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The Company of Cain

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BY

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'THE LEGACY OF LIBERALISM'

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I.

AUTOBIOGRAPHY.

THERE was once upon a time in a certain regiment a certain subaltern. He was, I believe, distinguished in war, but was not so distinguished in the arts of peace. Thus he would, in the mess antechamber, clap the senior major on the back, and addressing him in endearing terms, would invite him to quench his thirst. He would draw the colonel aside and tell him a quarter-gallery story, reserving nevertheless his more romantic anecdotes for guest-night and the presence of the bishop. He shunned regimental games, sports, and functions in general, except when he wished to compliment some lady friend. He frequented pentecostal dance halls and by no means dubious bars. He could absorb an amazing amount of liquor without difficulty, but even the hardiest sometimes know defeat. His knowledge of poker was extensive and peculiar,

and there were stories of stumer cheques. Altogether, when axeing began, here was a clear case for the axe. Unfortunately, it might be eighteen months or so before the axe would fall, and in the meantime what was to be done ? The colonel could not bear to think what might happen in six months under such auspices in even the best conducted regiment, and be it remembered that, if there is a grave scandal in a regiment, it is on the officer commanding that falls the first and heaviest brunt of departmental wrath. The colonel and the adjutant talked over the problem, and agreed that there was but one remedy for present evils.

The good old days in the army of elegant indolence are over and done, and the modern subaltern is expected to be an expert in about twenty different auxiliary branches of military science. Instruction in these arts is conveyed at classes, held, of course, in various convenient centres, where junior officers from all over India are gathered together to sit at the feet of some belted Gamaliel for periods, it may be, of a few days, it may be, of some months. Here was the solution. The temporary gentleman was despatched to class after class. As soon as he returned, say, from musketry at Satara, he was forthwith hurried off to study signalling at Pachmarhi. It was calculated that in a couple of years he had traversed a distance equivalent to the periphery of the globe at the Equator,

and had fully qualified in all possible subjects from machine-gunnery to field-cookery. Then the axe fell.

It seems to me that the fate of this subaltern is the fate of all of us. We, too, are obtaining experience at heavy cost, with much labour, and over a long period of time. Indeed, our harvest-time of experience extends from the cradle to the grave, for I suppose that even on our death-beds we shall pick up some valuable information as to sickroom appliances and the durability of domestic affection. Even in the best case what will be the use of it? A glorified spirit? To such a shining one what will it profit that he on earth has acquired great skill, say, in the arts of love, or a curious and exclusive knowledge of the vintages of the Beaune district, or of the niceties of Greek accentuation? All wasted, is it, like a child's sum scrawled on a slate, which is wiped out when the class is dismissed?

It is, I suppose, evidence of the essential thriftiness of Nature that man has the instinct for writing biographies and autobiographies. "I am about to perish," says Balbus, "and there are no walls where I am going. Let me at least record for the benefit of posterity what I did and suffered during my edificatory career." This is very good of Balbus, but I do not think that posterity ever benefits much by the recorded experiences of others. We have each again to learn in the private school of our own bitter

experience how to comport ourselves in this phenomenal universe, and we can make little or no use of the facile Gradus of the admonitions of others. We might learn from Pepys not to be lecherous little grafters, from Lord Melcombe not to be Doddingtons, from St Simon not to be snobs, from Scott to avoid parasites and shady speculations, from Carlyle to sacrifice to the Graces, but we learn these things, if we have to learn them and do learn them, from much less indulgent teachers. In the abstract, therefore, the writing of biographies, whether of oneself or of others, would seem to be a peculiarly useless form of literary endeavour.

Yet such a writer is not wholly to be condemned. After all, something must be conceded to the weakness of human nature, and it is in accordance with the weakness of human nature that we desire not wholly to perish, but to leave some permanent memorial, so that men of all succeeding ages may know at least that we have lived. Even so does the half-day excursionist, visiting some dim and mysterious cathedral built for the ages, grave his insignificant name on the marble effigy of abbot and crusader. But what about the reader? One need not concern oneself much with the reader, for if he does not like a book or a class of book, the remedy is in his own hands. Experience, however, shows that there is no class of book more popular with that section of the reading public, which does not

confine itself exclusively to fiction, than memoirs and biographies. That this is so is due to our curiosity. Much of this curiosity is no doubt the curiosity of a valet, idle and impertinent, and therefore not to be praised. We wish to know the secrets of the house not, like the hungry Greekling, to be feared, but to discover some scandal that we may convince ourselves that brave men and noble ladies are, after all, not so much braver and nobler than ourselves. We are too proud to listen at doors, but we pay the eavesdropper his royalties. But there is a residuum of curiosity which is legitimate. Man will always be interested above all other things in man. Even those half-day excursionists, those scribblers of graffiti, who, deciphering with pain some name, some broken sentence, some gibe, some indecency does not feel the touch of some sentiment, some feeling of kinship in humanity, some wistfulness in seeing the work of these idle hands so long ago white ashes. And *our* work ?

And if such sympathy be natural with a man who has left behind him only such faint and foolish vestiges, is it not greater when it is given to us to watch the career of any man from birth to the grave ? " Here," we may say, " is a man, my brother, purblind and crippled maybe, but still a man, struggling in the tide of circumstance, doomed to destruction no doubt, but able to struggle valiantly to the last, if he have

the will . . . even as we are . . . let us see what he will make of it." Thus no doubt the gladiator on his day off watched from his reserved seat with keen interest the manœuvres of Retiarius and Secutor.

Nor does the interest of the narrative depend much on whether the hero has played a part in great affairs. Life is a tragedy, not a melodrama. To the writer of melodrama, of course, gore and nothing but gore is necessary and sufficient, but a tragedian can write a great drama about a sore toe. By all means, if the groundlings wish it, let the slain Cæsar wallow in blood; but what interests the tragedian is to trace the thought of Brutus springing from a tiny germ, fostered here, checked there, but ever constantly pressing forward to the red sunlight of tyrannicide. But the analysis here necessary does not need that the thought should take form in the murder of an emperor; the analysis might be equally subtle if the central fact was the rape of a bucket. We are all of us actors, and actors on a tragic stage, with inevitable death at the fall of the curtain, and we have no mean audience. Each of us, therefore, is the protagonist in his own tragedy, and the argument of that tragedy is always the losing or the saving of a soul. But what is the price of a soul in the devil's mart? An empire? A million of money? Thirty pieces of silver? A bit of ribbon? A girl's laugh? John Smith of Peckham has a

soul to save or to lose, and the will and power to save or lose it, just as much as Othello or Hamlet or Napoleon or the Kaiser, and if we are not as interested in his struggles, his defeats and failures, as in those of the magnanimous and picturesque heroes, that is not the fault of the tragedy but of the tragedian. The most interesting biographical books in English are the 'Diary' of Pepys and the 'Letters' of Walpole. Both, it is true, were spectators of great events, and recorded them to the admiration of posterity; but if these purple patches were removed from the works in which they are embedded, 'Diary' and 'Letters' would not be a whit less interesting than they now are. That a man, therefore, has not been an actor in great events should be no bar to his trying his fortune as a writer of memoirs.

Such writings have, moreover, not only a value as being records of a tragedy, they have also what may be called a comic value. They are valuable, that is, as recording for the benefit of posterity the customs, ideas, and mental surroundings of men of past generations and of states of society which have perished. It is legitimate to inquire in what sort of world our ancestors lived, lest we may unwittingly do them an injustice. Who, for instance, can doubt that we should appreciate more highly the strange civilisation of the Byzantines had we the same materials on which to form our judgment as we

have in the case of the Athenians and the earlier Romans ? I could wish that we had the camp diary, however rough, of one of the veterans of the Tenth Legion, that we might compare it with the journals of the sergeants of the Grand Army and with those of the men of the Peninsular War. Thus I regret that in modern times none of those who have served the Crown in British India have thought fit to record their adventures. The consequence of this shortage is that, even now, the general public has little idea of the nature of the employment of such officers, and thinks of them as smug bureaucrats installed, like so many little Noahs, in comfortable arks of offices, engaged not indeed in foddering giraffes and chaperoning rabbits, but in filling up forms and consulting files, while the tide of destruction roars around them ; or as resolute adulterers ; or as veritable fathers of their people, riding on elephants and clamouring for brandy-pawnee, and for curry and mulligatawny hot as hell. If such be the opinion of contemporaries, how erroneous will be the opinion of posterity when, as soon must be the case, the Indian services are thoroughly Indianised, and new men with new ideas and ideals fill the old posts ? As things stand at present our grandsons will know less about the life of a society which will then have vanished for ever than they will know about the society of the West Indians in the heyday of their prosperity, of the life of the

Irish gentry in the days of the Protestant ascendancy, of the life of the nobles of the Ancient Régime, less perhaps than they know of the lives of the contemporaries of Cicero and Aristophanes. I hope that before it is too late we shall find our Lewis, our Barrington, our Marbot, or at least our fictitious Crequy.

This part I cannot play. In the first place, my life has not been typical of the life of my brothers. Among other things, I have passed my days, not so much in the arena as in the wings, hearing and seeing events, but not a participant in them. Thus my life has been one of observation and reflection, and not one of action. But if it should be of interest to the men of this or of future generations to know what I thought about the actions of others, I am very much at their service. I myself find much more interest in what may be called subjective memoirs than in the memoirs which relate merely things done, however stirring and important they may be. After all, what in general we wish to know is not so much what a man did as why he did it—that is, what he was. For instance, A kills B. We do not know from the mere fact thus reported whether A was a hero, a fanatic, a madman, or a common cut-throat. We can only know what he was if he will tell us why he did it. We must wait, that is, for a man to speak before we can know whether we ought to praise, condemn, or pity him for his action.

Another circumstance which would make me shrink from writing a formal autobiography, if I were ordered by the Amphictyons so to do, is the egoism of the form. Certainly the form which is most free from this reproach is what may be called the unconscious autobiography, where the life of the author is recorded in letters written with no view to publication, or in diaries written only for the eye of the writer. Here the egoism (though it exists) is not obtrusive, and is pardonable. In the formal autobiography the egoism is generally offensive, though there are cases where we forget it, because it evokes the very personality of the writer, and the personality so evoked is masterful and dramatic, as in the case of the saintly Firoz Shah and the far from saintly Cellini. So inseparable is egoism from this form of book that where it is absent the value of the work suffers, as in the case of the modest and knightly Roberts. This egoism is not only offensive on grounds of taste, but it is apt to make the work in which it appears exceedingly dubious as an authority. I do not say that people who write formal autobiographies lay themselves out to deceive the public, or that in general they write otherwise than in perfect good faith; but such people are in effect pleading at the bar of posterity, and the mythopœic faculty is also at work. Thus such men will make out a case for themselves, unpleasant incidents will be omitted, mistakes palliated, crimes

suppressed, evidence garbled, friends praised, enemies libelled, so that, for example, the historians of the next millennium, if, relying solely on the memoirs of the leaders of the human race during the war years, they should attempt to write the history of the last war, would find themselves as sadly to seek as those who attempt to extract from the speeches of Æschines and of Demosthenes "On the Crown," the true tale of the fall of Athens. If there is not this defect, there is one which is even worse. Here the author admits and exaggerates his faults, errors, and basenesses with a sort of despairing cynicism, giving here again a false impression of his character.

He who would avoid these reproaches is driven into devious ways. He might propose as nominal hero of his memoirs some Richard Roe, and assign to him adventures which had as a matter of fact happened to himself or to his trustworthy informants, being careful so to confuse the sources that it would not be possible for any person, not in his true confidence, to ascertain which actions were to be attributed to the writer himself, and which to his friends. Moreover, it should be possible by slight but important changes in the names of persons and places, in the dates of events, and in subsidiary details in general so effectively to disguise the facts, that the uninstructed reader might, if he wished, regard the narrative as wholly fictitious.

Nevertheless the tale would be the truth, and the whole truth, at least so far as any recorded fact can be true. In such a way the author might hope to avoid the reproaches of egoism, the disgust caused by the perpetual repetition of I—I—I, the special pleading, the improper allotment of praise or blame, and all the other defects which I have noted as incidental to this form. In such a book the author might hope that the incidents recorded would be interesting, and that the opinions recorded would be revelatory, so that the whole work might be of some value as a record, not so much of what was done, as of why it was done. It is this which, as I have said, seems to me the principal value of such records, where the author has not taken part as a principal in any very important affairs.

An objection may be taken to this device on the ground that such fictitious memoirs are misleading, and really come into the category of forgeries. Thus two or three of Defoe's impostures have misled serious historians, and it is even now by no means certain how far 'The Adventures of Robert Drury' are a good authority for the early history of Madagascar. But not every one can or would be a Defoe, and the objection is only valid when the fictitious memoirs are intended to mislead, and mislead as to the truth of important events. It is not valid when the fictitious history deals only with the trivial adventures of an unimportant individual. Thus

to forge the memoirs of Claverhouse or Carstares would have been for a contemporary a serious outrage on Clio, but he who from the garrulity of twenty old broken Amalekites collected materials for the history of Creichton performed a service acceptable to that Muse.

What, then, I propose to myself to do is to jot down from time to time events which have happened to me or to persons in whose truthfulness I have confidence. The facts themselves will be true, though the details may be fictitious or altered. I shall record my own opinions as I have formed them gradually on consideration and reconsideration of the facts. I hope thus to redeem the Indian services from the reproach of bureaucracy by showing that the Indian official did take a first-hand, human, and personal interest in the fellow-subjects whose affairs he administered, to help the Englishman who may read these pages to a better understanding of his Indian fellow-citizen, and to record for the benefit of posterity the experiences of a humble member of a great company banded together on a splendid but futile adventure.

II.

THE OFFICE OF A JUDGE.

DURING part of my service, says my hero, I was a judge. District and Sessions Judges in India have an extensive jurisdiction. They, sitting alone, decide all appeals in civil matters, with a few exceptions. They have a large ordinary original jurisdiction, and a very large extraordinary jurisdiction, being Courts of first instance in matters of probate, guardianship, insolvency, liquidation, and many the like, being matters which are most conveniently dealt with at headquarters. In their criminal jurisdiction they can pass any legal sentence, and therefore try as original Courts all the most serious offences. An appeal lies to them from the sentences of many of the inferior Criminal Courts of their District. They exercise this jurisdiction in matters arising within their territorial administrative area or District, which has on the average an area of about five thousand miles and a population of a million and a half. They do not in general go on circuit, and for the most part

hold their Court permanently in the chief town of the jurisdictional area.

Subordinate to the District or Civil Judge are judges of smaller areas. These are almost invariably Indians, and were till recently recruited from the office establishment of the District Judge. Recently appointments have been made from practising lawyers, on the analogy of the British practice in the case of the County Courts. Subordinate to the Sessions or Criminal Judge (who is always the same person as the District Judge) are magistrates, who are of varying grades, the lower grades being almost all Indians, while there are a certain number of Europeans in the higher grades. The magistrates are in general stipendiary (though honorary magistrates exist), and in general perform in addition to their magisterial work executive functions. This corps of magistrates, in some ways subordinate to the Sessions Judge, is yet also in some way subordinate to the District Magistrate or Chief Executive Head of the District, who was, till recently, almost always a civilian, and usually a European.

One fine morning, says my hero, I found myself appointed to one of those posts in the Judicial Department, the occupants of which rise in due time and by weight of seniority to a judgeship. I was not flattered. In those days and in that province Government regarded judges as necessary evils, and judicial duties as being

of that nature which no one could perform well, and which any one could perform passably. The Government was, after all, an Executive body, and in India the Executive Government is excessively liable to the control of the Courts. The Executive officers can be restrained by injunction from performing acts which to them seem necessary and indeed essential; heavy damages can be awarded against the Government if it or its local officers have without legal authority invaded the rights of the subjects; its rebels and traitors can be restored to a new sphere of activity if the Government cannot prove to the satisfaction of the Court that they are rebels and traitors; dangerous and desperate criminals can be let loose to ravage the countryside anew if their legal advisers can at some point of the long train of investigations and trials, in which is frittered away judicial efficacy, convince some sympathetic tribunal that the evidence is false or that the letter of the law has not been broken. This is all as it should be, no doubt, if there is to be any liberty under an autocracy; but the Government could not be expected to approve with whole-hearted approbation the efforts of its own servants to embarrass its operations, and had a suspicion, now and then not without excuse, that it was not the spirit of justice so much as the Departmental spirit of jealousy and ill-will which inspired those efforts. The judges were, after all,

set there in part to form a check on the Executive, and it is not a matter for surprise that the Executive resented being checked, and that the judiciary applied the check too harshly and capriciously. The result was that the Executive Government thought for some time that the worst of its servants, those who were unfitted for the responsibilities of Executive power, were most suitable for the judicial service. The result was that no one of ambition or energy was at all willing to enter this branch of the service, and that the Government was forced to resort to conscription instead of to selection. It is true that an able though unambitious man who wished for leisure and a sedentary life might not too much resent this conscription, and also that from time to time the supreme judicature of the province, alarmed at the hands into which was passing the principal jurisdiction in the provinces, remonstrated and insisted on the field of choice being widened; it is true also that from time to time Government declared as its policy the resolution to pass all its officers through a period of judicial service. Nevertheless there was for long this slur on the Department, and an officer suddenly appointed to the judicial branch of the service was inclined to make private inquiries as to what fault he had committed which was thought worthy of so heavy a punishment.

Once in the Department the judge was left

severely to himself. He had his precedence under the Royal warrant, and might, if he lived and had luck, look forward to a seat in the Chartered High Court; but he was not to expect, even at the end of his service, any decoration or honour or any lucrative or honorific appointment. Even the semi-official courtesies of gubernatorial hospitality were rarely extended to him. All this was as it should be, for a title-hunting judge, always on the look-out for extraordinary promotion or favourable treatment at the division of the spoils, always haunting lobbies and antechambers in search of his prey, would be indeed a phenomenon of very evil omen to the subject. But the total and abysmal separation between the principal Executive officers and the principal judicial officers of a province did not lessen the Departmental spirit, and led to the erroneous idea that there was a great gulf fixed by nature itself between the office of the judge, which is to enforce the law, and that of the Executive officer, which is to administer the law.

Neglected thus and mistrusted thus by the Government of which he was a servant, the judge did not find himself over well treated by his immediate superiors, the Chartered High Court. The judges of the Chartered High Court were either barristers appointed by the Home Government for ability and for subordinate political services to a distant office which was and is honorable and was lucrative, or civilians

who had risen to the top of the cadre of District Judges. Neither of these classes looked with much favour on the District Judges. The barristers had the professional and sacerdotal contempt for the amateur and unordained, and the civilians were apt to dissociate themselves from the ruck from which they had risen. Thus at certain epochs, under the presidency of certain Chief Justices, and in certain provinces, District Judges were treated by the High Courts with a sort of harsh jeering insolence, which may have been merited, but which did not add to the confidence of the public in the officers so treated, and for which it would certainly have been very difficult to find any precedents in England.

In spite of these disadvantages, says my hero, I was not sorry to enter the judicial service. If any man says that he does not like wealth and position and honour, he is in general a saint or a liar, and I have no wish to compete with Epictetus or Ananias. Nevertheless these things may be purchased at too high a rate, and it seemed to me from a very early period that the best gift that life could bestow was a philosophical tranquillity, and this cannot well be preserved by him who pursues wealth and worldly honour. Moreover, I was extremely doubtful as to my abilities in execution; on an emergency I thought I could do well, but even in India the life of an administrative officer is not made up

of emergencies, but calls for a continual watchfulness, and a sustained interest in what appear to be petty and tedious details of routine administration, which I felt I might not be able to develop. Yet he who relaxes for long his watchfulness over his subordinates, and who leaves what appear to be petty and tedious details of routine administration to the fidelity and ability of overtrusted subordinates, will, in India at any rate, find an abyss presently opening beneath his feet, and will then discover that throughout the pleasant and prosperous years of dearly-bought tranquillity the people for whom he has been responsible have been victims of unbridled oppression and rapacity.

As a judge one would have few and simple responsibilities. One would have fixed hours of work, and in general those hours would not be over numerous. Time would thus be given for study and for reflection. A District Judge is encouraged to tour for part of the year, and one would not thus be for ever confined to headquarters and the four walls of the Court, but would have access to the masses of the people. There were also reasons of health and domestic reasons. So I accepted my fate without undue repining.

But it may be asked what about qualifications? The responsibilities of a judge are few and simple, but they are heavy. What training, what study had been yours? This is a reasonable question,

and the only answer that can be given is that I had had little or none. But in those days it was not very necessary or, indeed, desirable that a District Judge should be a great lawyer. His duties were twofold. He had to correct the mistakes and to preserve the integrity of his subordinates, and he had to record clear findings of fact for the benefit of his superiors. He must, therefore, be intelligent and vigilant, acute to discern sophistries, and penetrating to reach the kernel of truth through innumerable integuments of misleading details. The judgments over which he sat in appeal, and the judgments which he himself submitted to the superior Courts were in writing, and he had therefore ample time to refresh his memory of the law applicable to each case. A few months of such occasional study would instruct him sufficiently in all the branches of the law which were necessary for him. As regards his duties as a Criminal Judge he was already experienced in trying criminal cases, for he had been doing that for some hours every day for years, and it is no more difficult to try a man for a flagitious murder than it is to try him for stealing a couple of chickens. It is, in fact, easier, for where there is an accused murderer there is in general a corpse, so it is clear that at least there has been a murder, whereas in the case of an alleged chicken-thief there may be, and often is, neither chickens nor theft nor thief; but the whole

tragic story is a concoction and a conspiracy from beginning to end. In criminal matters also the Sessions Judge was exposed to the rigorous control of the High Court, and he might thus err with more boldness, knowing that his mistakes were certain of correction by a revisional tribunal which could look at the case as a whole. In truth, in those days a District and Sessions Judge exercised the functions rather of a juryman than of judge, and need know no more law than was sufficient to direct himself.

I have, as a matter of fact, found that those judges who were or became great jurists were apt to be unsuccessful as District Judges. The letter of the law was so important to them that they were apt to forget the spirit, and they were, moreover, so astute in applying the law to the facts that they sometimes neglected to ascertain what the facts were. The amateur judge is not to be despised. It was amateur judges who built up the foundations of the two great systems now applied to all civilised mankind—the Roman prætorian law and English equity. The fundamental principles of equity are few and simple. The difficulty lies in their application to civilised communities, where the problems which must be solved are numerous and complicated. In the country districts of India no such complicated problems existed; the difficulty before the judge was merely to reconcile the claims of natural equity with the requirements of the

written law, and it was well for such a judge not to fall into the besetting sin of the learned jurist, who regards the written code as the beginning and end of human justice, and pays it a servile adoration which should be paid only to the divine oracles.

A judge is certainly bound to administer the law as he finds it, but he is wise, I think, if he remembers that the justice of which we boast so much is, after all, too often injustice. How can it be otherwise when general rules are applied to particular cases? Yet there must be general rules, or all decisions of right must be arbitrary, and in view of the fallibility of human nature, and especially of human nature in authority, the less scope which is given for the discretion of him who has to decide on questions of right the better. Foolish travellers and ignorant admirers of what is new praise the justice of the imagined Oriental Kazi, or the tribunal of working men; but he who has had experience of such unfettered or tumultuary Areopagi would rather trust his liberty and property to the most barbarous regular tribunal. It is this consideration which reconciles a judge to his conscience, when, as he must often do, he sentences to death some man who has done no more than any man would do in his place, or strips of his property in favour of some astute swindler some honest and deluded rustic. These things are the duty of the judge, but he should not plume himself

on these exploits, and he should not regard the law which bids him perform them as an assessor of the throne of God. Let him not stay outside the four corners of his legal powers, but let him, within those limitations, as far as possible protect innocence and punish the wrongdoer. But this is a lesson which a mere jurist finds hard to learn, and unfortunately judicial power in India has long been passing more and more into the hands of mere jurists.

The judiciary in India are generally respected for their independence and purity. Even in the lowest ranks of the Indian judiciary, though the temptation to make illicit gain by their office is very great, corruption is practically unknown. On the other hand, the office, and more especially that part of the office which executes decrees, being for long underpaid and exposed to severe temptation, is notoriously corrupt. Judges strive in vain against this evil, for it is almost impossible to obtain trustworthy and definite information, the truth being that a corrupt office is a convenience to all parties, and the few who are manly enough to refuse to pay bribes, tips, and commissions to bailiffs and sheriff's officers yet dare not offend this class of officer. The public, therefore, and particularly the litigating public, is apt to accuse the inertia of the judge for an evil which is due rather to the weakness or worse of their legal advisers.

The judiciary in India is, as I have said, free

from corruption, but judges are sometimes, though they know it not, susceptible to indirect influence. A judge, if he is to retain his reputation for integrity, is well advised if he mixes little in general society, and does not admit to his friendship any one, Indian or European, who can possibly have any connection with any business to be transacted in his Court. This admonition is contrary to modern ideas, but it is based on the observation and experience of many years. The public will never be convinced that a party, or the pleader of a party, who is on terms of intimacy with a judge will not use the opportunity to pull strings, to work behind the scenes, to slip here a hint and here a suggestion into the mind of the judge, to apply in fact the whole elaborate but clumsy diplomacy of the Oriental to attain that end which he might, perhaps, equally well attain by honourable and straightforward means. How far this opinion of the public is justified I shall not say, but a judge is wise who avoids not only bias but the suspicion of bias.

Such, then, is the nature of the judicial office in India, and it will be seen that that office differs, or rather perhaps differed, in many respects from the judicial office as exercised in England. Such as is this office I filled it for many years, and I propose now to relate certain things which I have seen and heard while filling that office. The present volume will be devoted

to an account of certain murder cases, which fell, of course, within that sphere of the judicial power which is directed to the punishment of crime. I shall, therefore, conclude this introductory section by an account of the Indian Criminal Law, and by a consideration of the crime of murder.

