

Anurita Bazar Patrika

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NO. 108

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INTERESTING AND UPTODATE

The INDIAN REVIEW for February contains amongst others the following interesting articles: Mr. Kipling and his World By Mr. John M. Robertson. What's in a Name? By Mr. H. G. Keene. C. I. E. T. C. Mr. G. S. Aiyar on "Some Economic Aspects of British Rule in India" By Prof. Ambika Charan Ukil, M. A., Herbert Spencer and his Teachings By Doctor Guglielmo E. Salvadori, Maitreyi: A Vedic Story By Pandit Sitanath Tattvabhushan, The Tariff Problem. By Mr. C. S. Morrison, M. A. The Indian Govt. on Preferential Tariffs. By "An Indian Publicist." Current Events, By Rajduri Tolstoy on "Peace and War." Th-War between Russia and Japan. By "Britannicus." The Indian Universities' Bill By the Editor, Herbert Spencer's Advice to Japan, with this number issued a war map which is given free to subscribers and another noteworthy feature is that it contains the portraits of the czar, Russia, the Emperor, of a fefar, king Edward, Herbert spence, court loastory, Lord Curzon and the ffnble me Gobchall.

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High Court.—April 14.

CRIMINAL BENCH

(Before Justice Ameer Ali and Handley.)

A MAINTENANCE CASE.

Mr. Monnier, instructed by Babu Trollyukho Nath Chuckerbutty, appeared on behalf of Mrs. S. M. Rose, who had obtained a rule upon the Chief Presidency Magistrate to show cause why his order reducing the amount of maintenance should not be set aside. It appears from the petition of Mrs. Rose that she lived with the defendant as his wife for some time, and that she had two children by him, one of whom was now dead. On 21st November last she obtained from Mr. Bonnaud, Officiating Chief Presidency Magistrate, an order directing the defendant to pay her Rs. 50 per month from 1st December as maintenance for his child. The defendant having failed to pay the amount, the complainant applied for a summons to compel him to pay the said sum. The defendant appeared on the 12th December last, and Mr. Weston reduced the amount to Rs. 25. Mr. Monnier contended that this order of the Chief Presidency Magistrate was illegal, as no proof of any change in the circumstances of the defendant had been adduced such as would justify the reduction of the maintenance. Their Lordships set aside the order of the Chief Presidency Magistrate as unwarranted by law, as will be seen from the full text of the judgment given below:—

"In this case a rule was issued upon the Chief Presidency Magistrate, Calcutta, to show cause why the order complained of in this petition should not be set aside, on the ground that it was not warranted by law. It appears that the petitioner, complainant before the Chief Presidency Magistrate on the 21st November 1903 and an order under Sec. 489 of the Criminal Code, the defendant Rose to pay a monthly allowance of Rs. 50 or the maintenance of the unlawful child was passed. But having failed to deposit the amount an order was taken out for the defendant to show cause why he should not be compelled to pay the amount. The matter came up on the 12th December, when the defendant appeared, and the Magistrate the reason reduced the amount which he had fixed at Rs. 50 to Rs. 25. Upon the affidavit of the petitioner it appears that no evidence was taken on behalf of the defendant to show any such reason as would justify the reduction of the allowance under section 489 of the Criminal Code. In the absence of any proceeding under section 489 of the Criminal Code, it seems to us that the Chief Presidency Magistrate was not warranted to make the order, which he has made. We, therefore, think that the present order must be set aside, leaving him to take the matter up if any application is made to him in accordance with the law."

A CURIOUS MISTAKE.

A CARELESS MAGISTRATE.

In this case a rule was issued on behalf of one Naimuddi Shaikh, who had been convicted under section 426 (mischievous) of the Indian Penal Code by Babu Hari Bhushan Dey, Deputy Magistrate of Serampur, and was sentenced to pay a fine of Rs. 5 calling upon the District Magistrate of Hoogly to show cause why the said conviction and sentence should not be set aside on the ground that the judgment contained no finding that he committed the acts constituting the offence of mischief.

The petitioner and several other persons were placed on their trial before the said Deputy Magistrate on a charge of having formed an unlawful assembly. They were all convicted and sentenced to pay a fine of Rs. 40 each. The petitioner was further charged with committing mischief and sentenced to pay a fine of Rs. 5. Against the latter conviction the petitioner moved the High Court and a rule was issued, which came on for hearing to-day.

Their Lordships after going through the explanation submitted by the trying Magistrate, in which the latter stated that it was through an oversight that the name of the petitioner had been put down instead of another name, delivered the following judgment:—

This rule was obtained upon the Magistrate of the District to show cause why the conviction of and sentence upon the petitioner Naimuddi under section 426 should not be set aside on the ground that the judgment contained no finding that Naimuddi committed the acts constituting the mischief within that Section. The trying Magistrate has submitted an explanation and he states, true that it was by an oversight that the name of Naimuddi was put down instead of Aziz. But in criminal cases, we are not aware, that such mistakes can be permitted. When a Magistrate convicts a person, he must be careful to convict the right person, the person found guilty. The Criminal Procedure Code provides no section for the rectification of such mistakes; nor can this Court in the exercise of its revisional jurisdiction upon an explanation submitted by the Magistrate alter the name of the person who has been sentenced, to the name of a person who is not mentioned by the Magistrate himself as being guilty of the offence, of which, he is convicted. In that view of the matter we think that the rule must be made absolute and we accordingly do so and direct that the fine be paid be refunded.

A POSTMASTER IN TROUBLE.

In this case, it would be remembered, a rule was issued, on behalf of Purna Dey Sharma, Branch Postmaster of Kajrianga Post Office, who was ordered to be prosecuted under section 211 I. P. C. by the Extra Assistant Commissioner of Golaghat, calling upon the District Magistrate of Shibsagar to show cause why the sanction should not be revoked. On the 19th August last the petitioner reported to the Sub-Postmaster of Bakhatat Post Office alleging that one Debi Chand Keya had forcibly entered the said Post Office room and snatched away Rs. 25 from the Government cash. Next day a telegraphic communication was sent to the police by the Sub-Postmaster. An investigation was held and the case was found to be true. Debi Chand was thereupon placed on his trial on a charge under section 380 I. P. C. before the Extra Assistant Commissioner of Golaghat; but he was acquitted. Thereafter an order was passed upon the petitioner to show cause why

he should not be prosecuted. The Deputy Commissioner was then moved, who refused to revoke the sanction.

Babu Dasaratni Sanjal appeared in support of the rule. No one appeared to show cause. Their Lordships delivered the following judgment:—In this case the petitioner, who is a Sub-Postmaster, made a report regarding a theft in the Post Office. The person complained against was prosecuted and the trying Magistrate in the concluding part of his judgment states as follows: "The accused I think, used his tongue more than the complainant before other persons and the complainant might have been maligned more and tried to satisfy his judge by bringing a false case against the accused. From the above facts I doubt about the guilt of the accused. Accused should get the benefit of doubt. I therefore find him not guilty and under section 258 Cr. P. C. I direct that he be acquitted. Case to be shown false under section 380 I. P. C." The matter seems to have come under the notice of the Deputy Commissioner, who on the 16th November made order to the following effect: "Returned to Assistant Commissioner, Golaghat. Steps should now be taken with a view to a prosecution under section 211 I. P. C." Thereupon on the 21st November the Assistant Commissioner made an order to the Extra Assistant Commissioner directing him to issue notice to the Branch Postmaster to show cause why he should not be prosecuted under section 211 I. P. C. and to submit with his report thereon. The case appears to be shown that the sanction was granted. An application was made to revoke that sanction but that was refused. Thereupon a rule was obtained from this court to the following effect: "Let the rule be sent for and let a rule issue on the District Magistrate to show cause why the order sanctioning the prosecution of the petitioner under section 211 I. P. C. should not be set aside or such other order made as to this Court may seem fit and proper on the grounds stated in the petition." On behalf of the petitioner it was argued that the case is not one in which sanction ought to have been granted. The language of the trying Magistrate leaves it open to doubt whether he considered the case to be a false one or whether he considered the case to be merely a doubtful one. The Assistant Commissioner granted the sanction and the Deputy Commissioner had not the witnesses before them to be able to judge whether the complaint referred by the petitioner against the accused in that case had any basis of truth or not. It seems to us that it was not a fit case in which the sanction ought to have been granted. In dealing with this we do not confine ourselves to the question of jurisdiction alone. Regarding that also we are not quite satisfied. On the whole we are of opinion that this rule be made absolute and we accordingly do so.

A CASE OF RIOTING.

Mr. Jackson with Babu Dwarka Nath Mitter appeared in support of a rule obtained on behalf of Pargan Dube, a zemindar in the district of Champaran who had been convicted by the Deputy Magistrate under section 147 of the Indian Penal Code and sentenced to 3 months' imprisonment. The facts are briefly these:—One Bhagwat Lall Sah was the Zumpesga (usufructuary mortgagee) of the village called Mahanwa. His Zumpesga expired in Baisakh 1310 B. S. when the petitioner Pargan Dube entered into possession. Bhagwat Lall Sah obtained certain decrees against some bogus tenants and sent two Civil Court peons with three of his men to attach certain property in the village in Pargan's possession. On this Pargan was alleged to have collected about 100 men in the village and led a riot and gave the peons of Bhagwat a good beating.

Mr. Jackson contended that there was complete evidence of enmity between Bhagwat Lall and the petitioner, there were no independent witnesses and that the two Civil Court peons did not know Pargan. They implicated Pargan Dube merely because they were told that the man who led the riot was Pargan. Their Lordships delivered a long judgment setting aside the conviction and sentence and directing the petitioners to be discharged from their bail.

A FIGHT BETWEEN A TIGER AND AN ALLIGATOR.

The Maharaja of Saltipur, in Madras, lately celebrated the Coronation and, among other things to enliven the occasion, a fight between a tiger and an alligator was got up. A correspondent gives the following account of the fight: The next item on the programme was a fight between a tiger from the Rajah's collection and an alligator caught for the occasion; of course in a special enclosure. Difficulty was experienced in making these strange combatants start, but it was surmounted. A small pill of metallic potassium disguised in tallow, was administered to each to excite their angry passions. Potassium, he it explained, is one of those strange metals which ignite on contact with moisture, resulting in much heat and caustic potash. The effect was magical. In about ten minutes the tallow melted, and the fun began, and, once commenced, was well worth watching. The angry mugger reared itself on its tail and hind legs and went for the astonished tiger open mouthed. The tiger, by no means behind hand, saw in its strange assailant the cause of the pain in its inside, and with a terrible roar jumped on the mugger's back. Unluckily a hind paw came between the saurian's jaws, which closed like a steel trap. The tiger loosed its hold, and half bit through the other's tail. When Greek meets Greek then comes the tug-of-war, but nothing like the tug between that tiger and that mugger. Finally the leg came off, and a semi-circular piece of the tail. The now thoroughly infuriated beasts went for each other again, and dust and fur flew so thick that they could scarcely be seen. Final victory rested with the mugger, a 20-foot one, which bit off two more of the tiger's legs and finally his head; the victor, however, was too badly mauled to live, and had to be shot."

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THE PARTITION OF BENGAL.

SIR W. E. WARD'S VIEWS.

The London correspondent of the "Englishman" writes under date March 25:—
"The question of relieving Bengal of the Chittagong Division and of the two districts of Dacca and Mymensingh, and of transferring the same to the province of Assam" said Sir William Ward, "is a very old one. It first came before me officially in 1896, when I was Chief Commissioner of Assam. I was then asked by the Government of India to give my opinion on two proposals, the first being to transfer immediately to Assam the Chittagong district only, and the second to transfer, later on, the whole of the Chittagong Division. My views on these proposals were communicated to the Government of India in November, 1896, (two days before I resigned the Chief Commissionership) in a letter of considerable length. I therein pointed out that the transfer of the Chittagong district only was, on administrative grounds impracticable and inexpedient. On the other hand, and writing solely from the point of view of the interests of Assam, I said I saw no objection to the transfer of the whole of the Chittagong division (including the South Lushai Hills) as an important land settlement then going on in the Chittagong district was completed. It was then anticipated that these settlement operations would take another two years to finish, by which time it was hoped that the Bengal Assam Railway would also have been well on its way to completion. I added, what is sufficiently obvious, that I considered it would be to the interests of the districts traversed by the Bengal Assam Railway, and would also tend to the more rapid development of the port of Chittagong, to keep these districts and the port under the same Government. In saying this I had in view what appeared to me the certain prospect that when the Chittagong port came under the Government of India would supply Assam Government with funds enabling it to develop the port, and traffic on the railway will develop in recent years under Bengal. I saw that when the Railway was completed, the next thing would be to try to make it pay, and that it would not pay so long as the port remained in its present condition. Improve the port, and traffic on the railway will develop rapidly, to the benefit of Assam all round—the tea industry especially."

FROM THE ASSAM STANDPOINT.

"I, however, pointed out to Lord Elgin's Government that their proposals did not appear to me to go far enough. Should it be decided to make a transfer of territory from Bengal to Assam, I considered it preferable, in the interests of the latter province, that Dacca and Mymensingh should be included in the transfer, and I gave fully my reasons for this opinion. I did not, however, press the suggestion if the Bengal Government, on being consulted, was found to oppose it; it was put forward solely with the object of seeing the Assam province enlarged to such an extent that it might admit of separate services being maintained for it, independent of Bengal, in the different branches, particularly in the Covenanted Civil Service, the Police Department, and the Provincial Civil Service, both executive and judicial. I drew attention to the great drawback the Assam administration suffered from having to depend on Bengal for the supply of officers in these services who were only lent temporarily for certain periods and could always claim to return to Bengal. "I am quite ignorant as to what action the Government of India took upon this letter of mine. I understand, however, that my successor, Sir Henry Cotton wrote most strongly to the Government of India against my views, immediately after taking charge. I do not know upon what grounds his opposition was based; but I think I may assume that he wrote as a Bengal officer entirely from the point of view of Bengal, and not, as I did, regarding solely the interests of a Province of which I had been in charge, off and on, for nearly eight years, and proceeding on the assumption as I did, that it was beyond dispute that the Bengal Government had a larger area of country under its charge than the Lieutenant-Governor could properly give adequate attention to. I can only suppose that the Government of India, on receipt of Sir H. Cotton's views, decided to let the matter drop for the present, and to postpone further action till the completion of the Assam-Bengal Railway and of the Chittagong settlement operations."

PRESENT PROPOSALS.

"There being no ground for further postponement, Lord Curzon has now announced the decision which the Government of India are at present apparently disposed to come to, subject to further reports which are awaited. That decision appears to be to adopt the views expressed by me in 1896, so far as the Eastern districts of Bengal are concerned. In regard to them, I see no ground to modify in any way the views I expressed seven years ago, and I am pleased to find that they have now the support of Lord Curzon and his Council. In my letter to the Government of India, I dealt with all the objections to the proposed transfer which had come to my knowledge at that time, and pointed out how entirely devoid they were of any foundation. It is needless for me to refer to these in detail. They have all been carefully disposed of by Lord Curzon in his speeches at Dacca and Mymensingh. Some of these objections are based on utter ignorance of the facts, others on utter misapprehension of what the consequences of the transfer will be, others on sentiment only. I fully appreciate and understand the sentimental feeling in this matter of the upper and educated classes of the Natives. But this feeling is certainly not shared by the masses, and in any case cannot obviously be allowed to stand in the way of administrative reforms proposed primarily in the interests of the masses. If sentiment were always to prevail in a matter of this kind, the unwieldy area which the Lieutenant-Governor of Bengal now administers would remain unchanged to the end of time, and the outlying districts would never emerge from their present condition of comparative neglect."

THE ASSAM ADMINISTRATION.

"I should like to say a word on the subject of the alleged backwardness of Assam, and on the consequent objection to be annexed thereto. I should like to know if the objectors have any idea how advanced that province is in the present day, so far as the methods of

administration may be taken to indicate advancement. In what respect do they consider Assam to be backward in comparison with the Eastern districts of Bengal, or that these districts would be contaminated or degraded by being brought into contact with it? When people who have never visited the Province talk of Assam as backward they do not recognise the fact that the Assam of to-day is not the Assam of a quarter or a century ago before it was separated from Bengal. In the first place it then comprised only the six districts of the Brahmaputra Valley (of which the five upper ones were known as Assam Proper) and the hill districts inhabited by tribes more or less savage. The Surma Valley, comprising the permanently settled district of Sylhet and the small district of Cachar, was then still part of Bengal. In the second place, this Assam or other days was non-Regulation in every sense of the term. It was not only administered, exclusively and judicially, by military civilians, but, if we except the Penal and Criminal Procedure Codes, and a few executive rules, these officers had little to guide them in their work of administration. The Bengal Government of that day considered it sufficient to leave it to the discretion of these officers, if they wanted further guidance to apply in the administration of their respective charges the spirit, without adhering too much to the letter of the laws and regulations in force in Bengal. So things went on until, and for a few years after, the separation of Assam as then constituted from Bengal, and its formation in 1874 into a Chief Commissionership with the Bengal districts of Sylhet and Cachar added on. This was the first act of dismemberment of Bengal. There was then the same protest from Sylhet, a strictly Regulation district, against being incorporated with backward and non-Regulation Assam. But the protest was not listened to because, as in the present case, it was based on an entire misconception of the intentions of the Government of India, the people of Sylhet being informed that they would not be deprived of any rights and privileges they had hitherto enjoyed under Bengal. "From that time forward the progress of the Province in every department of its administration has been such as can only be appreciated by one who, like myself, knew it in its early days, nearly half of my 35 years' service in India having been spent in Assam. The details of this progress are well known to the Government of India, but are little known to the outside public. Every district in the province is now administered under a Code of Laws and Regulations as complete as any similar Code in force in any other province in India. The province therefore as now constituted has long ceased to be "non-Regulation" in the popular sense of not being administered on a strictly legal basis. It has for the last eight years been as completely a "Regulation" province as any province in India, except only in the matter of the Commission not being confined exclusively to officers belonging to the Indian Civil Service, military officers being still employed in administering the more backward districts. Such officers, I may add, are not employed in Sylhet, and would not of course, be employed in any of the districts which the Government of India now contemplate transferring to Assam."

"If these who talk of the backwardness of Assam do not refer to backwardness in the methods of its administration I don't know what they do refer to. Possibly, it is backwardness in education. In the Brahmaputra Valley education is certainly backward as compared with the more advanced districts of Bengal. But can Dacca and Mymensingh, or any of the four districts of the Chittagong division, claim to be much more advanced in this respect than the district of Sylhet? I have no personal acquaintance with Dacca and Mymensingh, but when I visited Chittagong in 1896 and made some enquiries there as to methods of administration, communications, education, etc., I must confess I came away with the conclusion that Assam had at least nothing to learn from the districts of that division. During the 17 years Sylhet and Cachar had been separated from Bengal they had, I considered, advanced more rapidly in every department of the administration than any district in the Chittagong division, and this for the obvious reason that the former had been brought during the period more closely under the personal observation of the head of the Government, with the result that more money had been spent in meeting their recognised requirements than they would ever have received from Bengal."

"Having these facts in mind, I can attach little weight to the agitation now being on respecting the proposed transfers. It is based on sentiment, not on reason, and conducted without any regard for what is best in the interests of the masses. I am only too familiar with the methods employed by the Mymensingh Association to rouse the ignorant and indifferent cultivator. I always feel so sorry for the cultivator, who has to pay for what he does not understand. Organisation I can appreciate; but if based on misrepresentation it is mischievous, if the misrepresentation is wilful, and not due to ignorance it is pitiable. Now that the Viceroy has replied to all the objections that have been put forward, so far as it has been possible to fix them, I shall be interested to see what further objections were brought forward at the Calcutta meeting which Reuters informs us has been held. There can be no excuse for further misrepresentation."

LEGISLATION AND JUSTICE.

"As to the details of the Government proposals, if only the Chittagong division is 'annexed' to Assam there will be no need to give a Lieutenant-Governor to the enlarged province. But if Dacca and Mymensingh are also absorbed Assam will have quite as strong—in deed a stronger—claim to a Lieutenant-Governor than Burma has, for it will have a very much larger population to deal with. In the event of a Lieutenant-Governor being appointed I see no occasion for a Legislative Council. What would there be for such a Council to do? What Sylhet does not want is scarcely needed for Chittagong, Mymensingh, or even Dacca. Assam may, as it does now adopt, should it be expedient to do so, any enactment with or without modification which may hereafter be passed by the present Bengal Council. If there is to be a Lieutenant-Governor there should also be a Chief Court, as in Burma, the Calcutta High Court being relieved of its jurisdiction over any part of Assam. If Dacca and Mymensingh are not annexed, there should be a Civilian Judicial Commissioner for the Province with the same exclusion of the present High Court jurisdiction; and he should have the same powers as

the judicial Commissioner of Burma had formerly. Even if the suggestion to remove the jurisdiction of the High Court over the whole of the province is not adopted, that jurisdiction ought most certainly, in my opinion, to be withdrawn from the Brahmaputra Valley districts, where a Judicial Commissioner of ordinary judicial ability and experience is quite capable of disposing of such classes of cases, both criminal and civil, that now go up in appeal to the High Court, and who would certainly dispose of them more expeditiously. When I was Commissioner and Judge of that Valley in the seventies and eighties it used to take two years for a special appeal from my judgments to be disposed of by the High Court. Yet the cases ordinary involved no legal point of the least importance, and the subject matter of the suits were valued at an amount rarely exceeding fifty rupees, and often at not more than ten rupees. Such waste of power and delays in disposing of trivial cases ought obviously to be put a stop to on the first opportunity, and the opportunity now offers itself."

SEQUEL TO BEPT' AGENARIAN'S WEDDING AND PARTING.

Married, for the fourth time, at the age of seventy-two, Mrs. Hannah West, of 72, Thorn Grove, Ppton Park, was deserted by her husband, who is the same age as herself and died from a broken heart.

