language, I submit, is hardly decorous or dignified, especially when addressed to an authority who, quoad the matter in hand, was in no way subordinate to the High Court, and in no way bound to accept their recommendations. The anxiety of the High Court (or rather of a majority of that body) for an "immediate" suspension, should, I submit, be considered in the light of two other circumstances—the first, their unwillingness—on the face of it quite unaccountable—that I should come to Calcutta, the second, the equally unaccountable and also inconsistent anxiety of the Criminal Bench to get the record out of my possession.

The Bengal Government say (para. 7):—

Mr. Pennell, having delivered his judgment by which one man was sentenced to death and two to transportation for life, applied on the 20th of February for casual leave. His application was received on the 23rd [I may note that it must, in the ordinary course of post, have been received early on the 22nd, but this is a detail, and, in accordance with the usual practice, the High Court were asked by this Government whether Mr. Pennell's application should be granted. On receipt of their reply to the effect that his application should not be granted at present, Mr. Pennell was informed accordingly. . . . Thereupon Mr. Pennell . . . came to Calcutta. . . . I was then directed to ask the High Court on the 2nd of March whether they had given Mr. Pennell any leave to come to Calcutta, and whether it was their wish that he should remain in Calcutta or be ordered back to his station, Noakhali, which he had left without orders. The High Court replied that they had not given Mr. Pennell leave: that they did not wish that he should leave Noakhali at present, for various reasons, one of them being that the record of the capital sentence case had not, up to the 1st, been received by the High Court; and that in their opinion he should be ordered to return to Noakhali "at once."

The Bengal Government apparently wishes to suggest that it was unseemly for me to apply for casual leave after delivering judgment in a murder case. If that is their suggestion, I would point out that Sessions Judges in Eastern Bengal are constantly trying murder cases—if I have tried one such case I have tried a hundred. When I was Additional Sessions Judge of the neighbouring district of Backergunge in 1895-96, I did little else but try such cases. It was never then considered a reason for prohibiting me to come to Calcutta, on days on which my Court was closed, that I had just delivered judgment in a murder case. The Criminal Bench of the High Court, who profess to have been so anxious to take up the case, did not think proper to curtail their Easter vacation (which was a week longer than that of the ordinary Courts) by a single day for that purpose. My leaving my station would not delay the submission of the record, for first, as pointed out in my letter applying for leave, the days of my absence were all (except one public holiday, secondly, I intended taking the record with me to Calcutta.

No doubt this latter fact was not stated in my letter asking for casual leave, nor was it stated where I meant to go. As I have informed His Lordship, in my memorial of the 21st March, the reason why I thought it necessary to take the record to Calcutta myself was that I feared . . . would tamper with it if I sent it in the ordinary way. For this very same reason I did not at first say what I proposed to do, hoping that perhaps he might not guess it.

The Government of Bengal say that their refusing my application to the High Court was "in accordance with the usual practice." I am constrained to point out that under the Circular that they had just issued (vide para. 5, and Enclosure No. 21 of their letter) no such reference is necessary or contemplated. The real reason why they made any such reference is, I would submit, that they wished to shelter themselves behind the High Court. And I would further submit that the terms of their letter of reference, and of the High Court's answer, are not given, nor is it clear whether the reference was official or demi-official, or whether the "High Court" means anything more than Mr. Justice Rampini, as meant in December last (vide Mr. Chapman's telegram, Exhibit X9 of my judgment—p. 103 of the High Court's Paper Book, Part 2). It is not, perhaps, a very violent presumption that the Government of Bengal arranged beforehand with the "High Court" how their reference should be answered.

Be that as it may, the "High Court," in recommending that my application should not be granted "at present," were aware:—

1. That the days for which I sought leave of absence were all (with one exception) holidays.

2. (If a copy of my application was sent them) that I alleged that I had been "hard at work continuously, Sundays and all

holidays included, ever since my return from Calcutta after the New Year."

And if (which is not clear) their reply covered the second of my applications, they were unwilling that I should be absent from my station even on days on which I was not expected to work.