III.

CRIMINAL PROCEDURE.

It is the duty of a judge to ascertain whether such persons as are arraigned before him are criminals in the terms of their indictment, and if so, to punish them according to the law. This no less and no more, is the duty of the judge, and if he does that well and wisely he has done all that is required of him. But having done that, and reflecting over things out of office hours, he is sometimes led into a perplexing tangle of thought. He knows what a criminal is: a criminal is one who has broken the penal law of the State, and it is no business of the judges to inquire whether the man legally guilty is also morally guilty. But why do we inflict punishment? The answer to this question varies and has varied, but no very satisfactory answer has yet been given.

Originally crime was sin, and a criminal was a pollution highly likely to bring down the divine wrath on the community which tolerated his existence. No one would now admit this

idea as the basis of the science of penology, but it is more vital than is supposed, though it rarely advertises its subconscious existence, except perhaps in the case of a peculiarly flagitious murder or some very dangerous form of treason. Mrs Thompson, who was more a theoretical than a practical murderess, and more of a play-actress than either, was, I apprehend, an example of such an atoning sacrifice.

In the Middle Ages the administration of criminal justice was one of the most lucrative financial devices of the Crown. In these days, however, the amounts collected in this way are insignificant to a Government which can at its will levy income tax and death duties. So except, I suppose, in some counties in England, where heavy exactions are levied under absurd and obsolete laws on motorists, the fiscal aspect of criminal justice may be neglected. Nevertheless, both the fiscal and sacerdotal history of punishment have left their vestiges. The priesthoods have always loved to surround their activities with forms and mysteries, and a community of wealthy men will be anxious that the ruler should not under cover of the administration of justice plunder wealthy men at his arbitrary pleasure. Hence the creation of admirable safeguards, and the development of chicane not so admirable, which in most civilised countries render criminal justice not so much a means whereby crime is punished as a sporting

contest, under the auspices of a benevolent referee, between the community and the individual.

The hypocrisy of the moderns avers that the main object of criminal justice is the reform of the criminal. Our modern systems do, no doubt, in certain cases and to a limited extent work this sanative miracle, but only perhaps at the expense of strengthening the power of temptation in other cases. But the determined criminal is not reformable while left in life, and if he were, our penal systems are not calculated to reform him. To deter a man from committing crime is one thing, to render him averse from crime is quite another. To bring about the latter result it is necessary to re-edify his moral system, and to turn him from a bad citizen into a good citizen. But a citizen is, after all, a man, and man must, if he is to do well, be treated like a man. Now to be shut up in a cage and fed regularly may be very agreeable to a parrot, but it is not agreeable to the nature of man; and when, in addition to this confinement, there is added celibacy, cold, darkness, routine, monotony, and discipline, this seclusion is very proper to turn a man into a devil, which I apprehend is not the first step in the process of making good citizens. Reform cannot be worked by mechanical means from without, and probably not by any human agency.

But is it necessary to punish offenders in order

to deter others? To this the offender might reply, like the kazi in Saadi, that he was not the only one who has committed this offence —punish some one else! It is clear, moreover, how this principle clashes with the remains of the fiscal and sacerdotal principles to which I have above alluded. For to deter it is necessary to punish crime quickly, certainly, and in exact proportion to the offence. But our procedure is well calculated to give the wealthy and powerful offender every chance of escape, and lends to the operations of the law all the pleasing uncertainty of a sporting event; and I apprehend that the escape of one notorious criminal, through the loopholes of the law, is a greater encouragement to the embryo criminal than the punishment of a thousand small men is a deterrent. Be it remembered, moreover, that what may be called an amateur criminal rarely thinks of himself as a criminal at all. Such a man will cast eyes of concupiscence on the governess, and order in another drum of weed-killer, and yet will express proper horror of the crimes of a Crippen.

Punishment is also inflicted in order that the State may anticipate private vengeance, and may render otiose extreme measures of private defence. In most civilised communities the State is able, on the whole, to perform these duties efficiently, and the citizens of such a State, therefore, have little or no idea of how important

these duties are. The penologists of the present day, therefore, are apt to neglect this consideration. I shall return to the subject later.

Although, therefore, there is much doubt why we punish criminals, there is little doubt, except in the mind of some subversives, that criminals should be punished. The subversives would not punish crime, but, regarding crime as a symptom, would eliminate the criminal. Thus one does not amputate a gangrened finger because it is gangrened, but for fear that it may corrupt the whole body. Similarly, refusing to pander to the evil passion of vindictiveness, the subversive does not hang his burglar for the burglary committed, but deducing from the burglary committed that the burglar has an innate burglariousness, thinks it kinder to put him out of the way before his incivism manifests itself in other directions. I do not see that it makes much difference to Bill Sykes whether he is executed or eliminated, and the application of this doctrine logically seems to call for the infliction of the death penalty in almost all cases, which would, I suppose, be shocking to this polished age.

However this may be, and whatever may be the reasons why we punish offenders, there is no doubt that it is the duty of a judge, who is paid to punish offenders, to punish them, and it is in general agreed by penologists that punishments should be short, sharp, and certain. In India, however, judges are rather apt to pride

themselves on the number of cases in which they can acquit the prisoners at their bar, for the sacerdotal or financial influence of antiquity is still strong, and all concerned are apt to look on criminal trials as a contest between Government and the accused. It is obvious, therefore, that a judge who can on some pretext acquit the accused demonstrates both his acumen and his independence, and the more flagrant and patent is the moral guilt of the accused, the more brilliantly are these qualities displayed. In these efforts the judge is much aided by the penal law of India, both substantive and adjective.

The father of the Indian penal law was Macaulay, whose 'Penal Code' is in many ways an admirable piece of work. It is not an *a priori* production, or the work of an idealogue, but is the work of a practical man attempting, very successfully, to put the English criminal law, refined and purified and condensed, into a form palatable for amateur lawyers. It is, however, over-drafted, so that, for instance, no one has ever been able to understand from the Code what is the difference between murder and homicide, or what precisely is forgery; and one result of this over-drafting is to cast on the prosecution the burden of proving affirmatively that all the clauses and qualifications of the section dealing with an offence have been complied with by the supposed offender. Any one

can feel the difference between a murder and a manslaughter, and between a fraudulent action and a mistaken action, but it is extremely difficult to express the difference in words; and to attempt to do so gives ample scope for a clever defence to mislead the inexperienced, or for a sympathetic judge to give the accused the benefit of the doubt. There being now no criminal common law in India, but every action being permissible which is not directly forbidden by statute, the codifiers and law-makers have had a fine field for their labour, and they have in general displayed the meticulousness of Macaulay without his genius. Thus it is often very difficult, even for the most astute lawyer, to ascertain whether a proposed course of action is or is not criminal. Thus in one Act (as drafted) there was a section which in effect made it criminal to go to a post-office in order to buy a stamp. The result is that, except in the case of a few simple offences, it is easy for any criminal, who can command the services of a good lawyer, to put up some sort of legal defence, even when his moral guilt is most patent. In almost any case, therefore, a convicted criminal can apply in appeal for an acquittal, or at least a retrial on very plausible grounds. The delay in the final disposal of criminal cases would thus in any case be much greater than is proper, but this evil of delay is enormously aggravated by the system of procedure.

When a serious crime is committed it is the duty of the headman of the village to report its occurrence to the police, who then inform the magistrate and begin to investigate. It is easy enough for certain crimes to be burked at these two preliminary stages—in those cases, that is, where the victim has no friends or has good reasons for keeping quiet. As a general rule, however, crimes which are known to be crimes are reported. Opinions vary as to the legality of some of the measures adopted by the police in order to detect the offender if he is unknown, but there can be little doubt that the police are much hampered by laws and rules, which are excellent in England, but which are somewhat out of place in India. There are many differences between India and England, and not least in the manner in which crime is treated in the two countries. In England it is supposed to be the duty of every good citizen to aid in the suppression of crime, and to give all the assistance he can to the authorities responsible for its suppression. In India this is not so. The people do not wish to be dragged away from their work to give evidence; they fear the enmity of the person against whom they must give evidence and that of his friends and relations; they are not by any means certain that, if they once appear in the Court, they may not by some caprice of the Government find themselves enmeshed in the little understood criminal

law. Then there is the solidarity of villager with villager, and casteman with casteman. Some of the substantive criminal laws are considered harsh and oppressive. But most of all there is the feeling (which is very strong in India) that action is wrong, and that inaction cannot be blamed. A. has killed B. That is very sad. But, after all, will it recall B. to life if we punish A. ? Will not the punishment of B. in its turn cause suffering, and does not, to cause suffering, call for fresh punishment; and so on, like a stone rolling down a snow-clad slope ? Better pass on and say we know nothing. Hence there is in most cases a conspiracy of silence, the only witnesses being either sworn enemies of the suspect, or persons coerced and intimidated into giving reluctant and half-hearted evidence. In such circumstances it is not a matter for marvel that keen police officers lose patience, and supplement true evidence against a man they know to be guilty, by the preparation of false evidence. It is obvious how much the fear that something of this kind may have happened adds to the labours of the Court, and how often it must occur that a guilty man is acquitted because some of the evidence (perhaps on some really irrelevant point) is plainly false.

The police having made their investigation, decide either to send up the suspect for trial, or to report that they have been unable to detect

the guilty man. In both cases the aid of the Court can be invoked. An accused person may apply to the Court to have the investigation against him quashed. The victim, or the friends of the victim, may apply to have the proceedings continued. These applications may be pressed in two Courts at least, and with luck in a third Court, and these proceedings (preliminary to the preliminary proceedings) may take from two to six months. At last, however, the suspect is put up before the magistrate, who is to see whether there is a case for committal. In England, when the case is serious, and where the magistrate intimates his intention to commit, the magisterial proceedings are little more than formal, and do not, when the case is ready, take more than, at the outside, a couple of days. Not so in India, where committal proceedings are hotly contested, the witnesses being fully examined and cross-examined, eloquent speeches being made on both sides, and lengthy judgments, interlocutory and final, being recorded. At any point during these proceedings the accused can stay all proceedings by applying to a superior Court for a transfer of the case to some other magistrate, and may repeat the process as often as he chooses. In this manner it is easy for a wealthy accused to spin out committal proceedings for a year or more. He may then apply to a superior Court to quash the committal, on the ground that the magistrate has misapplied

his jurisdiction, and that the case is not one which should legally be committed.

If these difficulties are surmounted, the case reaches the Sessions Court, and may, with fortune, be fixed for hearing within a couple of months after the date of the order of committal. Trials in the Sessions Court go on from day to day, and are therefore, compared to the other proceedings in a criminal matter, reasonably promptly finished, but they take about three times as long as a case of the same nature would take in England. Every word of the evidence has to be translated and taken down in writing in open Court. There are continual arguments on questions of the admissibility of evidence. The pleaders do not much assist the Court. The Indian pleader (who combines in himself the duties of solicitor and barrister) must excite the admiration of the observer. They are wonderfully fluent in very good English; they are well versed in law; they are laborious, independent, tenacious of the rights of their corporation and of their clients, yet respectful to the Court, honourable and honest in spite of many temptations. There are, of course, black sheep who use touts, are barrators, indulge in champerty, suborn perjury, seduce jurors, but these are very few. I look back with immense desire to many things in India, but to few with greater desire than to my familiarity with my friends of the Bar.

Still, as pleaders, they have two defects. They know nothing of advocacy, which, with its ancillary science rhetoric, enables the pleader to present his client's case in the way which is likely to appeal to the individual who has to hear that case. Consequently a pleader will rarely see that a line of argument is perfectly hopeless in a particular case in a particular Court, and instead of concentrating on those parts of his case which in that particular Court are likely to be the strongest, will try to be equally strong at all parts, like a Chinese cannon, till the Court is wearied beyond all measure. This proclivity for flogging a dead horse is a source of much delay in Indian trials, and its only excuse is that the pleader generally has an eye to the appellate Court, and fears that if he does not press to the utmost every point (however hopeless) at the original trial, he may be shut off in appeal from some hopeful line of argument.

The Indian pleader, moreover, knows nothing whatsoever about the art of cross-examination. His cross-examination is too often fatal to his client. In other cases it is merely null, but it is intolerably lengthy, and being useless is wearisome beyond belief. In part this bad habit of pleaders, with the kindred bad habit of urging hopeless points of law, is due to a wish to stand well with their clients and with the public in general, who cannot believe that in defence silence is often a most golden virtue, and judge

of an advocate's ability by the amount of the Court's time which he consumes.

The judge is assisted in the trial by the presence either of assessors, who give their opinion as to the guilt or innocence of the accused, or by jurors, who give their verdict. The opinion of the assessors is not binding on the Court, and is almost invariably disregarded in practice. The verdict of a jury is not final. The judge, if he disagree with it so strongly that he is of opinion that it is perverse, can refer the case to the appellate Court for its decision. In murder cases, where there has been a conviction and the death sentence has been passed, the sentence is always submitted to the appellate Court for confirmation, and the Court confirming may go into the whole case and decide it on its merits, without being bound by the verdict of the jury. The institution of the jury is wholly out of place in India, and is most noxious. Still, there it is, and there it is likely to remain.

When the Sessions Court has finished its labours, the case is by no means necessarily at an end. There may be, and generally is, an appeal against a conviction, and there is sometimes, though by no means as frequently as there should be, an appeal against an acquittal. In the case of some small offences punishable with a very short sentence of imprisonment no formal appeal lies, but the case can be brought before a superior Court on some grounds of law.

In other cases an appeal can be brought on questions of fact or of law, except in the case of trials by jury, where only grounds of law can be raised. The superior Court has very full powers. It can acquit, discharge, confirm, modify, enhance, order a retrial, or direct further evidence to be taken, and it is not inclined to be sparing in the exercise of its jurisdiction. Appellate proceedings may take from three to six months.

In general no appeal lies in criminal cases to His Majesty in Council, though such appeals, which are well known to be hopeless, are sometimes presented merely for purposes of delay. The Privy Council will intervene only in extraordinary cases, where the conduct of the trial has been in such flagrant violation of the law, or where there has been such reckless disregard of the true facts as appearing in undoubted evidence that there has been practically no legal trial, and such cases are, of course, extremely rare.

Legal remedies exhausted, the convicted murderer may still apply first to the Provincial Governor, and then to the Viceroy for clemency, and these authorities may pardon or commute the sentence.

Thus it may be seen that Justice, proverbially slow of foot, is in India, where the accused is wealthy and well-advised, exceedingly slow of foot, and that tardy operations give to such an accused person ample scope and verge to suppress evidence, to suborn perjury, and to dabble

in even more dubious arts. This procrastination, taken in conjunction with an overdrafted penal law, the mistrust felt by appellate Courts for inferior Courts, and the great difficulty of writing a judgment giving reasons for conviction in which a clever lawyer cannot pick holes, gives to wealthy and well-advised criminals a great deal of immunity, particularly in cases of delicate and involved fraud, the favourite crimes of such persons. Thus, though delays in the administration of criminal justice are not so scandalous as they appear to be in certain of the States of the American Union, they are scandalous and highly noxious to the well-being of the subject. Whether they can be abolished without introducing even worse evils might be an interesting topic for discussion, but it would be purely academical. The reform of the Courts is the last thing those now in power in India expect or desire, and the various reforms introduced into the penal law in the last few years have all been in the direction of rendering trials more lengthy, more inconclusive, and more profitable to the legal profession.

a substitutional pleasure in hearing of the valiant and strenuous exploits of others, even if those exploits be criminal. He has, in fact, the nostalgia of the jungle. The origin of tragedy, it is said, was similar, and for the same reason the wearied, disillusioned, and hopeless society of the Roman Empire delighted in the games.

Moreover, man is above all things interested in man, and in man as he really is, and not as he appears in all the majesty of side-whiskers and white waistcoats. There is a good deal of humanity about a criminal, and a criminal is a man who for the moment has dropped the mask and stands forth, if for a moment, dressed not in the livery of the respectable citizen, but in the hide of the natural ape and tiger that gibbers and roars in the wisest and coldest of us all.

Of all crimes the most attractive to the plain citizen in search of a sensation is murder. Murder is a word which is applied to a great number of actions, some of them highly laudable, and others infamous beyond expression. The most cursory inspection will show that murder may be divided into two main classes—murders because we hate, and murders because we desire. Now there may be many things that it is right and proper to hate, and some things which it is perfectly legitimate to desire. It is natural, therefore, that we should take an interest in the fates and fortunes of those who have desired or

hated so strongly that they have not shrunk from inflicting and enduring death, if only they could come to their desires.

Moreover, murder is particularly the crime of the amateur criminal. There are, it may be, temperamental murderers, and these, if Lombroso and his crew are to be believed, are distinguished by certain physical and mental peculiarities, but the vast number of murderers is not in any way different from you and me. They are merely ordinary men who have been exposed to extreme temptation. Thus, while it seems to the ordinary man impossible that he should commit certain crimes, he has not perhaps the skill necessary to be a forger or coiner, or the skill and courage to make a good burglar, or the physical peculiarities of the violator and the pervert, or the cold unimaginative cruelty of the fraudulent, yet he will, if he look into his own breast and speak candidly about what he sees there, admit, perhaps with reluctance, that, given certain conditions, he might well be a murderer. It is for these reasons, I opine, that the favourite reading of the people on the Sabbath day is in those papers which expatiate most fully on deeds of blood. "The point marked with a cross indicates where the body was found."

I propose in this volume to give an account of certain murders which have from time to time come to my notice. I shall avoid mere tales of blood and horrid details, and shall con-

fine myself to such cases as have an anthropological or sociological interest. I have not any secret intention in writing these memoirs. Political Indians are excessively touchy, and are inclined to suspect tendenciousness in the most innocent narrative, but even the most sensitive nationalism can hardly take offence at a scientific study of crime. There are criminals in all nations, and, indeed, a nation which cannot produce even criminals will never produce saints or heroes.

Moreover, there is this to be said about Indian crime. There are many wicked men in India as elsewhere, but they are, after all, men, and cruel and abominable crime is there far rarer than in more advanced countries. Looking at human affairs in general and at crime in particular, the observer will see that what we call evil is in most cases merely the absence of good or the perversion of good. This sort of evil is thus not positive evil at all. At the same time the same observer will, if he observe carefully, come on what appear to be indications that there is such a thing as positive evil—a cold, foul, sluggish power, which manifests itself rarely, but which does manifest itself. The servants and instruments of this power are not men but devils, and the difference between a wicked man and a devil is one not of degree but of kind. Indications of the existence of this positive evil are in my experience exceedingly rare in India (though votaries of the evil powers are common

enough), and I do not think that any of the cases I am about to describe could certainly be quoted as instances of the operation of that malign energy. I am not writing this book to show that the Indians are fit or unfit for self-government, or that they need or do not need the strong hand of British officialdom to keep them from tearing themselves to pieces. A very criminal nation may be a very vital nation, and it is only a vital nation which can decide its own destinies. What is important to him who would rightly judge of the probable trend of the destinies of a nation is not the excess or deficiency of crime compared with some accepted standard, but the attitude of the virtuous and respectable citizen towards crime—that is, towards infractions of the commands of the community. On that head I shall in this book say nothing.

Returning now to myself, what have I learned from the observation of so much sin and misery? In the first place, I have learned optimism. I have from time to time expressed my optimism, and have for that profession been taken to task by my critics as if I were guilty of a clumsy irony. But it is, I submit, not I but my critics who are in fault, for they should know that there are two kinds of optimism. There is, first, the optimism of a Dr Pangloss. This, even if genuine, is always a shallow optimism. It is the optimism of Amyclæ, which denied the possibility of danger because the sound of the clarion

is not so agreeable to the reveller as the sound of the lute and of the lyre. Such is the optimism of the unqualified mediciner, who paints over the ulcer with zinc ointment and trusts that all will be well, for he fears to use the knife. Such is the optimism of the clerk who tampers with the petty cash, hoping that the manager may not check. These optimists deny the existence of evil, lest they should be summoned to combat it, and deny also that sin calls for chastisement. As for danger, they think not of it while it is not apparent, calling on their false gods to aid them in their sloth and cowardice, so that they may receive the pay of a man without doing the work of a man. "Trust in Humanity," say these, or in the "progress of Education," or the "increase of Enlightenment," or the "advance of Democracy." But these are but idols, Baals, and Beelzebubs, and will avail nothing in the last hour.

Moreover, much of this optimism is feigned. I blame no private man who takes a sweet delight in delusion, but I blame those who, standing forth as leaders and instructors of the people, call "Peace!" "Peace!" when there is no peace. Such were of old the prophets who spoke falsely to the Kings and Lords of Zion, saying that the power of the Chaldæan shall yet be broken, and the exiles shall return with the spring. Assuredly they had their reward . . . ignominy and death. Such false prophets I have

likened to prostitutes, for they also sell a little present pleasure for a little money, and he who purchases may purchase also an enduring affliction.

Far be from me such optimism. But there is an optimism other than this. There is the optimism that sees, and sees clearly, the coming danger and the coming disaster, but can see beyond this third wave of calamity the promise of calm seas. So did the veritable prophets of Jehovah see what must be. They saw the fall of the sacred city, and the ruin of the house of Jesse, and the captivity of the people, but they saw also that the captivity should be redeemed and a fairer city and an enduring kingdom. They saw the temple of the Lord a desecrated heap of stones, but they saw also that the Lord, no longer pent in an ark of cedar wood in a secret sanctuary, should fill with his glory the whole universe. There is the Christian optimism which sees in the agony of body and agony of soul a conflict in which there are crowns for him who contends valorously, which sees in sin redemption, in the corporal death the liberation of the soul, in the shame of the Cross the splendour of the theophany—ay, in hell itself, love made manifest.

Without laying claim to any such clear vision as was granted to the seers and the saints of old, may not one who has once and again raised his head from contemplation of the mire at his

feet to the stars, aver that he believes that Chance is not Lord of All ? If that is optimism, is it not also in accordance with optimism to believe that things which are worthy of death must perish, that lies are, after all, only lies, and have no endurance, that the house of tyranny cannot stand and is, though after a while, ruined, and to look forward to a time when the fool shall again be clad in his motley, and the villain once more set in chains, and the sage and the hero exalted ? Is it pessimism to look forward with certainty to such a mutation, although these things cannot be done without the effusion of blood and the effusion of tears ?

What would such an optimist think about crime ? He would not deny the existence of crime, alleging that a criminal is one diseased in mind or body, or is the innocent victim of the errors of others, or of the organisation of society ; nor would he look forward to the abolition of crime by abolition of what he supposed to be the causes. He would recognise, and with pain, that there are men, sane and healthy, who deliberately chose to do wrong, not only the wrong which is prohibited by the statute book, but the wrong which is prohibited by the conscience. Although he might admit that much crime is caused by the faulty organisation of society and by the ignorance of law-makers, yet he would recognise that there is a fund of rebelliousness in man which will from

time to time make him stand out against the laws, however wise, of a society, however perfect. This rebelliousness, he would believe, cannot be eradicated by education, or repression, or ethical handbooks, or the spread of democracy, or the blessings of peace, or any other penny panacea. Man, he would think, is not perfect, or perfectible by any mechanical means, and he would not therefore look forward to any time when there will be neither offences nor offenders. But he would recognise that this rebelliousness is often merely the urge of that daring and restless spirit which had led man up from the marsh and the jungle to his present lordship over physical nature, and he might well believe that in a planet where there were no criminals there would be no heroes and no saints. He who believes in the destinies of man, and hopes that he will under a certain guidance advance to yet nobler destinies, perceives in indolence, apathy, defeatism, and acquiescence, however innocent, only the odour of the sepulchre, and sees in energy the power that lives and works. But this energy is sometimes misdirected. Does, then, the lightning strike only the guilty ?

Moreover, leaving for the time the contemplation of this vision of the radiant future (to which apparently we shall attain in time if only we cut enough throats), and considering the actual criminals we pursue, capture, and hang, it is surprising how much good there is in the

worst of them. I omit the case of certain vowed servants and instruments of positive evil, to which I have above alluded, for these cases are rare everywhere, and peculiarly rare in India, but among our human criminals there is much humanity. In one respect a man may be a villain, but in a thousand others he is much the same as you and I. "Yet Edgar was beloved," said the greatest villain in fiction, and so might say every other criminal of real life. It is for this reason that one is often astonished to see how much goodness there is in a heinous offender, outcast from society, the permanent guest of the jail, the destined prey of the gibbet. Such men are often kind fathers, true husbands, loyal friends, and strict observers of their own moral code. Do what he will, a criminal is still a brother. Who can fail to draw from this a happy augury?

I propose, then, to give in this volume an account of certain murders concerning which I have acquainted myself either by actual investigation, or by the reports of others in whom I have confidence. I have applied for information to no secret and confidential authorities, but only to the public records. I have in general concealed names and places, and have introduced fictitious details, so that in most cases it will be impossible to identify the alleged crime or the alleged criminals. But though I have allowed myself this necessary liberty in ancillary and

immaterial matters, yet the main facts of each story are true, or are at least such as were stated to be true by sworn witnesses.

For reasons already stated at length, many criminals escape all punishment in India, but, as I suppose by some sort of compensation, such as are convicted in general receive far severer sentences than the English brethren expect. There is, however, an exception, and that is in the case of murder. Not only do many offences which are really murders find from the tribunals a certain clemency which transmutes them into much less serious crimes, but the Penal Code awards to murder in the first degree two alternative sentences—death and transportation for life. Murders are rarely very heinous in India, and there are several authorities who possess the power to mitigate a sentence. The result is that the death penalty is rarely actually inflicted.