The tragic story of her last matrimonial venture was told in the West Ham Coroner's Court the other day.

Mr. and Mrs. West were married last December, and a fortnight afterwards the venerable bridegroom disappeared, and was next heard of in California. He wrote from his far-off land three weeks ago to ask his wife to send him money in order that he might return to England.

Advised by a friend, the deserted wife, who had means of her own, decided not to comply with the request; but the resolve was not to be maintained. She missed her husband, who is said to have been one of her old lovers, sorely, and, taking to her bed, died. Her last words were, "My heart's broken."

Dr. Hogan informed the jury that the cause of death was valvular disease of the heart, and a verdict to this effect was returned.

A COUNCIL ELECTION SET ASIDE.

Our readers will remember that at the meeting of the Madras Senate held on the 19th ultimo, to elect a representative for nomination by his Excellency the Governor, as an Additional Member of the Legislative Council, there were four candidates in the field. At the end of the first ballot Mr. Elliot's name was eliminated; at the end of the second Mr. N. Subrahmanyam's name was withdrawn; and at the third ballot, the Rev. Canon E. Sell and Mr. P. S. Sivaswami Aiyar obtained each 47 votes. The Rev. Dr. Miller, the Vice-Chancellor, then exercised his right of a casting vote, under the Act of Incorporation and gave it to the Rev. Canon Sell, the Senior of the two Fellows. Against this procedure of Dr. Miller, however, one of the Fellows entered at once a protest with the Syndicate, on the ground that the Vice-Chancellor was not entitled to give a casting vote. This protest was followed by a memorial to Government by Mr. P. S. Sivaswami Aiyar to the same effect. Under the Council rules, whenever an election takes place, the name of the gentleman elected is submitted to his Excellency the Governor for approval, and it is open to his Excellency either to nominate to the Legislative Council the person elected or to veto the election. In the present instance we understand that his Excellency has not accepted the election of the Rev. Canon E. Sell, not on the ground put forward by the two gentlemen who sent in their protest, but because the opinion of the Senate was not sufficiently decisive, as indicated by the votes recorded, and has, therefore, ordered a fresh election to be held, so as to give another opportunity to the Fellows to express their opinion more effectively, if they can.—"M. M."

ALARMING GROWTH OF THE OPIUM HABIT.

"The drug habit whether in the form of morphia or laudanum is more and more asserting a sway which we are powerless to check," said an eminent medical man.

The remark was prompted by the case of a girl who, when remanded at Bradford on a charge of stealing, attributed her position to her craving for laudanum and cigarettes. Every effort had been made to break her of this habit. Her father had known of it for three or four years, while the girl confessed to a seven years' slavery to the drug.

"Opium, of which morphia and laudanum are forms, is rapidly," the doctor added, "becoming the intoxicant of the upper and middle classes. If there is one person more than another susceptible to the drug habit it is the neurotic individual, and the neurotic being is one of the products of the age."

"Town life is one of the chief factors in the forming of a race of neurotics, and in the town the opium habit is so easily gratified. A person who wants laudanum can visit a large number of chemists and get small quantities from each without raising any suspicions."

A prescription containing opium is often the beginning of the habit, the doctor added. It would be better, he thinks, if the medical profession did not prescribe opium so much in chronic cases, but reserved it for acute ailments.

"I note," he said in conclusion, "that this girl was addicted to cigarettes. This is strange, for the devotee of opium is generally faithful to the drug. But it is suggestive in this regard—that I have recently heard that a certain brand of cigarettes contain opium."

BURNS AND SUTS.—Slight injuries of this nature of frequent occurrence in almost every household. While they are not dangerous, except when blood poisoning results from the injury, they are often quite painful and annoying. They can be quickly healed by applying Chamberlain's Pain Balm. It allays the pain almost instantly and heals the injured parts without matter being from which insures a cure in one-third the time that the usual treatment would require. It is the most perfect preparation in use for burns, scalds, and bruises and like injuries. It should be applied with a feather before the parts become inflamed. For sale by Smith Street and Co. Wholesale Agents, B. K. Paul and Co., and Abdool Rahaman and Abdool Kareem Calcutta.

THE
Amrita Bazar Patrika.

CALCUTTA, APRIL 17, 1904.

SIR WILLIAM WARD ON THE
DISMEMBERMENT QUESTION.

In his Chittagong speech, Lord Curzon referred to the opinion of Sir William Ward on the partition of Bengal in these words, namely, that he, Sir William, "only a few months before he left Assam in 1896, after being Chief Commissioner for 5½ years, wrote a most exhaustive, able, and reasoned argument in favour of the transfer" of Chittagong. But His Excellency would not allow the public to see the contents of this precious document; he would "keep it deep down in his bosom as an official secret," to quote the words of Sir Andrew Fraser. Sir William Ward has, however, come forward to disclose what he wrote in his "most exhaustive, able and reasoned argument." He has done more: he has returned the compliment Lord Curzon paid to him by supporting warmly the universally-protected remarks of the Viceroy on the unprecedented agitation in Eastern Bengal.

It is now quite clear why the Viceroy was not anxious to publish the opinion of Sir William—able, reasoned, and so forth though it was. Sir William Ward was for a long time in Bengal, and had to come across many educated men of the country in his capacity as a District and Sessions Judge. Here he was generally known for his blunt honesty and extraordinary obtuseness. He gives ample evidence of these two qualities in his interview with the London correspondent of the "Englishman," which is reproduced elsewhere, in which he speaks out his mind freely on the all-important subject of the dismemberment of Bengal.

First of all, Sir William contradicts the statement of Lord Curzon by saying that he wrote his opinion, not "a few months before he left Assam," but only "two days before I resigned the Chief Commissionership." Of course the contradiction is not of a material nature, but, it shows carelessness, and raises the doubt whether His Lordship had read the letter of Sir William with proper attention or not. Let us now examine Sir William's proposals. As an honest man, he frankly confesses that he wrote "solely from the point of view of the interests of Assam." He repeats these expressions over and over again. He goes further, and has the honesty to acknowledge that it was "specially for the benefit of the tea industry" that he proposed the transfer of the Chittagong Division to Assam. Here is a confession, indeed! Lord Curzon, however, scouted this idea in his Mymensingh speech.

What seems to have happened was this. The Government of Lord Elgin asked the opinion of Sir William Ward in 1896 on two points: First, whether the district of Chittagong only should be immediately transferred to Assam; and secondly, whether later on, the whole of the Chittagong Division should be similarly transferred. In reply Sir William said that the mere transfer of the Chittagong district was impracticable and inexpedient, but he was for the annexation of the Chittagong division, including the South Lushai Hills, as such a movement in his opinion, especially as the Chittagong port would in that case be improved by the Government of India, would very much benefit Assam all round, and the tea-planters above all.

Sir William, however, went out of his way and made some new suggestions in his communication to the Government of India. And the most important of these was the transfer of Dacca and Mymensingh to Assam. Here he gave evidence of his obtuseness. Indeed, his proposal of transferring Dacca and Mymensingh was so stupid that it was totally ignored by the Government of India; and when the Elgin Government was interpellated on the subject by the late Babu Mohinee Mohan Roy, it denied having had anything to do with it. It also extorted the following retort from Sir Henry Cotton:—

"I scout the idea of the transfer of the districts of Dacca and Mymensingh to Assam. The proposal, if it were made public, would excite a storm of protest, and I imagine that the Government of Bengal would be as strongly opposed to this suggestion as I am myself."

Be it said to the credit of Sir William that he made this proposal with far and trembling. He frankly admits that he "did not press the suggestion if the Bengal Government, on being consulted, was found to oppose it." He makes the further admission that he "put it forward solely with the object of seeing the province of Assam enlarged to such an extent that it might admit of separate service being maintained for it, independent of Bengal, particularly in the Covenant of Service." That is to say, he advocated the annexation of Dacca and Mymensingh so that Assam might, with the revenue of these two prosperous districts, have an independent Commission of its own, recruited from England, in other words, his object was to get a number of fat berths created for the benefit of the Civilian.

It seems to have never occurred to this distinguished official, who, according to Lord Curzon, can write "able and reasoned" argument, that it would be a gross wrong to sacrifice Dacca and Mymensingh for the sake of Assam, specially to further the interests of the tea-planters. Indeed, his whole scheme is based upon the selfish principle of making the members of the Civil Service and the European planting community of Assam profit at the cost of Bengal.

Here, parenthetically, we shall make a few remarks. Lord Curzon, in his Chittagong speech, disposed of the Note of Sir Henry Cotton with the remark that, the latter "unquestionably and inevitably wrote as a Bengal Officer, and not as an Assam Officer." Sir Henry, however, does not admit it; his position is that he discussed the question from a broad stand-point, taking the interests of the country as a whole into his consideration. Sir William, however, makes no secret of the fact that his motive was to serve the interests of Assam, and of the tea industry specially. Granting, however, that Sir Henry wrote as a Bengal official, how could Lord Curzon throw him over-board on that account and take Sir William Ward into his bosom when he also wrote as an Assam official? Fairness required that his Lordship should

have accorded both the officials an impartial treatment, but that would have not suited the purpose of His Excellency.

And how was it that the present Home Member could see his way to declare, in answer to Dr. Ashutosh Mukherjee's question, that the transfer of Dacca and Mymensingh was under the consideration of the Government of India, in 1896, when Sir John Woodburn as Home Member under the Elgin Government, denied this act? Here is a direct contradiction between two Home Members. Whom to believe? It is quite clear, however, that the proposal of the transfer of Dacca and Mymensingh was not considered by the Government of India in 1896. The suggestions came from Sir William Ward, and the present Home Member fastened it upon the Government of Lord Elgin!

It will be seen that Sir William was very particular about one point. He said in his letter that, if the Bengal Government, on being consulted, was found to oppose his recommendation of transferring Mymensingh and Dacca, he was not prepared to press it. Was the Bengal Government consulted on the subject? If so, when? And what did the Lieutenant-Governors who were consulted say on the subject? Of course Sir Alexander Mackenzie's opinion was not sought for the simple reason that the question of transferring Dacca and Mymensingh was not under the consideration of the Elgin Government. We also believe, Sir John Woodburn was also not consulted. And we know, as a fact, Sir Andrew Fraser was also quite ignorant of the matter, for if he had been consulted, he would have certainly asked the opinions of the leading men of Dacca and Mymensingh on the subject when he paid a visit to these towns in December last.

We may thus take it that, the Government of India included the monstrous proposition of including Dacca and Mymensingh in the scheme of partition simply, because, they found such a suggestion in the letter of Sir William Ward. They, however, accepted it ignoring the condition attached thereto by Sir William, namely, that his suggestion should not be pressed if it had not the support of the Bengal Government!

MR. BRODRICK AND THE OFFICIAL
SECRETS ACT.

CAN it be possible that Mr. Brodrick, the Secretary of State for India, has waived his right of giving his final sanction to an Indian Act? That the Indian Secretary in England possesses such a right admits of no question. Section 21 of the Indian Councils Act of 1861, which has not been in any way modified by the Councils Act of 1891 runs thus:—

"21. Whenever any such law or regulation has been assented to by the Governor-General, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for His Majesty to signify, through the Secretary of State for India in Council, his disallowance of such law; and such disallowance shall make void and annul such law, etc., etc."

The prevailing practice is this. When an Act is passed by the Governor-General in Council here, it is not put in force before it has received the assent of the Secretary of State. And it has happened occasionally, we believe, that an Act passed here has been vetoed or modified by His Majesty, that is to say, the Secretary of State. But here is the astounding reply which Mr. Brodrick gave to Sir M. Bhowanagry relating to the Official Secrets Act. Sir Mancherjee asked on March 10 whether the Secretary of State "intends giving the House an opportunity of expressing the views on the measure before giving the final sanction, thereby trying to evade his duty?"

"The Bill (the Official Secrets Bill) has now been passed without a division through its final stage, and has become law. It requires no sanction from me; but His Majesty the King has, of course, the power of disallowing this or any other Indian Act upon the advice of his Ministers if he should think fit to do so."

"It requires no sanction from me" says Mr. Brodrick. Technically he is perhaps right; but, how can the King know anything about an Indian Act unless its merits and demerits are pointed out to His Majesty by his Ministers, that is to say, the Indian Secretary and his Council? The point is—does Mr. Brodrick approve or disapprove of the Act? He commits himself in neither way. What he does is to disclaim altogether his right to the final sanction, thereby trying to evade his own responsibility in the matter.

It then comes to this. The people of India, who have hitherto availed themselves of section 21 of the Indian Councils Act of 1861, for the purpose of getting an unpopular Act vetoed or modified through the Secretary of State, are now plainly told that they must not approach the latter any longer for relief. This is a serious matter and ought to draw the attention of those members of Parliament who take interest in Indian affairs.

There is just now a talk of submitting a petition to the Secretary of State for withholding his sanction to the newly-passed Universities Act. But, what is the good of approaching him if he refuses not only to exercise the right vested in him by implication, but to admit that he possesses such a right? We think, this is the first time that a Secretary of State has surrendered a valuable right to the Government of India. It means an unmitigated mischief to the people of this country.

Mr. Brodrick's answer conveys a wrong idea of the situation when he says that the Official Secrets Bill was passed without a division. One may infer from this that the non-official members gave a tacit consent to the Act. His reply to Mr. Weir M. P. was equally ingenious. Mr. Weir asked, how many of the Select Committee on the Official Secrets Bill were officials and how many non-officials, and how many were for, and how many against the measure?

Mr. Brodrick replied: "The Select Committee consisted of five officials and four non-officials. All the members of the Committee signed the report in favour of the measure; but, three of the non-official members dissented in regard to two points in the revised draft."

We freely admit that it was a tactical blunder on the part of the independent non-official members not to insist on a division. If this were done,

then Mr. Brodrick would have been obliged to say that, all the five representative members in the Council were distinctly opposed to the measure. It, however, never occurred to anybody that this omission would be taken advantage of for the purpose of throwing dust into the eyes of interpellators in the House of Commons.

The non-official members should have also protested against the very principle of the measure. However, as a fair-minded official, Mr. Brodrick should have stated the real position which is far different from what his answers would lead one to suppose. Of the four non-official members in the Committee, three were representative men, and the other, H. Agha Khan, was only a helpless instrument in the hands of the Government. The Select Committee thus practically consisted of six, instead of five, officials, and only three non-officials.

Mr. Brodrick should have also told the House that the two points to which the three non-official members objected were the real sticking points in the measure, and that, if these were taken out, the public would have accepted it without grumbling. But, even the highest of the authorities have forgotten to speak in a straight-forward way, and hence official utterances now-a-days mean very little.

The following letter of our London correspondent will no doubt be read with much interest in this country:—

"Justice Unjust in India:—Pungent criticism of the prevailing penal code in your country is offered by a correspondent, signing himself 'An Indian,' in the pages of this month's 'Liberty Review.' Always vigorous in its language, the 'Review' is fortunate in possessing correspondents who write in a like manner, and though some of them, perhaps, deal in a somewhat heated way with matters that do not require heat, 'An Indian' is entirely justified in all the hard things he says. He is with the statement that the Government of India appear to be bent on Russifying the Indian administration, and starting with this grave indictment, he proceeds to drive home his points with deliberate and well-aimed precision. He thinks that such a line of action is perhaps, inevitable in any despotic Government when the reins fall into the hands of shortsighted persons. Speaking for the Indian people, he declares that they like the English rule for English institutions, and not for the privilege of maintaining an army of English officers, civil and military, at extravagant salaries. No sooner do you substitute an English institution by a Russian one than you create a feeling of suspicion and discontent. The stability of your rule depends upon the policy of confidence in the people. By your stupid policy you are losing that confidence even in the administration of criminal justice."

How are the bureaucrats doing this? "An Indian" carefully explains. The Judges are not independent: they are subservient to the Executive, Subordinate Judges are appointed by the Executive, paid by them, and dependent upon them for leave and promotion. Judges of the High Court hold office only during the pleasure of the Crown. In every administrative district the executive and judicial functions are combined in the same persons. As the correspondent of the 'Liberty Review' puts it, "The prosecutor is himself the Judge." In India there is no such thing as the Habeas Corpus. The Indian Penal Code has become considerably more stringent in recent years, although Indians are admitted to be sober, peaceful, and law-abiding. "This interfering spirit, not sure of its own justice, is inspired by suspicion and guided by continental methods."

The new Official Secrets Act is very severely handled, and under it, as "An Indian" roundly affirms, the liberty of the Press is doomed and the Government is left in a position of absolute irresponsibility. "Despotism, unchecked even by the light of criticism, is Russian, not English." He sums up in a few lines the purport of the measure and asks pertinently since the theft of a confidential document can be punished like any other act of thieving, "what should be the justification for further protection unless it were that you are not sure of the justice of your own measure?" "If there be need in England," he continues, "of public criticism of measures of a representative Government, how much more would it be in India where the people have no voice in their Government? The right of public criticism gone, strict secrecy assured, the Government can now carry on their games, beneficent or nefarious, with perfect impunity. To crown all, the Act provides that an accused person shall be presumed to be guilty and the onus is upon him to prove his innocence. Nothing can be a grosser outrage on English jurisprudence, which justly claims superiority over the Continental."

Finally, "An Indian" concludes: "The Indian Government have set an example of introducing Continental methods and Continental ideals. Do not be surprised if the people, unjustly mistrusted by their rulers, in their turn follow on the same line, and invoke Continental dangers and abominations." It is a pity that, owing to the limited circulation of the 'Liberty Review' such an article as this will have but comparatively few English readers. It certainly deserves wider attention than it will obtain.

If the people of India are so attached to British rule it is mainly because of the excellence of British laws and their impartial administration. "It is far better that 99 guilty persons should escape than one innocent man should be punished"—is a principle which has done more to make British rule permanent in India than all the 75 thousand British bayonets put together have been able to do. Similarly a judgment like that of Sir L. Jenkins washes away the disastrous effect of a cart-load of official oppressions committed upon the unfortunate people every now and then. What a pity that Imperialism should seek to undermine the foundation of British rule in this country by introducing measures which are un-English in their nature, and entrusting the administration of justice to such men as Messrs. Aston and Clements.

If Sir William Ward's remarks on the transfer of the Chittagong Division in 1896 were prejudiced and foolish, so are his observations on the present proposals of Mr. Risley and Lord Curzon. He labours under the impression that, Lord Curzon has accepted his views in their entirety

so far as the Eastern districts of Bengal are concerned. Far from it. Lord Curzon, in spite of Sir William's "able and reasoned argument," has taken only so much of his views as suits His Excellency's purpose. For instance, Sir William would have no High Court and no Legislative Council in the new Province; but, Lord Curzon promises both in his Mymensingh speech. The most amusing part of Sir William's communication to the "Englishman" is his defence of the Assam Administration. It is, he says, as good as what prevails in Bengal. And how could it be otherwise when it was upwards of five years under the control of one who wrote "an exhaustive, able and reasoned argument" on the dismemberment question?

Sir William Ward is under the happy impression that Sylhet has vastly improved under the Administration of Assam. The census, however, discloses the dismal fact that the population of this district, both in the town and the Muffasil, has decreased to a large extent. Mr. Greaves, the District and Sessions Judge, who spent the greater part of his life in Sylhet in that capacity, also bears testimony to the palpable deterioration of the district in the matter of the administration of civil and criminal justice. Sir William confesses, he knows nothing about Dacca and Mymensingh; yet, he felt no scruple to recommend their transfer to Assam. Here is a curious sentence culled from his communication: "What Sylhet does not want is scarcely needed for Chittagong Mymensingh or even Dacca." An apt reply to the above, we fancy, is this: "Why, Sylhet does not want oranges at all; but, Dacca Mymensingh and Chittagong need them very much!"

Sir William Ward says that, when he visited Chittagong in 1896 and made some enquiries there as to the methods of administration, communications, education etc., he came away with the conviction that Assam had at least nothing to learn from the districts of that division. Sir William at the time clean forgot the fact that it is as emphatically true of Chittagong as of any other part of Bengal, that its capital is Calcutta. The inhabitants of the division look to Calcutta for their leadership and guidance. They are educated there; the Presidency and other Colleges count many Chittagonians as their brilliant students, while the great mass of students in the Calcutta Madrassa will be found to have come from Chittagong. The history of Chittagong is inseparably wrapped up with that of the Bengal Government. Bengal methods of administration pervade every portion of the division. The distance of these districts from Calcutta has now been annihilated by the railway. Instead of making his enquiries at Chittagong, Sir William Ward should have come to Calcutta to see how immensely has that division, which is proposed to be sacrificed for the sake of Assam, been benefited by its connection with Bengal.

The Madras "Hindu" and the Madras "Standard" say that the statistics furnished by Lord Curzon to prove that the British Government is faithfully and honestly discharging its duty in regard to the employment of the Indians in the public services will "decide no body." That is the verdict of the Indian Press. Here then we see Lord Curzon willing again to bring the people to his own views by eloquence and argument, as he failed in the case of the partition question. His object was not to convince Europeans, for they would not be gratified to learn that the Europeans were getting less, and the Indians more, appointments. Similarly, his efforts were equally unavailing when he sought to prove that the University measure was a boon, and not a retrograde movement, "in the guise of a reform." Is it possible that the Indians are so perverse that they cannot distinguish a curse from a blessing? Or is it possible that Lord Curzon has lost the faculty of distinguishing between reasoned and fallacious arguments? He compliments Sir William Ward for his able and reasoned argument in regard to the dismemberment question of Bengal. Yet no one perhaps has argued the matter more fallaciously and unintelligently than Sir William has done. Anyhow the Indians have not accepted the reforms, presented as such by Lord Curzon, without a strong protest. His Lordship has sought to persuade them to accept his views with all the powers—and they are transcendently high—he possesses, but without success. The fact is, the Viceroy has unconsciously adopted a creed the tenets of which are not only untenable but repugnant to all notions of right and wrong. His Lordship's view is that everything Indian belongs to England, and that whatever the Government parts with for India is a "gift." The Indians will, however, never accept gifts; what they want is a portion of what belonged to them and which is now in the custody of the rulers.