I would further point out, that in recommending that my application should not be granted "at present," the "High Court" must have been well aware that they were practically negotiating it altogether—for there were no more holidays for a considerable time, and if I had applied for casual leave later on, the Government would have at once refused it on the ground that I had work to do, and that under Rule (1) of the Circular, "Casual leave can only be allowed consistently with the requirements of the public Service."

The Government of Bengal have suppressed their letter of the 2nd March to the High Court. In Enclosure No. 33 of their letter, No. 123 AD, dated 9/5/01, they state, however, that they referred my letter of the 28th February to the High Court. When, therefore, the High Court sent the reply, of which the Bengal Government purport to give the terms, the High Court must have been aware that I was in bad health. (2) That I had produced a medical certificate, or, rather, a letter tantamount to one. (3) That my absence from Noakhali could not possibly do any harm. (4) That I was bringing the record of the capital sentence case to Calcutta, and that the High Court's action in advising that I should be refused leave, still more in putting forward as one of their reasons (and indeed apparently the "only" reason which they cared to publish, at all events the only one which the Bengal Government cares to make known to the world), the fact that they had not received the record of the capital sentence case.

To order me to return to Noakhali "at once" was certainly not the means best adapted to get the record; for if I had complied with that order I should have had to take it back with me, and even if I had despatched it from Noakhali the moment I arrived there, the High Court could not have got it for several days. As I have pointed out in my memorial, the order (and I may say "all" the orders given to me at Calcutta) was given me "late at night," and there is but one train a day to Noakhali (or rather to Feni, the railway station for Noakhali) which leaves in the very early morning.

The action of the High Court, I submit, indicates a desire on their part "not" to get the record of the capital sentence case, but first to keep me away from Calcutta, and later, when I had arrived there, to get me out of it as quickly as possible. They advised that I should be ordered to return to Noakhali "at once." They did not wish that I should leave it at present, for various reasons:—I shall endeavour, later on, to indicate to His Lordship one of these "various reasons."

But before doing so, I will point out that in the letter (of 4th March) suspending me, the Local Government once more directed me to proceed to Noakhali at once, and await there any further orders. This last order was not based on any recommendation of the High Court, for, as soon as I was suspended, I became a private person, and it seems to have struck even the High Court that when I was no longer a Judge it was no concern of theirs where I was, at all events, that it would be unseemly for them to publicly express a wish to get me out of Calcutta. Perhaps, for this reason, it may have been stipulated that Sir John Woodburn, who had heretofore sheltered himself behind the High Court, should at last show his own hand. At all events, the Lieutenant-Governor, who had hitherto based his orders to remain at Noakhali and to return there entirely on the advice of the High Court (to judge from his letters he would have been quite willing that I should come to Calcutta, only the High Court would not agree to it!), now of his own accord ordered me to return to Noakhali at once.

My failure to comply with this latter order is made the basis of a charge of insubordination. With this charge I will deal later. Here I only wish to point out how unreasonable, on the face of it, this order was. As I was suspended, I could do nothing at Noakhali if I went back there: the Government knew that I was in bad health, the result of my protracted stay there, and that returning there would inevitably make me worse—while, as for my awaiting orders there, I may point out, first, that if I had complied with their order I should be awaiting orders at Noakhali at the present moment. Secondly, that if they had really meant to give me any further orders, I was only a few hundred yards from them at Calcutta, and could have got those orders in five minutes, while at Noakhali I should be over 300 miles away, and every letter which passed would take two days in transit. I submit that the order to return to Noakhali at once was issued by arrangement with the High Court, which, as I have pointed out above, had already betrayed an eagerness to get me out of Calcutta quite inconsistent with their ostensible anxiety to try the capital sentence case as quickly as possible. And I would now draw attention to the action of the High Court in calling for the record of the case. The letter, elsewhere styled a "proceeding," which was handed me by Mr. Sheersham on the 4th March, is not reproduced among the voluminous papers enclosed with the Government of India's letter, Enclosure 3 of this letter is a copy of it.

As I have pointed out in para. 11 of my Second Memorial, this "proceeding" is not sealed. I call attention to this fact, not to prove that the proceeding is invalid (although in law the absence of the High Court's seal does invalidate it), but simply to show that it was issued in a hurry. Further evidence of this is to be found in the fact that the essential word "deliver" was originally omitted, and has had to be written over the line.