This, however, is no argument for abolition of that penalty. I am of the opinion that this penalty must be retained, at least for the present. It is indubitably a deterrent in India, though I believe that statistics show that it is not so in certain other countries. But though it must be retained, it must be applied rarely, and only in the gravest cases. For this reason it may be stated that most of the heroes of the stories in this book are still alive.

Murders are capable of several classifications. One might, for instance, consider them under

various heads, according to the means whereby they were perpetrated; this is the medico-legal classification. Then there is the psychological classification, which divides them into certain classes according to motive, as, for example, murders for profit, murders for hate, murders for amusement, and the like. But this book not being a medico-legal handbook, or a primer of psychology, I have not thought it necessary to adhere to any strict system of classification, and have expatiated much at random over this garden of death.

V.

ASSASSINATION.

An assassin may be defined as one who commits murder out of a sense of public duty. It is for this reason—namely, because there is an absence of felonious intention—that many writers refuse to class assassins among murderers, and that certain casuists have laid down that it is possible to be an impenitent assassin and yet not to be in a state of mortal sin. The more general opinion is that though he who breaks human laws must be left to the penalty of the law, be his selflessness what it may, nevertheless there is reasonable hope that in that tribunal which absolves and condemns, unfettered by the commands of any human legislature, some of those who have paid to the full their debt to human justice may find pardon or but a slight censure.

That is not to say that some assassinations are not perverse and wicked enough. Even from a conscientious assassin the most clement of judges must demand at least good faith and due care and inquiry. This good faith, this due

care and inquiry, is too often sadly to seek. Reviewing the bloody records of the ages, we note that, in general, the active and capable oppressor it is who dies a dry death, whereas it is the amiable weakling, or too often even the upright and noble public servant, who, fearing no injury because he is conscious of no wrong-doing, falls an unprepared victim to the errors of enthusiasm.

I have among my records an account of one such case.

Mr K. was Collector—that is, principal Executive officer—of Pandhupuram. In the course of his duties Mr K. was compelled to prosecute to conviction a certain notorious agitator, who had prepared and published a book of seditious hymns, intended for use at pilgrimages and other religious festivals, with a view to perverting the peasantry, and who was also alleged to have formed a plot for seizing a derelict fort in the southern territories. Moreover, Mr K. had recently, and with perfect propriety, acquitted a European officer falsely accused of homicidal assault on an Indian.

At that time there was in the city of Pandhupuram, the capital of the District of that name, an association of young men confederated for treasonable purposes. Such associations then existed in most large towns, but Pandhupuram was a particularly suitable locality. It is reckoned by the Hindus as a most holy city, and many

Brahmin families, pensioners and others, had settled there. Pensioners are not wealthy, and the general rise of prices hit these families very hard. The city was therefore full of idle discontented boys, too well-born to work with their hands, too numerous to find salaried employment. The town, being a place of pilgrimage and possessing a pleasant climate, was a favourite resort, and agitators and conspirators might, under the pretexts of religious duty or of the need for a change of air, easily and without exciting suspicion come and go, hardly noticed in the throng of genuine worshippers and holiday-makers. The Pandhupuram organisation, therefore, was more important than appeared at first sight, owing to the connection of some of its members with foreign organisations.

Among the other interests of its members was an interest in assassination, and a sort of languid and dilettante contemplation of some exploit of the kind. Various schemes were discussed and some even inchoated, but none passed beyond the preliminary stages. It might be well to wait till others moved. The praise, no doubt, is his who leads the way, but the position of a protomartyr, first pushed on and then abandoned by his friends and abettors, is painfully like that of a dupe! The existence of this association did not escape the notice of Government. The names of some of its members and the nature of its aspirations were not unknown; but as

the organisation seemed one rather of theorists and amateurs than of practical men, and as the policy of Government was to allow the utmost latitude to opinion (however pernicious and propagandist), no steps were taken to check its activities.

When, however, the attention of political India was attracted to Pandhupuram by two sensational political cases, it was felt that something ought to be done, and that if no local man could be found ready and willing to strike a resolute blow for freedom, some suitable person should be imported from the outside. The Pandhupuram murder club had, as I have said, very far-reaching connections, and it was not long before its managers heard of the name and ambitions of A.

A. was a Brahmin lad, born in a remote British District, but resident and domiciled for some years in a large town in a native State. He had, therefore, had no experience of the "oppressions of British rule," but had heard and read much of them in and through the vernacular papers. He was anxious to do his part in freeing the Motherland from her perfidious enemies, and used to discuss this intention at large with his intimate friends. He was a student, little more than a schoolboy, slender and graceful, with large and limpid eyes, and accordingly found little difficulty in obtaining as a protector a certain merchant in the city. This merchant

encouraged him in his patriotic and religious ideas, and found a certain perverted pleasure in caressing one apparently doomed to an early death. On one occasion, in order to test his constancy, he forced his little friend to hold in his hand and to retain as long as possible a heated lamp-glass. Convinced by these and other tests that A. was strong to endure, he bade him amid tears and embraces God-speed. Is there not always something of cruelty in love, even in the love of friends ?

The Pandhupuram club, therefore, despatched an emissary to interview A. and to report on his suitability. The report was satisfactory, and A. was summoned to Pandhupuram. There in the darkness he was introduced into the lodge. He passed with credit through the various tests, took a most tremendous oath, and was with due ritual matriculated into conspiracy. A small committee was appointed to direct and assist him in his further career.

The managers were of the opinion that it was most proper that an attempt should be made to assassinate Mr K. A. was not altogether satisfied with this proposal, which at first sight seemed preposterous. Up to that time attempts had been made only on persons against whom the party of sedition could allege a grievance with some show of justification—some Executive officer, for example, who might be supposed to have executed too harshly plague regulations ; some

police officer too active in detection; some magistrate whose sentences might appear too harsh. Mr K. was universally popular. He was a good Sanscrit scholar, familiar with and friendly to the many learned and amiable Brahmins attached to the foundations abounding in Pandhupuram. His accounts showed that he was from his own means making allowances to some young Brahmin boys to enable them to pursue their studies. He was also an active and energetic officer, and in India an active and energetic officer can, if his activity and energy be wisely applied, do so much for the happiness of the people. Mr K.'s activity and energy were wisely applied, for he was accessible, he knew the habits and prejudices of the people, and he had no eye to his own self-advancement.

"I asked," says my correspondent, "one of my friends who was closely in touch with advanced movements in Pandhupuram why the assassins had selected Mr K. as their victim and not some other Government official, as, for instance, the judge who had tried and convicted the notorious agitator before-mentioned. He replied as follows: 'A Collector is, in the eyes of the people, a much more important official than a judge, being in their eyes the direct representative of the Crown. To kill such an officer, therefore, is spectacular, and calls public attention clearly to the policy of that party. It is, therefore, good propaganda. Secondly, to kill a man who

is our friend and who had always shown us kindness absolves us from the suspicion that we are gratifying personal resentment, and sets the purity of our motives beyond suspicion. To kill a bad king, for example, is no proof of genuine republican sentiment; the genuine republican would select as an example some veritable father of his country. Thirdly, Mr K. was not wholly free of blame. Take, for example, the case of the agitator. What can a judge do when a man is duly committed to his Court? He must try the accused, and either acquit or convict according to the allegations and the evidence. If the legal guilt of the accused is established in open Court, it would be sinful of the judge to acquit, however strongly he might feel as a private individual that the accused was morally innocent or indeed laudable. Where, then, there has been a fair trial, and the judge has done no more than his duty, showing no bias, not straining the law, being diligent and, in fact, doing justice according to his lights, how shall we blame him? But what obligation was there on Mr K. to hunt down this accused person, and drag into light a small volume of insignificant poems and make them the subject of a State trial? This was not the act of a friend, or even of an impartial neutral. Be it, moreover, observed that it was the very friendship of Mr K. with us, and his very familiarity with Indian history and our religion which enabled him to

urge on Government so strongly the necessity of a prosecution.' Such were the arguments advanced at the time, and these were sufficient to overcome the hesitations of A. There was, moreover, the consideration that the Collector was much more accessible than any other officer, and that his approaching departure would make it certain that he would be frequently by night in the winding and obscure streets, where a determined assassin might hope for the success and immunity of a Bothwellhaugh. Others were not so easy to come by."

Still, there were some religious scruples in the mind of A., but these were soon surmounted and, indeed, utilised by his instructors. My correspondent writes:—

"At the time when these murder clubs were in course of formation, but before this particular incident, I asked some of my friends how their members, being Brahmins and therefore in general bound by caste rules not to shed blood, got over the religious difficulty? I was referred to the Bhagawad Gita, and proceeded to study it. The Gita is a noble poem, but it is presented to us in a form very shocking to our artistic ideas. It is an episode in the gigantic epic of the Mahabharata, and comes in at the point where the aged king is awaiting the news of the upshot of the great battle between his sons and his nephews. The messenger appears hot from the battle, and instead of delivering his tidings in

a few words recites this long poem, which is the Bhagawad Gita. The effect is much as if some one had inserted a versified form of the Phaedo into the twenty-fourth book of the Iliad, or the Book of Job into the Acts of the Apostles.

"To us what appears to be the defect in construction is so great that it almost destroys our power to appreciate the poem, but to an Indian (whose artistic canons are not as ours) the matter presents no difficulty, and he can, without shock, switch off his interest from the battle to the theological and theosophical exegesis.

"Arjuna, then, with his brethren, his armies, and his allies has marched to the seat of his ancestors to recover by battle his heritage fraudulently wrested from him and wrongfully retained. The armies of the usurpers also are marshalled over against him on this day of battle which can have no morrow. The hosts await but the signal to engage.

"Arjuna hesitated. His cause is just and victory certain. But who are his enemies? His kinsmen, blood of his blood, bone of his bone, the venerable chieftains of his race, the preceptors and examples of his youth. What will profit him a victory over those with whom the rewards of victory are in general shared, and therefore only precious? Can any cause, however just, which must be gained by the effusion of blood, and of such blood, be really hallowed?

"To him thus hesitating speaks his charioteer, who is in reality the god Krishna in mortal form. 'It is the duty of all men,' he says, 'to contend for the right, whether the triumph of the right profits them personally or not. To each man his own arms and his own means of fighting, but on the warrior class is laid the special duty of fighting to effusion of blood. This being a special command supersedes the general command of religion, which bids us cherish those of our own blood and venerate the aged.' Thus reassured, Arjuna begins the fight."

Having considered these arguments, I again addressed my friend, saying: "This injunction directs men of the warrior caste to shed the blood of the enemies of faith and religion. Now, admitting for the moment that the English are the enemies of faith and religion, how can this injunction justify men of the Brahmin caste in taking on themselves the panoply of the warrior, or in grasping the secret weapons of the assassin? Is it not proper for them to fight the enemies of faith and religion with the weapons proper to them—namely, their pen and their brains? Is not this Brahminical trafficking with murder an example of that very confusion of castes, that very *adharma* to combat which the god takes on himself a mortal form?" My friend said: "Read on, and you will see that at the time of the manifestation of the godhead all things proceed from him and are again absorbed

in him. Thus, when the god manifests himself for the destruction of evil, there can be no distinction of caste and caste, so that what is lawful for one caste is lawful for all, and what is incumbent on one man is incumbent on every man." Having examined the poem more closely, it appeared that it was indeed capable of that interpretation, though later rescensionists, shocked at the dangerous antinomianism so easily deducible from such doctrine, had done their best to attentuate the meaning of the original text.

Thus one of the highest and holiest of sacred books served as an arsenal whence texts could be drawn which might confirm the hesitating resolution of A.; but there was, in truth, slight need of asking for the blessing of Vishnu on their attempt. The conspirators were linked together in the service of a darker and primal deity, who is not curious what blood is shed, or who sheds it, so it be plentiful.

Having decided to kill, and having selected the victim, the next thing was to select the weapon. Here there was small choice. The assassin is in general compelled to opt between the knife, the bomb, and the pistol. The use of a knife by a weak lad against a powerful man surrounded by friends was not advisable. In theory the bomb is an excellent weapon. It is easily carried, can be thrown from a distance, and does not indicate its point of departure. There were, however, practical difficulties. The

Indian at that time had no very trustworthy bomb at his disposal. It is true that a small treatise on the art of bomb-making had been circulated in India, the production apparently of some enthusiastic German anarchist. It contained formulas for the construction of about twenty high explosives, with diagrams of the appropriate detonators, and a full description of various kinds of bombs suitable for use on particular occasions. There were, for instance, bombs to be used against regular troops or in street riots, or for blowing up railway bridges, or for insertion in broughams or bathrooms, and there was an ingenious bomb to be constructed in a glass bottle, very useful for striking panic in a church or theatre. The maker of this latter was adjured to remember that the comrade who used it was almost certain to be lynched by the infuriated and brutal survivors, who had seen, perhaps, their wives and daughters blinded and mutilated, and that he was bound therefore to be particularly careful to make the projectile as effective as possible, so that the martyr at the moment of evisceration might have the satisfaction of knowing that he had lacerated great numbers of the filthy enemy. The Indian was, however, not a good chemist, and found it very difficult to make use of formulas where meticulous accuracy in combination is necessary if the resulting compound is to be safe and effective. The construction of good detonators was also

beyond his technical skill, and he was further hampered in respect of the shell of the bomb by the fact that at that time there were few or no foundries in Indian hands. To approach a European or Goanese ironmaster with a set of suspicious drawings, and to ask for the delivery in a certain time of the article there represented, was certain to draw down an unpleasant and inquisitorial visit from the police. Thus the assassin was forced to fall back on the pistol.

Thus, though the bomb has played its part in the political progress of India, it was (in spite of the panegyric of Tilak), on the whole, not a satisfactory weapon. Its explosive was crudely compounded and highly eccentric in action. Its detonator generally did not detonate, and the container was often a brass pot tamped with clay, or a cocoanut shell held together by glue and lashings. Such, for example, was the missile employed at a later date in the attempt on the Viceroy at Ahmedabad. The assassin there, taking up his position near a certain Ashram, whence a road ran back through ruins and mean buildings to the country, waited till the Viceregal procession, proceeding along the main boulevard under the shadow of the city walls, came opposite to him. He then flung his bomb, and immediately disappeared down a side path and was seen no more. The bomb fell on the Viceregal umbrella of state, and thence rolled

innocuous and unheeded on to the road. No attempt was made to stop the assassin, either by the plentiful populace, who, seeing him run, thought they were well quit of a knave, or by the Viceregal escort, who were paralysed by surprise and etiquette. The procession passed on and the mob followed it, leaving the cocoa-nut derelict by the side of the road. Presently it was perceived by an old municipal sweeper, who, desirous of a free and refreshing drink, picked it up and struck it once or twice against the wheel of a sanitary cart. The bomb, losing patience, exploded, blowing off the hand of Buddoo. He wiped the mutilated stump in the dust, and continued his beneficent activities. The victim was well pensioned, and the cheery people of Guzerat enjoyed a hearty laugh at Maratha heroics, which had done nothing but make the fortune of an old scavenger. The incident had, however, some further consequences, which I may hereafter relate.

In the meantime it is clear that to avoid such fiascos the resolute assassin was thrown back on the use of the automatic and revolver. But these were not over easy to obtain. The Government of India had in those days a severe Arms Act. Its object in this legislation, aimed at preventing the general possession of lethal weapons by its subjects, was not so much to prevent armed attacks on its authority, for little is to be feared by an established Government from un-

disciplined mobs armed with shot-guns or sporting rifles, as to render the communal and religious riots, which even in those benighted days did occur, less bloody, as also to protect its unwarlike subjects from raids by armed marauders. The rules are now much relaxed, but even now the possession of concealed weapons is not permitted, except in very special circumstances. In those days it was quite impossible for any Indian to be legally in possession of revolvers or automatics. The murder clubs tried their best to arm themselves with suitable weapons. Some were sold by unscrupulous Europeans, some were stolen, some were smuggled, but the supply was not anything like equal to the demand.

The story of one lot of Browning pistols has a certain interest. An Indian named C. was anxious to qualify as a tailor according to English methods. He worked his way to England, and got some sort of occupation in the desired employment. He was miserably poor, and shared a room in some East End slum with three compatriots. Each of the four bought one large loaf every week and shared it fraternally. A certain Indian employed by a certain organisation then domiciled in London approached C. and offered him board and lodging in a certain hostel in exchange for part-time service as a cook. The offer was accepted gratefully, and C. resided for some months in these comparatively luxurious quarters, till, in fact, he had qualified

in his art. He now wished to return to India, and his patrons gave him permission to depart, saying, however, "We have shown you kindness, and it is now your turn to do something for us. Go to Paris, see M. N. there, and do what he tells you." C. had no option but to comply. In Paris he was granted an interview with M. N., who, producing a consignment of twenty-five Browning pistols, asked him to smuggle them into India for him, and to deliver them to a certain destination. C., on being asked subsequently why he had consented to do a thing dangerous in itself, and in any case unbecoming to a loyal and well-disposed subject such as he was, replied, "What could I do? These people had claims on me by reason of their hospitality. Having eaten their bread, I must do their will." At that time the French Government was working in great harmony with the British Government in respect of Indian exiles, but the visit of C. appears to have escaped the vigilance of the Sûreté, and C., with the pistols and their ammunition embedded in his bundle of tailoring samples, passed through the Bombay Customs unsuspected and unquestioned. The pistols were delivered to their legitimate consignee, and were thence distributed to places where it appeared they would do most good. All were ultimately hunted down by the police, and the story of the various fates and fortunes of these weapons and their possessors will, if ever disinterred from

Departmental archives, form a veritable saga of detection.

If I am not in error the pistol used at Pandhupuram was one of this consignment. The neophyte was taken out some distance along a fairly unfrequented road, and had some practice shots at a pipal-tree. Ammunition was scarce and could not be wasted, but he found small difficulty in managing the unfamiliar weapon, and his marksmanship, which was in any case surprising when one reflects how tricky and perverse are these automatics, seemed a further proof, if proof was needed, that his enterprise was approved by the gods.

The man, the arms, and the resolution being thus provided, and the victim selected, the next thing was to find an opportunity. In this they had small difficulty. Here I shall again quote from the account of my informant. "Mr K. was on the eve of transfer to an important post in another city. He had broken up his house and had despatched his family to the new station, and, while he was winding up his present charge and could hand over to his successor, was staying with me. I had also in my house Mr Z., a young civilian fresh out from England. As is usual in the case of officers under transfer, farewell parties were offered to Mr K., and as he was a very popular officer, who had been long in the District, and had conferred benefits on all classes, these parties were very numerous, even the

humblest communities wishing to give him godspeed. On the night in question he was invited to a special performance at the theatre, for he was an amateur and encourager of the Indian drama. He and Mr Z. were to dine at the house of a friend, and to go on thence with two ladies to the theatre. I saw him just before he set out, and congratulated him on the number of betel-nuts he drew from his pockets, for gilded betel-nuts are the valueless and priceless symbols of respect and affection. I myself was invited as a guest to the theatrical performance, but being well aware of the existence of the murder club, both from current fame and from sources of information peculiar to myself, it was my practice to refuse all invitations which called for a visit to the city by night. That any danger menaced Mr K. never entered my head.

That evening after dinner I was sitting reading in my study, when a servant came in and said that there was a disturbance in the city, which lay about a mile off. It was not my duty to repress the commotions of the populace, but in the circumstances I thought it well to go down in order to see what was happening and what was expedient. Walking, therefore, across the old parade ground, I had not gone more than a few hundred yards before I met a procession of two ladies with Mr Z. and the Indian city police officer walking. Behind them were

four men carrying a stretcher. On the stretcher was the corpse of Mr K.

It appeared that shortly after entering the theatre, Mr K. and his party had moved along the gangway through the auditorium towards the reserved seats. While he was thus in the throng, some person or persons had discharged a pistol or pistols, apparently a Browning, at point-blank range. The Browning pistol is small and in appearance toy-like, but it has great ballistic powers, and its nickel bullet is highly penetrative. Struck by seven bullets, Mr K. fell to the ground and died almost immediately. The crowded theatre fell into confusion, and in that confusion it was impossible to apprehend or even to recognise the assassin. In that disaster the companions of Mr K. did and said nothing unworthy of their race. While one lady supported the head of the dead man, the other, escorted by the young civilian, went out into the darkness and unknown danger to seek assistance.

Such was the story told to me by those nocturnal travellers. Having assured myself of the tranquillity of the city, and seen the ladies to their home, and having taken the corpse to its own home and transferred my quarters there, I awaited developments. The rest of the narration is not relevant for present purposes."

Died Abner as a fool dieth? I think that this man died rather as one worthy of envy.

To live in peril of assassination leaves no man unaffected, but it is impossible to tell beforehand how imminent peril of death will affect him. I have known the most stupid and unimaginative clods broken up by the terror of imagined death, while men of keen susceptibility and vivid powers of imagination often feel a tingling exhilaration in that presence felt but unseen. In other cases the stupid man goes stupidly to his doom, and to the man of nerves the King of Terrors is a King of Terrors indeed. Some exhaust themselves in vain precautions, vain because none may advance or retard the assigned moment, and because against a resolute assassin brazen towers and domestic guards avail not; others put on a bold recklessness which they imagine to be courage, but which is in fact the bravado of despair. These enormities were not seen in Mr K. He took reasonable precautions and no more. He did his allotted task calmly and manfully. He died instantaneously and without pain in the flower of his age, surrounded by friends even in the moment of a sort of triumph. His killing excited universal horror, and it was noticeable that the Indian press, which on these occasions generally vibrates with the concealed exultation of a pack of ghouls attending in the disguise of mourners at the funeral of a well-fed citizen, abstained on this occasion from its usual comments. But to return to the assassin.

The assassin A. had attended the theatre with

two delegates from the murder club. The latter had taken no part in the actual crime, but were equally implicated. The three separated, and A., slipping out of the theatre, made for home and safety. He was, however, soon arrested. This, if the story told at the time of his arrest be true, was due to an accident worthy of record. Pandhupuram is some seven miles from a railway, but is easily reached from two railway stations. One of these is at the village called Dewkaran, and the other at the village called Harsol. At Harsol there is a large depot of British troops, many of them drawn from the London area. The Government therefore, thinking the name Harsol too difficult, called the cantonment, and consequently the station, by the name of Dewkaran. Consequently, when a station came to be built at the village of Dewkaran, that name was already occupied, and the station was called Pandhupuram Road. The Indian peasant is superbly indifferent to the nomenclative whims of his rulers, so that, for instance, the names of Tughlakabad and Shahjehanabad have perished while the names of Delhi and Agra endure, and even Hyderabad in the Deccan is still called by the local Hindus by its old name of Bhagnagar. To the villager, therefore, Harsol remained Harsol, and Dewkaran remained Dewkaran. A. made straight for the railway. He intended to board the train at Harsol village, and asked for that station

by the name given in the railway guide—that is, Dewkaran. He was directed to the village of Dewkaran—that is, to the station of Pandhupuram Road. He had a long wait here, and the station is small and traffic is limited and well watched. The attention of the police officer in charge was attracted to the singular circumstance that a strange Brahmin boy was travelling alone at a late hour of the night away from Pandhupuram. Consequently, when the news of the assassination reached him, he telegraphed on to a junction some hours up the line to search and arrest. A. was accordingly arrested and brought back to Pandhupuram, where, after some hesitation, he made a very ingenuous confession.

I have in general found Indian criminals, and particularly Indian political criminals, very prone to confess, if tactfully and sympathetically interrogated. The Indian criminal is, in any case, much more inclined to confess than we are, a peculiarity due partially to his fatalism, which teaches him that the game is up and that it is useless to struggle, and partially to a hope that leniency may be shown by his captor if contrition is shown. There is also the fear of torture, or at least of pressure, applied to relatives and neighbours. But, for whatever reason a confession is made, there is in general much truth in it, and an experienced officer has in general no difficulty in ascertaining what parts are true and what parts are lies. It is to be

remembered that such a confession can form merely a basis for investigation, for a confession made to a police officer is not admitted to probation in a court of law. In the case of political criminals there is also the tendency to glory in their deed, particularly when, as is usual in the East, politics and religion are inextricably mixed. The Lord has chosen us weak instruments to effect His mighty purposes; should we conceal the favour which He has done us by this designation? Then there is the détente, the general relaxation of the will, which has been screwed up too tight between the time when the act was determined and its accomplishment. In this relaxation all power, including the power to be reticent, temporarily vanishes. Guided by this ingenuous statement, the able police officers and magistrates, who were soon on the spot, had little difficulty in unravelling the whole story, and it was not long before not only the companions of A., but also the members of the murder club, were under arrest.

It is related of a certain Duke of Modena that he wrote to his Minister, "I have caught three Liberals, send me the hangman." This sentence is always quoted as an example of the reactionary tyranny of that potentate, but the truth is that the Continental codes require that when a court-martial is convened there should always be in attendance the officer whose duty it is to carry out the sentence, so that there may be no delay

between sentence (should such be passed) and execution. So rigorous is that rule, that the proceedings of a court-martial held without easy access to the executioner are null and void. The phrase, therefore, merely meant that the Duke intended to try his prisoners by court-martial; it did not mean that he intended to condemn them unjustly. The rule is salutary, and is, as a matter of fact, in force in the case of what are known as frontier outrages. If it is necessary to have a special court and special procedure in the case of political crime, then let the Court be composed of upright soldiers, guided but not controlled by lawyers, and let the procedure be summary and the execution (if such be decreed) immediate. But as a matter of fact, in States where justice is well administered, there should not, in the case of political crime, except in the case and at the time of armed and furious sedition, be any need of special tribunals at all. Political crime ought to be punished swiftly and certainly, but then all crime ought so to be punished. If the legal procedure and the constitution of the ordinary tribunals be such that political crime cannot be punished promptly and with due severity, then most certainly the law and the Courts are inadequate to deal with ordinary crime, for political crime is in general far easier of probation than ordinary crime. What is wanted, then, is a general overhaul of the whole adjective criminal law, and not the

erection of special tribunals. In the present case both the assassins and the conspirators were brought to trial before a most august special tribunal, having its seat in one of the greatest cities of the Empire. The trials were necessarily protracted, and while they caused the deliberation, the impartiality, and gravity of British justice to be generally admired, yet too many susceptible youths forgot their horror of the crime in admiration of the criminals and envy of their assumption of the principal rôles in a tragedy so splendidly staged. All three principals were convicted and condemned to death. A. is said to have expressed his contrition at having killed K., whom he now learned to be a good man, but the others blamed the tyranny of the Government which had taken three lives for one.