We are astounded to read the following letter from Burdwan:—

"I think you fully remember the Sangramgar shooting case. Justice Sale in reducing the sentence passed on Mr. Martin expressed an opinion that the Hazaras were the aggressors, without giving an opportunity to them to show that they were not so. On the above remark of Mr. Justice Sale the executive authorities at Burdwan have now passed orders to prosecute the Hazaras for rioting; although more than a year has elapsed from the date of the occurrence. The case against the Hazaras will be heard at Raneeungee by the Joint Magistrate on the 14th."

Now, we can guarantee that His Honour the Lieutenant-Governor knows nothing about this new scandal. For, Sir Andrew Fraser is incapable of sanctioning such a proceeding in a case which created the greatest sensation possible at the time of its occurrence, and which, in the opinion of the public, resulted, if not in gross failure of justice, but in a manner which was far from satisfactory. In short, Mr. Martin, who had coal business at Sangramgar, Raneeungee, one day proceeded to the Kutchery house of the Hazra Babus, armed with a revolver, and accompanied by another European, who had also a revolver in his pocket, and some half a dozen men, and shot dead one of the men of the Hazras named Bistu Bowrie. He was tried first at Burdwan and then at Alipur. Mr. Roe, the Judge of Burdwan, acquitted him. The Government, however, appealed against his acquittal and he was again put on his trial at Alipur, which resulted in his conviction and imprisonment for three years with hard labour. He appealed, and Mr. Justice Sale reduced the sentence to one of 18 months.

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At Burdwan Martin pleaded that his revolver, which was in his pocket, had, of its own motion, exploded and killed the man. At Alipur, it transpired from the evidence of an European expert that, it was impossible for the revolver to have exploded of itself and killed the man. Thereupon Martin gave up his previous plea of defence and urged that, it was by an accident that the revolver had gone off and done its deadly work. The jury which did not clearly understand the case before them, found the accused guilty under the second clause of Section 304 of the Indian Penal Code, that is to say, of the offence of culpable homicide not amounting to murder, the act being one, which, while there was no intention on the part of the accused to cause death, it must be taken the accused knew was likely to cause death. And as regards that verdict the learned Sessions Judge in sentencing the prisoner says as follows:—

"I accepted the verdict of the jury as I thought it enabled justice to be vindicated. The sentence passed was based on the assumption that the act of the accused in firing his revolver and killing Bistu was done either in excess of the right of private defence, or in the course of a sudden fight, in which sticks were used on one side, and a revolver on the other."

When the appeal came before the Criminal Bench of the High Court, Justice Sale admitted it on the ground of sentence only with these words:—

"Having regard to what appears in the heads of charge of the learned Sessions Judge, we are inclined to think that the evidence rather tends to show that the act committed was an act committed in excess of the right of private defence. We are inclined to believe that the opposite party, namely, the party of the Hazra zemindars were the aggressors, and being the aggressors, the accused in the exercise of the right of private defence fired the fatal shot. But we accept the verdict of the jury that assuming the shot to be fired in exercise of the right of private defence that right was exceeded."

As a matter of fact, however, the Hazra zemindars were not a party to the case. The only connection they had with the matter was that one of their men was killed by Martin. So the remarks of Mr. Justice Sale were made behind their back, and they were given no opportunity of rebutting the charge. The procedure which Justice Sale adopted was thus most objectionable on the face of it. That he authorities at Burdwan should take action upon these incidental remarks of a High Court Judge who, as we showed at the time, did not at all grasp the real situation, has shaken our breath away. The liberty of no man is safe if he can be dragged before a criminal court under such circumstances. We earnestly trust that, His Honour the Lieutenant-Governor will be pleased to send for the record of the case, and nip the scandal in the bud ere it assumes serious proportions.

YEAR after year the National Association for supplying female medical aid to the women of India, or what is better known as the Lady Dufferin's Fund, issues its splendidly got-up report beautifully illustrated with half-toned photos of the new European Lady Doctors added to the staff under the Fund. The illustrations are interesting and more so than the report itself. Now this Lady Dufferin Fund was founded upon a great misconception, namely, that Indian ladies patients refuse to be treated by male doctors. Some Indian sycophants of the Government whispered this falsehood into the ears of Lady Dufferin, and she was fired with the philanthropic idea of raising a fund, of course from the Indians, for the purpose of building hospitals for Indian women and putting them in charge of European female doctors. And thus two birds were sought to be killed by one stone—an opportunity was created for showing philanthropy and also for providing a good many berths for women belonging to the white race. The Fund, in the beginning, was raised in a manner which not only impoverished many of our big men but sometimes created scandals. Be that as it may, the Fund being principally maintained by Indians—Rajahs, Princes, Chiefs and noblemen—for medical aid to the women of India, it is out proper that Indian medical ladies should find greater patronage under the administration of the Fund than they hitherto have done. It might have been contended when the Fund was started, that there were not more than a few Indian ladies qualified by virtue of their education and professional attainments to be in charge of women's hospitals under the administration of the Fund. The same argument can no longer be put forward. It cannot be unknown to the administrators of the Fund that there are now scores of Indian ladies well-qualified to hold charge of hospitals and be placed in the first grade of Lady Doctors, some of them with qualifications superior to those of some of the European and Eurasian ladies we have on the list before us. Is it not remarkable that out of a total of 41 lady doctors in the first class only three are Indians and only 9 out of a total of 78 in the second class belong to the same nationality? The still lower grade abounds, of course, with Indian women. Injustice of such glaring description is rampant all over India, and this small sphere of the Lady Dufferin's Fund is none the less an example of the principle that the loaves and fishes are for the whites and the dregs for the blacks—a principle which now guides most of our rulers in their doctrine of "efficiency." The Fund might be utilized in a still more useful way, that is to say, in affording medical relief to the Indian masses, and on this point we shall make a few remarks in future issues.

From the papers received by the last mail we have been confronted by two contradictory statements in regard to the Tibet mission—both coming from responsible parties. One most important point in connection with the Tibet mission is whether the Indian Government has got the concurrence of China to send it into the heart of Tibet. Sir Cotton says that, far from approving the action of the Indian Government, China has



protested against it. This is what Sir H. Cotton said in his address on the Thibet Expedition, an account of which was published in these columns the other day:—

The fact was that every protest and every remonstrance of the Chinese authorities had been ignored. The local authorities practically took no notice of them, and the higher authorities both in India and England declined in any way to modify the policy of advance which had been laid down from first to last. The Chinese Government had been opposed to an armed mission into the heart of Thibet, the Chinese Foreign Office opposed it, the Chinese Minister in London had remonstrated against it, the Chinese Imperial Resident at Lhasa had written to Lord Curzon more than once begging that the Commission might be withdrawn, and the commissioners appointed by the Chinese Government to discuss frontier questions in dispute repeatedly protested to the British Commissioner, Col. Younghusband, against the advance of the mission."

Mr. Brodick however, in reply to a question in the subject tells a different story, as the following discussion in the House of Commons will show:—

"Mr. Brodick: The Suzerain Power (China) has been consulted throughout; it was with the full assent of the Suzerain Power that the first advance was made into Thibet, and it is owing to the obstruction of the Thibetans that the representatives of the Suzerain Power have not yet met the mission."

Mr. Flynn said the Blue Book did not bear that out.

Mr. W. Redmond asked who would pay the cost of the mission.

Mr. Lough inquired if the Suzerain Power had requested the withdrawal of the mission.

Mr. Brodick: No. I do not think it is correct to say that; the Suzerain Power has throughout desired to meet the mission on Thibetan territory. The expenses of the mission will be paid by India."

Now, whom to believe—Sir Henry Cotton or the Hon'ble Mr. Brodick?

SCRAPS.

"Max," the well-known writer in "Capital," says that there is money in frogs legs. We are told that frog trade is growing to great and still increasing dimensions in America. St. Paul and Minneapolis are the great centres of the trade and frog legs are purchased all over the States for shipment to these two cities. Five years ago there was no such trade. Now the business amounts to upwards of Rs. 3,00,000 a year, requiring the slaughter of no less than 50,00,000 frogs. In nearly every considerable hotel frog legs are to be found on the bill of fare. In New York they cost from thirty-five to fifty cents per dozen. One leading New York hotel uses up fifty dozen per day. The frog-catchers in America make each about Rs. 9 to Rs. 30 per day during the season and there is a continuous demand for all they can catch. They use the legs for food instead of chickens and the skins are sought after for bookbinding. In India we have enough frogs to spare and as there is no demand for home consumption a lucrative business can easily be started by enterprising men with a nominal capital. We hope some of our young and energetic men will profit by the noble suggestion of "Max."

Following the time-honoured custom, this year on the day previous to the Chait Sankranti day, a party of "Shang" (clown) paraded the streets of Dacca. Anant thus our correspondent writes:—This party was organised by the low class people; and they ought to be congratulated on their special selection of the subject, which was "a sitting of the gods to discuss the partition of Bengal." The scene represented was this: "Shiva" with his flowing matted locks and with his fair consort "Gouri" by, is being appealed to by "Narad" in his sweet strains, while all other gods sit around them. The subject of Narad's ("Wire-puller") song translated briefly stands thus: "Thou the mighty god, what does this mean? You are lord over Kalighat-kali, Dhakeswari and Kamakhya alike; then why Dhakeswari would be made subject to Kamakhya? You are always drunken, so you do not see the course of matter. Unless you do justice to the people of Dacca, I will proceed on to Baikunthachiam to memorialize the Supreme Srikissen." Now, let Lord Curzon come forward and see things for himself, whether the illiterate people understand anything of the same proposal, whether it is the "wire-pullers" who raise all objections in the name of their unlettered fellow subjects. Needless to say that this party was hailed and amply rewarded wherever they went.

It is indeed a great sin to give offence, knowingly or unknowingly, to a Magistrate, but, it seems, to displease the servant of a Magistrate is the greatest of all offences. Two cases have lately cropped up—one in Mangalore and the other in Pabna—showing how several poor men suffered for incurring the displeasure of an official and a servant of an official respectively. Both the cases cropped up in connection with local ferry fiascos. The Pabna case, which was heard by the Calcutta High Court on Friday last, was more remarkable inasmuch as several persons were illegally made to rot in jail for 27 days simply because they had the ill-luck of being tried by an over-zealous Magistrate. The facts of the case were that on 20th February last a Chuprasse of Mr. Marr, Sub-divisional Magistrate of Serajgunj, was proceeding to his master's camp with the officer's tent and other articles. They had to cross a river and on reaching the ferry ghat, they found no boat, which was on the other side of the river. They then called out the Manjhi and used abusive language towards the ghatwal. However they crossed the river by another boat which was passing at that time. The Magistrate's men then asked the ghatwal and others to assist them in taking down the articles from the boat, which they refused. High words passed between the parties which resulted in a scuffle. The Chuprasse lodged an information with the police and the Inspector sent up 30 men before Mr. Marr under sections 147 and 325 I. P. C., who remanded them to jail refusing bail, though charged with bailable offences. After a confinement of 27 days the poor men got their liberty by moving the Sessions Judge. They then moved the High Court for the transfer of their case and obtained a rule. The Mangalore case ended in the conviction of the contractor. Mr. H. O.

D. Harding, District Judge, reported to the Collector, Mr. P. S. P. Rice, that the contractor of the Bolar Ferry delayed to ferry over his "saman" from Bolar to Ullal. Mr. Rice, as President of the District Board, ordered criminal prosecution to be instituted against the contractor, who was accordingly arraigned before the Town Sub Magistrate and fined Rs. 75.

We congratulate the Sikhs on the success of their All India Conference held at Amritsar on Tuesday last under the presidency of the Raja of Nabha. The object of the conference was to guarantee the success of their national institution, the Khalsa College and nineteen lakhs of Rupees were raised on the spot. In the course of his speech he said:—"No nation can maintain its existence without combining religious instruction with intellectual education. If modern education is to prove destructive of the sacred and spiritual teachings of the Gurus, it will be highly unfortunate for us, and if intellectual culture is to result in a deterioration of physique and in a diminution of spirit, of fidelity and loyalty to the Crown, our national existence will be in peril. We can benefit only from the education which preserves our religious faith, and at the same time helps to build up our physical strength and courage. An education, so called, which renders our youths incapable of handling the sword because they use the pen, will be harmful and injurious to us as a nation, but that day will be a blessed day for the Khalsa when the hand which draws the sword against the enemies of the British Crown is equally ready to take up the pen when needed in the same cause. Khalsa brethren, this is a most critical moment in the history of our nation. There are only two courses open to you to-day, either to go forward or to go backward. It is impossible to remain stationary. You are at liberty now to choose either course for yourself. I only wish to warn you that if you are to stand still while other sections of the community are making such marked progress you will bring about your own fall. The College is an instrument of our advancement in learning and it is your bounden duty to help it. If you eagerly desire that your sons may obtain moral and religious education based on the inspired writings of the Gurus, which are marked by simplicity, universal toleration, and purity, you must now come forward to show your sympathy in a practical manner." After distributing the prizes he exhorted the Sikhs to have no party faction—no Lahore party, no Amritsar party—and promised a Government contribution of fifty thousand to the building funds, and said he was always ready to assist in the development of the Institution.

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News of the Day.

A son was born to the Jubaraj of Tippera on Monday, the 11th instant.

Arrangements are being made for the young Maharaja of Patiala to attend the Aitchison Chiefs' College this year.

Exploring operations for coal are being undertaken in the Rawal Pindi district of the Punjab by an Indian firm of bankers and contractors.

Sir Arnold White, Chief Justice, Madras, who returned from leave a few days ago, is compelled to leave for home at once, owing to the state of his health.

There have already been sporadic cases of typhoid fever in the cantonments and villages in the Quetta district, while national alarm has been caused owing to a few fatal cases of plague in Sibi plague segregation camp from imported cases.

The first meeting of the new Bombay Municipal Corporation was held on the 10th, when, on the motion of the Hon. Mr. P. M. Mehta, seconded by the Hon. Mr. Ibrahim Rahimtulla, Mr. James Macdonald was elected President of the Corporation.

Lady Jenkins, who has a great reputation amongst fair "shikaris" in India, has added to her list of trophies by bagging another tiger. She shares with Miss Pole, Sir George Luck's niece, the record for lady tiger-slayers in India.

The mortality in Bombay from all causes for the week ended 12th April was 1,346, and the deaths recorded from plague were 814, or a decrease of 321 in the latter and 439 in the preceding year was 2,025, and that of cases of plague recorded 1,360.

It is reported that at the camp at Dhagal near Rawalpindi recently during the gun practice of N. 5 Mountain Battery with the new loading 2.95 steel joined gun, a breech block was blown out, and Sergeant William Mussel, serving at the gun, had the upper part of chest and head blown clean away.

The Government of India have received a Despatch by the last mail from the Secretary of State for India sanctioning the prolongation of the Indian Mail Contract with the P. and O. Company for a further period of three years. The only noteworthy part in the journey of both the outward and inward mails by twenty-four hours.

The Twelfth Session of the Madras Provincial Conference will be held on the 23rd, 24th, and 25th May at Ranipet—an important commercial centre connected with Walajah Road Junction by a branch line of the Madras Railway. Dewan Bahadur K. Kistnaswami Row, late Dewan of Travancore, has accepted the Presidency of the Conference.

Some fine samples of green and ruby mica from Madras have been obtained for the economic gallery of the industrial section of the Indian Museum in Chowringhee. It would be interesting to learn whether specimens of the same nature occur in other parts of the country. They do not, we believe in Bengal, where the mica industry is getting an important one.

The Chapard project of the Kurnool-Cuddapah Canal is nearing completion. Some of the earth work of the branch channels only remains to be finished. It is said that water will be let into the Canal in August. The completion of this scheme will make a great change over a large portion of the Proddatur Taluq, ensuring a constant supply of water keeping several tanks full, replacing dry cultivation by wet, and bringing land hitherto untitled under cultivation. Many more people would now find employment, and that it is more regular way than formerly when there was no certain supply of water.

THE TILAK CASE.

JUDGMENT.

EMPEROR VS. BAL GANGADHAR TILAK.

3rd March 1904.

Coram:—Jenkins C. J. and Batty J.
Per curiam:—The charge on which the accused has been tried is under Section 193 of the Indian Penal Code with intentionally giving false evidence in a judicial proceeding in that he made the following statements, while under examination as a witness, during the hearing of Miscellaneous Application No. 12 of 1901 in the District Court of Poona:—

(1) The boy was normally placed by his father on the lap of Tai Maharaj, and Tai Maharaj gave him sweetmeats, and then the father said to Tai Maharaj now you should protect the boy, the boy has now become your son: whether fool or wise he is yours."

(2) We never kept her under restraint for intended to do so."

Mr. Clements, the Magistrate appointed to hear the case, found the accused guilty in respect of both statements, and convicting him of the offence, passed on him a sentence of 18 months' rigorous imprisonment, and of a fine of Rs. 1000, with 2 months' further rigorous imprisonment in default.

On appeal Mr. Lucas, the Sessions Judge of Poona, has found the accused guilty in respect of the first statement alone, and reduced the sentence of 18 months' to 6 months' rigorous imprisonment.

The accused has now applied to us in revision, basing his application principally on the grounds, first that the Magistrate and the Sessions Judge have failed to call evidence necessary for the proper determination of the case and secondly that the reasons of the Sessions Judge are insufficient to support the conviction. To understand the case a brief outline of the admitted facts is desirable.

On the 7th August 1897, Shrimant Shri Vasudev Harihar Pandit alias Baba Maharaj, a Sirdar of considerable position in the Deccan, died leaving a will, whereby he appointed as his representatives the accused, Rao Sahib Kirtikar of Kolhapur, Mr. Kharade, Mr. Kumbhojkar and Mr. Nagpurkar, and to them he committed wide powers of management over his property. Rao Sahib Kirtikar declined to act, and probate was granted to the rest. The testator was survived by his widow Tai Maharaj, who was pregnant at the time, and by his will he directed, in the events there indicated, that she should adopt a son with the advice of the Trustees.

A posthumous son was born, but he died and then the necessity arose of making an adoption. After some discussion in which the Trustees and Tai Maharaj took part, it was determined that a visit should be paid to Aurangabad in connection with the adoption of a son, and accordingly on the 19th of June 1901 Tai Maharaj and Messrs Tilak and Kharade with a number of attendants left Poona for Aurangabad. Several boys were seen, and ultimately the choice fell on Jagannath, the son of Bhau Sahab Dev as the most suitable of those who had been inspected. Documents were executed in relation to the adoption, and on the 28th of June the party started for Poona. The first of the two statements charged as false evidence in this case relates to what is alleged to have occurred at Aurangabad on the morning of the 28th. Soon after the return of the party to Poona, Tai Maharaj expressed his intention to adopt a young man from Kolhapur named Bala Maharaj, and ultimately purported to carry his intention into effect. This brings us to the judicial proceeding in which the false evidence is stated to have been given. It commenced with a petition by Tai Maharaj to which the executors were parties as opponents, asking that the probate granted to them might be cancelled.

Such an application could only be made under Section 50 of the Probate and Administration Act of 1881, and the only grounds stated in that Section as a just cause of the cancellation which could have had any application were the 4th and 5th, with neither of which had the alleged adoption at Aurangabad anything whatever to do. Yet the accused, though cited by the petitioner as her witness, was kept in the witness-box, we are told, for no less than 17 days, during the greater part of which he was subjected to a most rigorous cross-examination by the person by whom he was called on matters wholly irrelevant to the subject then under investigation.

It was in the course of this examination that the accused made the statements on which the present charge is based. The law of England requires that a false statement in order to support a charge should be material to the question in dispute, but the Penal Code does not impose that qualification, so that we need not consider the question how far the statement became material through the error of the Judge, who permitted it to be put. We have nothing to do with the second of the two statements, for Mr. Lucas has held the charge in respect of it not proved. We are only concerned with the first. The prosecution in respect of these statements originated with a document, described as an order, sent by the court before whom the application for cancellation of probate was made to the City Magistrate of Poona.

The offences ascribed by that document to the accused are many, and include forgery and the using as genuine a forged document; yet though the accused demanded that those charges should be proceeded with, this was not done, and the Advocate General has stated in this Court that all charges, except that in question now before us, have been abandoned. First we will deal briefly with the objection that the Magistrate and Sessions Judge failed to call evidence necessary for the proper determination of the case.

The accused desired that Kumbhojkar should be examined on commission; he lived outside British territory, so his attendance before the Magistrate could not be secured, while it is clear his evidence might have been of considerable value to the accused.

On the 10th of February 1903 at the accused's instance the Magistrate decided to ask for a commission under Section 506 of the Criminal Procedure Code in the case of Kumbhojkar.

On the 26th of February Mr. Strangman, counsel for the prosecution, stated that he had good reasons for believing that Kumbhojkar would appear on the 16th of March if summoned. A summons was therefore issued and further proceedings in the matter of the Kolhapur Commission were stayed.

On the 13th April (to which date proceedings were adjourned on the 16th March) "Mr. Strangman produces the evidence of two witnesses,—1 Nagpurkar, 2 Vishnu Narayan,—regarding Kumbhojkar's movements. Yeshwant Ganesh is also examined by the Court. Mr. Karandikar is informed by the Court that the Court does not now consider that there are any grounds to issue a Commission for Kumbhojkar's evidence."

Now what was the evidence on which this conclusion was founded? Nagpurkar and Vishnu say in effect they were told by Yeshwant that Kumbhojkar was in Poona, so that their evidence was merely hearsay; but that is not all, for Yeshwant when called gave a direct denial to this.

How this evidence was made a ground for the decision we cannot conceive. The Sessions Judge thought "it would have been wiser if Mr. Clements had issued a Commission for the examination of Kumbhojkar at Kolhapur;" it certainly would.

But this does not exhaust the accused's complaints for he desired that Shankar Hari Gurav, Laxman Shivram Mhasvade and Anant Narayan Bele should be called by the Court.