Further, the letter directs me to deliver the record "now in my possession" forthwith. The High Court wanted not the whole record, "but any part of it in my possession"; and they wanted that part "forthwith."



The Court profess to have acted on the Sessions Statement of my Court for the month of January. But that Statement was despatched on 16th February, and must have reached them on the 18th February. How it "turned up" on the morning of the 4th March, unless they specially asked for it, does not appear.

Nor does it appear why, even with that Statement before them, they thought it necessary to call for the record. There had been no unusual delay. The parties affected by my judgment had a right of appeal, and it is unprecedented, in my experience, for the High Court to call for the record of an appealable case before appeal is preferred. The accused had not appealed, and till they appealed, or the High Court knew that they refused to appeal, the High Court could not deal with the case, even though the record was before them. As regards two of the three convicted men, viz., Aslam, and Amvar Ali, they could not deal with the case at all unless those men appealed. (I may say, parenthetically, that not infrequently men convicted of murder, and sentenced to transportation for life, do not appeal, as they run the risk by so doing of getting the sentence enhanced to death. In this very case Sadak Ali has not appealed against Mr. Geidt's sentence.)

No complaint of delay had been made to the High Court by any of the accused, who alone would be injured by such delay. Further, the High Court must have known that they would soon get the petition of appeal of Sadak Ali, who had been sentenced to death; for he only had seven days plus the period required to get copies to appeal in; and as the High Court knew that I had brought away (at least) the essential parts of the record with me on the 28th February, they might reasonably have inferred that the copying had been completed by that date, and that within seven days of the 28th February Sadak Ali would present his appeal either to them, or to the Jail Superintendent for transmission direct to them.

They knew they would soon get the record, for they knew I had brought it to Calcutta to make it over to them. They were not in a position to take up the case, even with the record before them. No application had been made to them in connexion with the case. Yet they not only called for the record—in itself a very unusual proceeding—but took the steps—unprecedented so far as I know—of sending the officiating Registrar himself for it, of ordering me to deliver it to him "forthwith," and of expressly limiting their call to "the record now in your possession."

Further, I would point out that when they got the record, the High Court showed no effective desire to take up the case. Sadak Ali's appeal was signed at Noakhali on the 2nd March, and must have reached them on the 5th or 6th at latest—but the case was not taken up till the 10th April, and judgment was not delivered till the 17th April. I shall submit hereafter my reasons for believing that the trial was purposely delayed to permit of hearing from England—all I need say here is that, at all events, it was not pushed on, and that if my small staff could copy the record three times over in 12 days, the High Court could, if they had chosen, have got it printed in something less than 22.

It does not appear, therefore, that the desire of the High Court to at once get "the record now in your possession" is accounted for by any anxiety on their part to accelerate the hearing of the appeal, which had not been then preferred. And I submit that the real reason why the High Court wanted to get the record from me, was that so long as I had that record, I had a very good excuse for remaining in Calcutta, and that they were resolved, at all hazards, to get me out of Calcutta as soon as possible.

It is now, I think, time that I should indicate to his Lordship the reason of the High Court's anxiety to get me out of Calcutta, and explain how it was that the Court came to advise and the Local Government to adopt the course of summarily suspending me, a course which they have had so much difficulty in excusing, which the Government of India alone have thought capable of defiance—a course which had the effect, and which it might have been foreseen would have the effect, of rallying all sections of public opinion to my side; of intensifying public interest in a case in which it was to the obvious advantage of the executive authorities that public interest should subside; of at once destroying the High Court's credit (a credit which it was vital from the executive point of view) as a foundation for the purposes of this case) for judicial impartiality; of producing among Europeans and Natives alike the impression to which the most outspoken organ of the European commercial community has given voice, the impression "that the Chief Justice has made an unholy alliance with the Government of Bengal, whereby the support of the High Court will be given to the executive acts of Government in preference to the furtherance of law and justice."