The lengthy proceedings in the two cases of the Pandhupuram murder and the Pandhupuram conspiracy furnish the student with valuable materials in respect of the mentality of the assassin and the conspirator. It is, I fear, not a very agreeable study, and one rises from it with a feeling of hopelessness and of strong compassion, not only for the victims, but for the culprits, victims themselves of unhealthy physical and mental surroundings.

Let us begin by etymology. Assassin is derived from the word hashish, which in Arabic means any plant. To the Oriental the plant *par*

excellence is hemp, *cannabis Indica.* The effect of the drug prepared from the exudations of Indian hemp is, if taken in accordance with the admonitions of the experienced, apparently to destroy the limitations of time and space. Thus to himself "the subject of the Emerald King" appears to have passed from this phenomenal universe into a universe not conditioned by these illusory accidents. To such a man death is nothing, because it can do no more and no less than the drug has already done. We poor mortals dread death because it is the threshold of the unknown, to the ganja smoker it is merely a dark passage from the known to the known. Such a man, therefore, will shrink neither from inflicting nor from suffering death in a cause which he considers just and holy. Thus it was that the fedawis or devotees of the House of Ismail, launching this word 'assassin' on to a startled universe, were the scourge of the Frank and Moslem princes of the Near East, till they were extirpated by the sword of the Mongols and of Baibars. The organisation of the fedawis perished, but the assassin remains.

This transcension of the limits of time and space, to which the drug enables the ganja smoker to attain, is also the first step on the mystic path, and that universe where there is no time or space, which is the paradise of the drug-taker, is the first halting-place on that interminable journey. It is true that the ascetic

frequently has recourse to mechanical means, and not least to ganja, to free himself from the bonds of this world, but the use of such by-paths is condemnable and condemned. The mystic attains his ends by different means. I do not intend to expatiate on this topic, for it is not safe for the ordinary man uninstructed, arrogant, actuated perhaps by vulgar curiosity to take even the first steps on the way. To sweep and garnish the guest-chamber may be wise, but it is not wise to fling open the doors to the night and to let enter what will.

This, however, may be said, that it is not wise for the ordinary man to brood too long and too deeply on any one subject. Such brooding is unsafe for all, and is particularly dangerous when there is some mental instability. Homicides are often men who have brooded too long and too deeply over some real or fancied grievance. If the grievance be one affecting the homicide as a private individual, we call that homicide a murderer; if it be a grievance affecting him as a citizen of a city, whether that city be some body politic or the church or humanity, then we call that homicide an assassin.

It is, of course, the case that just as all murderers are not the instruments of a dominant idea, for many murderers commit the crime after careful calculation of the chances and prudent weighing of risk against profit, so it is not true that all assassins are men of warped mentality.

Thus, for instance, in antiquity the duty of tyrannicide was so inculcated into generous youth that among all the companions of the dagger, from Aristogeiton to the slayers of Carinus, there was not one whose spiritual home was a mental home. Christianity and Islam are both so hostile to murder, the one on account of its doctrines as to the sanctity of human life, and the other on account of its prohibition of anticipating the will of God, that the sane and normal assassin is there more rare. Yet even in those states he exists. Felton and the extreme Covenanters and Cameronians were gloomy fanatics, but in no way insane. Charlotte Corday seems to have been a normal girl. Some of the Irish assassins appear to have agreeable guests at the hospitable board. Alexander Berkmann, who missed being an assassin only by his ill-luck, appears from his books to have been a man of strong and sane intellect. The political principles of these men were no doubt erroneous, but, fortunately, to possess erroneous principles in politics is not yet an indicium of insanity, or even of feeble-mindedness. It is not, therefore, correct to say that all political assassins are degenerates.

Still excluding gloomy fanatics on the one side and mere maniacs like Damien and Ravaillac on the other, it is true enough that it is among morbid youth that the assassin-master finds his readiest recruits. Great vanity amounting to

megalomania, loquacity, addiction at times to solitary brooding, at times to hectic gaiety, abnormal sensitiveness both physical and mental, and often clear indications of perverted sexuality, these are the marks of the potential assassin. Such were Gerard and Jauréguy, and such were many of our Indian assassins. Poor boys of good family, they were unable to marry, and it is not good for an adolescent Oriental to be celibate. Excluded by their caste from many lucrative and interesting occupations, they were in general, owing either to poor physique or to deficient intelligence or to a nervous irritability, impatient of discipline, incapable of qualifying for a learned profession, or for Government service. Many of them had devoted themselves to a dark ritual trying to the strongest nerves. Take such a lad at a suitable moment. Expose him to continual repetition of the same theme: "You are unhappy, and so is all around you. The reason of this unhappiness is the oppression of the Government, and the anger of the mother insulted and violated, as she now is, by foreigners." Leave him to brood. The thought would become dominant, and projected from his own consciousness the image of the Satanic, Government would appear in visible form filling the habitable universe. Because of it his food becomes tasteless, his sleeps are no sleeps, the love of parents and sisters and friends is poisoned to him, the sun and the stars give no benign light, the genial

rains bring no refreshment. How can we destroy this horror? The Government is all-pervading and omnipresent, and one cannot, by the arm of the flesh, destroy a system any more than one can destroy an idea. Some concrete symbol of the evil spirit must be selected and destroyed. Let us therefore prepare the sacrificial altars, for when the altars are dressed the victim will not be far off.

It remains to be said that a system whose representatives are continually exposed to assassination requires amendment. It may be a bad system, in which case its clear duty is to commit suicide as soon as possible, or it may be a good system, but in that case there must be something wrong with its propaganda and publicity department. It was the hope of the statesmen responsible for the Indian reforms that, by associating the representatives of the people with the operations of the Government, misunderstandings might be dispelled, and the purity and beneficence of its intentions made manifest to all. These results have hardly yet been attained, but we may reasonably hope that in free India purely political disputes may be decided at the hustings, or at worst on the field of battle or on the scaffold, and that there will be no need for dissidents to emphasise their dissent by use of the dagger, the bomb, or the pistol.

VI.

ASSASSINATION.

(Continued.)

THE Pandhupuram assassination was a political murder. It is true that, as usual in the East, religion was mixed with the politics, so that it is not very easy to disentangle them. Probably the assassin himself considered that he was acting in defence of his religion, and regarded himself as a martyr and not as a tyrannicide. Still the immediate cause of the assassination was the performance by Mr K. of two ordinary Executive or judicial acts, which were considered by the assassin to be politically unjust and oppressive. The assassination therefore cannot be properly classed as a religious assassination.

Religious assassinations pure and simple are not very common in India, though they do occur, and have in late years, with the embitterment of religious feeling between the various communities, occurred with greater frequency than of old. The culprits are invariably Muhammadans, and

the victims are, in general, members of other communities who have perverted a Muhammadan, or have in some way insulted the Mussulman faith. Up till recently such outrages were in general confined to the frontier districts, though the Wahhabi murders of the 'seventies, and an occasional unpleasant incident in the Moplah country, proved that it is impossible to assign to fanaticism a fixed habitat. The frontier outrages were kept in bounds by a special procedure and a special punishment. The ghazi or religious assassin of the frontier gave no trouble to the detective staff. He was anxious to be arrested and executed, so that he might the sooner share in the joys promised to martyrs. The law therefore provided that in such cases the offender, immediately on arrest, should be tried by a summary process, and on conviction should be immediately executed, precluding thus all possibility of a rhetorical glorification of murder, or the seduction of susceptible youth by the arts of advocacy. The law further provided that the corpse of the assassin should be reduced to ashes and scattered to the winds. It was impossible, therefore, for his admirers to show their admiration by making his tomb a place of pilgrimage, and as cremation is a custom of idolaters and polytheists, its application to a corpse did, in the opinion of the vulgar, prevent the soul from enjoying the full glories of Paradise. The certainty of immediate death in this world,

and the possibility of the *pœna damni* in the next, rendered it certain that only the most ardent fanatic would tread the martyr's path, and the mischief was thus kept within reasonable bounds. In recent years, since certain Hindu religions have begun to proselytise, and have made many efforts to attract back to the Hindu fold certain communities, which, though nominally Muslim, yet retained the memory of their Hinduism, and many of their caste practices, assassinations of prominent missionaries have from time to time occurred, but they are even now not frequent. It must be observed that though religious assassination is confined to Mussulmans, yet it would be quite reasonable for the head of a family in any respectable non-Muslim or non-Christian community to put to death quietly and without scandal *patria potestate* any member of his family who had accepted Islam or Christianity. But these are ordinary murders and not assassinations.

" I was sitting," says one of my correspondents, " after dinner outside my tent in the cool of the night, struggling not ineffectively with those winged, legged, stinging, and malodorous creatures of God which love light in the darkness, when I heard a sound of booted footsteps, and thereafter a swishing as of feminine garments. I looked up in surprise, and there entered from the darkness into the circle of light cast by the lamp a soldier. Seeing that he was a Muhamma-

dan, and a non-commissioned officer of a distinguished regiment, I asked him to sit down, and, after salutations, inquired his business. He said, 'I have brought the girl and want a receipt.' This caused me much surprise, not being one who had the reputation of a squire of dames, and not expecting such philanthropy in an Indian officer. I therefore inquired further. It appeared that the havildar was stationed in the neighbouring village, which was also a railway station, his duty being to receive and forward goods despatched by train and destined for his regiment, which was stationed at a remote inland cantonment. He was a smart, handsome, young officer, and in any case 'the son of the quarter pleaseth not the eye.'

"There was in that village a certain shopkeeper of the X caste. This shopkeeper had a daughter of the marriageable age, but not married, nor likely to be in that remote place. How things had come to that pitch I do not know, but on the night in question the girl, dressed in her best and with all her jewels, had appeared in the quarters of Zabardast Khan, my visitor, and had begged him to marry her, expressing her willingness to embrace Islam. On the pretext of finding a kazi he had induced her to follow him, had laden her into a cart, and had brought her straight to my camp. He now asked me to deal with the matter, and in particular to give him a receipt showing the exact

hour when he handed over this delicate charge. The matter seemed somewhat beyond the sphere of my duties, but he was very pressing, and to avoid scandal I said I would deal with the matter. I therefore praised his discretion, gave him his certificate, and allowed him to depart. The matter of the girl was more difficult, as when she discovered she was abandoned she did not take the matter at all philosophically, and I knew little of her language. However, ultimately I bestowed her in good hands for the night. The next day I asked certain experienced persons what was the meaning of this affair. They said that the girl belonged to the X caste, and that the X caste, though not over-strict in respect of irregularities that may take place within the caste itself, yet would by no means tolerate any sort of exogamy on the part of their women; and that further, it invariably killed all members of the caste, men or women, who accepted Islam. This being so, my military visitor had no desire to figure either as principal or assistant in a sensational murder case, and had therefore hurried to rid himself of his charming but dangerous visitor in circumstances which could leave no doubt that he had neither encouraged nor profited by her act. Having ascertained these facts, I found it necessary to dispose of the girl, who was now in a state of dull and hopeless despair, perfectly passive, and wholly incapable of initiative. There being no help for

it, I sent for her father, whom I knew well, and reasoned with him, saying that he was much in fault in keeping a girl of that age in a desolate village, and that he should be thankful that nothing worse had happened. He said he would take her home gladly and treat her kindly, and would send her to his father's house, which was in a great city. So I approved of his design, but added that I should require of him from time to time an account of her wellbeing. He took her away, and I wrote to certain of my friends in that great city to keep an eye on the girl and her family. Six months after she was dead—of fever as it appeared. Such were in those days the customs of the X caste: it is more liberal now."

I remember also the case in which a very depraved young person, a widow, belonging to the wealthy and important Y caste fled from her husband's home (which was in a native State) and took refuge in British India, where she professed Islam and entered into numerous matrimonial alliances. The family used very mighty levers indeed to have her arrested and extradited on a bogus charge of theft, but the general opinion was that on her arrival in her home town the criminal case would be dropped, and the matter disposed of in a much more summary and primitive manner. The supposed intentions of the family were rather commended than blamed even by the Muhammadans. The

intentions, however, of the family were frustrated by an accident, and the peccant widow was permitted to lead her own life, without fear of what drastic discipline a family can apply in such cases.

These are all instances of old date, and I daresay people are more accommodating nowadays to the spirit of the age. But these murders (if they were such) or similar murders, concerning which there was no doubt, were not to be classed even as murders from intolerance. The victim had brought disgrace on the family, and the disgrace must be wiped out. The victim indeed would have been exposed to equal risk had she strayed from the strict path without changing or attempting to change her religion. The apostasy merely aggravated the crime by making it notorious and irrevocable. At the present conjuncture it is still essential that the family should be kept strong and united, and that the caste should be able to control that vast area of behaviour not affected by the criminal law. It would therefore be perhaps hardly proper to class these cases with the genuine murders, for they are rather of the order of informal executions. Far less therefore can they properly be reckoned among the religious assassinations or even the religious murders.

So far, then, religious assassination is not a very common crime in India, within the limits of which country the frontier districts are only by

an accident included. There is one sect, however, which does from time to time commit religious assassinations, and an account of their motives and actions would appear interesting and instructive.

I once found set down on my board a certain probate case. It appeared that a well-to-do Muhammadan widow, belonging to a powerful family of merchants, had died leaving a will by which, among other bequests, she had bequeathed about five thousand rupees to certain specified charities. *Prima facie*, on the application and affidavits, the genuineness of the will and the capacity of the testatrix seemed amply established, but it appeared that very peremptory caveats had been put in by several members of the late husband's family. The objections were numerous and most diverse. The testatrix had never made the will, which was a mere forgery. Some one had held the dead hand of the testatrix, and had thus written her signature. The testatrix had imagined she was signing a will of a perfectly different nature, but a slit had been cut in the paper of the genuine document, and the will now propounded had been subterimposed, so that her signature had been obtained by trickery. She had been forced by threats to execute the will propounded, or had had such moral and religious pressure put on her as to amount to coercion. Such or similar were the objections taken to the will, and it

seemed to me very surprising that a question of the disposal of what was after all a property very insignificant in comparison with the wealth of the family should cause so much heat. Moreover, it appeared that eminent counsel were briefed on each side, and the array of witnesses was appalling. I said to the clerk: "This seems likely to be a long and troublesome case, so you must fix three clear days for it." He replied: "As your Honour pleases, but perhaps some of the witnesses may not appear." Sure enough on the day of trial the only witnesses who appeared for the executors were the European nurse, a Parsi doctor, and a Hindu pleader; the other witnesses (about twenty in number, and all Muhammadans) were absent. All of them sent excuses. Three of them were on their death-beds. Others were attending the obsequies of some near and dear relation. Some had taken a vow to pay a pilgrimage to a distant shrine, and the last boat for Basra was just leaving. Some were summoned as witnesses in some other matter by distant and superior Courts, and two, if I remember right, were in jail. Surprised by this universal defection, I looked more closely into the matter, and the truth then appeared. The deceased woman had married into a family of Khojas, and had adopted the tenets of the Khojas, though her father's family had abandoned them. According to the religion of the Khojas, it is not lawful for a testator to bequeath

sums of money to any particular charity: he must leave what he wishes to charity in general, and it is then the right and duty of the head of the sect (or his local representative) to apply the bequest as may seem good to him. The will therefore as propounded, leaving as it did a largish sum assigned to particular charities, amounted, in the opinion of the sect, to a public act of apostasy on the part of a prominent member of the sect. Those therefore who were called to testify to the genuineness of the will knew that they were being called to testify to the genuineness of the apostacy, which, according to Indian ideas, no man would do unless he approved and abetted the act of the apostate. Such witnesses therefore would themselves be tinged with the guilt of apostacy, and as at that time feeling was running very high in the community on this subject, they had, or thought they had, an excellent chance of being murdered. Hence their reluctance to appear.

It is in the present juncture of affairs worth while to explain at some length what the point at issue was between the Khojas and other Mussulmans; for the question of the Khilafat, though at present dormant, has been and will be again a question of vital interest not only for the Mussulmans but also for any power which numbers Mussulmans among its subjects, or which may be compelled to enter into political relations with any Mussulman State.

The prophet Muhammad died leaving no directions as to the appointment of his successor. He, no doubt, had not fully made up his mind as to who was the most suitable to assume the heavy but glorious burden of the Khalifat, and was probably in expectation that some further revelation would be sent down. In the agonies of death he appears to have made some attempts to declare his will, but these attempts were frustrated, and the city of Islam was thus left without a head. A head must be found immediately, but who and how was he to be selected ? One section of the faithful urged the claims of Ali, cousin and son-in-law of the prophet. The others said that there must be a free and open election by the close associates of Muhammad. The latter party won the day. Ali stood for election, but was rejected on the grounds that he refused to agree that he, if elected, should in doubtful matters be guided by the opinions of the elders.

This method of choosing a temporal head (for the Khalifat is not a spiritual headship only) was perhaps in accordance with the anti-monarchical and aristocratic ideas of the pure Arab, and with the democratic spirit of Islam, but as the religion spread outside the bounds of Arabia proper into lands where the inhabitants were used to strong hereditary monarchies, the feeling that an elective Khalifate was a fraud on the hereditary rights of the prophet's family

became ever stronger. Moreover, there are in fact few worse means of selecting a life-monarch than by election, especially if the electors are, as here, few in number, heads of clans divided by deep racial and tribal feuds, and in no wise enamoured of a strong master. In this case also the usual difficulties did not fail to appear: selection of weak old men, heads of factions, deep-reaching fissures in the body politic, civil war, assassinations. Ultimately the Khalifate became practically hereditary: first in the family of the most bitter opponents of Muhammad, and ultimately in the family of Abbas, uncle himself of Muhammad, and for that very reason a rival to the house of Ali. Thus Ali and the descendants of Ali stood for twelve generations as claimants actual or possible to the lordship of Islam over against the actual possessors of power, who at once hated and feared them. History accordingly presents no such long-drawn-out tragedy as that of the house of Ali, the fine flower of Arab and Moslem princeliness gifted with every quality of a ruler except political capacity. Thus able neither boldly to seize or definitely to renounce the diadem, the Imams of the direct Alid line knew few days and evil. Finally, the last representative of this direct line vanished from among men, and the oppressors could now breathe freely.

But though the direct line of the Alids had thus come to an end, collateral branches of the

family existed. Thus Jaafar, an orthodox Imam, descended that is in direct line from Ali and Fatima, and so from Muhammad, having two sons, Ismail and Musa set aside his elder son Ismail, and appointed his younger son Musa to the apostolical succession. This transfer of apostolic right was accepted as legal by the vast majority of the followers of Ali, but Ismail by no means admitted its validity, and he was not without adherents. Warned by the fate of their kinsmen, Ismail and the descendants of Ismail withdrew into obscurity and remained concealed, but the claims of the line of Ismail, not only to the succession to the house of Ali but to the inheritance of the Khalifate, were zealously though privately preached through many years by a series of devoted missionaries. Ultimately a concatenation of extraordinary chances led to the succession of this despised and obscure branch of a great house to the Khalifate, first in Africa and then in Egypt. The malignity of the orthodox Sunni historians and theologians asserted that the Fatimites were not genuine descendants of Ismail or of Ali, but impostors. This assertion is, however, in my opinion, merely malignity and unworthy of serious refutal. The direct line of the Fatimites (and therefore of Ismail also) perished at the hands of Saladin, but in the long period of Fatimite sovereignty there had been occasional departures from the strict line of hereditary descent. Those

therefore among the Moslems who regarded the Imamate as descending according to the strict laws of heredity might well hesitate whether their allegiance was due to the ruling prince or to the rightful heir whom he had extruded. In this way there came into existence numerous sects of the Ismailis. The most important of these sects is that headed by His Highness the Agha Khan, who is indubitably the representative in the direct line of the Fatimite Sultans of Egypt, and so of Ismail, and so of Ali, and so back from noble to noble to the dawn of history.

The Ismailis differed from more orthodox Mussulmans in that they relied much on peaceful propaganda. Their missionaries penetrated every Islamic country, preaching in secret the doctrines of the sect and the pre-eminence of the line of Ismail. Some centuries ago some skilful emissary succeeded in converting a community of the Hindu merchant class to this form of Islam. The Ismaili missionaries allowed much latitude to their converts, provided that the pre-eminence of the Imam was fully recognised. The Khojas (as these Hindu converts were called) therefore retained their identity as a separate caste, and with it many Hindu customs and even superstitions. Further, certain decisions of the British Courts forced on to the community a whole body of Hindu civil laws which were inconsistent with the general Mussulman law, and indeed wholly alien to the spirit of Islam. Thus the Khoja was marked off from the rest of the

Mussulman body as an object of suspicion and contempt. He accordingly did not share the ruin that fell on the Mussulmans in general when the temporal power of the Mussulman princes was broken, first by the Marathas and then by the British. On the contrary, to the bonds which already united Khoja with Khoja—namely, a common caste ancestry and a common heretical religion—there were now added the bonds that unite together those who are the objects of a common dislike, ostracism and possible persecution. (The parallel cases of the Jews, the Parsis, the Quakers, and the Raskolniks may be remembered.) By their Islam the Khojas were freed from many of the restrictions which hamper Hindu traders. Yet that Islam was not the crippling religion into which the dead hand of tradition has converted orthodoxy. Thus they were capable of adapting themselves to changing conditions, and conditions in British India through the greater part of the nineteenth century were continually changing in favour of the trader, the speculator, and the entrepreneur. Moreover, their local seat was precisely on the very western seaboard of India, which was becoming the most suitable arena for the efforts of the trader, the speculator, and the entrepreneur. Moreover, their Imam was high in the favour of the civil and military chiefs of the new dominion. Thus it is not a matter for surprise that the community of the Khojas became wealthy and important.

Becoming wealthy and important, it became to a certain extent sceptical. It is to be noted that it is generally the rich and not the poor who resent exactions. Thus it was among the wealthy burghers of the Middle Ages that heresies were most in favour, for heresies in general attack the established Church and its tithes and offerings, and for the most part teach that faith is sufficient for salvation. Similarly it was the rich and prosperous peasants who objected to the payment of the feudal dues and royal and clerical exactions which were the characteristics of the ancient régime. Some of the Khojas began to feel that their Imam might be the veritable representative of the Holy House, and entitled to the lordship of the human race, but that was no reason why he or his deputies should strip them, living and dead, to the bone. Certain of the more opulent and advanced members of the community therefore showed a tendency to secede and join the ranks of Alid orthodoxy.

The local story as to this secession I give as it is locally told, premising that the narrators were no friends to the Ismailis or to the Shias, that I have read something very like the story as having happened elsewhere in perfectly different circumstances, and that the Ismailis deny strenuously that it represents in any way Ismaili customs or beliefs.

In the city of Darya Bander a wealthy Khoja

came to die. Even according to the most favourable view he was not a pious man, for he had made his first money by dealing in liquor, and had accumulated a large fortune by lending money to the local fishermen at 75 per cent per trip. He had attempted to atone for his sinfulness (much to the disgust of his heirs) by very large donations during life to the head of the religion, and there had been issued to him some sort of paper showing that he had paid all that was required from him. According to the story, this paper was in terms a letter or tazkira addressed to the guardian of Paradise, saying that the recipient was in a state of grace, and directing that special privileges should be shown to him in the abodes of glory. The Ismailis, however, and their head deny that it is the practice of the Imam or of any of his authorised deputies to issue any passport of the kind, and the so-called tazkira was probably no more than a receipt for monies paid. The principal heir, however, already disgusted at the large payments which his father had made in his lifetime, was now infuriated by further demands amounting to a considerable proportion of the already sadly reduced patrimony. These demands were made by the local chiefs of the sect, and were supported by the threat that in case of refusal the usual after-death ceremonies would not be permitted, and that the whole family would thus be disgraced.

G. A., therefore, the son, went down to the meeting-place of the caste, and collected his fellow-believers around him, and when they were gathered in numbers he said: "O my brethren! I have had an evil dream. Yesterday, as you know, I buried my dear father, and last night his spirit appeared to me, and it was in the semblance of a man who is in the foulest of conditions. So I said to him: 'O my father, is it well with thee? But he replied: 'How should I be well, and I am like this?' But I said: 'O my father! are you not in Paradise, seeing that we have paid all that was incumbent on us in respect of you, and seeing also that we had provided you with the fairest of passports?' But he said: 'Hear now, O my son, and judge for yourself. When I was well dead and buried and relieved from the straitness of the tomb, my soul flew hence, and ceased not from flying upwards till I came to the gates of Paradise. So I knocked, and one came out to me. He said: "Who are you"? So I told him my name, and my tribe, and my faith, and my Imam. But he said: "We know nothing about you here." I said: "But I have paid much money." He replied: "This is not a tavern that he who pays can enter at will." I said: "See now how you are in error, behold this passport!" So he took the passport and looked at attentively, turning it round in his hands, as one does who is reading a difficult script. Then he whistled,

and there came out two black demons armed with clubs, and he said to them: "This is the fellow," and shut the gate. But the demons came down on me with a beating the sister of death. When they had beaten me sufficiently they flung me out and downwards, and their laughter was intolerable, so now I am in hell." ' Thereon the spirit of my father vanished."