The last of these three was an important witness, for not only did he accompany Tai Maharaj to Aurangabad, but also according to Parvati, one of the witnesses for the prosecution (Exhibit 52), "on Dwadashi Antoba Behals distributed sweetmeats as Jagannath had become Tai Maharaj's Yajman, i.e. master." Antoba Behale is Anant Bele, we are told, and "Dwadashi" is 28th of June. Anant Bele is also said to have written an Exhibit which was treated as of considerable importance by the Magistrate, Exhibit 14.

The Sessions Judge has commented on this and expressed the opinion that the prosecution erred in not calling these witnesses. With this we agree.

In explanation of his determination the Magistrate says "there are facts in this case which strongly support the prosecution in saying that these witnesses would not speak the truth." On this Mr. Branson has commented that nowhere on the record does it appear that Counsel for the prosecution made any such case, and this comment has not been displaced by the prosecution. The considerations which weighed with the Magistrate were:—

(a) The extraordinary popularity and influence of the accused.

(b) That there was evidence which suggested the inference that the accused took steps to undermine whatever authority Nagpurkar had over the establishment at the wada.

(c) That there were facts which showed interference on the part of the accused with witnesses and persons, who might have given evidence for the prosecution;

(d) That there was a very instructive example of the accused's methods in the case of Parvati, and

(e) That it was in evidence that Shankar left his place in the wada while the case was going on and that Anant Bele had deserted Tai Maharaj."

It will be seen that only the 5th of these considerations had any direct application to the particular witnesses; the other four can only be noticed to be condemned, and we pass them by without more.

The evidence as to Bele's untruthfulness is Nagpurkar's and as to Shankar's is Tai Maharaj's, and we are of opinion that the Magistrate was wrong in concluding on their testimony they would not have spoken the truth.

The Sessions Judge has pertinently remarked that all the Magistrate could assume was that perhaps they would not speak in favour of the prosecution. No reason personal to Laxman was adduced.

We think the objection urged by Mr. Branson to the course adopted by the Magistrate and not corrected, though disapproved, by the Sessions Judge, well-founded.

This brings us to the gravest aspect of the case, we mean the objection urged and supported most ably by Mr. Branson, that the reasons of the Sessions Judge are insufficient to support the conviction.

Now what is the evidence as to the truth or falsehood of the first statement.

The direct oral evidence consists of the sworn testimony on the one side of Tai Maharaj to its falsehood, and on the other of the several witnesses called for the defence, who deposed to its truth.

The defence witnesses include (1) Krishna Shastri bin Nathu Shastri Durge, Exhibit D. 67, whose occupation is described as the "observance of the daily routine of ceremonial worship" and who was the astrologer consulted in connection with the Aurangabad adoption; (2) Mahadeo Ganesh Kale, Exhibit D. 72, a pleader of Aurangabad; (3) Krishnaji Govind, Exhibit D. 73, an acting teacher in a school on a salary of Rs. 75 per month; (4) Laxman Trimback Parnaik, Exhibit D. 74, a pleader in His Highness the Nizam's Courts; (5) Vinayak Balkrishna Dhongade Exhibit D. 77, a school-master on Rs. 12 a month; (6) Raghunath Divakar, Exhibit D. 78, an Educational Inspector's Karkun on Rs. 15 per month; (7) Keshav Vithal Bhide, Exhibit D. 80, Head Clerk, Educational Inspector's Office, on a pay of Rs. 45 per month and with a private income as an Inamdar of about Rs. 500 per annum; (8) Shankar Balwant Pophe, Exhibit D. 81, Assistant Master of the High School, Aurangabad, on a pay of Rs. 20 per month, and (9) Malhar Bhausaheb Dev, Exhibit D. 82, Jagannath's father.

Here then we have in opposition to Tai Maharaj's interested statement the testimony of several witnesses of apparent respectability, and yet the whole of their evidence is put on one side without a word of comment, beyond a profitless generalization as to the unreliability of native testimony. These witnesses were not examined before the Sessions Judge or for the matter of that before the Magistrate, so that this wholesale disregard of their testimony can not even be defended on an appeal to the opportunities of just appreciation commonly ascribed to the officer before whom witnesses are examined.

"We must be careful," it was said in "Mudhoos Soodun Sundial vs. Suroop Chunder Sirkar Chowdhury" (Moore I.A.p. 431, at p. 441) "not to carry this caution to an extreme length, nor utterly to discard oral evidence merely because it is oral, nor unless the impeaching or discrediting circumstances are clearly found to exist. It would be very dangerous to exercise the judicial function, as if no credit could necessarily be given to witnesses deposing 'viva voce,' how necessary so

ever it may be always to sift such evidence with great minuteness and care." What is here said applies with even greater force where the witnesses thus dealt with are called on behalf of the accused and where in the result action is taken against him. We can find in the judgment of the Sessions Judge an attempt at sifting this large body of Aurangabad evidence, and, had it been necessary, we should have been prepared to hold that the absence of any discussion of this evidence for the defence constituted such a grave omission that on that ground alone we would be bound to interfere. But we proceed in preference to discuss the case on the further lines on which it has been argued before us.

At the outset it is desirable to observe the foundation on which the Sessions Judge has built up his conclusions. He says: "After a very careful consideration of all the evidence I have reluctantly come to the conclusion that it is quite unsafe to believe any of the oral evidence in the case except in the following cases:—(1) When it is borne out by documentary evidence, (2) When the statements and admissions are against the interest of the side on which the witness is examined, (3) When witnesses on either side agree as to any fact."

We have already pointed out that the only oral evidence directed against the accused is that of Tai Maharaj; and as to her and Nagpurkar, the Sessions Judge himself has said not merely that he was not prepared to act on their evidence, but that he was convinced, both of them had given false evidence against the accused before Mr. Clements.

Now it is necessary to see what Tai Maharaj's evidence on the point is. It is quoted in some detail in the Sessions Judge's judgment and we need not now repeat it here; suffice it to say that it agrees in no respect with the version given by the accused and his witnesses; she even describes such scene as she admits as having occurred in her bed-room. It remains then to be seen how her version is borne out by the documentary evidence. This part of the case is rested on the documents to which we will now refer.

They group themselves under two main heads, those prior to the visit to Aurangabad and those that came into existence during or after that visit; of the first it is said that they do not point to a fixed plan to adopt a boy at Aurangabad, that on the contrary they show Tai Maharaj had by no means abandoned the idea of adopting Bala Maharaj of Kolhapur; of the second group it is said that there is a significant absence from them of reference to a corporeal giving and taking, and that they negative it at any rate by inference.

Now the first group is obviously the less important; and it is doing it no injustice to say that for the purpose in hands it would, standing alone, be of no value; at most it could only give colour of probability.

We therefore pass it by for the present and proceed to a consideration of the second group which falls into existence during the visit to Aurangabad and those subsequent to it.

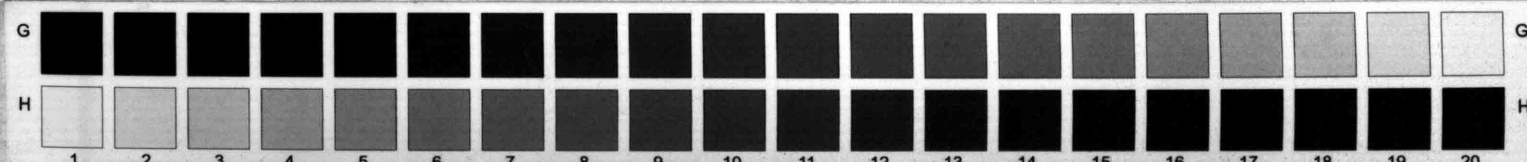
Now the documents in the first of these divisions call for the comment that in the circumstances they could not be, or contain, a narrative of the occurrence to which the accused deposes; they were prior to it, so that all that can be said of them is that they lend a probability to the one version or the other as representing what immediately before the event it was expected would happen. These documents too, it is obvious, are open to the same remark as the first group on which we have already commented.

This brings us to the second division of the second group. As the argument derived from the silence ascribed to the accused has occupied so large a place in the discussion before us, it will be convenient to consider here its value as an incriminating circumstance. It is usual to refer this class of proof to the maxim "qui tacet consentire videtur," but like most maxims, this must be taken with considerable qualification even in a civil suit, much more when it is used to establish the guilt of an accused. For silence to carry incriminating force in a case like the present, there must have been circumstances which not only afforded the accused an opportunity to speak, but naturally and properly called for the declaration which is said to be absent. The first documents that call for notice are 68 A and 68 B, both purporting to be sent by Tai Maharaj to Mr. Aston, as Agent for the Sardars in the Deccan, the first being written in English by the accused himself, the second in Marathi at his dictation. It is true that in neither of these documents is the corporeal giving and taking mentioned; in Exhibit 68 A it is said that the party went to Aurangabad to see and select a boy eligible for adoption, that Tai Maharaj had selected Jagannath, that preliminary documents had been executed, and that the ceremony of adoption would be shortly celebrated; 68 B is substantially to the same effect, but special reliance has been placed on the statement that "The celebration of the adoption ceremonies will take place at Poona hereafter when your Honour will of course be invited to the Darbar according to custom."

First then what is the value of the fact that in these documents the corporeal giving and taking is not mentioned in the figure of the principle to which we have referred? In our opinion it has no appreciable force as a piece of self-serving evidence: the proceedings at Aurangabad were not questioned at that time, much less was there any denial of a corporeal giving and taking, so that there was no occasion for the statement as to a detail of whose absence so much is made.

And we may here appropriately allude to the accused's statement in the Miscellaneous proceedings that he had never heard that Tai Maharaj disputed the fact of adoption, and in truth it would seem that until those proceedings the corporeal giving and taking had never been questioned or even mooted.

In 68 A it is said "the ceremony of adoption will shortly be celebrated in Poona when due intimation and invitation will be formally given to your honour," and stress had been laid on this by the prosecution as implying that the giving and taking still remained to be performed. But it has not been suggested, that it would be either necessary or usual for the Agent for the Sardars to be invited to witness the giving and taking of a son in adoption. Next the expression "the ceremony of adoption will be celebrated" is at least ambiguous; it may as well connote commemoration as performance. And even if the phrase be construed in the sense of a performance with appropriate rites and ceremonies, still, on the authorities, that would not negative the idea of a prior secular giving and taking.



The accused was not even questioned as to the precise force of this English version.

The passage in 68 B, which we have read, at first sight appears to tell against the accused, when regard is had to the Marathi words used. Those words are "Datta Vidhan Samambha," which have been rendered "the adoption ceremonies." The arguments is that in as much as the words "Datta Vidhan" mean the "act of giving" the expression must have meant that there was to be an actual ceremony of giving and taking. But the expression has been clearly explained by the accused in the course of his examination in the Miscellaneous proceedings, though the pleader by whom he was examined either could not, or would not, understand the explanation. That explanation is that the words refer to the social functions in connection with the adoption, and if that be so, it does away with the idea of an inconsistency with the statement on which the accused is charged. No evidence has been adduced to show that this explanation is incorrect and in answer to a question put to him by the Court, the Advocate General, on instructions, has admitted that if the accused intended to refer to the social ceremonies he names, there was no other expression that he could so appropriately have used. We have parallel expressions in English, where we speak of a wedding breakfast or a christening party without in any way suggesting performance at those social functions of any ceremonial rites.

The next document is Exhibit 19 in appeal, a letter dated the 30th of June 1901, and written by Nagpurkar under Tai Maharaj's order to Kumbhokar.

It is said that there is no reference here to giving and taking; but in the first place this letter was not written by the accused; and next it is to be noted that in describing the events at Aurangabad Tai Maharaj says, "Mr. Dadasaheb Khaparde told me to adopt any one of those, especially, if possible, 'the very boy who has now been adopted.'" These words clearly indicated a complete adoption and all that is essential to it, including a taking in the lap, with which every Hindu must be familiar as a necessary act to a complete adoption. This is in accord with what is later said in the letter:—"In short there now remains no work connected with adoption. The ceremony which has to be performed will be performed soon after selection of an auspicious day."

Exhibit D. 63 written on the same date in our opinion suggests no valuable inference either way.

The prosecution then refer to Exhibit 63, suggesting that the heading is not consistent with a corporeal giving and taking, and that the mention of gift and acceptance in the item opposite the sum Rs. 15-13-6 was an interpolation by the accused. The second of these suggestions is absolutely unwarranted, and appears to have been first made on appeal, while the heading was not written by Tilak, and is not unequivocal.

Then on the 5th of July we have a report D. 14, by the accused to the trustees of the estate, in which it is distinctly stated that the party returned from Aurangabad "after giving a boy in adoption on the lap of Shri Tai Maharaj," and "after finally disposing of this matter as settled." From Exhibits 22 and 22 it appears that this report came to the knowledge of Nagpurkar and that he recorded his assent.

The importance of this is that Nagpurkar, who after the visit to Aurangabad was working throughout with Tai Maharaj and against the accused, never challenged this distinct statement of corporeal giving and taking until several months later. In the face of this statement we are unable to understand how the Sessions Judge can have thought that the corporeal giving and taking was never asserted by the accused, or how he could have been led to explain away that explicit statement as merely metaphorical. It was admitted before us that no other expression could with equal propriety have been used to express the corporeal act, and it appears to us antagonistic to the first principles of Criminal Jurisprudence thus to explain away to the prejudice of the accused a statement, which in its legitimate sense indicates a corporeal giving and taking. The prosecution have attempted before us to get rid of the effect of this document by impugning it as an antedated fabrication, but nothing has been shown to support this contention, which does not seem to have been made before the Magistrate, and is not noticed by the Sessions Judge, and is negatived by Exhibit 23. Finally the all important statement in Exhibit D. 14 that the party returned after a boy had been taken on the lap by Shri Tai Maharaj in adoption and after finally disposing of the matter as settled deserves complete confirmation from the passage in Nagpurkar's assent in Exhibit 22 wherein he says "I will not help Shri Pandit Maharaj and Shri Tai Maharaj for setting aside Aurangabad adoption." On the 6th of July Tai Maharaj went to the Agent of the Sirdars and in Exhibit D. 22 we have a complete statement of all she told him. That document was written by her in his presence and it starts with the assertion "the son made by Tilak, is not pleasing to me." This in our opinion is an admission that the adoption had taken place, but for some reason is passed over without comment by the Sessions Judge. The Advocate General seeks to minimize the force of this sentence by contending that it must be read with Exhibit 19 in appeal, and that its true meaning is that the accused acted for her in the transaction. But this does not take away from the finality of the adoption implied, confirmed as it is by the phrase "the very boy who has been adopted," in Exhibit 19 in appeal.

We now come to the telegrams and letter sent by the accused to Kolhapur on the 11th of July after Tai Maharaj had attempted to proceed with the adoption of Bala Maharaj. The first is Exhibit 10, a telegram from the accused to the Diwan of Kolhapur, in which it is said "giving and acceptance of a son by Tai Maharaj has been completed by registered deed at Aurangabad with trustees' consent." The prosecution lays stress on the reference to the giving and taking by registered deed, ignoring the effect of the word "completed," which is certainly susceptible of the meaning that the registered deed was by way of complement to the act of giving and taking, of which it supplies tangible evidence of a character likely to influence the person addressed.

In D. 41, a telegram from the accused to the Diwan it is said, "Trustees cannot sanction Bala Maharaj's adoption. Another boy has been already given and taken. Any other adoption would not be valid in law." Here the giving and taking is distinctly asserted as a bar to future adoption.

In D. 42 the accused telegraphs to the Diwan, "Any adoption by Tai Maharaj without trustees' consent is void and illegal according to Baba Maharaj's will and even if sanctioned by the Durbar will be contested." Exhibits D. 43 and D. 44 to the Sarnayadash and the Chitnis were in the same terms. In these telegrams an additional ground of objection is advanced, but in no way traversing or antagonistic to the others.

D. 45 is a letter written by the accused to the Diwan, in which he states the objections to Tai Maharaj's proposed adoption of Bala Maharaj.

Relying on the decision of the Privy Council, the accused maintains that Tai Maharaj cannot adopt any boy without the consent of the trustees, and he then proceeds to state the circumstances connected with the Aurangabad adoption asserting that Tai Maharaj selected and settled to take in adoption a boy named Jagannath, that a registered deed was passed by the father of the boy to Tai Maharaj giving his son in adoption and that Tai Maharaj accepted the gift by a shera on the document; the letter then proceeds "the adoption business is thus practically completed so far as the giving and receiving of a boy is concerned, and no other boy can now be adopted according to law. What remains is the ceremony which the trustees have resolved to celebrate soon after His Highness' permission to adopt is obtained in this case."

Later on it is said "when we returned from Aurangabad, it became known both here and at Kolhapur that the trustees were unwilling to adopt a boy above 12 and a boy from the Aurangabad family or branch 'has been selected, given and taken for adoption.'"

In our opinion this letter as will even more clearly appear from the summary of it in Exhibit D. 46, a document of the next day's date was intended to allege that as far as the giving and receiving were concerned, nothing remained to be done. We would here recall the fact that the corporeal giving and taking had been asserted 6 days before in the report, and it is inconceivable that the accused meant to retire from that position, which had not been challenged.

The next document on which the prosecution relies is the plaint in the suit No. 237 of 1901 brought by the accused alone on the 12th of July against Tai Maharaj and others to restrain her from adopting without the consent of the trustees.

We are invited to draw an inference adverse to the accused from the fact that a corporeal giving and taking was not alleged, and this omission is regarded as a "very significant fact" by the Sessions Judge.

We cannot understand how such an argument can have been seriously advanced, or for a moment entertained. The suit was brought by the accused alone for an injunction, so that the events at Aurangabad were irrelevant, for even a giving and taking would not have created a right of suit in the plaintiff. His cause of action was the attempt to adopt without his consent. And yet an inference adverse to the accused has been drawn, because he has refrained from making an allegation that was not relevant.

We cannot for one moment adopt that view.

The Advocate-General has suggested that Tilak ought to have joined Jagannath as a party; but the only answer the suggestion calls for is that in fact he did not, but rested his case, as he was entitled to do, on the cause of action appropriate to himself. As a matter of fact the pleader, who is responsible for the plaint, has given an explanation of how it came to be drawn as it was, and we know of no reason why that should not be accepted; but to regard the omission of a statement that there has been a giving and taking as significant is to misapprehend the legal position and we hold that no inference adverse to the accused can be drawn from the plaint. Moreover Nagpurkar's recorded dissent may well have furnished a reason for avoiding any question as to the Privy Council ruling to which reference was made and on which Nagpurkar was known to rely, (see Exhibit D. 14.)

On the 13th July the accused wrote Exhibit 74 to the Agent for Sirdars, a letter, in which he said, "as a matter of fact the giving and receiving in adoption of such a boy has been affected with the full consent of Tai Maharaj at Aurangabad.... The adoption now proposed is virtually a second adoption and therefore void in law." Much is made of the expression virtually a second adoption and evidently it was not without its influence on the Sessions Judge.

Seeing that the accused regarded the sanction of the Kolhapur Darbar as requisite to make the adoption fully operative on the Kolhapur property it is not surprising that he should have used such phrases as "virtually and practically completed," and deference to the Kolhapur Darbar on this account may have influenced his choice of expression in Exhibits D. 42, D. 43 and D. 44 to which we have already referred.

The next document is Exhibit 20 which throws no certain light on the case, and as far as we are aware no explanation of this has been sought from the accused nor can any inference unfavourable to him be drawn from it. The same remark applies to D. 49, while Exhibit 21 throws no light on this part of the case.

Then we come to Exhibit No. 44, the petition for cancellation of probate, and the only remark for which this document calls is that in it Tai Maharaj does not deny the factum of adoption, but merely alleges coercion. We do not however attach importance to this omission.

Exhibit No. 11, is a document prepared by the accused and solemnly affirmed by him on the 15th of November 1901.

The prosecution attach the greatest importance to it as purporting to give in detail all the proceedings connected with the adoption at Aurangabad, and yet as alleging only a gift, oral and in writing without specially alleging the taking in the lap.

But the fallacy lies in estimating what the document ought to have contained in the light of the subsequent dispute; at that date no dispute had been formulated as to corporeal giving and taking, and the point naturally emphasized was the permanent evidence in the documents executed, for it would not have occurred to any one that it was necessary in stating that a boy had been adopted to reiterate the observance of the details necessarily implied.

Having dealt with the evidence on which the prosecution relies it will be instructive

now to observe the standard of caution in relation to charges of perjury observed by the highest authorities.

According to the criminal law of England, from which our system is so largely drawn, the assignment of perjury must be proved by two witnesses, or by one witness and the proof of other material and relevant facts confirming his testimony. And we have it on high authority that this "is not a mere technical rule but a rule founded on substantial justice." The Indian Evidence Act, it is true does not provide that there must be corroboration to support a conviction, but in ordinary cases and where the provisions peculiar to Indian Law do not apply, a rule which is founded on substantial justice may well serve as a safe guide to those who have to administer the criminal law in India.

Judged by this standard the conviction clearly can not stand, but even if it be discarded, it is in our opinion clear on the face of the Sessions Judge's judgment that there is not enough to support the conviction.

To summarize the position it comes to this: according to the Sessions Judge Tai Maharaj, the only witness for the prosecution on this point has given false evidence against the accused in this case, and cannot be credited except where her testimony has been borne out in one or other of the 3 modes named by him; the Advocate General in reply to a question from the Court has been unable to suggest that any but the first of these 3 modes can apply here; that is that Tai Maharaj's statement is borne out by the documentary evidence. In our opinion the documentary evidence when properly considered absolutely fails to bear out Tai Maharaj's negation.

A practical test of the value of these documents may be furnished by supposing that they constituted the sole evidence in the case, and that the accused was being tried on them before a Judge and a Jury: in such circumstances we have not the smallest doubt that it would be an error of law for the Judge to allow the case to go to the jury. And yet we find the Sessions Judge says that "If it had been found impossible to procure Tai Maharaj's attendance in this court, the case against the accused on the first and most important part of the charge, at any rate, would have lost none or practically none of its strength."