The reason, or rather the reasons, are succinctly set forth in paras. 3 and 6 of my "disrespectful and improper" memorial of the 21st March—the memorial which the Bengal Government withheld—which they were so angry with me for sending his Lordship a copy of—the memorial. His Lordship's reception of which was so anxiously awaited by the Bench which had to try the murder case and the Reilly appeal. They were:—

1. Sir Francis Maclean's extra judicial action on the 17th February in writing to me to release Mr. Reilly.

2. His extra judicial action on the 3rd March (the day before I was suspended), in attempting to get the record from me surreptitiously.

The second of these extra-judicial acts was the result of the first—Sir Francis Maclean wanted to get the record from me so as to deprive me of any excuse for remaining in Calcutta.

The telegram, I may say, though despatched on the 17th February, and answered by me the same day, was not made public till the 18th March, when the following brief paragraph appeared in the "Bengalee":—

RE MR. REILLY'S BAIL.—Among the papers which have been

placed at our disposal in connexion with the Pennell case is the following urgent telegram, which was addressed to Mr. Pennell by the Registrar of the High Court on the 17th February last, which was a Sunday:—"The Chief Justice wishes to know why bail has been refused in Reilly's case, and urges you to carefully reconsider the matter." This telegram was addressed to Mr. Pennell before application for bail on behalf of Mr. Reilly had been made to the High Court.

The "Bengalee" did not think any further comment necessary; but the comment was speedily forthcoming elsewhere. I may point out that Mr. Reilly's case was regarded on all hands as a political one—the "prestige," or what they are pleased to consider such, of the executive was at stake—and I shall, I think, have little difficulty in convincing his Lordship hereafter that the Chief Justice in this matter acted at the instance of the Lieutenant-Governor. Under these circumstances I see no reason to modify the remark contained in paragraph 3 of my first memorial—the remark that "I am confident that your Lordship's legal advisers will assure you that Sir Francis Maclean's action in sending me the telegram was an illegality of so flagrant a nature as to justify his being disbarred."

And I may add that it was for some time contemplated in Calcutta to call a general meeting of the Bar, if not, indeed, a public meeting of the citizens, to denounce Sir Francis Maclean; and that he only escaped such denunciation by requesting Mr. Justice Banerjee (expressing his regret and contrition to the Secretaries of the Bar Associations—a fact which was not only announced in the papers shortly after, but for which I have the authority of Dr. Kash Bihari Ghose, the leader of the Vakils' Bar.

What action his Lordship will take in this matter remains to be seen—but I think he will perceive that it was a matter which Sir Francis Maclean had a very strong motive for hushing up. It is easy to hush up things in an Oriental country. Sir Francis Maclean's action was no doubt known to my office at Noakhali; but Noakhali is the most isolated station in Bengal; it was not likely that even a rumour of the matter (which if spoken of at all, would be spoken of with bated breath) would reach Calcutta; while no newspaper would have ventured to make the most distant reference to it without the strongest possible evidence of its truth. So long, however, as I was in Calcutta, there was in Calcutta a person who knew the matter, was presumably aware of its importance, had a strong motive for making it public, was suspected to be in touch with several of the leading organs of public opinion, and last, but by no means least, was not afraid. And so I had to be got out of Calcutta at any cost.

The Chief Justice knew, however, that it was not at all likely that I would leave Calcutta while I had the record with me; so it was necessary he should get it at once. He had no jurisdiction to call for it; for he was not a member of the Criminal Bench. The other Judges of the High Court were presumably ignorant of his having sent me the telegram as the general public; the only person besides himself who knew of it was Mr. Chapman, who at the time of its despatch was Registrar. (The telegram, I may point out, was despatched by Mr. Chapman on a Sunday morning, not from the business quarter of Calcutta, but from the Park Street telegraph office, near which Mr. Chapman and Sir Francis Maclean both reside.) Mr. Chapman was no longer Registrar; he was on leave, and had been succeeded as Registrar by Mr. Sheephall; but he, together, his services had been replaced at the disposal of the Local Government, and that, by whom, on the expiry of his leave, he was appointed to officiate as a District and Sessions Judge. . . .