The assemblage looked at one another in silence for some time till one of the elders said: "This is a nightmare, an imbroglio of dreams." "Ah! but," said G. A., "when I awoke in the morning and my heart was heavy in me because of this dream, I found lying on the bed this paper, and I remember that the spirit of my father, as he was vanishing, flung it at me in wrath, and I took it up and looked at it, and behold it is the very passport which I placed in the hand of my father's corpse and which is buried with him." The elders, having heard this, conferred one with another, and one of them said: "There is no help for it, but we must go to the graveyard and exhume the body of your blessed father. If, then, we find in his hand the passport which we buried with him, then this is nothing but an imposture and a device of the devil; but if not . . ." So they went and dug up the grave, and found the corpse. No passport was there to be seen, but on the contrary the face of the corpse was turned to the east, as if it was the corpse of a star-worshipper,

and the shroud was disarranged and torn, and on the flesh were the signs of a tremendous beating. So they filled in the grave, and sat for some time silent in consternation, till the eldest of them said: "There is no profit in this, my brethren. Is it not enough that we should pay all these fines and exactions, and the tenths, and the charities, but we must also go to hell as a supplement? Rather let us abandon the faith, and choose as our Imam the vanished Imam of the Shias, who is not on earth, and therefore cannot desire a share in our wealth. Thus we shall be saved by faith alone, and our pockets will remain filled."

Such is the story that men tell as to the secession from the Khoja community. I know not whether the details are true, but what is true is that G. A. did head a secession, and that three months after, as he was entering the Exchange at Darya Bander, he was stabbed and killed, and his assassin was not found.

Such was the story of one very celebrated religious assassination, and though such incidents are very rare, yet they do occur, and are sufficiently frequent to make men very careful as to how they attack the Ismailis or the Ismaili faith.

In the Middle Ages the Western Ismailis of Masyaf in Cilicia were well known to our ancestors and to their enemies. The knightly Saladin, ever victorious, shrank from a conflict with an

Invisible Empire, whose regent indeed sat serene and secure in his inexpugnable and cloud-capped fortress, but whose emissaries could make their presence felt in the most private and guarded recesses of the royal camp; Cœur de Lion turned the daggers of the assassins against his dangerous rival, the Marquis of Montserrat; the story of Eleanor and the first Edward is well known. Alamut in Persia was remote from the stage on which the world tragedy of the Crusades was enacted before the eyes of all men, and accordingly the exploits of the main branch of the sect are less known than those of the line of Abu Sinan, but they were numerous and dreadful. It is this tradition which surviving through the ages has made events of old time, lamentable things and things done amiss in Persia and Egypt and Arabia, dealers of death to men of our generation and country.

The malignity of orthodoxy attributed to the Ismailis the possession of a secret and subversive doctrine. Orthodox writers relate in all seriousness that the sect was organised on a hierarchical system that the lower Orders were encouraged to become and remain pious though heretical Muhammadans, while the superior Orders were gradually indoctrinated with a dualistic or nihilistic faith. The statement is absurd in itself (for if Islam was false, what claims had the house of Ali to particular veneration?), and obtains no confirmation from the history of the Fatimite

Sultans, or from the subsequent history of the Ismailis.

The Ismailis, as far as can be ascertained, differ from the orthodox Mussulmans on two very material points. They do not believe in absolute predestination, and they believe that the Divine Reason is incarnate in the Imam of the moment. It is certainly not for such of us as are not Calvinists to assert that those who disbelieve in absolute predestination are necessarily irreligious, and capable of any atrocity, or for a religion, in which Arianism has from time to time been so strong, to assert that those who separate the divine energy from the divine substance are not monotheists. There is thus nothing in the doctrine of the Ismailis which by itself should make them particularly inclined to assassination.

It is true that the Church is organised on a hierarchic basis, and that the identity of the Imam was kept secret, and that the doctrines of the sect are not published to any inquirer. But the unhappy history of the house of Ali made the concealment of the person of the Imam an absolute necessity. The Ismailis are not the only sect who conceal their tenets; and a hierarchical organisation was most useful to a sect which was at its beginning surrounded by deadly enemies, and which in the days of its splendour controlled the half barbarous tribes

of the Sahara and the solidly orthodox inhabitants of Egypt.

To attribute, then, this tolerance of the practice of assassination, which exists amongst certain of the Ismailis, to the demoralising effect of some secret and subversive discipline, applied to young and enthusiastic apprentices, is improper. At first sight it might seem that the Ismaili views as to the character of the Imamate might account for much. As I have said before, the schism between the Ismailis and the Alids in general arose on this very question. The father of Ismail set him aside from the succession in favour of his brother, though Ismail was the elder, on the ground that Ismail was a drunkard and debauchee. This, say the Ismailis, was beyond the competence of the Imam of the time. The Imamate passes from father to son according to the strict laws of inheritance, and if the Imam so indicated is really a drunkard and debauchee, then that is a proof not that drunkenness and debauchery disqualify for the Imamate, but rather that they are not inconsistent with it. In fact, seeing that the Divine Reason is incarnate in the Imam of the moment, how can any act of his be sinful ? In the same way ignorant people might caricature the doctrine of the infallibility of the Pope in his official capacity by representing that it asserted also his impeccability in his private capacity, and by alleging therefore that

good Catholics must approve of the enormities of the Alexanders and the Johns.

In theory, therefore, it might seem that if the Imam of the moment were to direct one of his followers to assassinate a particular person, then that follower would feel that there would be no sin in such an assassination, and that to accomplish it would be rather a virtuous act. But no religion, however powerful, can always compel its adherents to commit acts which are contrary to instinctive morality. Man is a great casuist, and will find a thousand excuses for avoiding acts which, he is told, are virtuous, and for committing acts which, he is told, are sinful. In these days especially, when faith has grown cold, I doubt much whether the commands of the Imam, or rather of his competent deputies, would be sufficient to arm the most enthusiastic Khoja with the assassin's dagger. Moreover, whatever may have been the habits of the Imams or of their deputies in the days of Hassan Gabah and Abu Sinan, the Imams of the present day would no more incite the assassin against their enemies than the Archbishop of Canterbury would grub out the relics of a Nonconformist's ears, or the Synod of the United Presbyterians cite prominent Episcopalians to their bar, and murder them if contumacious.

That devotees and fanatics, however, should often disobey the commands of their master is not surprising. There was among the followers

of Ali a sect which venerated Ali so highly that they cursed him. Ali the man, they said, had betrayed the Godhead within him by reason of his humility and weakness. It was his duty to seize the Khalifate by force of arms, and to shed the blood of his enemies with the temporal sword. He failed in his duty, and was therefore worthy of anathema. Thus it might well be that a fanatic, seeing some enemy of his Imam, might strike down that enemy, even in defiance of a special prohibition by the Imam, attributing such prohibition to the temporal and carnal weakness of his master.

Considering these things, therefore, it would appear how powerful a passion is love, so that in the service of the beloved a man will break all laws, and set at naught even the commands of the beloved. Further, it would appear that men love the concrete more than the abstract, and the symbol more than the thing symbolised, and a person more than an idea, facts which framers of constitutions and theologians are apt to forget.

VII.

HUMAN SACRIFICE.

SACRIFICES are of two kinds. The first and less common case is the sacrifice of atonement, where the votary conceives that his God is or should be wroth in consequence of some offence and attempts to propitiate Him. In this case it is clear that the more valuable and rare is the sacrifice, the greater will be the satisfaction and the more complete the atonement. The second and more common case is the sacrifice of placation, where the votary, wishing to make the God favourable to his intended action, or wishing to show himself grateful for favours already bestowed, attempts to please and, if I may say so, buy Him over to his side. It is clear that in this case also, the more valuable and rare is the sacrifice the greater will be the placation. It is not necessary to consider a third case (which, moreover, perhaps rather falls into a subordinate class in one or other of the two main categories), that is, where a part is offered as redemption for the whole. In this case the offering

being specific, no question of rarity or value arises.

Now certainly the most precious offering that can be made by man is a human being. Accordingly we find the sacrifices of men either for atonement or for placation offered as occasion demands by very advanced races at epochs of high civilisation. Both kinds of sacrifice were known to, and occasionally practised by, both the Greeks and Romans: in the case of the Greeks, at Marseilles, as late as the reign of Nero; in the case of the Romans perhaps as late as the reign of Aurelian. The altars of Jehovah were not unstained with human blood. The idea of atonement at any rate is dominant in the Christian religion, and has passed into our penology. Thus it is not a subject for wonder that both in Scotland and New England (to cite only two instances) it has occasionally been difficult to ascertain whether a criminal has been put to death because he was a criminal, and thus subject to human justice, or because he was an enormous sinner, and therefore a pollution, the shedding of whose blood was an acceptable sacrifice of atonement. If I am not much mistaken, the feeling which lay behind an election cry very popular after the war was the feeling that the whole world was polluted with blood and sin, that the Divine powers were wroth and must be appeased, and that they could be appeased only by the blood of one imperial victim.

The Hindu religion is a magical religion. That is to say, by virtue of the performance of a particular rite the god can be compelled, in his turn, to the performance of a particular action. Both the atoning and placatory sacrifices therefore are here in strict order, though the placatory sacrifice is more common. In the case of the true gods human sacrifice is not *necessary*. The gods do not require it, but they do not abhor it. Nay, more, when it has been offered to them in a particular place they resent, and will punish its cessation. In the case of the darker gods, and particularly the gods of the outcastes and magicians, human sacrifice is highly acceptable, and is indeed necessary if the full benefit of devotion is to be won. This superstition has penetrated to a certain extent into Islam, where, except in the Mecca ritual, sacrifice is wholly unknown. Thus even highly orthodox princes like the Tanki Sultans of Ahmedabad and the Adil Shahis of Bijapur ordained or tolerated the immurement of living boys (as a sacrifice to the Earth Spirits or to Kali) in the walls of newly built fortresses. The fanatical Tippu is said to have solicited the gods of an empire which had passed from him with precious blood shed in an unhallowed and unlawful ritual. But these were matters of great emergency, and the act was highly exceptional. Allah does not delight in the blood of men, except in that shed in the open field of battle.

Ritual murder therefore is to all intents and purposes confined to the Hindus, and it is difficult to say whether it is of frequent occurrence. There are indications that it is more common than is supposed; but as it is not to the interest of any one to denounce or detect it, cases very rarely come into Court. Still, unofficial murders of this sort do occasionally transpire, and they are in general interesting both to the criminologist and the comparative mythologist.

In the Sadr Bazaar of the large city of Madamabad lived a certain pious teli or oil-presser. He was strict in the duties of his religion, and a very charitable man. His business was not large, but he always seemed to have funds at his disposal for works of piety and beneficence. Madamabad was at one time the frontier fort between two powerful monarchies, and the whole country therefore for leagues around had been in old days subject to the raids of predatory horse. Moreover, when invasion was seriously threatened, it was the habit of the weaker power thoroughly to devastate the country, sweeping off men, women, and children, burning the villages, filling in the wells, and destroying the standing crops (if any) and all the grain stores. Thus the advancing enemy would march through a mere desert, and find his operations against the main strength of the kingdom seriously hampered. In such circumstances it was but natural for wealthy men to bury their property

in gold and silver and precious stones, hoping that, when peace came again and the villages could be reoccupied, they would find it intact. In some cases, however, it might happen that the owner died while in exile, and did not communicate the secret of his hoard to any one. Thus there was in the district round Madamabad a great mass of buried treasure. The oil-man was said to be expert at finding and recovering such treasures, and it was to his success in these endeavours that the opinion of the vulgar attributed his wealth and munificence.

Nevertheless he was not popular, and there was good reason for his unpopularity, if the story which came out at his trial was true. Inasmuch as he was acquitted of the offence for which he was tried, he must be supposed to have been innocent, but it is probable that if he was not the guilty person some one else was, and the tale may therefore be accepted as true in the main outline, though presumably false in respect of the identity of the criminal. I merely repeat the evidence as given in Court.

Buried treasure is not left without a guardian. In the case of a small hoard the earth spirits regard themselves as entitled at least to the usufruct of it, and will not readily surrender the possession. In the case of large and valuable deposits, such as might be concealed by princes, nobles, or priests, it would be usual for the owner to kill the persons of a servile or inferior

class who had assisted him in the necessary work of excavation and transportation. Not only would this keep the secret of the hiding-place well concealed, but it would also provide powerful and malignant evil spirits (of people violently and unjustly slaughtered), who would form admirable guardians of the treasure. It is for this reason that great princes in general confide the secret of the hiding-place of their treasures only to low-caste men, who are in general on familiar terms with gods, the masters of the demons. It stands to reason therefore that he who would find and seize a concealed treasure that is not his by right of inheritance must placate the demons, whether those demons are merely earth spirits or the special guardians of the treasure.

The oil-man had command of the services of a boy who, when in a state of trance, had particular ability in descrying concealed treasures, and, what is more unusual, of giving such very precise details as to their situation that it was not very difficult to locate them. The oil-man had thus found several buried treasures, and had become master of them, never, he said, having found the spirits very implacable, and never therefore having to go further than the sacrifice of a cock or a goat. Others said otherwise, but that was a matter of rumour. Now, however, he had located a very valuable hoard indeed, and had even approached the chamber itself,

but had always at the last moment found the difficulties insuperable. Prayers, incantations, and the sacrifice of birds and animals proved vain, and it was necessary to play his last card. He determined to sacrifice a superior victim.

Having come to this resolution, he determined to do it in the best form possible, and it is agreed that for a sacrifice to the earth gods or the demons it is best to select a boy not yet come to the age of maturity, and one who was born feet foremost. Such children are not very common, because they are apt to die at birth. After much research, however, he found one, and one who by a happy chance was living in the same Sadr Bazaar as himself. The boy was the son of a low-caste woman, a widow, and was pleased and unsuspicious at the overtures made to him and the small presents of sweets and toys, delightful to a child of poor parents, which the oil-man lavished on him. As he won his confidence the oil-man invited the lad to his house till he was familiar there. When he was so familiar, and a fortunate planetary conjuncture had arrived, the treasure seeker proceeded to business. He dressed the child in the apparel with the ornaments and cosmetics appropriate to a bridegroom, and then paid him the worship due to a god. Having performed this part of the ritual, he took the child (who thought this dressing-up great fun) in an open carriage, and drove along the main road leading to the station.

About half a mile down the road was a forest of acacias, a favourite resort for the young people of Madamabad. It was a beautiful evening, and the acacias were mere masses of gold and green. Turning off the main road into a cart track, the oil-man descended with his little friend and discharged the carriage. The boy was in a high state of delight, for he had never been in a carriage before, and Indians of all classes adore driving. The two went together into the recesses of the wood till they came to a place for the purpose. This was a clearing where there were some stumps of cut-down trees. Here the oil-man produced three betel-nuts, and placed them on three stumps to represent the principal gods of the Hindu Pantheon, and paid them due worship. He then proceeded to business. At this point a third person intervened. The oil-man, being a respectable Hindu, could not shed blood, and had indeed no knowledge as to how to use a large knife. He had therefore hired a Muhammadan butcher. The two bound and gagged the boy, and the expert then cut a large wedge of flesh from the upper part of the right arm, allowing the blood to run freely till the ground was saturated. The idea apparently was that the guardians of the treasure who were invoked would be attracted by the agony of the child and by the smell of the blood, and would hurry to the spot, when they could be conveniently fettered to an acacia-tree, always

the favourite resort of evil spirits, till the removal of the treasure. Having recited the charms and the boy being now dead, and the blood therefore having ceased to flow, the oil-man paid the butcher a small fee (one rupee, I think) and dismissed him, and returned to the city bazaar.

The sequel, though not perhaps relevant to my subject, is interesting. The corpse was soon found, and inquiries were set on foot. The mother of the child, who had not been consulted by the oil-man far less compensated, was indignant, and related what she knew of the friendship between her dead son and the oil-man. The carriage driver was found, and gave evidence. Finally, the butcher was apprehended, and turned King's Evidence. The accused was put on his trial, but was acquitted on the grounds that the only direct evidence against him was that of his accomplice the butcher. The butcher was next put on his trial; but here there was a dilemma. If his story was true, then he was protected by the pardon issued to him as an approver. If his story was false, then as the sole evidence of his guilt was his own confession and statement made at the trial of the oil-man, then the Court was being asked to convict him on admittedly false evidence. So he also was acquitted. The people of Madamabad did not fail to attribute this happy result to the favour won by the accused by means of their dark ritual, and to the same cause was attributed also the discovery

and acquisition of the treasure. The reader will no doubt have observed the publicity with which this affair was accompanied, and will see nevertheless how little evidence was forthcoming of indifferent persons, and will thus have no difficulty in understanding that ritual murders, carried out with a little decent dissimulation, are not in the least likely to give any trouble to police or tribunals.

Another case where good fortune (of a kind) attended a case of sacrifice is the case of Krishni and Parvati. Here again the evidence against one of the girls was not wholly satisfactory, and it must be taken that in her case the guilt was not so heavy as was alleged. The story here given is the story as it appeared in the police investigation.

Krishni, then, and Parvati were two young women of the peasant class, and great friends. They had been married for some time, and had had no children. There was really no need to despair, for they were both healthy and strong young women, but the waiting seemed long to them. They had not that position in their homes that they should have, and which they would have as soon as they were mothers of sons, and the other young women whom they met at the village well or at the temple or at occasions of joy and sorrow were already hinting at their sterility. At this conjuncture there appeared in the district a certain holy man.

The girls were not rich; they could not afford the experiments tried by wealthy young women in their case; they could not, that is, pay a pilgrimage to the shrine of some renowned Muhammadan saint, or to any holy Hindu city, but they collected sufficient money to make a handsome offering at the knees of the peripatetic ascetic and asked his advice, which he gave to them freely. In consequence of that advice they asked little Lakshmi, the eight-year-old daughter of one of their neighbours, to come with them for a short jaunt along the river-bed. The river is a holy river, and flows through the village lands, and certain pools are favourite places for primitive bathing picnics. Nothing loth, therefore, little Lakshmi trotted off with her two aunts, who beguiled the way with pleasant stories, delightful to the ears of a child. At one point the river sweeps round in a semi-circle, and at the summit of the arc there is in the high bank a fault in the stratification. At this point therefore there is an outcrop of some reddish rock, which is in its turn fissured. At this time, it being the season of the rains, a small stream was issuing from this fissure, and united itself with the main river. All such *sangams* or meeting-place of streams are sacred, and that this was, owing to the peculiar physical features, peculiarly sacred was made evident by smearings of vermilion, symbols of rustic devotion. It was, in fact, the favourite haunt

of the water-nymphs. Here, then, one of the girls at any rate threw Lakshmi to the earth, half strangled her, and then battered in her skull with a stone. Having thus won the favour of the water-nymphs, the two young women returned to their homes, convinced that in a very short time they would reap the reward of their labours.

Hindus, though like all Orientals they speak contemptuously of women (as slaves speak of owners whom they dread), are nevertheless extremely fond of their daughters, and the peasant class is not one of those classes where the possession of a marriageable daughter is a dire pecuniary disaster. Accordingly the parents of Lakshmi were most angry at the cruel fate of their little daughter, and stirred up the authorities to make a searching investigation. There was also a feeling in the village that the action of the young women was ill-advised. Here had been the water-nymphs for ages, acting as tutelary deities of the river, and arranging that it filled in due season, and did not overflow, protecting villagers and cattle from drowning, and they had been quite contented with occasional offerings of flowers and fruit. Now they had been given a taste of blood. Who could tell what the consequences might be? Might they not insist on the continuance of so pleasing a worship? It would be impossible to meet such demands. Might not then the nymphs, finding themselves de-

frauded, reject the usual humble and bloodless offerings, and avenge themselves on the village, bringing ill-luck, death, and destruction where they had hitherto been beneficent ? The villagers therefore co-operated with the authorities in their investigations, and the guilty parties were soon detected. They were put up for trial. One was acquitted on the grounds that she had taken no actual part in the killing. The other was found guilty and formally sentenced to death. It was not expected that this sentence would be carried out by reason of the sex and youth of the offender, and it was thought that a substantial sentence of imprisonment would meet the ends of justice. The Executive Government, however, took a very lenient view of the offence, and, with the same clemency which is shown in the case of erring women who kill their new-born children, commuted the sentence to one of a few months' confinement. Thus these young women may be accounted on the whole fortunate, though whether they came by their desires and became the mothers of sons I do not know.

Similar fortune, however, did not befall Murlibai. Murlibai was a woman of forty-five. She had had twelve children, all of whom had died in infancy. In despair she also listened to the advice of the wandering saint, and was confirmed in her intention by the action of Government in the case of the two young persons mentioned above. One had been acquitted by the Courts,

and one had been discharged after a short detention. This seemed clearly to indicate that Government was not inclined to take a serious view of ritual murder. The victim in this case was a boy, the woman's own nephew, to whom she had always shown herself a kind and devoted aunt. The sacrifice took place, not to the water-nymphs but to Vetala, the King of Demons, whose image (a rough stone placed at the point of intersection of two lines of smaller stones representing the army of Demons) is generally to be found on the outskirts of most villages. In the present case it was situated not far from a well, where the family, which was opulent for that class, was collected for the purpose of cultivation. The woman called her nephew out of the encampment at night on some pretext, and, taking him to the place of the Vetala, killed him and ate portions of his body. Arrest soon followed, and on arrest conviction, and on conviction sentence of death. In this case Government did not interfere, and the sentence was carried into effect, though, in my judgment, Murlibai was more excusable than the others.

The assocation of water-nymphs with human sacrifice is to our ideas grotesque. But the Indian water-nymph is by no means akin to the gracious Naiad. If she had carried off Hylas, it would not have been for amatory purposes. Originally she may have been the goddess

of some worshipping pre-Aryan race, but in these days she is little other than a special manifestation of the goddess Kali, and she is regarded rather as malignant than merely neutral.

I was once riding in company of certain village notables along the bed of a certain stream. Not far from the village we came on what was obviously a grave in the bed of the stream. Hindus do not generally bury their dead, and Mussulmans use special cemeteries. In any case it is not usual to use the bed of a stream for a burying place, though a memorial might well be put up in the bed of a sacred river. Inquiries were therefore made. "Oh!" said the headman, "that is the grave of Amukji, who was strangled by a water-nymph." This story did not seem very satisfactory, and inquiries were again made on the lines that Amukji had sentimental reasons for lingering at night in a spot, deserted no doubt but easily accessible from the village, and had met his death at the hands of some indignant husband. Nothing, however, was discovered. Six months afterwards I passed again by that spot. This time there were two graves where there had been one before. "And who is buried here?" "Fulanji." "And what did he die of?" "Strangled by a water-nymph." Further investigations were made, but in vain. Both men had been out at night on some innocent agricultural errand. One was a bit of a lad, but

the other was an inoffensive old man. Both were found strangled in the early morning. The villagers were informed that if the water-nymphs strangled any more people, a special police party would be told off to reside in the village (at public expense) to protect the residents. This was sufficient. The water-nymphs were, though malignant, after all reasonable.

It had always been a surprise to me why the educated Indian is so fond of Wordsworth. Because they are both pantheists might be the answer. But pantheism is a vague word. What ought Peter Bell to have seen in the primrose? "Every blade of grass," says the Persian poet, "is a letter of the credo." This kind of pantheism teaches the observer to see the operative power of God immanent in the phenomenal universe, and to deduce from the nature of the creation the nature and purposes of God. Thus from the creation of a primrose such a pantheist may deduce a creator having a purpose and wishing that man should be happy. For why is a primrose beautiful? Man can do without beauty—millions do. If it be said that what is beautiful to man is also beautiful to certain insects, and that the primrose is made beautiful to attract those insects and not to please man, then the pantheist asks why man developed the same sense of beauty as a bee? Or if it be alleged that the beauty of a primrose is the result of a mere fortuitous aggregation of cells and a

fortuitious arrangement of the retina and the brain of the beholder, then it may be asked how many millions of chances to one were there that that fortuitous aggregation of cells would not convey to that fortuitously adjusted retina, and so to the brain, that impression of faint gold and tender green, and transient grace, and all that lowly loveliness that we see in a primrose? So the pantheist of these northern and western climes. How far he is right I am not concerned to inquire. But to the pantheist of fiercer lands the phenomenal universe conveys no such gracious message. There nature is wonderful and majestic indeed, but not benign, or if there is benignity it is the benignity of a Sultan who, attended by his purse-bearer and by his executioner, distributes now largesse to his subjects and cares not, and now death and cares not. Thus the object of the Oriental pantheist is to get away from the phenomenal universe altogether, regarding it not as a mirror in which we see darkly, but as a glittering and shimmering veil of illusion. The One to him has neither creative will nor power, and he who merges into the One is merged and lost for ever as a drop of rain is merged in an infinite ocean. It is in this way that the Oriental pantheist looks at nature and the powers of nature, seeing there no trace of veritable Godhead. Small wonder, then, that the powers that preside over and wield the energies of nature may be majestic or may be

grotesque, but are ever malign. Seek not here Naiads and Oreads.

Such, then, are some of the reasons for which people offer human sacrifices. Connected with this subject are two other subjects, sati and traga.