Our view of these documents is that even on the Sessions Judge's adverse reading of them they could not in reason do more than create suspicion and fall wholly short of legal proof or corroboration.

When the judgment is analysed it will be seen that it is really based on the inferences drawn from an assumed silence; but as we have already shown the silence could only be assumed by wresting words from their plain and natural meaning, and even were that not so, the circumstances at no time demanded the deduction whose absence the conviction is based.

When the accused's statements are given their legitimate effect, we refer in particular to that contained in exhibit D. 14, it will be found that so far from there being a significant silence on his part, there was a distinct assertion by him which was never traversed until the proceedings in which he is supposed to have given false evidence. The onus has been wrongly placed; explanations have been demanded from the accused when no occasion for them existed; and the rule that there must be something in the case to make the oath of the prosecution witness preferable to the oath of the accused has not been satisfied.

We have not discussed individually the introductory documents as it follows from our estimate of the direct evidence in the case that they can carry matters no further, for there is nothing established to which they can give support. This applies even to the minute dated the 18th June, of the trustees' resolution which has been much discussed on both sides; and we therefore only propose briefly to notice those whose value, such as it is, is derived, from their nearness in time to the occurrence. First there is the deed of adoption, and as to this it is said that it contains no words indicating a corporeal gift, and that this becomes the more significant in view of the fact that words descriptive of that act were struck out of the draft. On this we would make the comment, that apart from the fact that the documents could not purport to be a narrative of events that had happened, they clearly contemplate that the only thing that would remain to be done would be the ceremonies of "Dattahom &c." and that all that was essential to make Jagannath the son would be performed at Aurangabad while the ceremonies of "Dattahom &c." might be performed at any place. The Shastri's certificate invites the same class of comment. D. 57 must be read as a whole so that though the words "I shall not adopt any boy other than this (your son)" may admit of the view that it was a necessary safeguard, it is impossible to overlook the far more distinct expression "he has the same position as my begotten son would have had, if I had one." In this connection we may refer to the difficulty experienced by the Judge by reason of the accused's assertion that the actual placing on the lap was on the 28th, but only in order to point out that the difficulty solely arises if Tilak's statement is assumed to be false, and that is the whole question in dispute. The fallacy into which the learned Judge has fallen is patent.

As we are dealing with this case in revision we have accepted the Judge's appreciation of the oral evidence and refrained from discussing the probabilities; but we find it difficult to understand what improbability can attach to the alleged incident of the placing in the lap, if the influence of the accused was sufficient to secure the execution of the adoption deed, and that, as Tai Maharaj alleges against her will and in spite of her priests.

The Advocate General's opening argument before us was based on the fact that the case is before us in revision and not on appeal. But Section 435 of the Criminal Procedure Code vests this Court with power to call for the records of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the irregularity of the proceedings of an inferior Court, while Section 439 defines our powers of revision.

We have avoided re-appreciating the oral evidence we have accepted the Sessions Judge's estimate of it, though, as we have shown, the accused had reason to complain of the failure to discuss the testimony of the witnesses called by him.

Our ground of interference, it will be apparent, is the misreading of the documentary

evidence and the fundamental errors in principle, which vitiate the conduct and disposal of the case.

Accordingly we set aside the conviction and sentence and order the fine, if paid, to be refunded.

By the Court
(Sd.) R. D. SETHNA
Registrar.
True Copy.
(Sd.) K. F. MODI.
Deputy Registrar.
(Sd.) K. F. MODI.
Sealer.

The 5th day of April 1904.

PATNA CIVIL COURTS.

[From our Correspondent]

Bankipur, April 9.

The publication of my last letter which shows a good deal of laxity of supervision on the part of our "hakims" has very naturally created much irritation among some of them and they are trying to vent their wrath on the poor survey-passed pleaders. In fact, these have been threatened with serious consequences if the present agitation is not forthwith given up. We are told that one the "hakims" when consulted by Mr. Holmwood as to how to check the malpractices already disclosed did his best to put the "thicka amins" in the same category with the survey-passed pleaders. We can well understand the cause of so much predilection for a class of men who are virtually so many intruders. Are not the survey-passed pleaders quite sufficient to cope with the number of Commissioners? If so, what is the good of fostering a class of men the pretensions of many of whom, even to primary education, amount to almost nil and who are generally speaking, primarily responsible for the various malpractices with regard to the allotment of commissions? Ever since the "thicka amins" have come into existence there have been so many departures in direct defiance to the circular orders of the High Court that only a regular enquiry in the matter can alone reveal the whole truth. Can any one enlighten us as to the special qualification a retired military "subadar" that enables him to snatch away the bread from the educated and hard struggling junior pleaders? Yet men of this atmosphere sought to be classed out only in the same category with our B.A., B.L.'s and M.A., B.L.'s of the University but also with such of them, as have specially qualified themselves for partition works—I mean the survey-passed pleaders.

It is indeed a matter of regret that when a European officer tries to better the status of the junior pleaders by checking the malpractices prevalent in the Civil Courts, some Indian "hakims" should try to thwart him. How is this to be explained. The explanation lies in the fact that some of the present day "hakims" themselves have mostly degenerated, so much so that in many cases they are afraid to offend the "amlas." Would it be believed that some of these "hakims" do pay regular court to the Nazir of the District Judge; it can not thus be expected that they would go against the interest of any of the subordinates of the Judge. To seek advice from such men in any matter of reform connected with Civil Courts is worse than useless, for we know that some of these men, when consulted on some previous occasions first tried to ascertain the opinion of the District Judge and then gave their own which exactly tallied with that of His Honour! It might indeed be supposed that I am indulging in exaggeration, so one practical instance will suffice to show how some of the members of the judicial service have totally lost the glorious tradition of the service. Only the other day when Mr. Holmwood went round to inspect the workings of the subordinate Courts one of the "hakims," who was busy hearing a case in which the District Judge had made some unfavourable remarks, at once postponed the hearing of the suit in question and began with a few appeal cases awaiting the arrival of the District Judge. The hearing of the appeal, however, was finished before the District Judge had come and so the pleaders for both the parties were requested to argue the case for the second time. This too was done but the District Judge did not come and so the same case was opened for the third time when to the great relief of the officer in question the District Judge arrived and failing to detect the tactics employed, went away apparently satisfied.

With such men at the head of a department who is to blame for the existing corruption? The "amlas" generally are ill-paid and badly educated men and when they know that their immediate superiors are strong and wide-awake, what wonder if they would be tempted to snap their fingers at the "nominal" authority of the High Court and the Bengal Government? In both the instances cited in my former letter it will be seen that the "hakims" were really more to blame than the "amlas." What extenuation had the Munsiff to report to the Judge that the pleader nominated by him had refused to work for a fee fixed by him (Munsiff) while the fact was that the pleader considering the fee fixed by the Munsiff really very low, had requested him to refer the matter to the District Judge? If the Munsiff wanted to have the work done cheap, he should have given it to the Civil Court amir in conformity with the circular order of the High Court. The Munsiff should have borne in mind that it was his duty to look more to the efficiency of the work done than to the value of the suit. He should have asked the party at whose instance the commission was issued if they were prepared to pay the qualified pleader-commissioner's fee. I think that the Munsiff is aware that a commission gets Rs. 10 per diem by purely examining a witness in indoor work, and such a work can never be made equal to a case of local investigation. For the latter may be finished in one day or it may take several days. If it is finished in one day then is Rs. 10 a sufficient remuneration for the work? It is indeed very interesting to see that while the heart of a Munsiff is rent to award a fee of more than Rs. 10 to a pleader-commissioner the "mohurri" of another officer got the sum of Rs. 200 deposited for delivery of possession by amir.

A mission to Tibet, even when peaceful, is not a cheap affair. Last year 45 lakhs were debited in the Military Accounts to the cost of Colonel Younghusband's "escort" and this year 36 lakhs more are appropriated under the same head, making a total, so far of 81 lakhs.

Calcutta and mofossil

Bank of Bengal.—The Bank of Bengal rate of interest on demand loans has been reduced from 6 to 5 per cent.

A New Judge.—Mr. J. G. Woodroffe took his seat on the bench of the High Court yesterday with Mr. Justice Brett. There was a large gathering of legal practitioners in the court room to witness the young Barrister to take his seat on the bench.

Calcutta Port Trust.—Mr. Rivers G. Curris of Messrs. Mackinnon, Mackenzie and Co. has been re-elected a representative of the Bengal Chamber of Commerce on the Calcutta Port Trust from the date on which his present term of service expires.

Magisterial Examination.—For the first half-yearly Departmental Examination of 1904 of Assistant Magistrates, Deputy Magistrates, and others, which will be held on the 2nd May, 1904 and the two following days, one local centre at Darjeeling will be formed for the examinees employed in the several districts of the Rajshahi Division.

Corporation of Calcutta.—The following Commissioners have been elected Members of the Gen. ral Committee for the year 1904-05:—Babu Kali Charan Palit, Babu Piya Nath Mullick, Maulvi Budruddin Haider, Khan Bahadur. Kumar Dinendro Narain Roy, W. H. Phelps, Esq. J. R. Bertram, Esq. The Honble. Maulvi S. Rajul-Islam, Khan Bahadur. H. M. Rustomjee, Esq., C.I.E.

Derailment on the E. B. S. R.—A serious derailment was reported on Tuesday from Karkurgachy Station at about 11-30 a.m. which had the result of blocking both the up and down lines till three o'clock. Immediate steps were taken by the Assistant Station Master of Saldah, Mr. Ball, to send the material crane to the scene of the accident with necessary instructions to restore traffic with the least possible delay.

Plague Statistics.—Seventy-six cases and sixty-nine deaths from plague were reported in Calcutta on Thursday, when the total mortality from all causes was 147 i.e. 14 more than the average of the previous five years. The cases and deaths as they occurred in the four Districts were as follows: No. I,—22 cases and the same number of deaths; No. II,—30 cases and 24 deaths; No. III, 17 cases and 15 deaths; and No. IV,—7 cases and 8 deaths.

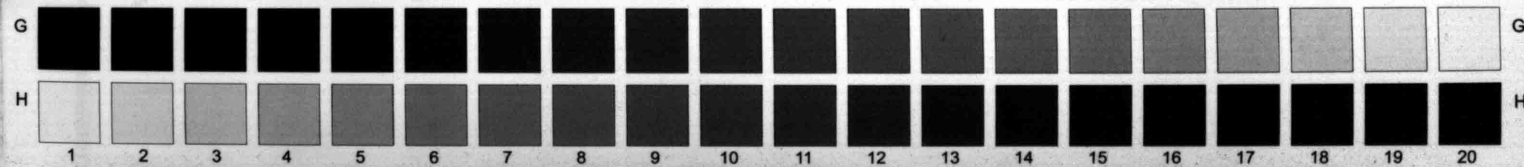
A Model District Magistrate.—We are really glad to learn from the "Pallikabi" of Kalia that Mr. J. N. Gupta, M.A., I.C.S., the District Magistrate of Bankura, himself carried jars of water to get under control the fire which reduced the other day the houses of one Keshab Chandra Ghose of Bankura town to ashes. This is as it should be and it behoves the Indian District officers to set such noble examples so that they may be largely followed by their European brethren.

Calcutta University Examination.—The Entrance Examination in 1895 will be held on the 6th March, 1905, and following days. The F. A., B. A., and B. Sc. Examinations in 1905 will be held on the 22nd March, 1906, and following days. The M. A., French and Bachelors Studentship, B.L. and Honours in Law Examinations in 1904 will be held on the 21st November and following days. The half-yearly Second L.M.S. Re-examination will be held on the 21st November and following days.

The Case Against The "Times of Assam."—The case in which an order for further enquiry was passed by the Judge of the Assam Valley Districts at the instance of the complainant was fixed for hearing before Maulvi Mahommed Abdulla the second E. A. C. on the 6th instants. The accused appeared with Babu Harish Chandra Bagchi, v.k.l, to represent him. The learned vakil having intimated to the Court that he had been engaged only that day and that he had not been able to get full instructions from his client, the Court adjourned the case till 11th.

Assam Crop Report.—The following is the Report on the state and prospects of the crops in Assam for the week ending the 5th April: Some rain has fallen but more is wanted in Kamrup and Manipur. Ploughing for rice and jute, sowing of early rice, and plucking of tea are in progress. Sugarcane pressing and gathering of mustard are nearly finished. The outturn of sugarcane is fair. Prospects of tea are good. Cattle-disease is prevalent in two districts. Fodder is insufficient in Sylhet, Kamrup, and hills. Water is insufficient in the hills. Price of common rice are:—Silchar and Sylhet 18, Dhubri, Tezpur, and Nowgong 16, Gauhati 15, Sibsagar 14, and Dibrugarh 12 seers per rupee.

The "Assam Gazette."—Privilege leave of absence for three months is granted to Babu Giris Chandra Nag, Extra Assistant Commissioner, Barpeta. Sriyut Parsu Ram Khandu, Extra Assistant Commissioner, on return from leave, is posted to Barpeta, and appointed to the charge of that subdivision. Major A. A. Howell, Indian Army, Deputy Commissioner, Naga Hills, is transferred to Dhubri as Deputy Commissioner, Goalpara. Mr. W. J. Reid, I.C.S., Deputy Commissioner, Sibsagar, is transferred to Kohima as Deputy Commissioner, Naga Hills. Mr. J. Donald, I.C.S. Under-Secretary to the Chief Commissioner, is transferred to Sibsagar and appointed to officiate as Deputy Commissioner, Sibsagar. Sriyut Radh Nath Phukan, M.A. & L., Extra Assistant Commissioner, is appointed Sub-Registrar of Mungaldai, in addition to his other duties. Maulvi Abdur Rahim, Sub-Deputy Collector, Sylhet sadar, is appointed to the charge of the Gowainghat Tahsil in that district. U. Dohory Rompay, B.A., Sub-Deputy Collector, is appointed Sub-Registrar of Shillong, in addition to his other duties. The Chief Commissioner approves the election and nomination of the following gentlemen as members of the North Sylhet Local Board: Elected Members—Mr D F Campbell, Mr T D Walker, and Mr A R Harvey. Nominated Members—Babu Sita Moha Dass, Babu Baikanta Nath Chowdhri, Babu Kali Krishna Chowdhri, Maulvi Jahar Ali, Babu Joy Narain Deb, Babu Radha Gind Das, Babu Rukmini Kanta Gupta, Babu Gita Gobinda Chowdhri, Maulvi Tajmal Ali, B.A., Maulvi Abdur Rahim, B.A., Babu Manindra Nath Sen, Maulvi Abdul Gafur Chaudhuri, Maulvi Abdul Majid, B.L., Babu Nalini Kanta Dasgupta, Maulvi Masdar Ali, and Khan Bahadur Aswari Majid Bakht.



Cholera at Serampore.—We are very much concerned to hear that cholera in a virulent type has broken out at Serampore and is doing a great havoc amongst the respectable inhabitants.

"Lord Gauranga's Birthday."—Was celebrated at Kanaka Sabha Hall, the premises of Mutu Rama Pillai's Hindu School, Sundra Pillai Street, Pussawakkam, Madras, on Sunday, the 10th April, at 5 p.m. His Holiness Sri Swami Ramakrishnananda presided. Bhatta Sri Balasaraswati Pandit Narayan Sastriyar, M.B.Ry. T. Venkatasubba Aiyar A.V., B.A., B.L., M. R. Ry. A. C. Parthasarathi Naidu Garu, and others delivered lectures in English, Tamil and Telugu. The proceedings terminated with Sanskritans and Bhajan.

Bengal Crop Report.—The following is the general summary of the weather and crop report of Bengal for the week ending 11th April.—Rain is reported from the greater part of Bengal Proper, from six districts in Bihar, from the district of Balasore and also from all the districts in Chota Nagpur. The fall was heavy in East and South Bengal; elsewhere light. The recent rain has generally facilitated the agricultural operations, but the excessive fall in the districts of the Chittagong Division has caused some damage to the rabi crops there. Cultivation of land is being vigorously pushed on. Sowing of paddy and jute, in progress. Prospects generally good. Cattle-disease reported from ten districts. The price of common rice has risen in seven districts, fallen in six, and is stationary in the remainder.

Payments of Jurors in Bengal.—If the juror or assessor is a pedestrian and has walked ten miles in his hot country, in coming to Court and returning home, we agree with the Government that he may be taken to have earned his wages. Should however, the juror or assessor, take the risk of engaging a "ticia gharry," he may also run a chance of realising from Government just enough to pay the fare for five miles each way, provided the Magistrate is not of opinion that he might as well have walked. A difference of opinion between the ticia gharrywalla and the Magistrate regarding the respectability of his juror fare may lead to complications as difficult of solution as most problems in law. A section may have to be enacted to meet the case of an unlawful assembly, consisting of miserly Magistrate, cursing "chappassie," an irritated juror, a contentious cabman and a swearing syc. The juror, moreover, has at times as high a notion of his self-importance as the most "zabardast hakim" in the land. If he sees any unfortunate juror pant up to his stand after a hasty breakfast, he will sit up in his dicky-box with almost judicial dignity and refuse to be communicative. He will argue with himself that, if the Judge can fine a juror for being late, it will only be an act of kindness on his part to let him off with a smaller penalty. Government, however, cannot take note of such vagaries of persons in authority, and the jurors must thank themselves if they can only get the ordinary "gharry" hire for five miles each way, no matter if they have to carry their tiffin-box with them. As for compensation for loss of time, Government officials who draw a fixed salary by the month and are masters of their own time cannot surely take any notice of it. If jurors or assessors in the moffussil have to travel long distances by "ticia gharry" boat or palanquin, they will not be entitled to even a rupee, for the notification provides for such allowance only for the period they have to travel, nor for the days that they may hang about in the Court verandah or under the doubtful shade of a mango tree. This is, indeed, very liberal.—"Calcutta Weekly Notes."

LORD CURZON AND INDIA.

The following appears in the London "Daily News":—

Sir.—At a time when our humanitarian and liberalising achievements in India seem in danger of dissolution by the reflux wave of what Spencer called "regimentation, rebarbarisation and slavery," engendered in a headlong and unmeasured Imperialism, it would be a public benefit to reprint the noble and glowing language in which Macaulay denounced the Curzonism of his day (July, 1893):—

"Are we to keep the people of India ignorant, in order that we may keep them submissive? Or do we think that we can give them knowledge without awakening ambition? Or do we mean to awaken ambition, and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative by every person who maintains that we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us, and it is also the path of wisdom, of national prosperity, of national honour. . . . To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizenship would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconsistent to our arms. But there and triumphs which are followed by no reverses. There is an empire exempt from all natural causes of decay. These triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws."

Who that has a heart can read such words without deep and elevating emotion? Where among the mean and feeble minds now mismanaging our Empire is a man who could speak in such accents, or one who could respond to such words without a shudder? Truly we are fallen on evil days.—Yours, etc. E. B. McCORMICK.

31, Knole-road, Bournemouth.

With a view to the improvement of date cultivation in the Punjab the Provincial Agricultural Department is sending a native gardener to the Persian Gulf to study the Arabian system of date growing, picking and preserving. On his return it is intended to utilize his experience to introduce an improved system of cultivation into the South-west Punjab which contains the principal date growing tracts of the province.

FOREST ADMINISTRATION.

During last year Darjiling suffered heavily from forest fires. In the Singalila forest 6,812 acres were burnt by two fires, one of which crossed the upper boundary of that forest from Nepal and the other the lower boundary from a village in British territory. The Bengal Forest Administration Report for 1902-03 records that great damage was done and a plantation of silver fir was destroyed. The fires occurred at the end of the spring drought and gave a great deal of trouble. In the Angul district 22,312 acres were burned by seven fires, and the Department has under consideration the provision of more effective fire traces. Elsewhere in Bengal there was a decrease in fire destruction. Of a total of 128 fires, which occurred in all classes of forests, 107 were traced to offences under the Forest Act. Seventy-four of these remained undetected and only 25 were actually taken into court. Convictions were obtained in 18 of these cases.

AN EXCITING INCIDENT AT A BRITISH CONSULATE.

According to information received in Bombay a Havildar of the guard of the British Consulate-General in Baghdad disappeared for some days. His corpse was afterwards found buried in a cellar owned by an Afghan on the other side of the river. The crime was traced to sepoys, ten of whom were arrested, two being imprisoned in the Consulate and the others in the guard-house. The Consul obtained a guard from the authorities to watch over the prisoners, but they were dismissed the following day, viz., the 17th February. On the morning of the 18th a young sepoy, a nephew of the murdered Havildar, having obtained five ball cartridges shot two of his companions believed to be two of the prisoners who were confined in the Consulate. He then ran to the guard-house, where the other prisoners were being kept and shot another sepoy. These are the only details which had become public property at Baghdad at the time of writing. The immediate consequence of this affair was that the Consul called in the Turkish troops and disarmed all the sepoys, while ten of them were handed over to the Turkish authorities for confinement in the Government prison. The sight of these men being taken handcuffed through the town surrounded by Turkish soldiers caused a great excitement in Bushire.

SETTLEMENT OPERATIONS.

The report on the settlement operations in Bengal during the year ending 30th September, 1903, shows an exceedingly satisfactory state of affairs. The feature of the year's working is the economy with which the survey work has been carried out and reflects credit on Major Crichton, Superintendent of Provincial Surveys. A record of rights has now been framed in respect of 32,482 out of a total area of 151,185 square miles of British territory in the Province. The area covered by traverse survey, parties was 6,884 square miles or 2,713 square miles in excess of that dealt with in the previous year, while the cadastral survey operations extended over 3,719 square miles. It is satisfactory to note that the attitude of the Mundas in the Ranchi district towards the settlement operations has been extremely favourable. No excitement has been caused and the people have been giving as much assistance as they can to the survey parties. It appears also that the passing of the Chota Nagpur Tenancy Act of 1903 has caused great satisfaction among them. The results in deciding land disputes and preventing litigation are appreciated and people holding lands in areas which have not yet come within the settlement are anxiously looking out for the time when the operations will be extended. This is a distinctly healthy sign and augurs well for future extensions of the settlement.