Late on the evening of the 2nd March I received from Mr. Chapman an invitation to dinner for the following night: Enclosure C. is a copy. I am reluctant, in defending myself, to say a word more than is necessary against other people. . . . I may remark that though I am slightly acquainted with Mr. Chapman, I had never called on him or on his family; and Mr. Chapman has himself adverted to the fact that he was unacquainted with my sister, who had come to Calcutta with me, and was included in the invitation. It was at a time when many members of my service were looking on me askance; for it was known to everyone that I was engaged in a contest to the death with the head of the Local Government, and that the Indian environment is not conducive to moral courage. Under these circumstances, the natural result of Mr. Chapman's letter would be to induce in me the belief that however much other people might turn against me, I had at least one very good friend in Calcutta, and that was Mr. E. P. Chapman, of 4, Middleton Street.

I at once accepted Mr. Chapman's invitation.

What happened on the next day (Sunday, the 3rd March) is succinctly stated in para. 6 of my first memorial (that of 21st March), but it may be as well that I should recapitulate the facts here, and add some circumstances there omitted as of less importance.

Between the hours of 11 and 12 a.m., Mr. Chapman called on my sister at our hotel, and, after staying some time, went away with the remark: "I must go and look your brother up. I want to see him about some records." These facts are stated in an affidavit sworn by my sister on the 4th March, of which enclosure is a correct copy.

I was away when Mr. Chapman called, but returned almost immediately after he left, and was told by my sister that he had just gone to look for me. I thought he would probably have gone to the United Service Club, so I followed him up there and found him just getting out of his rickshaw (cab). I returned with him to the hotel, and he was with me in my room there for fully half an hour.

(To be continued.)



NOW READY, AT ALL BOOKSELLERS AND LIBRARIES.

# Rudyard Kipling's

NEW BOOK,

## K I M.

ILLUSTRATED BY J. LOCKWOOD KIPLING. CROWN 8vo, 6s.

MACMILLAN AND CO., LTD., LONDON.

### PUBLICATIONS RELATING TO INDIA.

To be obtained from

THE BRITISH COMMITTEE OF THE INDIAN NATIONAL CONGRESS, 84-85, PALACE CHAMBERS, WESTMINSTER, S.W.

**Reports of the Proceedings at the Annual Sessions of the Indian National Congress, from the 3rd to the 14th Session.** 2s. each, post free.

**The Skeleton at the (Jubilee) Feast** (Congress Green Book I.), by SIR WILLIAM WEDDERBURN, Bart. (being a series of suggestions for the prevention of famine in India). Post free, 7d.

**Royal Commission on Indian Expenditure:** Evidence-in-Chief of the Indian Witnesses. (Congress Green Book II.) Post free, 1s. 10d.

**The Proposed Separation of Judicial and Executive Functions in India.** Memorial to the Secretary of State. With two Appendices. (Congress Green Book III.) Post free, 1s. 2d.

**Two Statements presented to the Indian Currency Committee (1898),** by MR. DADABHAI NAOROJI.

**Speech by Mr. Dadabhai Naoroji, M.P.,** in the House of Commons, August 14, 1894, on the Debate on the Indian Budget.

**Ditto do.** in the House of Commons, February 12, 1896, on the Debate on the Address.

**Ditto do.** on British Rule in India (1898).

**Presidential Address by Mr. Dadabhai Naoroji, M.P.,** delivered to the Indian National Congress at Lahore, 1893.

**Presidential Address by Mr. A. M. Bose, M.A.,** delivered to the Indian National Congress at Madras, 1898.

**Speeches of Mr. Alfred Webb, M.P.,** President of the Indian National Congress, 1894-5.

**Valedictory Address of Mr. Alfred Webb, M.P.,** delivered at Bombay, January 17, 1895.

**Speeches of Mr. D. E. Wacha** delivered at the 9th, 11th and 14th Sessions of the Indian National Congress.

**Is the Government of India Responsible to Anyone, and if so to Whom?** Speech delivered at Croydon by MR. W. C. BONNER.

**The Famine in India.** Speeches delivered at a Public Reception to Mr. Vaughan Nash on his return from the Famine Districts, July, 1900.