Sati or suttee, as our enlightened ancestors used to call it, is well known. It was the practice whereby a widow, wishing to be reunited to her husband, and to live with him for several ages in Paradise, burned herself on his corpse. It was never very common, and was abolished by the British Government about 1835, much to the disapproval of the orthodox, both Indians and English. A woman who now attempts to commit suttee is theoretically punishable as one who has attempted to commit suicide, and those who encourage her, aid her, or incite her to do so are theoretically punishable as murderers. In old days the reasons why women were encouraged to do this act were numerous and varied. Besides the religious motive, there was a question of material interests. The widow of a Hindu who died, leaving property of his own and having no children, had, as long as she was virtuous, something more than a life estate in the property. She could, and often did, apply the property itself to her maintenance or to pious purposes. The next-of-kin might hope in the case of a young widow to accelerate his succession by seducing her, but if he failed

in this he saw himself condemned to a long lifetime of expectation. All this trouble was saved if the widow could be induced to burn herself. Then there was the question of prestige. Only highly respectable families expected this act of sacrifice from the widows of the family, and such families looked with much disapprobation on upstarts who claimed the privilege of the pyre. One petty princelet in the early part of the nineteenth century caused five of his wives to be burned after his death, and the great princes looked on this extravagance much as the great nobles of France looked on the diamonds and splendid escort of the priest's bastard, the Duke of Valentinois, as a shocking example of parvenu push. Thus formal and true suttee, which requires the immolation of the widow on the pyre which consumes the body, or at any rate the relics, of her husband, is now rarely practised. Informal suttee is not very uncommon, but is hardly to be classed as a religious rite. It occurs when some young widow, unwilling to bear the stigma of widowhood and to undergo the hardship and degradation which is her lot if her husband died leaving no property and no children, in a moment of despair or petulance, performing no religious ceremony, and, still worse, without feeing priests, drenches her garments with inflammable substances, and forms at once the pyre and the sacrifice. Such cases are always hailed with

great and triumphant applause by the most enlightened orthodox papers. After all, suttee is a peculiar national custom, and must be treasured by all true Nationalists as part of the precious inheritance which Mother India has handed down from father to son through long generations.

Traga is not familiar to the West, and indeed I am not aware of any practice at all similar existing among us. Possibly the sacrifice by Mesha, King of Moab, of his son was a case in point, and there are legends told in the near East about the peculiar powers of the descendants of Judas. Briefly, he who kills himself or another in order to bring the divine displeasure on some person who has wronged him is said to commit *traga*. A threat to commit *traga* is by the Anglo-Indian law punishable as a sort of blackmail. The act itself would, of course, be penal under the ordinary law relating to murder or suicide. Sporadic cases of *traga* have occurred, and do occur, throughout India, but as a general rule it is confined to a few castes in a few provinces. It is, of course, necessary for the fear of *traga* to be effective that the man who is killed should be sacrosanct, and that man to be intimidated should regard him as sacrosanct. Thus while the threat of a Brahmin to kill himself would not be regarded with indifference by any Hindu, such a threat would be perfectly ineffective to alarm a Muhammadan. The offence therefore

was never very common, and is now less so than ever, owing to the growing hardness of men's hearts and the general break-up of caste discipline.

Traga, like many things in the East which seem at first sight ridiculous and horrible, had its uses. Thus there is a community called the Bhatts whose profession is that of genealogists and bards. These were and are possessed of the same sacrosanctity as that which was accorded in the Middle Ages to heralds, and for much the same reasons. To slay, then, or cause to be slain, a Bhatt was an inexpiable sin. To wrong a Bhatt, therefore, to such a degree that he was driven to suicide or to the murder of his wife or child (being tantamount to killing a Bhatt) was also an inexpiable sin. Therefore the Bhatts framed certain caste rules which made it obligatory on the Bhatt wronged in any of certain particular ways to kill himself. The result of this was that the wildest and most ferocious tyrant dare not, for the life of him, inflict on any Bhatt any of the scheduled injuries. The schedule was fairly extensive, so the Bhatt lived in comparative immunity from many of the wrongs and injustices which were the daily portion of the hero and the sage.

One of the injuries which required the wronged Bhatt to kill himself or his dependants was the refusal to fulfil a treaty which the Bhatt had guaranteed. Such treaties were therefore not

the scraps of paper which other most holy treaties are apt to become when imagined necessity speaks. Equally secure were safe conducts, and even ordinary commercial contracts. In the glorious days of the eighteenth century, when Maratha lawlessness had broken down what still remained of the rather rickety structure of Mughal justice, there was really no means whereby civil contracts could be enforced by legal process. The wronged party to a bargain could sit and starve himself at the gate of his debtor in the hopes that fear of divine displeasure would compel the defaulter to fulfil his contract, but the defaulter might not think the divine displeasure likely to be very hot in the case of an extortionate usurer or importunate widow. Besides, starvation is unpleasant. Or the creditor might have numerous friends whom he could despatch one after the other to remonstrate with the defaulter, as the United Netherlands used to remonstrate with recalcitrant cities. But the debtor might have an efficient gate-keeper, or the creditor might have no friends. The guarantee of a Bhatt, however, could be had by the poorest, provided he agreed to pay to the Bhatt a small percentage of the profits. If such a contract was broken and the defaulting party persisted in default, then the guaranteeing Bhatt, without hesitation, either ripped himself up or hanged or drowned his wife or child. The defaulter was now guilty of the slaughter of a Bhatt, and was

not only damned in the next world, but, what was to many more serious, an outcast in this. Very few dared to run this risk. Thus the Bhatt became in certain areas the universal guarantor and security, and thus many families built up a fine banking and broking business. The caste prospered so much by the exercise of this prerogative that they were careful to keep it in full vigour; if it was necessary to use it, it was used, and therefore it was hardly ever necessary to use it. Little by little therefore it fell into desuetude, but it still exists, and may on occasion come forth to the astonishment of a generation which has forgotten the sufferings of its ancestors.

One very remarkable case of *traga* is recorded in the annals of the great city of Asarpur. When the Marathas came into possession of this ancient capital they found its glories and, what was worse, its wealth greatly diminished. It was no longer the meeting-place of the nations; its fertile territory had been reduced to a desert; its opulent suburbs, the abodes once of thousands of cunning workers, were the abode of the beasts of the wild. Nevertheless it was rated at so much revenue in the books of the Central Government, and so much revenue it must produce. Thus the governor of the city was driven to strange courses to meet the expectations of his superiors. One of the expedients adopted was to put a heavy fine on adultery, a source of

revenue likely to be productive enough among a gay people where wealth is generally accompanied by valetudinarianism. The city was filled with a gang of inquisitive, enterprising, and hard-working spies, delators, and agents-provocateurs. The names of erring spouses would be reported to the police, and a heavy fine levied, nominally on the peccant lady, actually, of course, on the injured husband. This was not altogether an act of injustice. Has not with us a husband to pay his wife's costs in conjugal causes, and is there not much truth in Muhammad's dictum that it is in general the husband who is responsible ultimately for his wife's lapse? The revenue agents, however, went further. If they found a woman whose family was wealthy, and who was up to that time chaste, they would launch against her an experienced and reliable seducer. If this failed, they would make a false case against her, supported with such wealth of detail as to time, place, identity, and circumstance that Rhadamanthus himself would have been deceived, and in this case the judge was by no means a Rhadamanthus, but was remunerated by a share in the fines. Eventually one particularly impudent spy selected as a suitable victim a young lady of good caste and family, married no doubt to an elderly man, but the mother of children, pious and notoriously chaste. A false accusation was brought against her, supported by false evidence,

and her husband was heavily fined. The accusation was so preposterous, and the tyranny so self-evident, that her reputation suffered not at all; but the family was not rich, and the fine was a burdensome exaction. A few months afterwards a second prosecution was instituted against her. She took leave of her husband and children, and collecting her friends told them that she could no longer live in this world of oppression, and bade them be of good courage, because tyranny is never of long duration. Then she bathed herself, and put on a white garment and prayed. In the meantime the servants had raised a pyre in the courtyard. When all things were accomplished she ascended the pyre, and having lighted it with her own hands, was in a few moments burned to ashes.

This was towards the evening. The people of the quarter took this thing heavily, and gathered in masses outside the fortress of the governor, uttering menacing and seditious shouts. The governor collected what force he had, but it was not large, and he was thankful for the coming of the night, which caused the crowds to disperse. That night all the spies and police agents took refuge in the castle. Next morning the news had spread to the whole city, and the while city was in an uproar. In Asarpur the right of the town mobs to rise and to expose to what is called *halan*—that is, destruction, the abode of any enemy of the Government or any oppressor

—is almost a recognised constitutional right, and this almost legal process was now applied to the residences of the Maratha chiefs.

When the outlying mansions were sacked and burned, the mob, amounting to tens of thousands, collected around the fortress. The fortress was strong, but was not well garrisoned, and not provisioned at all. The heart of the governor failed within him, and he beat a parley, and asked the leaders of the mob to state their demands. They demanded the execution of the spies and informers, particularly of those directly responsible for bringing the curse of innocent blood on the city. The governor refused, but offered to expel the guilty men from the city. The wretches were mounted on camels with their faces to the tails, and paraded with a strong escort of troops through the principal streets of the city, accompanied, of course, by an ever-growing and ever more infuriated mob. Finally, they were taken to the southern gate of the city. When the procession got outside the city walls the camels were halted, and the delinquents were forced to dismount. The escort then turned to the right about, and marched back into the city. The mob immediately tore in pieces the whole gang of informers, and returned placated and satisfied to their houses. That was the end of the purity campaign in Asarpur.

A simple memorial was raised on the spot

where the victim of calumny had perished, and her spirit is still adored by the women of the city.

That is an example where *traga* was fully justified, both by the provocation and the result. Here is another story of a very different kind.

A certain young woman was left a widow with an only son. She belonged to a caste where widow remarriage is allowed, and after some years of widowhood married again. She was happy in her marriage except for one thing. She adored her son, but, having no children by her second marriage, found that her husband was very jealous of the boy. The existence of the boy, coupled with his own childlessness, seemed to form a standing reproach to his manhood. He did not actually ill-treat the child, but was continually scolding both the child and the mother on the occasion of any little childish naughtinesses or misbehaviour. Eventually the corpse of the child was found floating in a well not far from the house. The circumstances were such that suicide or accident were impossible, and the authorities investigated the case on the lines that the husband had in his jealousy and rage murdered the boy. As the investigation proceeded, however, it became more and more apparent that the husband could have had nothing to do with it, and at the same time it became more and more evident that it was the mother who had drowned her child. Confronted

with the evidence, she not only confessed but gloried in the deed. Life had become intolerable to her; she had determined to die, but was resolved in dying to bring the curse of woman and child slaughter on her husband, whom she now hated with all her soul. This case eventually went up before an Indian judge who came from a part of the country where the custom of *traga* was unknown, and it was very difficult for the Crown lawyers to convince the Court that the woman was not only speaking the truth, but was acting, according to her lights, in a very natural and reasonable way. A clear distinction must here be drawn. In any part of India a woman in those circumstances might have murdered her own child in order to implicate an enemy, in this case her own husband, in a murder case which she knew to be false, so that he might be decently and expeditiously hanged. But this was not the desire of this woman: she wished to be hanged herself, and she wished her husband to live—to live for ever branded with infamy and with the knowledge that for the murderer of wife and child there was prepared hereafter a tremendous chastisement.

VIII.

THE BLOOD-FEUD.

THERE are two kinds of blood-feud, the blood-feud proper and the vendetta. The blood-feud proper is found in a state of society where the clan organisation exists, and where there is no central government, or where the central government is not strong enough or is at any rate unwilling to do justice between citizen and citizen. In such a state of society the blood-feud is a necessary and useful institution. In the first place, it binds together all the members of a particular clan into a firm league of self-defence, thus giving to the citizens that mutual help and support as well as control, which, in more advanced states of society, they expect from the State, and also it guarantees that the poorest and weakest members of the clan—the orphans, the widows, the brotherless girls—will find in the clan so strengthened a powerful protector and, if necessary, an avenger. The wager of the blood-feud in general acts openly, and his operations are rather of the nature of war than mere

murder. The institution of the vendetta exists where there is no clan system, and merely requires members of the same family to avenge one another. The practice once prevalent is extremely difficult to eradicate, even when there exists a strong central government which can be relied on to do justice; the wager of the vendetta does not act openly, he assassinates and conceals the deed. His object is more or less to punish a wrong done to himself, whereas the object of the blood-feud is to punish a wrong done to society. The one says, "You have dared to kill my father. I hate you, and shall avenge myself." The other says, "You have killed an old man, and a member of this tribe, and blood must have blood."

The blood-feud does not and never did exist in India proper. It was unknown even where one might expect it—that is to say, among the noble and warlike Rajput clans and the immigrants from the Afghan frontier. That this is so is due to many reasons, but principally to the fact that there was always some authority higher than the clan whose interest it was to suppress disorder. On the frontier, however, and in those districts to which the frontier clans resort, the blood-feud is found in full force and effect. I remember one case which struck me at the time of its occurrence as an example of the truth of the Homeric saying that "iron itself plucks on a man." There was a certain fertile valley

running down from the hills, and some little distance from the point where it entered the plains was a considerable market town. The valley was owned by the two clans, the Sons of Ahmad and the Sons of Fazil, and these were now friends and shared a common village site and a common mosque and well. That this had not always been the case was proved by the many fortified mansions dotted about the valley, the living apartments attainable only by means of an easily removable staircase. Each mansion was built of thick sun-dried mud, which would turn any projectile short of a cannon ball, and each was provided with one or more towers loopholed and crenellated for musketry. But the old days were forgotten by the men, who used to meet in friendly converse when the day's work was done and the prayers were said, and there was a golden hour of leisure before the darkness of the night. The memory of old days, however, had not died out of the memory of the women, and particularly of the old women, who often were heard to mutter something about a degenerate race of hermaphrodites, and to express their surprise that women were now bearded. Many a child had listened, with the rapt attention of a child, to tales of tremendous wrongs and tremendous revenges, when the sword and not the pen of the lawyer's clerk was master. There was thus a little factitious ill-feeling between Ahmadzai and Fazilzai, but nothing seri-

but all the circumstances which led up to it, and can within reason pass such orders as may seem just and equitable. Thus it may well happen that a member of the Kutb clan has killed a member of the Ashraf clan, and is arrested and called before the council of elders. The council of elders, after full investigation, would decree that the family of the murdered man should pay £500 and a couple of girls to the family of the murderers, and that this transaction should be accepted by both sides as a final settlement of accounts between the clans. The award might to us seem preposterous, but might well be most just and proper, for it might well be that this final murder by Kutb of Ashraf was the consequence of a long series of aggressions and injustices perpetrated by Ashraf on Kutb, and the elders, totting up the series of murders, ravishments, invasions, and fire-raisings on this side and on that, came to the conclusion that, at the foot of the account, Ashraf was debtor to Kutb to the extent mentioned. These equitable awards do often put an end to old and grievous animosities, and the stipulation as to the girls has a particularly beneficial effect. Inasmuch as every young man of these tribes has the right to marry his cousin, it follows that marriage outside the tribe is in general very rare. Hence a great concentration and exacerbation of tribal feeling, and a lack of any points of contact between tribe and tribe. The *jus*

connubii had a mighty effect in Romanising the States allied to Rome, and these forced intermarriages may in time make the Pathan and the Biluch remember that he is a Pathan or a Biluch and not merely the child of such and such a clan. When, if ever, this process is thoroughly accomplished, interesting things may happen, which need not now be considered.

Such is the method in which tribal law deals with tribal offences, and it is obvious that it is much safer to wage the blood-feud in tribal territory than in such districts of India as those in which the ordinary tribunals exercise jurisdiction. A British Court sitting with or without a jury is not well adapted for examining nice points of tribal honour, and would certainly refuse to trace the bloody annals of a feud which had lasted a century. It is bound by its very constitution and by the law which it administers to confine itself to a consideration of the actual offence before it. If Ahmad is accused of the murder of Mahmud, it will ascertain, first, whether Ahmad did in fact kill Madmud, and secondly, whether, if so, the killing amounted to murder, and will pass sentence according to its findings. It will certainly not consider (for example) whether fifty years ago at a wedding feast Mahmud's grandfather struck Ahmed's great-uncle with a slipper. Thus, perhaps, it is not a very suitable mechanism for doing true justice between man and man in this case.

I remember one very unfortunate case which befell a certain Mahmud. He had a blood-feud with a certain Ahmed, a man of wealth and position, owning lands both in British and in tribal territory. The manor-house of Ahmed was conveniently situated for easy access to his property, and it stood more or less on the boundary between tribal territory and India proper. The gateway and main part of the house at any rate opened on to the lands of war. Mahmud, therefore, seizing a suitable occasion, when most of Ahmed's family and servants were away on some law business, having collected a band of his well-wishers and mercenaries, well-armed, brandishing torches and shouting their war-cry, attacked in the dead of night that manor-house and forced the doors. Ahmed rose from his sleep in the front courtyard, and fled with his enemies hot on his track. The manor-house was large, and full of winding galleries and courts within courts, and Ahmed doubled and ran with the agility and cunning of despair, but the murderers pursued him with whoop and halloo, cutting down all that would have stayed them, and forcing all doors. Finally they ran him to earth in an isolated cook-house and killed him. They then returned to their homes willing to obey the commands of the council of elders. Unfortunately, it turned out that the cook-house, being behind the mansion, was about five feet inside the boundary of British India, so that the actual

murder had taken place, not in tribal, but in British lands. The case was therefore not triable by the council but by the British Courts, which took a very serious view of the crime.

These questions of venue and the like much puzzle the simple-minded Indian. He is used to a system of criminal procedure which worked very summarily, and was principally anxious to make certain that criminals did not escape punishment. To make sure of this end, it did not trouble much about refinements, and it was strongly of the opinion that it was much better that a thousand innocent men should perish rather than that one guilty man should escape. If an innocent man was put to death by some mistake, that was very unfortunate, but, after all, it was the victim's *nasib*, and the victim died a martyr. On the other hand, the escape of one criminal might endanger the whole commonwealth, and be the cause of the death of hundreds of thousands. When one reflects that one Gavrilo Prinzep can cause the death of 7,500,000 men on the field of battle alone, one can see what the Oriental penologist means. But with us in the West, where the criminal jurisdiction of the State is derived from the financial rights of the king, these refinements seem essential, and for many years the more ludicrous and arbitrary a rule was the more it was prized, because it gave an opportunity to the skilled brains of counsel to score points for or against the principals, and

there is no amusement in playing a game where there are no rules. Later on, of course, the existence of these rules was prized as forming a bulwark against the arbitary action of a mistrusted Executive. Up to the reign of Henry the Eighth it was possible (if you had an accommodating enemy) to stand, say, in Wiltshire, and discharge an arrow at him while in Hampshire, and having killed him defy the law. You could not be tried in Wiltshire, because the death had not taken place there, and you could not be tried in Hampshire because you had not been in that county when the crime was committed. The difficulties which beset the judges who tried the regicides are obvious. In which king's reign did the martyred Charles perish? As late as the eighteenth century a merchant who, wishing to realise on his insurance, induced a master to scuttle a ship in the Channel, could not be tried, because his part of the offence was committed in the county of Middlesex, whereas the casting away took place within the jurisdiction of the admiral. There is still, I believe, a house in Tunbridge Wells where a debtor could for long defy his creditors, for the county line passed through his house, and he could move from Kent into Sussex by passing from his bedstead to his washstand. We have slowly got rid of much of this chicane, once valuable, now a nuisance, but too much remains even in India, and in the case above-mentioned there was much scope for the

learned ingenuity of counsel. Eventually it was held that all the raiders, whether they had or had not actually entered British India, were criminally liable for the acts committed by any one of their number, and were therefore all triable by the same Court which could try any one of them—that is, by the regular Courts of British India. Consequently all received sentences commensurate with the gravity of their offence, and formal justice was satisfied. Yet I often wonder whether, had it been possible to go into the matter from the very beginning, it might not have appeared that there were extenuating circumstances. To argue from the heinousness of the crime to the gravity of the provocation is unsound but natural, but there is always at any rate a suspicion that he who commits an enormous crime has had some very strong motive, and it is always possible that, if that motive were ascertained, it might prove that the crime was not morally so heinous as at first appeared; but this investigation is perhaps beyond the competence of human tribunals.

It is worthy of remark how the idea that the person entitled to avenge a civil injury is the person injured or his representative and not the State—that is, the whole body of citizens, lingers on in very advanced civilisations. That is the idea which, as I have said, justified the blood-feud. It is found, for instance, in the Muhammadan law. Even now it is the right and privi-

lege of the next-of-kin to a murdered man to accept the blood fine from the murderer. If the fine is paid and accepted, then the murderer goes free. It was the existence of this provision which led to a serious misunderstanding between Italy and Afghanistan not so long ago. As a general rule, however, the poverty of the assassin and the malignant vindictiveness of the heir (especially if that heir is a woman) prevents the discharge of the criminal in search of a fresh field for his honourable labours. With us there was the appeal of murder, once a most valued right of the private citizen, then somewhat blown upon, and finally exploded amid bitter laughter. In this form of action the accused person (who had already been acquitted in a dispute between our sovereign lord the king and the prisoner at the bar) had to run the peril a second time, on the suit, not of the king, but of the next-of-kin. So strongly were the rights of the private prosecutor preserved that in case of a conviction the king had no power of pardon.

I now leave the subject of the blood-feud proper and descend to the vendetta, merely expressing a hope that some political officer of the frontier or of Irak will record for the benefit of posterity the etiquette of the blood-feud and the manner of its appeasement.

I have observed above how persistent in civilised states of society is the idea (which really belongs to the tribal state) that a crime

is primarily a wrong done to the sufferer or to his representative. Scientific penologists, from Beccaria downwards, being, I suppose, inhuman and bloodless intellectuals of the professorial type, tend to forget this, and in their anxiety to 'reform the criminal' and to 'protect society' are apt to forget that in our fallen state vindictiveness is a common passion, and that, however much we may deplore that man is as he is, nevertheless it is the part of the statesman to deal with man as he is, and not with man as he ought to be, or perhaps hereafter may be. No penal system that does not partially gratify the natural vindictiveness of the injured person is a satisfactory system, however humane, deterrent, and sanatory it may be. A penal code which does not provide swift, certain, and severe punishment for wrong-doers is a bad code, however skilfully it may be drafted, however impartial and deliberate may be the tribunals which it erects, however cautiously it admits or rejects probation, however determinedly it may protect the lives and fortunes of the citizens arraigned. It will be found that where the Courts and the procedure which governs them are not such that punishment is swift, certain, and severe, injured persons will not trouble the Courts. Judge Lynch will erect his tribunal over against the palace of republican justice, or the vendetta will confer on the same man the office of judge, jury, witness, and executioner.

Indians are vindictive in a manner and to a degree of which we in England have no conception. In England the man to be dreaded is the man on whom you have just inflicted an injury. Look out, then, for the hasty blow or the unpremeditated shot! Not so in India. There the injury inflicted rankles and festers. The injured Indian will turn away respectful, silent, and smiling, but wait a few years! In another connection it may here be observed that our Penal Code, which regards as an extenuating circumstance not the extent of the injury done to the criminal, but its recentness, shows how little versed in Oriental psychology were its framers.

In part this vindictiveness is, I suppose, due to some physiological peculiarity. In part it is due to the constitution of Indian society, where a man is always in the closest contact with his friends, relations, and fellow-castemen, to the habits of that society which allow perpetual jeering at and taunting of the unfortunate, and to the continual 'egging' of the women. One may see in the Norse sagas placable men who were living in a similar state of society, goaded by the same stimuli to the most monstrous acts of revenge.

A. kills B.'s father, seduces his wife, violates his daughter, or swindles him of money. B. complains to the authorities. Perhaps the injury is one for which the law provides no redress. Perhaps after long months of committal proceedings,

sessions trials, appeals, references, revisions, remands, and retrials the offender is acquitted. There in the same small village live the wrong-doer and the wronged. They meet every day, day after day for years. The friends of the wrong-doer triumph over the injured man, the friends of the injured man say that only a coward and a eunuch would sit down with the insult. The neutrals are only too delighted to find some amusement in the long days and tedious nights, and what more amusing than to see a proud man writhe under hints, innuendoes, and bitter badinage? Is it a matter of marvel that the injured man broods and broods till he sees red, and until there awakens in him that dreadful thirst that can be slaked by blood only?

B. now kills A. He is perhaps acquitted, and it is now the turn of A.'s representative to burn with the unavenged wrong, to endure the triumph, the malignant chaff, and the instigation. The vendetta is now well alight, and may go on smouldering or blazing for a century, as fresh and inflammable fuel is fed to it or withheld from it. It will not end, except with the total eradication or migration of one family or the other. The vendetta may be waged with all arms from perjury to privy fire-raising. I have known one village where the people did not trouble to stack the fodder because they knew it would be burned, but, of course, the favourite method of revenge is secret murder.