CONFERENCE OF INDIAN PRINCES.

A remarkable Note for transmission to the Viceroy was presented to Mr. Martindale, Agent to the Governor-General in Rajputana, at the close of the recent Conference of Indian Princes at the Mayo College, Ajmere. It was signed by all the Chiefs present, including the Maharaj of Kotah, the Maharaja of Rewa, the Raja of Sailana, the Nawab of Bahawalpur, the Maharaj of Cutch, the Maharaja of Bikanir, the Maharaja of Jaipur, and the Thakur Sahib of Gondal. It thanks Lord Curzon in the warmest terms for holding this Conference, which, it states, will do much to keep alive the interest of the Chiefs in the maintenance of the Chief's Colleges in India. It continues:—"Whether we come from Rajputana, Central India, the Punjab, or the Bombay Presidency, what we Chiefs, one and all, feel most strongly is that we are gratified for opportunities like this for showing that we are ready and willing, not only to offer our advice, but to spend our time and labour in a real effort on important matters which involve wide public interest."

THE ASSAM MUSTARD CROP.

The Director of Land Records and Agriculture, Assam, has issued the following bulletin on the final forecast of the Mustard Crop in that Province:—"The season has not proved so favourable to mustard cultivation as was anticipated in the preliminary forecast. In the Surma Valley and parts of Lower and Central Assam, cultivation was to some extent impeded by heavy rain and consequent floods at the commencement of the sowing season. Want of rain was subsequently felt over the greater part of the mustard-growing area. The total area sown in mustard during the current year in the Province (exclusive of the permanently settled tracts in Goalpara and Sylhet) is reported to be 171,444 acres, and is in slight deficit of that of the previous season (1902-1903). The districts of Kamrup and Goalpara are mainly responsible for the decrease. In spite of the unfavourable season the current year's area is in considerable excess of the averages of the preceding five and ten years, the excess being due to gradual recovery from the shortage of area which followed on the earthquake of 1897. "The effect of want of rain during the growing season was unevenly felt in different districts. In Goalpara and Lakhimpur no loss appears to ensue from this cause, and output has been estimated at 16 annas, i.e., the full standard average, while in Kamrup, and 8 to 10 anna crop appears to have been realized. The estimate for most other districts is 12 annas. The output of the Province as a whole may be roughly taken at 12 annas. The crop is expected to be somewhat better than that of last year and the average of the preceding ten years."

THE LATE ADMIRAL MAKAROFF. SKETCH OF HIS CAREER.

Admiral Makaroff, who has met his death at Port Arthur, was the most distinguished officer in the Russian Navy. As a young lieutenant, he won his spurs in the war between Russia and Turkey in 1877-78. In command of the "Constantine" he was the moving spirit in the torpedo operations in the Black Sea which paralysed the sluggish naval superiority of Turkey and inflicted considerable loss upon it. Makaroff's first exploit was in May of 1877. His ship, the "Grand Duke Constantine," was a merchant steamer of 1,480 tons which had been taken over by the Russian Government as a torpedo boat carrier. From the commencement of the war the Turks had used Batoum as the headquarters of their Asiatic squadron, and as the port was entirely open, it gave the Russians peculiarly favourable opportunities of using the torpedo, of which they were not slow to avail themselves. The first attack upon the Turkish squadron there, was made early in May 1877, by four torpedo boats carried to the scene of the action by the "Grand Duke Constantine." Reaching Poti, just north of Batoum, the "Constantine" dropped her boats, which were painted a sea green colour, almost invisible at night, and were fast, handy and small. Standing in towards the harbour they saw a Turkish vessel lying just outside it, and acting as guardship. One of Makaroff's torpedo boats dropped her towing-torpedo under the enemy's stern, but through the cable fouling something, it did not explode the charge. As the Turks were aroused and opened fire Makaroff had to draw off, without accomplishing anything.

In June Makaroff was busy again. This time the "Constantine," with six torpedo boats on her davits and supported by the "Vladimir," a ship of 1,600 tons, similarly armed, arrived off the mouth of the Danube, on the 10th. The object was to destroy four Turkish ironclads which were supposed to be lying off Sulina. The attack was skillfully delivered, but for once the Turks were on the alert. They had surrounded their ships by a rope running from one guard-boat to another. The Russians had nothing better than the old-fashioned spar and towing torpedoes; these were the days before the automobile Whitehead had proved itself in action. Against this obstruction the Russian torpedoes exploded harmlessly and they had to retire without damaging the Turkish ships, whilst one of their own boats was sunk.

On the night of the 23-24th of August there was a lunar eclipse commencing about midnight. Makaroff resolved to utilise this for an attempt upon a Turkish squadron which was lying off Sukhum Kape, a Caucasian port in Russian territory recently seized by the Turks. Six miles from Sukhum the "Constantine" lowered her four boats, and when the eclipse was nearly total, they advanced towards a Turkish vessel, the "Assai Chevet," which lay nearest to them exposing her star-board side. Three torpedoes were exploded, and in the confusion the Russians thought they had sunk their adversary, but she was not damaged and within a week was in Constantinople. Makaroff was a Captain when next he attacked the vessels in Batoum, which was in the following December. This time he employed a Whitehead automobile torpedo—the second used in naval warfare. The torpedo ran straight for the "Mahmoudieh," and exploded; but not in contact with it; the Russians, deceived by the column of water thrown into the air into the belief that they had achieved their end, withdrew; but they had done the Turks no mischief.

The last attack on Batoum was made on the night of January 25th. The "Constantine" under Makaroff had received orders to cruise along the east of the Black Sea and threaten Batoum. She had with her only two boats, both armed with Whiteheads. At Poti it was learnt that the Turkish fleet was off Batoum. Makaroff resolved to attack at once and lowered his boats. In bright moonlight, they steamed into the harbour and made for the Turkish guardship—a vessel from 1,500 to 2,000 tons. When only eighty yards from her both boats simultaneously fired their Whiteheads aiming at her mainmast. Both struck her and exploded with a fearful noise of smashing iron, and in one minute her hull was below the water. Another minute and the Russians saw her masts go. From beginning to end of these attacks the Russians according to their own account, lost not a man killed.

Captain Makaroff at the close of the war had established his reputation as a bold, intrepid and enterprising seaman. More recently he has acquired scientific repute by inventing the great ice-breakers like the "Ernak, Baikar and Makaroff," which are of such immense assistance to Russia in opening her Baltic ports early in the season and expediting communication across Lake Baikar. Admiral Makaroff has also written well on naval statistics, and particularly on torpedo warfare.

On return from leave, Mr. Cox rejoins his appointment as Controller-General of India, when Mr. Barrow goes on special duty for three months. Subsequently Mr. Barnes becomes Accountant-General, Bombay, and Mr. Branson, Accountant-General, Bengal, in relief by Mr. Gauntet, who is now officiating for Mr. Michael.

In connection with the India Council Bill, which Mr. Brodrick has introduced in the Commons, it is understood that the sixth Member of the Viceroy's Executive Council will be in charge of a Commerce and Industrial Department, for the creation of which a Despatch has already gone Home. The Bill also provides for certain changes relative to the duties of the Public Works Member, as for some time past, Sir Arundel Arundel has been running a portion of the Home Department in addition to his own duties as Public Works Member.

The prospects of rubber cultivation in Southern India are so promising at present that the Provincial Government are making their curator of Government Gardens who is on leave at home and who has devoted much attention to the subject go through a course of study under an expert in the rubber trade. In the Southern Presidency at present there is a steady and increasing demand from the European planting community for seeds and plants, and it is believed that "down south" rubber cultivation is really going to be seriously undertaken in addition to the present cultivation of tea, coffee, cinchona and other products.

TELEGRAMS.

REUTER'S TELEGRAMS.

THE RUSSO-JAPANESE WAR.

London, April 13. News received from St. Petersburg states that the Russian battleship "Petropavlovsk" sank off Port Arthur and only four officers were saved including the Grand Duke Cyril who was wounded.

The above despatch appear to lend corroboration to the report that a great naval battle has been fought in which the Russians were worsted. It is even rumoured that Admiral Makaroff is a prisoner.

Admiral Makaroff, who was on board the "Petropavlovsk," was drowned. Reuter's Tientsin correspondent says that a Chifu telegram via the Russian route states that the Japanese re-attacked Port Arthur at dawn to-day when the entire Russian fleet went out and aided by the forts repulsed the Japanese. The town was not harmed and the damage to the forts and the fleet is not mentioned.

News received at St. Petersburg states that the "Petropavlovsk" sank but it is not stated how Admiral Makaroff with the whole Staff were drowned. Twenty men escaped. The Grand Duke Cyril was severely wounded. His brother the Grand Duke Boris watched the catastrophe from another ship.

A telegram from St. Petersburg says that the Japanese fleet having appeared off Port Arthur the Russian fleet put to sea and pursued a portion of the enemy's force. The latter was then reinforced to 29 ships. On the Russians returning to the harbour the "Petropavlovsk" struck a mine, exploded and capsized. The Captain, five officers and 32 men were saved. Seventeen bodies have been found.

The Japanese fleet is now at Liaotian. The Tsar has sent condolences to Admiral Makaroff's widow. The funeral service will be held at the Admiralty Church at St. Petersburg to-morrow.

Reuter's correspondent at Tokio says that it is officially stated that a company of Russians attempted to cross the Yalu westwards of Wiju on the 12th instant and a company of Japanese drove them off, killing 22 Russians. Other small parties of Russians attempted to cross at various points but all were repulsed.

The flagship "Petropavlovsk" has been blown up. It is believed that it was torpedoed. Admiral Makaroff and seven hundred men were drowned.—"Englishman."

Reuter's Chief correspondent says, that very heavy firing was heard at 6-30 yesterday morning in the direction of Port Arthur. The "Espiegle" has quitted Nienhwang.

A Japanese official despatch mentions that a skirmish took place in boats on the Yalu river on Sunday and that the firing lasted an hour and a-half. The despatch adds that there were no Japanese casualties.

General Kuropatkin telegraphs that on the night of the 8th instant a detachment of sharpshooters crossed the river Yalu to an island near Wiju and surprised fifty of the Japanese scouts in three boats who were landing on the opposite side of the island. They were allowed to land, and then the Russians killed nearly all without suffering any loss themselves. Some were shot and bayoneted and others drowned, the boats being sunk. On the 9th, the Japanese flag at Wiju was lowered and the outposts retired. On the 10th, a Russian boat attacked and sank a Japanese boat which was pursuing four Russian scouts who were swimming back across the Yalu. All the Japanese were killed and one scout.

St. Petersburg reports state that a party of fifty Japanese scouts were surprised crossing the Yalu river at Somailand Island. All of them were killed. The following day the Russians sank a boatload of Japs.—"Englishman."

London, April 14.

The Tsar and Tsaritsa attended the memorial service at the Admiralty Church to-day. The Tsaritsa was weeping throughout the service. St. Petersburg is now a city of mourning. Amusements are cancelled and cafes closed.

Arle Plume Esquire a St. Petersburg official confirms the news that the destroyer "Bezstrashni" was surrounded and sunk by the Japanese and adds that the battleship "Podieda" struck a mine amidst ships but was able to remain in port. It is not explained whether this happened in battle or accidentally. The destroyer Teaser grounded during the night attack at Portsmouth and threatens to break up.

H. M. S. Espiegle has arrived at Weihaiwei and reports that at 6-45 yesterday morning she saw five warships engaging the Russian warship Bayan outside Port Arthur. The Askold and another cruiser came to the rescue. At 6-45 the Russians reached the shelter of the forts, the Bayan being evidently damaged, as quantities of steam were escaping from her. At 8-5 the Japanese bombarded the forts for a quarter of an hour and retired at 8-20. The forts did not reply.

Admiral Wiresanin's squadron has re-entered the Baltic.

Admiral Uru reports that Admiral Togo's squadron on Wednesday morning, attacked and succeeded in sinking a battleship of the Petropavlovsk type and a destroyer, and that the Japanese lost only one wounded. The Teazar has been refloated.

GENERAL.

London, April 12.

Mr. Brodrick has introduced the India Council Bill in the House of Commons, repeating a portion of the 1874 Bill relative to public works and the functions of the sixth member.

Notwithstanding the official minimising of the reports of the affair at Barcelona, it appears that the assailant of Senhor Maura was a young Italian Anarchist who had a short knife in his hand with which he inflicted a slight wound. The lace of the Premier's uniform diverted the blade of his knife.

London, April 13.

In the Commons to-night Mr. Brodrick's motion to sanction the employment of Indian troops outside India was adopted by 260 against 71.

TELEGRAMS.

REUTER'S TELEGRAMS.

Mr. Brodrick in the Commons referred to the bloodshed at Lhassa, and said that unless the troops had used their arms the whole force would have been annihilated. The result of the encounter was that the further progress of the Mission has not been thwarted. The despatch of the Mission was no freak of an impatient Government or an aggressive Viceroy. While Tibet was encroaching on British territory and breaking the Convention of 1890, and had sent a mission to St. Petersburg, it was impossible to disregard the fact that Lhassa was within 300 miles of India and 1,000 of the nearest Russian territory. If any Power attempted to establish a predominant interest in Tibet or send a Mission which would entitle it to advise or control the Tibetan Government or still more propose to establish a protectorate, Britain could not look on unconcerned and it was important that the Tibetans themselves should know this. We do not desire to occupy or establish a permanent Mission in Tibet and Mr. Brodrick hoped the time was not far distant when a satisfactory arrangement would be concluded.

Sir Henry Campbell-Bannerman said he welcomed the arrival of the Mission at Gyatse without further bloodshed.

Sir Henry Fowler agreed that the Mission must be protected and rescued, if necessary, by all the resources at our command.

The resolution was then adopted by 270 against 61.

Mr. Brodrick announced that the Tibet expedition reached its destination at Gyatse on the 11th instant, and had not lost a single man. The Tibetans were demoralised and retired.

Vice-Admiral Skrydloff, Commanding the Black Sea Fleet, has been appointed to succeed the late Admiral Makaroff.

Admiral Alexieff has left Mukden for Port Arthur.

In bringing forward the Army Estimates, Mr. Arnold Foster said that henceforth the estimates would be prepared with reference to districts on the basis of the recommendations of Lord Esher's Committee. The Army Corps organisation will be discontinued and another form of division substituted.

INDIAN TELEGRAMS

The Tibet Mission.

Gyatse, April 12.

The Mission arrived here yesterday after an arduous eight days' march. This morning General Macdonald took peaceful possession of the fort from the Chinese and Tibetan officials. There was some fighting on the march. The mounted infantry were several times fired on and quite an action took place at the gorge about sixteen miles from here. The Tibetans occupied a series of parallel ridges round which a narrow stony path wound almost at right angles, and gave a lot of trouble before being finally turned out. The earlier part of the action was fought in a snowstorm. We had one Sikh severely wounded. The Tibetan loss is estimated at 150, but during the march the inclemency of the weather caused far greater hardship than the Tibetan opposition. Several times camp was pitched during snowstorms. There is generally intense cold in the early morning when tents are struck. Two followers died during the march. The route lay through an interesting and unknown country and two greater lakes, swarming with ducks and geese were passed. The road beyond the lakes runs through a succession of deep gorges entirely blotting out the view. The hills are for the most part bare and devoid of vegetation, but the valleys showed signs of cultivation. A large number of villages many in ruins were seen. The climate here is temperate and some fuel may be found. The Gyatse plain is 10 or 12 miles wide with the fort located on a gigantic rock like Edinburgh castle. In the dip beyond is a large and apparently very wealthy monastery, swarming with red-robed lamas. The monastery was visited this morning by General Macdonald, who informed the abbot that the priests would not be interfered with provided they maintained a peaceful attitude. Four Lhassa officials are said to be on the way to interview Colonel Younghusband, but there is no news of the Amban.

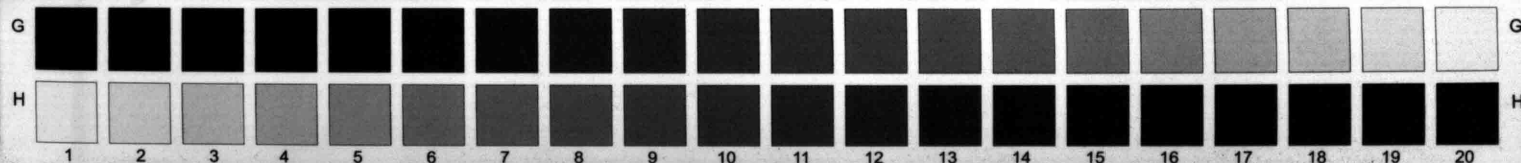
Simla, April 14.

Details of General Macdonald's advance to Gyatse have been received. The Tibetans were encountered at the entrance of a narrow gorge and were strongly posted on the ridges and rocks commanding its entrance and they opened fire on the advance guard. The position they held necessitated a somewhat long turning movement with an ascent of about 2,000 feet during which the enemy were shelled. When the general advance took place they were quickly routed and fled in all directions. There were only 3 sepoys wounded on the British side, but the Tibetans lost nearly 200 killed. Their total strength was estimated at about 2,000 including the Shigatse and Gyatse regular troops and these are now reported to be in full flight all over the country. The local Tibetans are now all pleading for peace. Three Lamas are now on the way from the Dalai Lama and the Chinese Amban is also understood to be en route to meet Colonel Younghusband. The Gyatse district is described as rich with ample fields of grain and dozens of hamlets scattered around the main town, so the troops are likely to be well provided for. Large numbers of inhabitants have fled and all opposition for the present seems to have entirely disappeared.

Allahabad, April 15.

The London correspondent of the "Pioneer" wires on the 14th: "The Kaiser has wired to the Czar, Russian mourning is German mourning for the death of Admiral Makaroff."

The General tone of the English press on the death of the Russian Admiral is sympathetic. The best parliamentary opinion is confident that the naval disaster will not impress Russia as would a disaster of similar magnitude on 1904.





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Telegraphic Address, "Dr. Paul," Calcutta.

MEDICAL OPINION:—

Dr. Hem Chandra Dutta, L. M. S., Medical

Officer, Bhagwat Doyal Singh's Charitable Dispensary, Chainpur, Daltongunge, Palamow, writes:—

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cases of consumption with satisfactory results, and

I have found that before the formation of cavities in

the lungs the 'Inhalation' is highly efficacious. I

heartily recommend it to the public. Our professional

brethren would do well to give this remedy a fair

trial in their practice. Please send me again a bottle

of your 'Inhalation' per V. P. P. for another

patient of mine and thereby oblige."

Dr. A. N. Roy Chowdhury, M. B., Calcutta,

writes:—"I have tried your 'Phtthisis Inhalation'

in several cases of consumption and, I am glad to

say, the results have been highly satisfactory in the

first stage of the disease. I always recommend it

to my patients. Please supply a bottle of your

'Inhalation' to the bearer whose brother has been

suffering from consumption for the last five months

and oblige."

Dr. Eduljee Cowasjee, L. M. S., Sir Jamsetjee's

Sanitarium, Khandalla, Bombay Presidency, writes:—

"As I have found your 'Phtthisis Inhalation' benefi-

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oms of the first stage of consumption."

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2. R. NEWGENT, L. R. C. P. R. S. (Edin.), says:—"R. Laugin's Healing Balm, for obstinate Gonorrhoea, has been proved to be only medicine that will effectively cure the patients and fulfil which is claimed for it."

3. DR. K. P. GUPTA, Col., L. M. S., M. A., M. D., F. R. C. S. (Edin.) D. Sc. (Cambridge), P. H. D. (Cantab.), late Sanitary Commissioner of Bengal, etc., says:—"... Healing Balm is almost a specific for Gonorrhoea. ... and may be safely and strongly recommended for the troublesome and obstinate disease."

4. DR. B. K. BOSE, Surgeon-Major, M. D., L. M. S., etc., says:—"I have tried Healing Balm in cases of acute Gonorrhoea with success."

5. DR. U. GUPTA, M. D., M. A., (Edin.), F. R. C. S. (London), etc., says:—"... I tried R. Laugin & Co's Healing Balm, and found it a really very excellent medicine for both chronic and acute Gonorrhoea."

6. DR. G. C. BEHARUA, L. R. C. P. (Edin.), F. R. C. P. (Glasgow) and L. M., etc., late Civil Surgeon, British C. says:—"... Healing Balm is a splendid remedy for the diseases of Genito-Urinary tract and it acts like charm."

7. DR. R. G. KAR, L. R. C. P. (Edin.), Secretary Calcutta Medical School, says:—"... Healing Balm has given me immense satisfaction in cases of Gonorrhoea."

8. DR. T. U. AHMED, M. B., C. M. L. S. A., (London), His Majesty's Vice-Consul, says:—"... I can recommend this Healing Balm strongly to the suffering public."

9. DR. R. MONIER, M. B. C. M. (Edin.), Resident Surgeon, 171 Street, Government Charitable Dispensary, says:—"... Healing Balm was used by me in several cases of Gonorrhoea and was found successful."

10. DR. R. A. FERMIE, L. R. C. P. & a etc., says:—"... I used Healing Balm for Gonorrhoea in a number of my patients and found it very efficacious."

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THE CORPORATION OF CALCUTTA.

The adjourned first ordinary monthly meeting of the Corporation of Calcutta was held at the Town Hall on Wednesday afternoon to consider the items left undisposed of at the meeting held on the 8th instant. Mr. C. G. H. Allen, officiating Chairman of the Corporation, presided, and there were about thirty Commissioners present.

LIGHTING OF HARRISON ROAD.

The first important item of business was to consider the proposals of the Gas Company and the Electric Light Company for lighting Harrison Road.