**Mr. A. O. Hume's Farewell to India.** Speech delivered at Bombay, 1894.

**India Reform Pamphlet IX.** The State and Government of India under its Native Rulers. 3d.

**The Indian National Congress: its Aims and Justification.** By ROBERT KNIGHT.

**Indian Famines: Their Causes and Remedies.** By PRITHWIS CH. ROY. Post Free, 1s. 1d.

**A Needed Reform in the Indian Administration,** by ROMESH C. DUTT, C.I.E.

**The Bogy of a Russian Invasion. A Lesson from the Tihrah Campaign,** by Col. H. B. HANNA.

**The High Courts and the Collector-Magistrates in India,** by J. DAOORA.

**The Government of India and its Reform through Parliamentary Institutions,** by J. DAOORA.

**Note on Sir J. Westland's Budget, 1894-5.**

**Note on the Explanatory Memorandum of the Secretary of State for India, 1894-5.**

**Note on Sir James Westland's Budget, 1895-6.**

**Note on Sir H. Waterfield's Tables, 1884-5 to 1894-6.**

**The Poor Man's Lamb: Famine Insurance for the Masses versus Exchange Compensation for the Classes.**

#### REPRINTS FROM "INDIA."

The Judiciary and the Executive in India. Interview with Mr. Manomohan Ghose.

The Bombay Government and Higher Education, by the Hon. C. H. SETHALVAL.


A National Famine Grant, Letter from the London Indian Society to Lord Salisbury, 1900.

India and the General Election (1900). "Melancholy Meanness."

The "Over-population" Fallacy Again. No National Contribution?

The "Shmness" of the India Office. "Mainly a Question of Money."

A Selection of the Publications enumerated above will be forwarded to responsible persons or Associations in the United Kingdom for gratuitous distribution, on written application to the British Committee, Indian National Congress, 84-85, Palace Chambers, Westminster, S.W.



is what its name implies

### FEVER DESTROYER.

and Cures Malarious, Intermittent and Remittent types of Fevers, Colds, etc.

North Baglan Barracks, Devonport. I had to analyse a specimen for the "Jvara-Hari" sent in India and Africa I have found it the BEST REMEDY FOR FEVER I know. C. E. WOOD, Capt. 2nd North Staff. Regt. "Jvara-Hari" is so efficacious on all fevers, that I now depend upon you for a dozen per value payable parcel. I think there is more than magic in it. G. L. NARASINGA ROW.

### FOR INDIGESTION, DIARRHŒA, CHOLERA, etc., etc.

Maddalore Municipal Councilors' Office.—"I have much pleasure in stating that your Ommum Carpoor" was found very useful for Cholera I taken in the early stage. C. E. SRINIVASA, Chairman

Prices of "JVARA-HARI" and "OMUM-CARPOOR" 8ans., 8s., 1/8 Es., 2/12 Es., & 1/1 Es. per bottle. N.B.—1 doz. sent post free. To be had of all Chemists and Dealers, or of the Proprietors,



**HENRY'S GREAT INDIAN REMEDIES COMPANY,** 43, KING WILLIAM STREET, LONDON, E.C., AND 27 SECOND LINE BEACH, MADRAS.

### LEGAL EDUCATION IN ENGLAND.

Full particulars of the course of study and of the cost of living, etc., etc., will be forwarded on the receipt of 5 one anna stamps, by MR. J. M. PARIKH, 1, CLOISTERS, TEMPLE, LONDON, E.C.

The annual subscription to INDIA (post free) is nine shilling for England and six rupees for India. Subscriptions are payable in advance. Remittances, or communications relating to subscriptions or any other matter of business connected with INDIA, should in all cases be sent to the MANAGER of INDIA 84 and 85, Palace Chambers, Westminster, London, S.W. In any communication regarding copies of INDIA circulated in India, it is requested that Subscribers be referred to both by name and by the number printed in each case upon the address wrapper.

Subscription in England:— October 1 to End of Year (Post free), 2s. 8d.

Cheques and Post Office Orders payable to W. DOUGLAS HALL.

Copies of INDIA can be obtained from the Offices of the Paper; from MR. ELLIOT STOCK, Paternoster Row, London, E.C.; and so order at any Railway Bookstall.

Printed by A. BOWEN, 1 & 2, Took's Court, London, E.C., and Published for the Proprietors at 84 and 85, Palace Chambers, Westminster, S.W.