Although vindictiveness is a characteristic of almost all Indians (and be it remembered that this defect is counterbalanced by a capacity for gratitude to their benefactors which is far beyond ours), and though accordingly murders for revenge occur everywhere and constantly, yet the formal vendetta, the degraded and perverted blood-feud, is not common, being confined to a few districts and to a few castes in these districts. The vendetta is clearly not necessary where people either, owing to timidity or to lack of manliness, will sit down after punishment received. There was, for instance, a certain band of Lamanis encamped in a forest. These Lamanis are a peculiar wandering tribe, not apparently Indian as would appear by their physiognomy, and, unlike most wandering tribes, not criminal. Their ancestral profession is that of drivers of pack-bullocks, and all the great conquerors of past ages, from Timur to Sir Arthur Wellesley, would have found, had it not been for the services of the Lamanis, that brilliant strategy, a valorous and well-armed host, and a righteous cause are not enough for victory without a trustworthy commissariat system. The coming of the railways has to some extent cut into the profits of the profession, but the feeder roads of India are villainous, and there is still much scope for the industriousness of the Lamani. It is their habit to encamp in forests and places where grazing is good, and to pasture their cattle

there while fodder abounds, and in the fair season to leave their wives and children and property in their encampments while they themselves go far afield with their bullocks to ply for hire. One such band of Lamanis returned at the end of the fair season to its encampment and found that, a few days before, it had been raided by a party of a certain criminal tribe, the Noosemen. The raiders had thoroughly looted the camp, had carried off all that they could find that was not too hot and too heavy, and had burned the rest. Had they stopped there all might have been well, and the Lamanis (a law-abiding race) might have expected the slow operations of British justice. The Noose-hunters had, however, gone too far. They had outraged the women. The Lamanis value their women, whom they treat with great respect and adorn with the quaintest of adornments. The Lamanis consulted over the matter, and decided that they must deal with the matter summarily. They went, therefore, in full force to the nearest encampment of Noose-men, without worrying much as to who were the actual perpetrators of the raid, caught six young men, took them out into a remote part of the forest, tied them hand and foot round a keg of blasting powder and set to the match. The six young Noosemen were, of course, blown to pieces. Information reached the officials, and inquiry was made, but nothing could be proved. The keg was, it was alleged, part of the Lamani

war, at least, the enemy is open and known, and the valiant man may hope for victory, and the prudent man for avoidance of defeat, but against the secret murderer what courage and what prudence avails? In a society demoralised by the vendetta, therefore, one finds in the highest degree the corruptions incident to a demoralised society. It concerns the State, therefore, very particularly to end the vendetta, but the State is helpless.

There is rarely any evidence. The murder takes place, as I have said, generally in such circumstances that there are no witnesses. If there are, they are not believed. I remember once when the murderer was somewhat delayed, and did the act by the first grey light of coming day, a woman sleeping woke up suddenly, saw the murderer standing over the corpse of her husband, and winced. The murderer turned his eyes on her for a moment and fled. At the trial she identified the prisoner at the bar, and (when asked how she could remember a man whom she had seen in such circumstances once only and in so doubtful a light) cried aloud, saying, "O God, do you think I could ever forget his hideous eyes?" But the jury did not believe her, and, indeed, I am informed that in the eyes of the murderer by violence, at the time of the slaughter, there does invariably appear a peculiar red gleam. In any case the town-bred jurymen know nothing of the sharp-

ness of the eyesight of the village dwellers, and how bright is the light of the unaided stars.

But, as a general rule, there is no evidence fit to be believed, for indifferent people will not give public evidence in a quarrel which is none of theirs, fearing that they may attract to themselves the hostility of wagers of the vendetta. Consequently, when evidence does appear, it is in general that of furious partisans of the murdered man, and such evidence is hardly worthy of credit, for be it remembered that perjury and fictitious capital charges are both favourite means of waging the vendetta.

It is not so long ago since a High Court was horrified to find that it had been for years confirming death sentences passed by a Sessions Court in a certain district, all of which sentences had been obtained by the wilful and corrupt perjury and sinister conspiracy of a small gang of men who had hit on this means of punishing their enemies and protecting their friends, and had carried on this business for years with impunity. This was not a true case of vendetta, but it shows how powerful a weapon perjury can be to him who wishes to satisfy his grudges.

The Courts are therefore helpless in the matter of the vendetta, and their interference is apt to be positively noxious. Thus, suppose that family A. has killed thirteen members of family B., and that family B. has killed fourteen members of family A. It is clear that A. is one down.

A. now kills one of the B. family. The score is level, fourteen all, and there is some hope that 'good men' may now interfere and point out that honour is now satisfied, and that neither party can taunt the other. In this case it is possible that the vendetta may now end. But at this point the police interfere, and arrest the murderer, who is hanged. A. has now lost fifteen men, fourteen murdered and one hanged, whereas B. has lost fourteen only. There is no hope of any pacification till A. has killed one more B. and eluded justice.

One very remarkable case occurred, the type of many, but very suitable for quotation. The A.'s in this case were in a very bad position. The B.'s had killed about ten men more than the A.'s, and the A.'s were now reduced to a very few adults, with an undue proportion of old men and women. There seemed no hope at all that they could in any way kill enough of the B.'s to make the game at all equal. In these circumstances arose the grandmother of the tribe, saying, "I am a useless old woman, and I have seen many of my children killed, and life is not sweet to me and I would gladly go hence, but how can I die and rest in peace while our enemies walk about, fearing nothing, and the blood of our people calls in vain for vengeance? Listen now to me, and do as I bid you, and you shall see the punishment of your enemies."

Accordingly next day the old woman was

found lying outside the village, in a field belonging to one of the B.'s, shockingly battered about the head and body with heavy blunt instruments. Strangers found her and charitably took her to the nearest town where there was a hospital. There she was treated and came to. The police were informed, and they recorded her statement and sent to the magistrate, who recorded her dying evidence in due form. She had, it appeared, gone out of the village in the early morning to seek for a straying goat, and had followed the tracks of the animal to the field where she was found. There she had happened on the principal man of the B.'s; an altercation had followed, she accusing him of stealing her goat, and he accusing her of predial larceny. During the altercation the five sons of the chief man had come up and in the dispute which followed all had attacked her with heavy iron-bound sticks, beaten her cruelly, and left her for dead. Her injuries were such that it was a marvel she had reached the hospital. Having made her statement, and expressed her forgiveness of her enemies, she closed her eyes, and with deep thankfulness surrendered her soul to her Creator. The chief man of the B.'s and his five sons were duly arrested, evidence abounded, and the investigation was nearing its end, when it suddenly was discovered that at the very time of the assault the head-man and two of his sons had been under detention in a distant lock-up

on some minor charge. There was obviously something wrong, and the investigation proceeded on different lines. Then the truth came out. The murderers of the old woman were her own sons and grandsons. At her instigation, or rather at her command, they had beaten her with clubs, and left her dying in a place where she must be found, with the intention that suspicion should fall on their enemies, which suspicion would be turned into certainty by the dying statement made by the chief conspirator, the intention being that thus Government would be forced to do for the A.'s what they could not do for themselves—that is to say, put to death possibly five, certainly one, of the hated B.'s. The plot failed of success only by a miracle, but it did fail, and now it was the turn of the A.'s to pay the price. That vendetta died out for want of two opposing parties. It is not, therefore, a matter for wonder that the Courts look with grave suspicion on the evidence volunteered in a case of vendetta.

Thus the criminal law, substantive and adjective, of the British Courts is not very well suited to put down the vendetta. Conscious of this the Courts sometimes attempt to accommodate themselves to circumstances, requiring, that is, a less high standard of proof and less cogent evidence in cases of vendetta than in ordinary cases. This I apprehend is a mistaken and perverse opinion.

Probation which is inadequate in one set of

cases cannot become adequate in another set of cases, merely because more adequate probation is not to be had. That is really as much as to say that in the case of red-haired murderers we will convict on evidence which we should not regard as satisfactory in the case of black-haired, still less of bald men.

Vendetta is to be nipped in the bud by seeing that the ordinary Courts do (within limits) gratify that vindictiveness which is natural to man. A man who is reasonably certain that the law will avenge him will not trouble to avenge himself. A good penal system, therefore, which does in general inflict swift, certain, and severe punishment on wrong-doers (that is to say, on wrong-doers who are recognised to be such by the public sense of the community) will prevent the vendetta from coming into existence by rendering it unnecessary. Where, however, the practice is established, it cannot be eradicated by a penal system, however excellent, which punishes the criminal will only in the person of the actual offender, and only when that criminal will is transmuted into action. There is need here of the inquisitorial system—that is to say, of a wise blending of police investigation and judicial power, as also of strong executive measures, both of prophylaxis and repression, such measures, that is to say, as the exaction of heavy security from suspects, registration of such persons, and re-

stricted domicile, together with the imposition of heavy fines on areas where offences of this kind have been committed with impunity and a ruthless enforcement of the responsibility of the local officials. It was by measures like these that the criminal organisations of the Thugs and Dacoits were broken up, but things are not so easy in the present case. The Thugs and Dacoits, once their operations were hampered, were poor men and without influence. The wagers of the vendetta are in general rich and influential. Moreover, these special measures, if they are not to be a greater curse than the mischief which they would stop, must be administered by a very special class of officer, such as is not now generally to be found. Finally, what would the enlightened Indian press say to a measure which cut down the profits of the gentlemen of the long robe ?

IX.

WOMEN.

It would be impossible to write a book about murder and its motives without including a section on women, for as she is a giver of life, so also is woman, and has been from the days of Dinah, a bringer of death to husband and lover, and is herself a victim. In India the motives for the killing of women are in general different from the motives operating in England. In England wife murder is very rarely due to jealousy, and is caused either by mere brutality or by the desire of the husband to rid himself of an incubus, and to see himself at liberty to marry some other woman. The desire of the male to subject his mate to physical ill-treatment (the existence of which would, in the eyes of the unprejudiced observer, at once differentiate man from the lower animals) is found so rarely in India that it may for practical purposes be regarded as wholly absent. One case, and one case only, of unprovoked brutality is in my memory. The necessity of killing a wife in

order to make room for her successor does not exist in a polygamous country, where, moreover, divorce is in general easy. In India a wife is killed only because she is unfaithful or at least suspect.

Before expatiating on this topic I profess that as I have ever been the champion of Indian women so I am their respectful admirer. Of the charm of the girl children none can doubt. It is impossible to speak too highly of the devotion and loyalty of the Indian wife and mother of men of the working classes.

To the society of young ladies the European is not in general admitted, but it has been my privilege to meet from time to time, at the houses of my Europeanised friends, young female persons of birth, breeding, and education. I pronounce them altogether charming. They are modest, and possess the dignity fitted to their rank, yet are endowed with a spirit and gay blitheness appropriate to their age and sex. They are quick in intelligence, bright in conversation, and in all that they do and are preserve a delightful femininity. They are all violent Nationalists, but that adds to their charm. But to depict a charming woman in words is to photograph the waterfall, to carve in marble the rainbow or the dewdrop.

Two things have often occurred to me after such visits. First, how great a waste it is that so many millions of their sisters are condemned

to premature wifedom and maternity on the one hand, and to illiteracy on the other, can never attain to the physical and intellectual superiority of these few fortunate ones. The loss of man-power to a nation in war is a grievous loss, but what about the loss of woman-power by misuse ? India might perhaps do great things if woman was there the prize and not the burden, the deity and not the sacrifice.

Again I think it is perhaps well that in the future few of our young men will seek a permanent home in India. Were they to do so, and were the bonds of caste and custom to be but a little relaxed, it could not but be that many of these sojourners would seek brides among the daughters of the house of exile, and no good luck has ever yet attended the blending of two disparate races.

These being my sentiments towards Indian women, they cannot be accused of hostility and contempt, and it is therefore to be hoped that the most violent Indian Nationalist will not accuse me of "libelling Indian womanhood" when I admit that some Indian women are guilty of infidelity to their husbands, and for that reason are sometimes killed or are a cause of death. Do not (as the readers of Miss Mayo's book are apt to do) judge of the rule by the exception, and condemn the whole granary because one or two grains are rusty. In all lands the conjugal yoke is heavy on the necks of

women, and in India perhaps it weighs more heavily than in other lands. Small wonder, therefore, that there, as elsewhere, there should be rebels against that yoke. The wonder is that rebels are not more numerous. It is desirable to expatiate somewhat on this topic, and if it is clearly understood why women sometimes transgress, it may not be necessary to cite numerous cases of individual transgression.

Both the infidelity of women and the marital jealousy which leads the husband to punish that infidelity with death are the effects of the triumph over the reason of the passions, and particularly the passion of love. This triumph seems to show that there is still a great deal of the animal in man, and to indicate that we are yet a long way from perfection. A man who loved as the angels love would, I suppose, be glad that his consort, finding his society disagreeable, had sought companionship elsewhere. But at present this noble resignation is not as yet much admired anywhere, and least of all in India. I shall for the present omit from consideration the divine element, which the poets and philosophers tell us exists in human passion, and shall confine myself to a consideration of the animal element. I shall thus endeavour to ascertain some of the physical causes which may make a marriage unhappy: in the first place among civilised men in general, and secondly, among Indians in particular. It may thus be decided whether

women in being unfaithful are not sometimes obeying the half-heard call of a sacred duty.

There was a time when we thought that man was not as the beasts that perish. He differed, we thought, from the other animals not only by reason of his superior physical development, but by the possession of a certain attribute which they have not. In fact we believed that at some point of his evolution he, having lost his prehensile tail, developed an immortal soul. Thus we were led to believe that there was a divine purpose in the universe. If that were the case, then we were perhaps not to be blamed if we believed that morals were not a mere matter of evolution and of contest between the egoism of the individual and the altruism necessary to a creature that lived in societies. If that were so, it seemed that it might well be that chastity might be a virtue in itself, and incumbent, without regard to expediency, being one facet of the supreme virtue to which we were impelled to aspire. But I am for the present convinced by the arguments of our divines and philosophers, and recognise that it is ignorant, superstitious, and reactionary to treat man otherwise than as a Yahoo, a refined Yahoo no doubt, and one with wit enough to conceal his essential Yahoodom, but a Yahoo all the same.

Treated from this scientific and evolutionary standpoint, the question appears easy of solution. Nature's first and last command is increase and

multiply. She requires new life at all costs, and for apparently no other reason than that new life may in its turn pass on the torch of existence to yet newer life. She requires therefore that young things should be fostered and tended till they are able by their own efforts to preserve their existence, which time in general comes at the same time that they in their turn are able to set about the serious business of reproduction. If this law is applicable to all animals, and man is an animal and nothing more, then it is highly probable that this law is applicable to man also. But the conditions in which man now lives are, on the whole and in general, such that his reproductive powers are not used to the full, and hence arise defraudation and perversion of instincts and consequent inconveniences.

What were the original conditions under which man became man, and in which he lived for ages, happy and sinless as a beast is sinless? It is difficult to say with certainty, but easy to conjecture. The theories of the evolutionists appear to me quite untenable, and it is here perhaps permissible to use the deductive methods. Considering the observed physical peculiarities of men and women, and postulating that nature endowed them with those peculiarities to fit them for the environment in which they were intended to live, what should we suppose that that environment was?

Men in all ages and of all races have been in

the habit of killing each other furtively or openly about women, and men of all ages and of all races have from time to time found it necessary to kill women. In these respects they seem to differ from animals. Among animals, male fights with male at the mating season, but rarely to the death, and the killing of females is almost unknown. It is worth while of those who so strongly insist on our simian origin to investigate why, in this respect also, we have departed from the laudable customs of our ancestors.

In the science of probability it is interesting to divine the probable course of future events from existing conditions. But it is also part of that science, and a more interesting part, to trace back from the occurrence to the possible causes and to ascertain which of these was the most probable cause. Similarly, as regards the development of man, it is amusing work for the philosopher to make his forecast (whether optimistic or pessimistic), knowing full well that two or three thousand years hence people will be much too busy with their actual troubles to blame or praise him for his prevision. In the same way, if the red turned up fifty times running at Monte Carlo, the punters would be so busy committing suicide that they would not worry about Todhunter.

Now it is just as amusing to look at man as he is, and then trace back in imagination and try to ascertain what were the causes which

placed him in his present position of felicity. It is a more sporting amusement also, for it is possible that at any moment some scientific or archæological discovery may be made which may confirm or explode the theory based on deduction. In the same way, if one saw two or three hundred gamblers coming out of the Casino and inquiring the way to the nearest lethal chamber, one might deduce that there had been an extraordinary run of one colour, and it would be, of course, easy to ascertain by inquiry at the tables whether there had or had not been such a run.

Looking now at the physical peculiarities of men and women, I should deduce that *homo sapiens* came into existence in some large tropical oceanic island. *Homo sapiens* was there for many ages organised into families, consisting of about fifteen females and one male. The communication between the sexes took place in the same conditions as those in which communication between the sexes takes place in the case of all other animals. These unions were in general fertile, and the female was *tabu* from the beginning of expectant motherhood till the child was weaned or died. The father of the flock killed or attempted to kill all male babies, but it occasionally happened that one was spared or was concealed by its mother. Such accidental survivors were, however, invariably expelled from the flock as soon as they were able to take care of themselves.

The island was fertile, well wooded, abounding in fruit, copiously watered, and surrounded by shallow seas rich in shell-fish. There were some dangerous animals, such as large snakes, but not a great number of the large carnivores, and in particular no packs of hunting animals. Thus it was easy for a family to find food, even for the weaker members, sufficient to maintain itself in health and fertility, though it might be that three-quarters of the females were simultaneously in no condition to undergo privation or hardship, or to make violent efforts to protect themselves and their young. The climate was unhealthy, which circumstance, together with the existence of some deadly animals, kept the numbers of the families within bounds, and prevented the population from pressing on the means of subsistence.

The conditions were such that the father of the flock must needs be a valiant, robust, and intelligent creature. He had not only to provide his large family with their daily food, he had also to protect it against deadly animals; also his rivals, the ejected young males, were continually on the watch to oust him. As soon as his physical and mental faculties began to falter, aggression would begin on the part of these bold bachelors. For some time he would be able to repel his would-be successors, but the time would always come when youth must be served, and the old hero would know the bitterness of

defeat. Thereafter it would be his part to dwell in celibacy and isolation, filling the woods with the impotent roarings of an incorrigible old rogue, a pest to himself and a danger to the other dwellers in the forest. I myself sometimes in the smoking-room of my club . . . but to return.

Those who believe in the simian origin of man, and have acquainted themselves with the physical peculiarities of men and women as laid down in the writings of experts, will see that such a Garden of Eden would exactly suit the requirements of our first human ancestors, and that no other conceivable environment would have suited them. To touch merely on one or two points. Nature was bound to recognise the facts that woman, even the toughest and fiercest savage woman, is not capable of great feats of endurance or of bearing continuous and severe hardships while engaged in the duties of motherhood, and that the human child is very helpless and incapable of fending for himself for at least six years after his birth. Man, just emerged from the ranks of the apes, having lost the agility of the ape, and the rapidity of that animal's adolescence, but at the same time little advanced beyond the ape in his actual domination of nature—that is, with no tools, or fire, or domestic animals, or true language—could never have survived had he not been placed in very suitable surroundings. If not so placed, the

process of evolution which developed his intelligence at the expense of his muscles would have been a pejorative and not a meliorative process.

When an organism is suited to its environment it does not change. It is to be supposed therefore that this Age of Innocence lasted for hundreds of generations. There was enough struggle to prevent the race from degenerating, but the struggle did not become so severe that the race could not survive, while at the same time no efforts were likely much to improve matters. From this insipid perfection our ancestors were rescued . . . how? It is not certain. Perhaps some natural catastrophe, perhaps some change in diet or some rudimentary discovery in dietetics, perhaps some slow improvement in the climate, perhaps the invention of some weapon fatal to the wild beasts. Anyhow the population began to increase, and to press on the means of subsistence, and Eden became too strait for the people. Natural selection now began to operate with effect, and man, ever becoming more intelligent, more enterprising, more inventive, found himself both compelled and able to migrate across the seas to the continent. Hence in the course of ages he spread over the habitable globe. The old tribal family life now became impossible. In sterile countries, in harsh climates, in regions infested with ferocious monsters, it was impossible for one male to protect fifteen females and their resultant progeny. The tribe

must now needs be strengthened by allowing all the young males to grow to maturity within it. These, on attaining maturity, must necessarily desire the companionship of females, and it was in much of the habitable globe the work, and the hard work, of one man to look after, protect, and feed one woman and her children. Hence change of environment tended to produce monogamy and the limitation of families with us, and polygamy with infanticide in the East. In each case pejorative selection set in. In both cases breeding took place from the less vital parents, and under conditions unfavourable for the production of most excellent offspring. Even the polygamy was of a pejorative character, it being only in general the rich old men who could indulge in a plurality of wives, and they by that very indulgence excluded many young vigorous males from all hopes of posterity. Polyandry, which did at least ensure that the children born should be vigorous children of robust parents, unduly limited the number of potential mothers, and hence of possible children, thus weakening the race by depopulation. Masculine jealousy has, moreover, banished the overt practice of polyandry to a few remote and backward tracts of the world's surface. Considering therefore the matter from a purely evolutionary and philosophic standpoint, it may be pronounced that (as the Spartans asserted) adultery is necessary to the republic, so long as it is furtive and prolific.

Being prolific it ensures that robust children should be propagated by parents in the vigour of their age; being furtive it ensures that those children should be fostered and educated in the sacred asylum of a pious and monogamous household. So clear does this seem to me that I sometimes wonder that the same poet wrote the "In Memoriam" (which shows that he believed in evolution) and "The Idylls of the King," which shows that he disapproved of adultery. He should rather have chosen as his hero Lancelot than the blameless king. If, then, we are to look at this question from a purely evolutionary and materialistic point of view, then it must at least be admitted that woman has certain instincts which cannot, in the present condition of society, find legitimate gratification, and that it is therefore not a matter for marvel that she is sometimes tempted to gratify them illegitimately.

The Oriental's views about women are not ours. He considers that woman is highly specialised for maternity. To her, he thinks, virginity is not a sacred state, and sterility the worst of reproaches. Maternity is, however, not obtainable without discomfort and pain and the fear of death. To this discomfort, pain, and danger, none, he thinks, would submit herself without very strong inducements. In part that inducement may be economic, but in the main it is furnished by the violent urge of the instinct which impels her to submit to the necessary preliminaries. This

instinct exists, he says, at all ages from the time when the child becomes conscious of itself, but is, of course, strongest during those years when maternity is possible. It is, he says, highly necessary that during those years that instinct should find a legitimate outlet; but if that is impossible, then an over-riding check must be applied, either by mechanical means or the fear of death. He differs therefore from the evolutionist in not considering adultery as a eugenic device.

This practice of killing women out of jealousy seems to show that there is still too much of the animal about man to justify the hope that he will be in the near future perfected by the complete extinction of the ape and tiger, which, we are told, gibbers and roars in the saintliest and sagest. The truth is that though there may well be such a thing as that stellar and incorporeal love of which the poets tell us, yet that divine passion sees itself compelled to manifest itself through terrestrial and physical organisms, so that there being a sort of *metadosis* between the divine and human elements the whole mixture becomes one, so that it is neither wholly divine nor wholly human.

In the East the physical or human elements have perhaps assumed an undue preponderance. It would be unjust to deny that the Oriental also sees something of divine in womanhood. That knightly passion, of which we in the West

boast ourselves, is after all derived from three main sources. The principal source is perhaps the worship paid for so long to the Divine Mother. But that worship is originally a cult of superficially Graecised Syrians, and no one is unaware of the importance of the female energies in the mythologies of the East. Even Muhammad was nearly seduced into establishing the "graceful ladies" as subordinate godlets powerful in intercession.

The next most important source is the fantastic chivalry of the troubadours of Southern France, but that itself most assuredly traces back to Muhammadan Spain, and so to the ballads of tribal Arabia. Moreover, how is it possible for any man having a loyal wife, a tender mother, and a dear sister not to reverence women? But these in the East also are as common as with us. Nevertheless one thing is lacking to the Oriental which is granted to us, and that is the tradition derived from antiquity, and sedulously preserved in our institutions if not in our practice, that the only permissible union between the sexes is in the form of a monogamous union for life. It is impossible to deny that in the East, as in all societies where polygamy and concubinage are sanctioned by law and religion, there is a tendency to regard the physical side of the relationship as more important than any other.

Women seem to me to be unjustly treated in both East and West. In the West we are apt

to deify human beings, and are therefore apt to forget that they are or should be also creatures of like passions. At the same time our art, our music, and our literature glorify unlawful love as if there was by necessity something splendid and magnanimous about what in these days must after all be almost of necessity squalid and sordid. In the East there is the tendency to degrade human beings to the status of machines, and to forget that they are after all not machines but sentient creatures, who may justly protest against the assumption that their sole functions are to give pleasure and to give life, and may justly put forward their own claims to happiness.

Some of the causes which lead to conjugal unhappiness in the West do not exist in India. The Indian family has not yet ousted the succinct Lar from his position as guardian of the domestic hearth, and installed in his place the pale and lugubrious figure of Onan. The Indian would regard the attempt to defraud and pervert the reproductive instinct by contraceptive devices as a degradation to the woman, a serious offence against religion, and as certain to lead to attempts by the instinct so defrauded and perverted to gratify itself at all costs.

The Indian has, moreover, thoroughly grasped the idea that a conversation should be a duologue and not a monologue, and to the best of his ability fits his practice to the accepted theory.

On the whole, I think the Indian is more

dependent on his wife than the Occidental. Polygamy and concubinage are, after all, rare, and confined to the very rich or the very poor. The vast majority of Indian marriages are therefore monogamous, and it is to his wife, and to his wife only, that the Indian can look for domestic comfort, for the management of the house, for assistance in the due performance of the sacred rites, for counsel and support, in fact for the whole stock-in-trade of femininity. With us how many couples are semi-detached? how many homes are mere dormitories? how many Noras and Mrs Thompsons abound in every suburb? All this is unknown in the true East. There the family is still a solid institution, and the wife is the priestess of no forgotten ritual.