The Chairman said that at present they paid Messrs. Kilburn and Co. Rs. 13,000. The electric light would cost Rs. 11,628 per annum and the Gas lights Rs. 8,220 per annum. The Gas Company were prepared to light the road with Lucas lamps, the preliminary cost being Rs. 15,000. The Engineer advised them to make a contract with the Gas Company, provided the latter gave up the preliminary cost of Rs. 15,000.

Mr. Bertram moved the following resolution:—That while rejecting the proposal of the Electric Supply Company, the Oriental Gas Company be asked to light Harrison Road with seventy Lucas lamps, provided that any money the Corporation may be called upon to pay for installation charges will be refunded in the event of the gas contract being extended. He said they all knew that the electric light installation in Harrison Road was very bad. They paid Rs. 13,000 a year for this work which was Corporation work. The Gas Company offered to give an installation which would give twice as much light as they were getting now. This was a pure matter of business. Personally he was not interested except that Harrison Road, which was their pet road and which had special treatment hitherto, should be the pioneer of lighting in Calcutta. When the proposal of the Gas Company showed that the Corporation would benefit financially by it, it would be very foolish of the Corporation not to accept that proposal, and, judging from the experience of many other Corporations, when once they had refused the offer of a Gas Company, they had ever since lived to regret it.

Dr. Haridhott Dutt seconded the motion. Babu Kally Churn Palit in supporting the motion said that the electric lighting was very defective in Harrison Road.

A NEW ROAD.

The next item of business was to consider the Engineer's estimates, amounting to (a) Rs. 1,32,312, for constructing a new road between Halliday Street and Ram Mohun Ghose's Lane; (b) Rs. 10,517, for rounding off the corner of Sreenath Babu's Lane at its junction with Phear's Lane.

Moulvi Budruddin Hyder moved that this expenditure be sanctioned.

Dr. Jogendro Chunder Ghose seconded this motion.

Mr. Bertram moved an amendment that, in view of the impending Improvement Scheme, the project be held in abeyance.

THE CORPORATION ACCOUNTS.

The report of the Sub-Committee appointed to report on the departmental reports on the Auditors' Report next came up for consideration.

The Chairman said that this matter was fresh in the minds of the Commissioners. The departmental reports had been considered by a Sub-Committee and they had now to consider the report of that Sub-Committee.

Mr. Bertram moved that the Report of the Sub-Committee be adopted. He said that the Report of the Sub-Committee was very satisfactory so far as it went. After many years' attempt on the part of the Corporation and the General Committee, they were at last able to get the Government Auditors to thoroughly inquire into their accounts, and for this he (Mr. Bertram) took a great deal of personal credit. It was owing to his suggestion in the first Committee that they were able to get Messrs. Lovelock and Lewis appointed auditors of the General Committee. He did not mean to say that the Government Auditors knew there was something in the wind and set it heavy on the Corporation. There was one matter very apposite, and that was this. For years and years they had had these accounts audited in the way shown in the Report of the Sub-Committee, and they had passed items year after year without anything being said. If this Auditors' Note and the Report of the Committee on that Auditors' Note was a castigation on the Corporation and its officers, it was a thorough trouncing as against the Government Auditors. It seemed to him that if they had done their duty as it should be done, as Auditors drawing Rs. 600 a month, they should have audited the accounts properly. In any case he thought if the Corporation in their wisdom adopted this report, it would be the burying with a good deal of solemnity as much vexed questions and many points of extreme friction among the Commissioners. There was no doubt that the investigation chiefly brought about by Babu Nolin Behary Sircar had done a great deal of good. In the Municipal Act there were three authorities: the Trinity, and Unity and the Unity and Trinity. If the Chairman would do the duty laid upon him by the Act in regard to the General Committee and the Corporation, there was no reason why these three bodies should not work together in perfect union, and then business would be done in a thorough way, and Calcutta would benefit.

The Sub-Committee observed the following about the advertising charges:—

"The Sub-Committee recognise that the expenditure on advertisements was high, and note that efforts are being made to materially reduce the outlay under this head by obtaining the insertion of necessary advertisements at as low rates as possible, and limiting the number and length of such advertisements to the lowest practicable extent. They recommend the appointment of a Special Committee to consider and report on the question. The Sub-Committee observe that the Chairman's standing orders of November, 1900, with reference to the procedure for advertising have not been attended to, and carelessness has been the result. The Sub-Committee considered that the following papers were unnecessary as means for the publication of the advertisements of the Corporation:—'India Engineering,'

"Railways," "Evening News," "Dainik Chandrika," "Sanbad Probhakar," "Indian and Eastern Engineering," "Indian Planter's Gazette," and "Indian Field." They observed that too many advertisements had been given to "India Engineering," having regard to the high rates charged. They considered that the daily papers had not received a fair share of the advertisements and had not been sufficiently utilised."

The Hon. Dr. Asutosh Mookerjee seconded the motion.

After some discussion the motion was put and carried.

ASSESSMENT OF THE KIDDERPORE DOCKS.

The Report of the Special Committee appointed to consider the letter of the Port Commissioners to the Government of Bengal regarding the alteration of the Port Act in regard to the Municipal assessment of the Kidderpore Docks next came up for consideration.

Mr. Morhead said that what he tried to impress on the Special Committee was that they were not so much asking or about to ask the Corporation to kill the goose that laid the golden eggs, but they were going to ask that the other animals in the farmyard should pay higher. Calcutta depended from beginning to end upon its trade which had made it the capital of India. The Port Trust introduced the life into the port, and the Municipality controlled it after it had been introduced. If he did not make the plea that the Port Trust should be entirely free from assessment, he would have the support of English law, because under that law all Crown property was exempt from assessment. Now the Port Trust was created by the Government of India to take over certain duties which the Government primarily used to perform. He had also another support. In the principles of political economy there was one recognised one, namely, that the amount of national capital should not be encroached upon by tax. However, he did not press this point, namely, that the Port Trust should be free from assessment altogether. At present the assessment was made on the estimated constructive value of the Port Trust works, plus the actual value of the land, and if the Port Trust had a dispute with the Municipality about the fairness of the assessment, they could go to Government, but Government was bound by Section 59 of the Act. What he asked was that provision should be made in the Act to enable Government, when special circumstances existed, to provide a fair and equitable assessment. His point was that these conditions, whatever they were in the ultimate analysis, were provided for in normal conditions, but were not provided for in extraordinary conditions. He therefore moved the following resolution: That in the opinion of the Commissioners Section 63 of the Calcutta Port Act may be reasonably amended so as to enable the Local Government to take exceptional circumstances into account and reduce the annual value, fixed in accordance with the provisions of Section 59 of the Port Commissioners' property in whole or part to what it may constitute a fair and equitable amount.

Babu Nolin Behary Sircar seconded and Mr. Bertram supported the motion.

Kumar Dinendra Narain Roy, Babu Kally Churn Palit, Babu Preetnath Mullick and the Hon. Dr. Asutosh Mookerjee strongly opposed the motion.

Mr. Braufeld moved an amendment that the Report of the Special Committee be adopted, and that a letter be sent to Government giving their opinion that no case had been made out for any amendment Section 63 of the Port Trust Act.

Babu Amulydhan Addy seconded this amendment.

Babu Kally Churn Palit moved as an amendment that the Report of the Committee be adopted with the recommendation that the use of filtered water for the engines of the Port Commissioners and for non-domestic purposes be allowed free.

Dr. Haridhott Dutt seconded his amendment.

After some discussion Mr. Braufeld and Babu Kally Churn Palit withdrew their amendments.

The Chairman said he ought to make one or two observations. In the first place, he could not think that Mr. Morhead's proposals were altogether satisfactory, even to attain the ends which he had in view. Mr. Morhead wished to enable the Local Government to take exceptional circumstances into account. Mr. Morhead did not define these circumstances, and he (the Chairman) did not think anybody could define them. As regards the actual wording of the motion, he did not think the wording was satisfactory. As regards the procedure, Mr. Morhead proposed to allow the Government to reduce the annual value. That was a totally different thing to what the law said under Section 153. It seemed to him that there were two points upon which the motion was defective in form. As regards its merits it would not become him as Chairman of the Municipality to accept a proposal of this nature which would reduce the income of the Corporation. Personally he would vote against the motion. Mr. Morhead's motion was then put and carried, only three voting for it.

The Hon. Dr. Asutosh Mookerjee then moved that the Corporation be unable to recommend that the Port Act should be amended as suggested by the Port Commissioners.

Moulvi Budruddin Hyder seconded the motion which was put and carried.

At this stage, it being seven o'clock, the Meeting adjourned till Wednesday next.

TRAGEDY OF POVERTY.

A pitiful tale of poverty was told in the Edmonton Coroner's Court at the inquest on a child, William George Coleman, whose mother is in custody on the charge of murder.

It was said that Mrs. Coleman, her husband, and three children were so poor that everything they possessed was pawned, the landlady lending them two chairs and some coats to sleep on. Mrs. Coleman confessed three weeks ago that in her despair she took the youngest child and dropped it into the River Lea.

Wilful murder was the jury's verdict, with a rider that ill-treatment and want had made her not responsible for her actions.

UNITED PROVINCES COUNCIL.

THE LIEUTENANT-GOVERNOR'S SPEECH.

The full text of the remarks delivered by His Honour the Lieutenant-Governor in summing up the discussion of the Financial Statement last Friday is as follows:—

The general sense of the Council is, I think, one of satisfaction with the Provincial Settlement that has just been concluded. My own opinion is that on our present standard of expenditure the settlement is satisfactory, and that the Local Government is in a distinctly better position than before to carry out the common aim of the Imperial and Local Government, viz., the promotion of the welfare of the people of this Province. It is impractical to discuss what could be done if our income was six crores instead of four crores. The principles that govern the relations of the Imperial and Local Government did not permit the Government of India to entertain the proposal that the standard of Provincial expenditure should be revised on a consideration of the revenue raised in the Province and of the scale of expenditure in more highly developed Provinces. Nor could they take up at the time of settlement the question of reducing local taxation.

Put briefly the position of the Provinces under the new settlement is that we have ten lakhs a year more to spend than we had in the last year of the expiring contract. But the whole of this is not available for fresh expenditure. We have undertaken to pay annually 3½ lakhs for the cost of the police charges, heretofore borne by the Municipalities, and to find 1½ lakhs a year as an additional contribution to District Boards. The story with which we have to deal is one of progress in administrative reform by means of executive action. We have no large or contentious legislative programme. Nor do I agree with the Hon'ble Pundit Madan Mohan that legislation is desirable for compulsory education and to prevent the pollution of rivers. These seem to me instances of overlegislation. He has told us that in spite of the fact that free fuel for cremation is obtainable, corpses in large numbers have been thrown into the rivers. He seems to think that Government alone should attempt to alter the customs of the people in this matter. On the other hand I think that it is the duty of those members of the Indian community who possess influence over the more ignorant citizens to begin to move in this matter.

The Hon'ble Member has also suggested the consideration of a scheme for reducing the mortality from plague to five per cent of the present number of deaths. What is the scheme? Its main feature apparently is that Government should provide temporary houses for the population of our towns and cities. I wish to say plainly that Government cannot undertake to provide temporary houses for the population of a city. It is probable that if Government attempted to do this, the houses would not be occupied. The temporary houses erected at Shahmina are vacant. The richer members of the community, who own gardens and groves, can do much to facilitate the movements of the poorer citizens of a town. Government is desirous to help people in every possible way, but its policy is to help those who help themselves and in matters of cleanliness and sanitation it cannot deal with the interior of houses, the place where the plague germs are mainly to be found.

I look upon it as a great administrative improvement that we have been able to relieve Municipal Boards so largely of police charges. The substantial addition of 3½ lakhs a year to Municipal resources will not be frittered away, but will be devoted to expenditure on account of plague and to urgent sanitary measures, paving of roads, drains, incinerators, tramways for refuse, anything in short which will improve the health and sanitation of the towns. It is true that during the past year the Provincial Government made large grants to Municipalities for sanitary works, but it is far better that the Municipal Boards should not be dependent on occasional grants. They are now placed in a position to carry out on their own initiative and on their own funds improvements the necessity of which is universally recognised. Meanwhile the Government will not cease to watch over the towns and help in urgent cases.

The Hon'ble Mr. Marsh has given an interesting account on the works that are now under construction or preparation by the Irrigation Department. The construction of the Ken Canal will, I hope, introduce a new era into the Banda District.

The Hon'ble Mr. Hooper has given us an account of the administrative reforms carried out in Bundelkhand under the Acts passed in last Session, and the Hon'ble Mr. Hardy has clearly explained the principles on which our revenue settlements are being made.

A large proportion of our administrative improvements are carried out by the Buildings and Roads Branch of the Public Works Department. The extension of railways, like the Agra-Delhi Chord line, Allahabad-Fyzabad line, the Bareilly-Soron link and the railway from Pilibit to Barndee, all mean new feeder roads and new connections with railway stations. When the railway to Barndee is made it will be necessary to improve the road into the hills. In four parts of the Province special attention is being devoted to roads; on the pilgrim route in Kumaon, in Bundelkhand, and in the Gorakhpur and Fyzabad Divisions. In all departments there is a great demand for buildings and this is being met as far as possible. The staff of the Public Works Department is very fully employed and it is not possible suddenly to increase it. More particularly I am anxious to provide proper accommodation for our officials at outlying tehsils and thanas and to improve the police lines at headquarters. The last is a very useful reform, for in many districts the accommodation in the lines is not suitable for self-respecting men.

As regards administrative reforms by improving the pay of establishments. I hope that the arrangements will not be long delayed by which it is intended to raise the pay of the Judicial Subordinate establishment, of the Head Assistants in Commissioners' offices, and of the Sudder Kanungos and others in the Land Records Department.

Besides the increased income to which I have referred, the generosity of the Government of India has helped us to start in the general prosperity of the Empire. Lunknow City must borrow four lakhs for its drainage scheme, but it has been relieved of police charges to the extent of Rs. 56,000 a year and from this saving can afford to raise the necessary loan. Again the special grant of three lakhs has

enabled us to undertake works of manifest public utility which are usually crowded out owing to more pressing administrative needs. The benefit conferred by parks on the health and comfort of the populations of towns has been recognised in recent years. It is good that the citizens should be able to leave the streets and enjoy the fresh air and coolness to be found on well-kept and well-watered lawns. These afford rest to the eye, to the brain and to the body. The citizens of Lucknow fully appreciate the Victoria Park which was established by the Husainabad Endowment and I hope soon to have another park stretching from the Chutter Muzil to the Bank of Bengal. At Allahabad, Benares, Fyzabad and Cawnpore other parks are being made and improved. Then something will be done for hospitals at Benares, Allahabad and Ghazipur. I hope to complete the quadrangle of the Muzil College, Allahabad, which will provide much needed room for law classes.

Then again the Government of India have added 30 lakhs to our balance, and six lakhs are available for expenditure in the coming year. If Hon'ble Members desire to bring to notice any special work or manifest public utility, I trust they will not hesitate to communicate their views.

The Hon'ble Mr. McRobert has mentioned the park at Cawnpore for which provision has already been made. The Hon'ble Raja Sham Singh has referred to roads in Bijoor, but the difficulty about them is that metal is not available in the Bijoor District.

The Hon'ble Babu Sri Ram has mentioned the case of Civil Court buildings in Oudh, and this is a question into which I shall look.

Hon'ble members have mentioned the recent deplorable mortality from plague; and the whole question was discussed in letter which was addressed to the Inspector-General of Civil Hospitals and published in the "Gazette" last June. Disinfection is unquestionably valuable when plague first attacks a town. The further progress of the disease then may be arrested. But the experience of Allahabad this year seems to show that the value of disinfection is transitory. Plague has been very bad in Allahabad this year, though practically the whole city was disinfected under Captain Fullerton's orders in the two previous years. We offer inoculation to those who desire it, but its value is not sufficiently proved to justify Government in doing more than offer it. We know of no remedial treatment for the disease. The best preventive action is to keep the houses and surroundings in which we live as clean and sanitary as possible, and when the locality becomes infected to abandon it if possible for a time and move out into gardens and groves. All this is action which the people must be willing to adopt of their own accord. As I said before, Government is desirous to help in every way it can, but the duty of cleanliness and of providing temporary residences must belong in the first place, to the people themselves.

CALCUTTA INCOME-TAX OFFICE.

Result of the Corruption Inquiry.

The following information has been issued by the Bengal Government for publication:—

During the latter part of the year 1903 and the early months of 1904, certain memorials were submitted to the Lieutenant-Governor by the Marwari community in Calcutta which contained general allegations of corruption and malpractices against subordinates of the Calcutta Income-tax Office, whose duty it is to examine the account books of native traders for the purpose of assessment. In support of the general allegations, a reference was made to petitions presented to the Commissioner of the Presidency Division, which specified officers of the Income-tax Department had been accused of having on two occasions exacted or attempted to exact illegal gratification to procure a reduction of the assessment on particular individuals or firms. These are the only definite charges which were contained in the memorials.

The report received from the Board and the Commissioner of the Presidency Division, who were asked to enquire into these allegations, indicated that they were unable to enquire into statements accusing various persons of receiving bribes because the complainants declined to give particulars unless they were promised an immunity from prosecution for bribery. The Lieutenant-Governor considered that the case could not be disposed of in a satisfactory manner while the evidence was thus admittedly incomplete. Moreover, it did not appear to His Honor that there was any real objection in a matter of this nature to promise immunity from prosecution for bribery, and it certainly seemed more desirable that the whole matter should be thoroughly cleared up than that such a promise should be withheld.

The Lieutenant-Governor accordingly appointed Mr. H. Savage, I.C.S., late Commissioner of the Dacca Division, to hold a full and complete enquiry into the allegations. In order to permit of an enquiry of this kind, it was necessary to vest Mr. Savage with discretionary powers to obtain true and full information and evidence by means of promising exemption from prosecution for any offence punishable under sections 161-165, Indian Penal Code, or the abatement of such offence, by reason of the witness having taken part in any transaction to which his information or evidence might relate.

The enquiry was accordingly held by Mr. Savage under these conditions, and was completed on the 29th March, 1904. He recorded the evidence of men of high standing among the Marwari community, and examined the account books of various firms. He found convincing evidence against Naku Lal Sircar, Income-tax Assessor, and Jagannath Jalan, Marwari reader in the Income-tax office, which satisfied the Commissioner, beyond any possibility of doubt, that these men had systematically exacted illegal gratifications. He accordingly called upon them to show cause why they should not be dismissed from the service of Government. In the explanations which they submitted, they sought to show that the charges made against them were

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false and the outcome of enmity, but they were unable to bring forward anything to weaken the evidence recorded against them. The Commissioner accordingly dismissed them from the service of Government.

In reporting the results of his enquiry, Mr. Savage suggested that a Deputy Collector, with a thorough knowledge of Kaithi, should in future be appointed to perform the duties of Examiner of Marwari accounts.

The Lieutenant-Governor has confirmed the order of dismissal passed against the income-tax employees, Naku Lal and Jagannath Jalan. His Honor has also approved the suggestion that a Deputy Collector should be appointed to examine Marwari accounts, and steps have been taken to give it early effect.

BATCH OF STABBING CASES.

Three charges of stabbing and one of assault with a chopper were heard in London the other day.

Harry Knight, of Holloway, is alleged to have cut the arm of the wife of a neighbour who had interfered in a domestic quarrel. The North London magistrate remanded him.

At the same court Henry Whittaker, accused of stabbing his wife, said that he "did it with a" clasp-knife, but not intentionally." The woman is in hospital, and the husband was remanded.

William Dodd, a young labourer, who was committed for trial at Lambeth Police Court, is alleged to have struck his sweetheart a blow on the side while they were out walking. On getting home she found that some sharp instrument (which she had not seen) had passed through her clothing and entered her side, but the wound was not deep.

"Have I hurt him? I did it with a chopper," said Caroline Smith, who was remanded at Marylebone Police Court on a charge of wounding her husband.

TOO MUCH FOR ONE MAN.

There is no art of which it is more difficult to obtain a complete mastery than the healing art, human ailments being so many and complicated. But that which taxes the physician's skill most is what is called "diagnosis," the finding out exactly what it is that troubles the patient. In many cases that is a more difficult task than the proper treatment. Nothing is more common than for people to be ill, yet quite unable to say what is the matter with them. When the patient notes his own symptoms, and can state them intelligently, his case is greatly simplified, though even that will not always ensure correct treatment. The people who have died from being treated for one disease while suffering from another are legion; to take one celebrated instance only, such was the fate of Italy's greatest painter, Raphael.

"And how did you get on with the doctor, Patrick?" a man once asked his friend.

"Faith, Michael," was the reply, "I just gave him three-and-sixpence, and told him in English what was the matter with me. Then the doctor told me the same thing in Latin; and that was the end of the business."

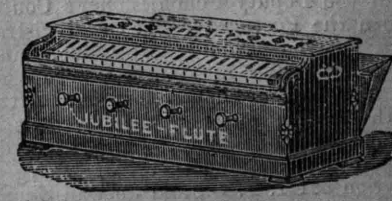
Such a result as this is not common, but it is unsatisfactory. Whoever seeks the aid of medicine does so in the hope of finding a cure, and though many are grievously disappointed in their quest, they can have no other object.

The fact is, the field of study is too vast for the cause and cure of all human ailments, as any man, however great his ability, to master physicians are supposed to do. Hence arises specialisation, so that one doctor is said to be an authority on the eyes, another on the ear, and so on. Mother Seigel's Curative Syrup will not cure every ill; it will not make the blind to see, nor the deaf to hear; but it cures, absolutely cures, indigestion, and the long list of complaints that accompany, or arise out of, that widespread malady. Here are a few details of an interesting case, that of Mr. Charles Zoti, of Buffalo Cafe, Oxford Street, East London. Writing on 4th of December, 1903, to Messrs. A. J. White (Colonel), Ltd., corner of Princes and Diesel Streets, Port Elizabeth, Cape Colony, proprietors in South Africa of Mother Seigel's Curative Syrup, Mr. Zoti says: "When in England two years ago I suffered great agony from acute indigestion. I tried a large number of medicines supposed to be cures for this complaint, but received not the least benefit from any of them. Certainly, it was not from any want of perseverance on my part that they failed. I was despairing of relief when one day a friend recommended me to take a course of Mother Seigel's Curative Syrup, which he asserted had an unequalled record for the cure of cases such as mine. I accepted his advice (though without any great expectations of good from it) and was most agreeably surprised to discover a marked improvement in my condition result from the very first bottle. Thus encouraged to persevere with it, I did not neglect to continue to take it when I came to this country. Now my digestion is as good as anybody's could be—thanks to Mother Seigel's Curative Syrup, a medicine that I never fail to recommend whenever opportunity occurs, for it gives me genuine pleasure to do so. I am deeply grateful for the very real benefit I have derived from that extraordinary remedy."

Mr. Zoti's experience is shared by many thousands of men and women in every part of the world. With testimony such as Mr. Zoti volunteers, volume might be filled; but it is needless. There is nothing people remember more vividly, or with keener appreciation, than what has rescued them from physical pain and mental depression, two inseparable evils comb' in indigestion.

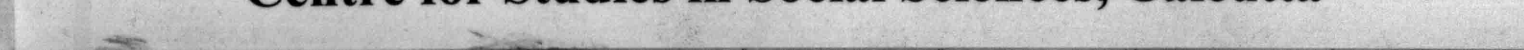
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TROUT ON THE NILGIRIS.

It is many years since trout were first introduced into the streams and lakes in the neighbourhood of Ootacamund. Sportsmen spent much money in putting down fry, and ova also were placed in various rivers. It does not, however, appear that any definite system of hatching the ova was attempted until the time of the late Mr. Rhodes Morgan, who established a hatchery near Snowdon House, and was very successful in the number of fry which he turned out. Later on, Major Grant, V.C., went in enthusiastically for hatching, and turned out thousands of fry, which were placed, it is believed, in every river, stream, lake, reservoir or pond within a radius of a dozen miles of Ootacamund. Although Major Grant reported the existence of many fry in various streams, it will suffice to say that at the present time no one can confidently affirm that he has seen a young trout. The cause for this curious and regrettable fact is not known; it has not been conclusively proved whether the adult trout spawn at all, or if they do, why the whole of the spawn proves unproductive. Some time ago a letter, signed "G. E. W." appeared in the columns of the "Madras Mail," and it would be interesting to know whether the writer can give any reason for "Salmo fario" not breeding, for all the fry turned out by Major Grant were either "Salmo fario" or "Salmo tereverensis."

Many large trout still exist. Very large ones are known to be in some of the smaller streams, but as regards the Pykara River no sign of them is ever seen; and yet it is an ideal river for trout. It is possible that large trout exist in the Ootacamund Lake, for large fish are occasionally seen rolling over; but it has never been possible to ascertain for certain what these fish are. So far as Burnfoot Lake is concerned, it is to be feared that all the fish it contained were killed by the dirty water coming down into the lake during the construction of the Tiger Hill reservoir; but Snowdon pond contains some melancholy trout of 6 lbs. or 4 lbs. weight which are of no use to anyone where they are, and cannot be got out owing to the depth of the water. In the years 1899, 1900, and 1901 "Salmo iridens" ova were imported, but in the first two years the whole of the consignments arrived putrid, owing to want of care on the voyage. In 1901, some 300 fry only were saved, and these were put into a "stew" pond near the Pykara River, the idea being to allow them to increase in size before turning them out to face the numerous enemies which exist for them in a stream. Bad luck followed this experiment, and gave its success or failure no chance of being tested, for an unprecedented heavy flood burst the dam of the pond, and the trout disappeared; some may now exist in the Pykara River, but nothing definite is known on the subject. This incident was mentioned in the "Madras Mail" in the autumn of 1902, when a correspondent from Ootacamund stated that traces of the trout having gone up stream had been found; but such traces, if they ever existed, have, apparently, entirely vanished since.

During the past season, two consignments, each consisting of 10,000 "Salmo iridens" ova, were received at an interval of a fortnight. They came via Ceylon, and this route is, for many reasons, the most convenient for Ootacamund; but it is open to the objection that there is no steamer running from Colombo on Sundays, and on both occasions this necessitated the ova being stored in Colombo from Saturday to Monday evening. This naturally means both risk and expense. Many of the ova were hatching out when the boxes were opened, and it is believed that all of them died; moreover, there was an initial loss of quite 50 per cent. owing to faulty packing, two layers of ova having been packed in each tray, divided by a heavy piece of canvas, which, having become sodden with iced water, pressed down on the lower layer, entirely destroying it. The "Alevis" developed very quickly, and were mostly "fry" after about a fortnight. But it is almost impossible to keep the fry long after they are developed, for they jump out of the breeding troughs in the most surprising manner, notwithstanding every possible precaution to prevent them doing so. The fry of "Salmo iridens" are darker, and have larger heads than "Salmo fario"; they also seem larger at first, and then decrease in size before finally growing.

Altogether, some 900 fry have now been placed where it is hoped that they may be safe; and can already be seen jumping at minute particles on the surface of the water. The chief reason for the selection of rainbow trout is that they will breed in the tropics. Ceylon has done right well with them, and is already able to charge a substantial sum for a fishing licence, and so far as can be seen, there is no reason why the Nilgiris should not do equally well. There is one difficulty in connection with the introduction of rainbow trout, and that is that, other things being equal, there is no doubt that the ova travel worse than those of the brown trout. But rainbow trout are grand fish, they grow quickly, are free risers at a fly, night well and are excellent for the table. There are few sights more pleasing to a fisherman than a pond stocked with good-sized "rainbows." Their unceasing activity as they roll over the top of the water, with every possible colour reflected from them, proves how well they deserve their name, and makes a man who loves his rod spoil to "be at em." One extraordinary development of "Salmo iridens" may be mentioned. In certain places in New Zealand they have adopted the habits of salmon, and may be seen plunging about in the tide-way at the mouths of the rivers they were bred in—"B. A. B." in the "Madras Mail."

The case concerning the theft of the valuable sapphire from a postal packet in transit from Delhi to Bombay came on for hearing recently in the Deputy Commissioner's Court, Delhi, when the Postmaster and the Registration Clerk of the Delhi Post Office, and Magan Mall, jeweller of Madras, were examined as witnesses for the prosecution. After hearing the evidence the Deputy Commissioner framed charges against three accused. Lajja Ram, the postal packer, was charged under Section 381 I. P. C., and Jeewan Singh and Jawahar Lal both under Sections 381 and 109 I. P. C. The sapphire has been sent for from England on condition that it will be returned after recognition, and the Delhi jewellers will be paid the value realised by the sale of the sapphire in England. The further hearing has been adjourned pending the arrival of the gem from England.

MASSAGING THE HEART.

New York, March 24.

Dr. Keene, a well-known Philadelphia physician and visionist, is employing a daring method of resuscitation by massaging the heart in cases of apparent death from chloroform during surgical operations.

In an address to the County Medical Society yesterday Dr. Keene stated that he had performed the operation in twenty-seven cases, in four of which the patients recovered. In one instance the heart had ceased beating for two minutes and life was apparently extinct.

The operation consists in opening the flesh and exposing the heart. The hand is then inserted in the cardiac cavity, while the operator with his other hand exerts a slight pressure from the outside.

With his two hands he then gently squeezes and kneads the sensitive organ until circulation is restored and the cardiac auricles and ventricles are introduced to continue their suspended functions.

HYENAS BORN IN PARIS.

Paris, March 24.

There was considerable commotion towards the close of the matinee performance at the Hippodrome this afternoon when it became known that Lily, the African hyena, had given birth to twins. It is rarely that these animals in captivity have young, and it is the first time in Mr. Bostock's career that it has happened.

It had not been intended that the public should hear of the event, but there is nothing which excites so much interest in a menagerie as a baby animal, and when the employees, especially the female members of the staff, learnt what had happened it was impossible to keep the secret from the audience. The performance which was proceeding was brought to a close as quickly as possible and the Hippodrome with difficulty cleared.

As it was feared that the mother would destroy her offspring, Mr. Bostock decided on the removal of the twins, and he put his hand through the bars of the cage and cautiously drew the cubs towards him. But Lily was in a ferocious temper, and, besides, she was feeding time, so she made a vicious snap at Mr. Bostock's hand, and it did not get her teeth came down upon an iron bar, he would have lost one or two of his fingers.

WRAPPED IN WOOL.

As soon as the young hyenas had been got out of the cage they were handed over to the motherly care of the concierge's wife, and when I saw the tiny, silky things half an hour later they were smothered in wool and shawls and tucked away comfortably in the bottom of a basket.

They are pretty little animals, buff-coloured, plump, and sleek, and about the size of well-grown rats. At present they are being fed on warm milk and water, but a search is now being made for a dog with young to suckle the infant hyenas.

Should they live and prove as intelligent as their mother they will some day be worth from £70 to £80 each. At present Mr. Bostock is so proud of them that he says he would not take £200 apiece for them. It is hoped that the public will have an opportunity of seeing the puppy hyenas to-morrow. As I left the Hippodrome I passed near their mother's cage, and there was poor Lily pacing restlessly backwards and forwards behind the bars, mourning pitifully for her stolen cubs.

SYLHET UNION.

The twenty-sixth Annual Prize Exhibition meeting of the Sylhet Union was held on Saturday, the 2nd April last, at 6 p.m., in the Albert Hall. Mr. Narendra Nath Sinha presided. There was a large and respectable gathering.

The proceedings began with a song, which over, a short Bengali poem was recited.

The annual report of the Union was then read by Dr. Sundari Mohon Das, the President of the Union. The President then requested Dr. Gurn Das Banerjee to address the meeting. In going to explain the necessity of holding the prize exhibition meeting of the Sylhet Union in Calcutta, he pointed out how this Union was, in its humble way, trying to produce a Bengal Union while others in authority were on the other hand, trying to make a Bengal partition. He was followed by Mr. J. Chowdhury whose speech on the occasion was highly appreciated.

Mr. Bepin Chander Pal spoke next. He laid special stress on the point that the Sylhet Union was quite free to select what text-books it liked and that no officialised Text-book Committee could deter it from doing that; and that such a system of Education as the Sylhet Union had introduced for the females of Sylhet, and had with success carried out for a quarter of a century and more, would soon have to be introduced in larger or smaller spheres for the proper education of our boys as well, considering the retrograde measures of the Universities Act.

He was followed by Sister Nivedita. She said that the Indians thought talkative no doubt, were, as it were, only "10 pounds anxious" for the education of their females. The path followed by the Sylhet Union, was she said, a good one; for it facilitated "the putting forth the old strength into the new form." She insisted on putting a stop to the hankering after money; otherwise whatever fine or fiery pieces we might be allowed to teach—it would all be of no avail. God himself had given us the right to teach what we value most—we were free in that respect. No man could deter us from that. She insisted also on improving the ideal of marriage. The first duty of every man was to give the highest and the noblest things of his understanding and of his heart to the comrade of his life. Mr. Dvijadas Dutta then spoke a few words, after which came the presidential speech.

A vote of thanks was then proposed to the chair by Mr. Mr. Satyendra Nath Tagore. A vote of thanks was also proposed to the ladies present both of which were carried with acclamation.

There was then another song which brought the proceedings of the meeting to a close.

Sirdar Mahomed Ismail, the Afghan Envoy, has arrived in Simla. He reports that everything is going smoothly in Kabul.

Sergt. W. Walker and Sergt. C. Thompson, of the Carabiniers, have been tried by a District Court Martial, Bangalore the first on charges of conduct to the prejudice of good order and military discipline and disobeying a lawful command, and the second for failing to appear on parade and disobeying a lawful command given by his superior officer. They were found guilty and sentenced to be reduced to the rank of Corporal. Pte. Wagghorne of the same regiment, has been sentenced to 168 hours imprisonment with hard labour for using insubordinate language to his superior officer.

INDIAN NOTES.

DESTRUCTIVE FIRE AT AGRA.

A big fire has occurred in the city destroying a large quantity of merchandise belonging to Indian merchants.

THE LATE MAJOR EWING.

Particulars regarding the recent death of Major Ewing in Somaliland from an attack by a lion show that Major Ewing was out after the lion with Captain Elwell when they suddenly came across him at close quarters. Captain Elwell fired, mortally wounding the lion, which sprang immediately at Major Ewing, who unfortunately tripped over a tree stump and fell. The lion seized Major Ewing's leg and mauled it severely, severing all the main arteries and lacerating the flesh terribly. Major Ewing died from loss of blood and exhaustion before he could be brought into Wadmagao.

RAILWAY CONSTRUCTION IN BURMA.

The Southern Shan States Railway project has made a decisive step forward, as the Lieutenant-Governor has definitely recommended to the Government of India that the line be given an early place in the programme of railway extension on which a commencement should be made during the next working season. His Honor has suggested that this line should take precedence of the Daga loop line, which has not yet been surveyed, and that it should, if funds are available, be carried out simultaneously with the construction of the Pegu-Moulmein and Kyaukse projects.

SEA-BORNE TRADE OF BRITISH INDIA.

A new publication has just been issued by the Statistical Department of the Government of India. It comprises accounts of the sea-borne trade of British India arranged for the calendar year 1903 as distinguished from the financial or official year in comparison with the accounts of the two previous calendar years 1901 and 1902. It is compiled on a sterling basis, the rupee being converted at the rate of Rs 15 per pound. With this publication it is now possible to compare more precisely our trade with that of the United Kingdom where the calendar year is also adopted for trade accounts and from which country the bulk of our imports of merchandise are received and to which a large proportion of our exports go. Exclusive of Government transactions the total value of the year's transactions is given as nearly £176 millions; this is £19 millions greater than that of the previous year or an increase of twelve per cent. In these figures gold and silver have been included, but, if these be omitted, the total value of merchandise amounts to £150 millions or an advance of slightly under twelve per cent. Nearly £13 millions of gold came into the country in 1903 and of silver a little over £6 millions; against this were exported of gold £2,494,316 and of silver £1,891,428. Transactions in the precious metals on behalf of the State were in excess on exportation. Both under imports and exports of merchandise, trade appears to have been prosperous; at all events, most items show an enhancement in total values. The exceptions to this are only eight in number: viz., five under imports and three in exports. Sugar shows in imports the greatest decrease. £281,308: entirely the result of smaller receipts of beet-sugar from Austria-Hungary. The higher price of the raw material has also contributed considerably to a smaller trade in cotton twist and yarn with a consequent fall in value of £195,854. In exports of Indian produce the most marked decrease is to be found under raw jute where the value is less by £1,768,077: there was a shrinkage in quantity of four millions cwt. From causes that are well known the value of exports of indigo was less by £360,954.

CATCHING MONKEYS.

This is the way in which monkeys are caught in Algeria. A peasant takes a gourd, makes a hole in it just large enough to let in the monkey's paw, and fills it with rice. He then fastens it strongly to a tree. During the night the monkey comes and examines the gourd. He finds there is rice in it, and makes up his mind that he will have some. So he puts in his paw and takes a handful. But this makes his fist so big that he cannot draw it out through the hole. He is too greedy, or he has not wit enough to let go the rice, so he says there, with his paw in the hole till morning, when the peasant comes and captures him.

H. Hyder Sahib, at present Sub-Registrar of Attur, in the Salem District, and formerly in the Trichinopoly District is in trouble. The charge against the Sub-Registrar was that he had obstructed a British Postmaster in the discharge of his duties by trying to get back a letter he had posted. The accused will soon be placed before the Deputy Magistrate at Aryalur.

One of the correspondents, who was fortunate enough to spend a little time in Northern Korea before being recalled to the base, gives an enthusiastic account of the Japanese preparations. The Japanese have made the fullest arrangements in Korea for their safety if they are forced to fall back from Manchuria. Every landing place on the northern coast has been taken possession of and made ready for the possible arrival of transports. Rivers have been spanned with bamboo bridges, roads prepared and light railways constructed. The commissariat department has established a network of agencies throughout Northern Korea for the gathering and forwarding of supplies and stations along the line of advance have been built for the storing of provisions. The natives have been conciliated by the payment of good wages and a high rate of treatment. Ping Yang is to be fortified and it should prove invaluable were the Japanese forced to fall back. On March 15th there were 20,000 men in the city and more were arriving daily. At one time the Russians had it within their power to take Ping Yang as it was only occupied by 250 Japanese, but the Russian commander not receiving the reinforcements he expected had to retire for fear of being cut off from the main body on the Yalu. It is said that last month the Japanese had only adequate means of supplying a force of 90,000 in spite of their very complete arrangements. The soldiers have, however, withstood the hardships of weather and small rations with amazing fortitude.

"GHOST" IN THE TEMPLE.

The cloistered calm of the Middle Temple Courts was rudely disturbed by what is claimed to be a ghostly visitant.

A reputable tailor of the West End had an appointment in the morning with a barrister at his chambers in Elm-court. He knocked at the iron-bound, heavily-bolted door, and some one called out, "All right, I shall not be a moment." While waiting, the tailor detected a strong smell of gas. He knocked again, but obtained no answer. Becoming alarmed, he thudded desperately at the door, shouting wildly to the suffocating man within.

Then a policeman was called, workmen broke open the door, and they rushed in to throw up the windows. To their surprise there was no one in the chambers. The tailor, however, still believes that he heard the voice of his customer.

DISAPPOINTING RESULTS AT THE CANCER HOSPITAL.

The radium treatment has now been entirely abandoned at the Cancer Hospital. It was never viewed with much hope there, and a few days ago the last experiments with it were abandoned.

Trials were made at the end with a case containing five grains, covered only with mica-sheeting, probably the largest mortal in any hospital in Europe, and the effect was always the same, though it might vary in degree. The surface of the skin became inflamed, a blister formed and dried up, and that was all.

Sixteen cases have been under treatment, the longest period of a single application having been three hours, and the longest total time of application having been about twenty-five hours; and the only favourable result has been an occasional cessation of pain. On the other hand, several patients have complained of an increase of pain.

The authorities of the Cancer Hospital are now devoting all their money and time to improving the high frequency treatment, especially as regards the enormous waste of electrical power which distinguishes the present use of the Röntgen rays. A current of 200 volts is to be transformed into a fifty-volt current, and this again reduced without wastage to a twenty-five-volt current, the latter being the pressure used in the present application of the rays.

For cases of internal cancer experiments are being made with certain new lamps which can be inserted into a cooling tube containing water and then introduced into the body. Both these and the new electrical machinery will, however, require some weeks to perfect.

HINDOO MAGIC AND INDIAN OCCULTISM.

"Doctor.....Adopt, High Caste Yoghi and Master Lama of the Temple of Hago Ka, Delhi, India, who is the Initiated and Wonderworking Medium between the Great Concealed Adepts of India and the Western Student of Occultism, has been granted the Sacred Right to place in the hands of all sincere and interested Occult. Students Illustrated and Valuable Literature which contains accurate and Secret Knowledge of the Inner Circle of the Hindoo Adepts and Master Lamas. This instructive and intensely interesting literature also pertains to Hindoo soul and Vital Magnetism, Psychic Diagnosis, Black Art, Magic and Sorcery, Necromancy, Pneumatology (Astral Influence), Diabolical and Ceremonial Magic, Invocations, Conjurations of the Spirits of the Astral Plane, Medieval Theosophy, Philosophy of Disease and Medicine, also Clairvoyance, Propelling Astral Body, Occult Influence, Mediumship and Occult or Thaumaturgic Powers, to Bind, to Constrain to Appear and Discharge Evil Spirits. The Nature, Possibilities and Dangers of Spiritism, Magical Art, Demonology and Witchcraft, Mundane and Sub-Mundane Spirits, Methods Used by Magis and Necromancers to Call Up the Souls of the Dead, Exorcisms, Astral Auras, Clairvoyance in Dreams, Magical Powers Evil Desires, Astral Entities, Black Magic, Cosmes, Cure of Obsession, Curses, Chaos, Elementaries, Earth Bound Spirits, Haunted Houses, Mummies Used in Witchcraft, Mummies of Criminals and Suicides, Magnus Limbus, Karma, Images, Love Charms, Lying Spirits, Prophecy, Psychometry, Remedies against Witchcraft, Vampires, and Witch Trails, etc., etc. Rarely, if ever, will the Student of Spiritism, Clairvoyance and Occultism have the opportunity of obtaining such handsomely illustrated literature as this Master Lama has been granted the right to place in the hands of every sincere and interested Student of Hindoo Magic and Indian Occultism. Dr..... will send this literature while it lasts to Interested Persons only—Free. Address, Doctor..... Adept and High Caste Yoghi....."

Correspondents will of course be notified that the present edition of the book of instruction is just out of print, but a course of lessons in the above mentioned magical arts and sciences can be given to "sincere and interested students" for the paltry sum of twenty-five—or perhaps ten dollars.

Some time ago Mr. Fisher, Superintendent, Government Press, Madras, was asked to examine the Mysore Government Press, and suggest improvements. It is said that a report has been suggested and approved which on the whole effects a savings of about Rs. 300 only by the abolition of about twenty hands—the stereo department for which there is little need and other savings. The Press mechanic, the Manager and several others are given certain promotions. These changes are given effect to from the coming official year.

WHOPING COUGH.—This is a very dangerous disease unless properly treated. Statistics show that there are more deaths from it than from scarlet fever. All danger may be avoided, however, by giving Chamberlain's Cough Remedy. It liquefies the tough mucus, making it easier to expectorate, keeps the cough loose, and makes the spasm of coughing less frequent and less severe. It has been used in many epidemics of the disease with perfect success. For sale by Smith, Stanistreet and Co. Wholesale Agents, B. K. Paul and Co. and Abdool Rahman and Abdool Kareem Calcutta.

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