On the other hand, there are indubitably certain conditions which exist in India and which do not exist in Europe which make for conjugal unhappiness. The most important of these is child marriage. Exaggeration must be avoided in this matter. Miss Mayo's book is quite true, and all of us could give instances of the oppression of children as dreadful as anything which is there to be found. But the imposition of wifehood on a child of ten or twelve is not in the East (where flowers bloom early) so hateful a thing to the victim as we might suppose. The practice is imposed by religion, which requires that a girl should be qualified for maternity within three months after she becomes

capable of maternity, and the sages give as a reason that there is a high probability that if she is not so qualified in the way of marriage she will be qualified otherwise. In other words, the sages of ancient days had observed that in the East children are precocious, and that the instinct which impels them to seek maternity is fully developed as soon as maternity is possible. If that is true (and I have no doubt that it is), child marriage, provided due precautions are taken (as to which the sacred books are very explicit), should not cause undue physical suffering or shock. As to moral or intellectual shock, there is no fear of that. It is to be remembered that innocence (as we term ignorance) is wholly unknown in the East. In India the close intimacy in which all the members of a family live, the great lack of privacy inside the large common houses, the ritual and emblems of the religions everywhere manifested, the ceremonies obligatory at every stage of life, the folk-songs and folk-tales (the only diversion of the populace), and a total absence of pudibondity in our sense ensure that every child from the age of three is saturated and resaturated with sexual lore.

Still it is not to be denied that too early marriage is a great evil, and is responsible for much unhappiness in married life. In the first place, all men are not gentle and tactful, for it must be remembered that Indians are not in

general taught the duty of self-restraint, and where these qualities are absent shock and consequent revulsion must be found. In that case there is always the chance that the aversion of the wife from her husband's society may become chronic. In such a case there is small wonder that a woman seeks and finds elsewhere the happiness which her home does not afford. In the next place, men accustomed to green apples often do not relish the ripe fruit, and this perverted and sadic appetite often leads elderly men to neglect their mature spouses in favour of a perpetual succession of child-brides. Moreover, girl-children are much petted and spoilt in their mother's houses, but girl-brides of the younger men come under the severe jurisdiction of their husband's mother. In a few cases mothers are jealous of their son's wives, and in a very few cases (where much property was at stake) I have heard accusations brought against a woman that she (as Marie Antoinette was alleged to have done) had vitiated her son in the hopes that thus he would not be under the influence of his wife. As a general rule, however, mothers-in-law mean to do their best for their sons' wives, and to train them in the way they should go, but they seem often harsh and stern to the little new-married girls. I have known some cases of inhuman treatment, but this is rare. Enough, however, there is of scolding, nagging, and occasional physical maltreatment to make the girl-wife as

unhappy as a mother's darling at his first boarding school. The young husband would never dare to protect his wife against his mother, for filial duty is pressed to extremes among orthodox Indians. This is a passing oppression, no doubt, and the child might be comforted by the reflection that her turn will come in due course, for with luck she will be a mother-in-law herself some day, but her position is not really assured till she has borne her husband a son, so that in this case her tender age, which is the reason of her suffering, is also the reason why her redemption from that suffering is likely to be delayed.

Moreover, coyness, reluctance, withdrawal, and the other symptoms of modesty are very charming in women, but they have a purpose which is not merely to charm. They are the effects of an instinct which teaches a woman that if she wishes to have strong and healthy children she must alternate charm with repulsion, till the time comes when repulsion may well cease. We accuse the modern girl of flirtatiousness and frivolity, immodesty of exposure and demeanour, and the like, but the modern girl is, after all, only doing in essentials what her Victorian great-grandmother did, attracting in order that she may repel. This is not a thought-out policy on the part of designing minxes: it is merely the obedience of a creature who desires to be mated successfully to an instinct which teaches her how this may best be effected. Every girl therefore has the

right to exercise her powers to charm, and herself calm and untouched to awaken the passions of men, and to see their sufferings till she has made her choice.

Now as a fortress which has been taken by storm is in no condition to parley, it is obvious that the Indian girl-wife has no occasion to practice these arts on her husband, yet the instinct is still there, and prompts her to play with the desires of men. With us also how many husbands have found themselves unfortunate husbands merely because they forgot that a husband should also be a lover, and that a bird is best kept in captivity by the same arts as those by which it has been caught. The European wife who wishes to see whether she has really lost her charm can, if she is indeed still charming, readily reassure herself by a harmless though condemnable flirtation. The Indian wife has no such opportunity. The *pays du tendre* is an unknown country to the Indian. Passions in the East blaze of a sudden on both sides to their full height, and she who admitted even a strange man to a private interview, however short, would be irredeemably branded by public opinion. But if we have paid the price, may we not demand delivery of the merchandise ? If, however, a woman, possessed as she is by this instinct to attract and repel, refuses to gratify it, and, content with being possessed, never seeks to ascertain whether she is possessed merely because she is at hand, and not

because she is desired, it is likely that here also a defrauded instinct may lead to unhappiness.

The result is that, at any rate in some castes and in some provinces, the young wife is not very happy during the first formative years of her marriage. At the time of the Divali, once a year, young married women return to their mothers' houses. It is often a matter of great difficulty to get them to return to their husbands' houses. More rarely, even when they are willing, they are retained by their parents. In certain castes and in certain provinces marriageable girls command a high price. They are often sold on the instalment system, and sometimes the instalments fall into arrears. In such a case the father, having once got again possession of his daughter, is apt to keep her with him till the transaction is put on a more sound financial basis. It may even be the case that he hopes to sell her again at a higher rate to a more eligible and solvent son-in-law. For these and other reasons there is always in each local area a considerable number — insignificant perhaps relatively to the number of happily married young women, but a considerable number — absolutely of mature young women, who are not living with their husbands. In such a state of affairs inconveniences are certain to occur.

Polygamy and the caste rules of certain castes, or rather of certain subsections of castes, increase the difficulty by ensuring that rich elderly men

should have the first pick of the marriageable girls of the year, and by ensuring at the same time that there shall always be a fair number of vigorous and healthy young men who can by no possible means find legitimate spouses. Polygamy is congenial to the heart of man, and is perhaps a beneficent institution in stages of society where men are apt to be killed in battle and where the killing of women is not practised, but it is always a grievous oppression to women, and as now practised in the present age of security and approximate equality in numbers between the sexes, is evolutionarily condemnable.

Such are the peculiar causes which operate in India and which do in certain provinces and among certain castes lead to a great relaxation of morals. There are also, of course, the other causes at work which operate in all countries—levity, curiosity, pique, jealousy, and emotional storms. The question before the Indian therefore too often is, By what sanction is feminine virtue to be maintained? The Indian woman, like most women, is virtuous and modest, affectionate and constant to her husband and the father of her children, and has no desire to stray into forbidden paths; but even the most trusted and honourable cashier is the better for a check and an audit, and it is easier to preserve virtue and modesty when it is known that unchastity and immodesty will meet with some condign punishment.

In the West the fear of shame and the fear of poverty are the sanctions which are applied when such application is necessary. Woman, moreover, timid by nature, is reluctant to leave the security of a haven, however inconvenient, for adventures on the high seas, however splendid. Even in the West, however, these sanctions seem to be becoming ineffective, and it is possible that our institutions may be on the verge of revolutionary modification.

In the East, where passions burn higher, they are wholly ineffective, and the wronged Indian is apt to seek a more spectacular vengeance on false wife and false friend than the pillory of the witness-box and costs and damages. In short, there is a good deal of killing of unfaithful wives and their lovers.

None of the great systems of law—that is to say, none of the religions—established in India sanction the killing of wives at the pleasure of their husbands. Muhammad assigned to the crime of adultery the penalty of death to be inflicted by the regular tribunals, but, warned by an unfortunate misunderstanding in his own family, he ordained that this penalty should not be inflicted, except where the evidence was so strong that there could be no possibility of doubt as to the guilt of the accused. As the necessary evidence is practically impossible to obtain, and as the accuser who fails to prove his case is liable to severe punishment as a calumni-

ator, this form of action was never used, and men fell back on the summary jurisdiction of the scimitar.

I do not propose to give any instances of murders of this kind. A great number of murders are committed on this account in the privacy of the home, and such rarely or never come into Court. The murders committed by the common people are generally bloody and atrocious, but have no other point of interest. The question of mutilations, which does possess some interesting features, is not raised in the present volume, and the matter will be touched again in the chapter on poisons. I shall therefore devote the remainder of this chapter to a consideration of the plea of the unwritten law, premising merely that I am inclined to treat offences against women severely, regarding women as fit objects for special protection, and that I, while recognising that a man who kills an unfaithful wife may be acting as any of us might act in similar circumstances, nevertheless was determined to make it manifest that the highest prizes of honour cannot be obtained without peril of death.

The Indian Penal Code punishes the adulterer with a smart term of imprisonment, but carefully guards the erring wife from any punishment by the State. Public opinion, on the other hand, rather commends the husband, who avenges what he is pleased to call his honour. This discrepancy between the written and unwritten

law causes the tribunal much trouble. Juries invariably acquit in these cases, but it is not always that a judge can shuffle off his responsibilities on to a jury. It is true that the law regards grave and sudden provocation as an extenuating circumstance, but this does not help much, for an Indian is much more likely to kill on account of a long-standing grievance than on account of an injury just inflicted. I once asked an elderly Brahmin why he had killed his sister, a widow, whose conduct had been notorious for years. He replied that a thorn in the foot hurts far more after the wound has festered and suppurated for some weeks than it did at first, and this view of the matter seems sensible enough. It is impossible to shut one's eyes to this consideration. There is also the consideration that in some provinces and among certain classes in those provinces there must be some check on adultery, or society might well dissolve.

In a certain province in India the energetic Sir Charles Napier was appointed Governor. Sir Charles was a man of great force of character, but obstinate and wrong-headed to a degree. He hated and despised the Company's officials, both civil and military, and regarded them as all banded together in a nefarious conspiracy to deprive him of the just rewards of his victories. His only advisers were thus inexperienced military officers or a corrupt amla. In that province

all criminal cases were tried by court-martial—that is, by military officers under the command of the Governor—and a Governor who did not hesitate to rebuke in very intemperate language any tribunal which he thought had departed from natural equity. Wife-killing was rife in that province, and Sir Charles determined to put it down by the summary execution not only of the guilty husband but of all accomplices, abettors, fautors, and accessories. The results, according to tradition, were not satisfactory. For certain reasons women of certain castes in that province are extremely addicted to adultery, and being now free from any sort of check gave the fullest rein to their passions, and the general demoralisation of society became indescribable. In this particular case this judicial severity did not last long, and towards the end of Sir Charles' régime the people worked out a system which gave them some relief. This was the so-called *badli* system, whereby on its coming to the ears of the authorities that a case of wife-killing had been committed, some worn-out old man would surrender to the police, confess, profess repentance, and be hanged, thus ransoming by his death the life of the actual murderer, who was probably a young vigorous man, an asset and not a burden to the tribe. Still, however, the difficulty remains. The law of the land pronounces the adulteress criminally guiltless, and the adulterer liable to a few months'

hard labour: you, the prisoner in the dock, have taken on yourself to pass a law of your own, by virtue of which you, in your private tribunal, have sentenced adulteress and adulterer to death, and have then executed that sentence? What is to be said about this? The judge, of course, has nothing to do but to administer the law, stretching it as far as it will go in favour of life, but not breaking it. If, then, the law says that a man who voluntarily takes the life of another is a murderer, the judge must say so too, and must treat such a man as the law directs. Most murderers have motives for their crime, and a motive, however strong, however excellent, is not an excuse for a crime unless the law so declares. I am not therefore much an admirer of the unwritten law, and am sorry to see it spread beyond its ancient bounds, which I take it are those of the lands where there is no written law, and no ordered system of justice.

It is remarkable that the application of this unwritten law should find favour in democracies. Democracy, I suppose, rests on the assumption that all citizens have an equal capacity, and are possessed of the same bundle of rights and liabilities. Among these rights and liabilities of the citizen is the liability to be punished for any infraction of the law of the community which he or she may commit, and the right to be judged in respect of any alleged offence by an impartial tribunal, and if convicted to undergo

no strange and unusual punishment. How then is it in accordance with the principles of democracy that a whole class of citizens—namely, women—and a whole class of offenders should be liable to arbitrary punishment inflicted by a party to the action? Moreover, the capacity—that is, the full citizenship of women—is here denied, because the justification of the unwritten law is that the wronged husband is in the position of a man whose property has been invaded, and who, in resisting such an invasion, kills the aggressor. This is to treat conjugal rights (as the Romans did) as an easement or servitude, so that the wife is in this case like a field over which a foot-path passes, or a tree whose fruits I have the right to gather. That is to say, she is little better than a serf or villain, possessing certain rights indeed, but possessing them subject to the super-eminent domain of the holder of the dominant tenement. This is a strange sort of democracy indeed, and more like the custom of a manor than the law of a well-ordered kingdom, yet women seem to approve of it, for, having won equal rights at the polling-booth, they think it but fair to surrender their rights to the lawful possession of their own persons.

Another consideration which led me to regard with disfavour the claims of the unwritten law is that it is inconvenient that a man should be judge in his own cause. One of the inconveniences here arising is that there is found a great

flexibility in what may be called the substantive law. I have found in areas where the unwritten law is held to be a valid plea that men begin by killing wives who are notoriously unfaithful along with their paramours. If the people stopped here, all might be well, at least in the eyes of those who regard women as a sort of animal, but as Cæsar said about Damasippus, the illegal execution of the most notorious offender is dangerous because the tradition of illegal execution broadens down from the precedent to precedent. The next stage is that men take grave indiscretion or excessive frivolity as presumptive proof of adultery, and act on such proof. From this to punishing with death mere levity and flirtatiousness is a short step, and ere long you will find women being killed or mutilated because they have failed to cook their husbands' dinner in time. The argument in this case is as follows: "A woman who loves her husband will be careful to cook his dinner. Krishni has not cooked my dinner, therefore she does not love me. But a woman rarely ceases to love her husband unless she loves some one else. Therefore Krishni loves another. But it is highly probable that a married woman who is in love with a man not her husband will be unfaithful to her husband, therefore give me the axe or the branding iron." Moreover, I have noticed that the people living in such areas where the murder of wives is tolerated soon begin to plume themselves on their high and

nice sense of honour in this matter of women. Therefore they will kill not only their wives, but also their daughters and sisters (though these are married into other houses, and therefore clear from all *potestas* of the murderer), and for aught I know erring aunts, cousins, and grandmothers. It seems to me that in the most ill-governed country a woman (as Mdme. de Stael said) has a right to know why she is to be put to death, and to have the assurances that if she is to be judged and slain, it will only be at the hands of a judge and executioner who is commissioned by use and wont. This matter of the unwritten law (like the similar right to kill old and afflicted relatives) needs very careful consideration at the time of its first promulgation in practice.

Again, there is this difficulty when the unwritten law is pleaded as an excuse. "You, the prisoner in the dock, have killed your wife because she was unfaithful to you? Well and good, but what about yourself? Did you in no way contribute to your own misfortune? If you did, if your wife turned away from you because of offences of your own, if, for example, you were harsh and unsympathetic, penurious beyond reason, austere to her relations, if you were unfaithful to her and neglected her, if you allowed yourself to become infected with preventible disease, or gave yourself over to drunkenness or unlawful ritual, had you, yourself erron-

eous, the right to kill her on account of her errors?" Now it is quite clear that no Court sitting under the authority of any earthly sovereign could adjudicate on these matters. If, then, a man wishes to plead this defence, he should, I apprehend, plead it in a Court where its validity can be ascertained, as it cannot be in a Court bound by the written law of evidence and procedure. On the whole, then, the regular Courts of British India are not great admirers of the unwritten law. It is possible that thus, as often, strict justice may amount to injustice, but the victims of that justice are the ransoms for millions of their fellow-countrywomen.

X.

HUSBANDS AND CHILDREN.

It was, I think, a peculiarly foolish dictum of the Romans that an adulteress was always a potential murderess of her husband. This dictum, however, unfortunately still has much weight in countries which should have learned better by experience. Still, cases do indubitably occur of murders of husbands by guilty wives. This question will be discussed more fully in the section on poisons; here I shall only relate two cases, remarkable not only in themselves, but also by their resemblance to certain well-known cases fictitious and actual.

There was in a certain District a young Muhammadan woman, the wife of an elderly man. She disliked her husband, and in consequence, when chance threw her much into the society of her husband's cousin, love and affection arose. The cousin urged the woman to elope with him, or at any rate to grant him a private interview. She refused, saying that she had made a vow never to yield herself to any one who was not

her husband. It thus became manifest to the lover that, if he wished to come to his desires, he must kill the husband, and he consulted with the wife as to the means whereby this could be effected. "My husband," she said, "is presently going on a journey across the deserts. Offer to accompany him. He will be glad of a companion. You can then take some suitable opportunity to despatch him." The lover did according to her suggestion, and came to bid her farewell, and to receive the last counsels before departure. "There is one thing," she said, "that troubles me. I know you have a tender heart. How shall I be certain that my husband is really dead? Without certain proof I cannot marry you." The lover said, "Having killed your husband, I will cut off his head and lay it at your feet, thus, having recognised that it is indeed his head, your heart may be at rest." This seemed to meet the difficulty, and so it was decided. Accordingly the lover, having accompanied his cousin for some days' march, and having now reached a desolate country, killed the victim, and, having cut off the head, buried the trunk in the sandhills. He put the head in the nose-bag of one of his animals, having been careful to provide himself with spices and gums so that corruption might not make the features unrecognisable. After some weeks he returned to the village, giving out that his cousin had gone for a longer journey than had been his

intention. The woman, seeing the head of her husband, was satisfied that he was indeed dead, and was ready to marry her lover. She intended to wait till the days of her uncleanness were accomplished, and would then, on pretext of joining her husband, depart to some remote region, where she would presently be joined by her lover, and the path would be opened to felicity. But one difficulty arose. What was to be done with the head ? It had served its purpose, and might now be resolved into its elements, but it refused to resolve. They could not burn it, because that would, in the opinion of the vulgar, cause the damnation of the deceased, and it seemed enough to kill a harmless old man without also killing his soul. It would not rot, for it was embalmed. They flung it into the river, but it would not sink, and they did not dare to leave it to float lest some one might recognise it. They buried it in the earth. The village dogs dug it up, but would not eat or lacerate it. Finally, the woman buried it under the grindstone inside her house. Now she felt she must watch it, lest some accident should reveal its presence to some casual visitor or prying neighbour. It was easy enough to find business there during the day, and at night she spread her sleeping mat near at hand. Still she was always conscious of the presence of the thing, and before long she began to sleep badly, rising several times every hour of the night to see that

the stone was not disturbed. Finally, sleep left her altogether, and her waking (not her sleeping) consciousness began to figure to her that the head in its sepulchre was alive and thirsty for vengeance. She now began to see perpetually before her eyes the head, truncated indeed, but alive with menacing eyes, and lips gaping with thirst. The matter now became unendurable to her, and she called on her lover to help her in this extremity, but there was no help in him. On the contrary, he said that his condition was much as hers, and that death was better than the continual companionship of the living dead. Having discussed this matter thoroughly, they decided that there was no help for it. Accordingly they went together to the chief of the village and confessed the whole matter first and last. This story, it seems to me, has many points of resemblance to the story of Therése Raquin.

The next instance I quote because it seems to me to be an instance of the working of that spirit of absolute evil to which I have before alluded. Wicked men, even very wicked men, are, after all, men, and in their worst actions there remains some trace of humanity, of fallen humanity perhaps, but still humanity. A few rare cases there are where the criminal seems actuated by some non-human impulse. The criminal in this case was a Brahmin woman verging on the fifties. She was married to an old half-witted husband, and her conduct had

been notorious for years. It is impossible to record the full story of her crime, but the outlines were as follows. Her house was adjacent to another house which had long been vacant. It was possible to get from the roof of one house to that of the other, and in each case access was obtained to the roof from the interior of the house. One night, having lulled her husband into a state of false security, she introduced into her house across the roofs from the vacant house not one lover, but a troop of lovers. They bound and gagged the husband, and after some time killed him. They then bestowed the body under the staircase, and continued their diversions. This orgy continued for some days and nights, after which they attempted to dispose of the body, but in vain. Suspicion was aroused, and the woman now accused the less guilty of her accomplices of having broken into her house, ill-treated her, and murdered her husband, hoping thus to save her own life and the life of her best friend. This crime created such horror that, though the accused was a Brahmin and a woman, and therefore doubly sacrosanct, she was convicted without demur by an Asarpur jury, a jury which in general refuses to find guilty on the clearest of evidence the most heinous of murderers. If her actions are to be referred to any human spring of action, I suppose this crime is an additional proof that a woman will forgive an oppressor or a traitor (where she fears and

hates), but will never forgive one whom she despises. This case is not very dissimilar from the case of Catherine Hayes.

I leave this subject with much gladness, for it is painful to see the corruption of the most excellent. I shall devote the rest of this chapter to considering cases of child-murder, which is connected with the preceding cases of wife- and husband-murder by the fact that all three are due largely to the difficulties introduced into the relations of the sexes by our civilisation.

Civilised man has advanced so far from the animal state that he is apt to be encumbered by children. In that oceanic Eden which, in my opinion, was the habitat of our first parents, as soon as a child was capable of fending for itself, it had to fend for itself or die. Little males were killed or expelled and gave no trouble to any one; little females were valuable and preserved. As soon as a little girl could run about by herself, she could pick up her own food, and find her own shelter. If she failed to do so it could only be because the whole tribe of which she was a member was in severe difficulties, and the weaker members died off. We cannot treat our children so summarily as that, and, among the women at least, the purely animal instinct of parental affection remains strong, and is far more enduring than in the case of other animals. On the other hand, man has still so much of the animal in him that he resents the interference of

others in the affairs of his children, and the creation, nurture, and maintenance of the future citizens of the community is still left very much to be the duty and burden of private individuals. Hence the phenomenon, common in all races of man, uncommon in all races of animals, of child-murder.

With us the murder of children by a parent is committed for one of two reasons only, either to conceal the fact that there has been a child, or for the purpose of gain. The latter form of offence is unknown in India. It is true that there are no insurance companies, burial clubs, and the like, the liberality of whose scale of payments on the death of a child is a temptation to a poor mother to dispose at a profit of a surplus child. In any case, however, I do not think that the Indian would be at all inclined to kill his children for the purpose of profit. The murder to avoid shame, which the humanity of our modern authorities regards as hardly murder, is perhaps common in India, but does not often figure in the Courts. The adult unmarried girl is almost unknown in India, and the mothers of unwanted babies are either widows, or women whose husbands have been long absent from them. In the case of a respectable widow, the father would in general be a close relative of the husband, and the child would be exposed or otherwise disposed of without scandal. In the case of a dissolute widow the shame impulse would probably be absent.

Husbands whose avocations take them for years into remote countries must not be surprised if, like the Crusader of old, they find on their return that their wives also have not been idle. There is a certain city of India called Bazpur, where the merchant class is daring and speculative. As soon as a young man has obtained a little training in the art of trade, and has saved a little capital, he sallies forth, a young knight-errant of commerce, and after visiting the most remote lands, may return a pauper or a millionaire after twenty years. As this adventurous life is not without dangers, and as it is necessary for the man who would be rich to leave the sacred bounds of India, it is quite possible that he may die in a polluted land. The chances for his soul are therefore in any case somewhat poor, but he would have no chance at all did he die sonless. It is the custom, therefore, for these young merchants to marry immediately before they set out on their wander-years, and their wives, who, of course cannot accompany them, remain for years without the support and comfort of their husbands' presence. It is not, therefore, a matter of surprise that the merchant returning, grizzled and worn, with his valise bulging with letters-of-credit, occasionally finds that there is no fear of his dying sonless, for, as the proverb goes, if I have a piece of land, and some one plants a palm-tree there, the palm is mine and not the planter's. In paren-

thesis it may be stated that there is another city (not in India) where the local Mussulman merchants, also great travellers, have dealt with the problem of the neglected wife in a far more cynical spirit. The Bazpuris in general accept the situation, when it arises, with the utmost philosophy, and there is thus in this case no need for peccant women to become also murderesses.

The form of infanticide which is peculiar to India among the possessions of the British Crown is the killing of girl-babies, for the purpose of avoiding the difficulty and expense of marrying them. This form of infanticide was at one time common everywhere. The pagan Arabs practised it to excess, and there are in the early history of Islam some very horrible stories of such murders. The prophet Muhammad (himself the father of an only and adored daughter) strained every nerve to suppress the custom ("Bury not your daughters alive, for they are the darlings, the comforters"), and his efforts were successful. Christianity also succeeded in ending a practice most common in the West in the days of ignorance. Thus it is only in pagan lands that this form of murder is sanctioned and imposed by custom.

It is not in India the case that parents are particularly inhuman. On the contrary, they are devoted and tender parents, and girl-children are there also much beloved. Nor is this sur-

prising. I have known many girl-children in all ranks of society, and I have always found them gay and bright and affectionate and charming. I shall not soon forget one little heroine, whose name I have forgotten. She was the eldest child of some poor peasants who lived in a forest-tract, remote from other habitations. The plague came during the rains, and both the parents died. The girl (whom I will call Krishni) was then aged eight, and was left with three brothers and sisters, all younger than herself. One of the children was ill, though not of plague. The house was, as I have said, isolated, and it was the time of the rains, and no one passed that way for over six weeks. During all that time, the burden of the house and of the family lay on Krishni. The nearest water was two miles off, down a steep hill, for the jungle water was unwholesome. The grain store was wellnigh empty, and after grinding a modicum of millet into flour, it was necessary for the child to range the forests seeking for wild fruit and edible roots. The sick child must be nursed, and the others guarded from straying during the hours of light, and comforted amid the perils of the darkness. All these things must be accomplished, and were accomplished. Consider, then, how great was the love and how valiant the little heart! When the rescue party did arrive, they found Krishni worn to a shadow, but the other children were well and well-tended. Krishni was, however,

remorseful, and feared she might be blamed. She had not been able to keep the clothes of herself and her charges well washed and neatly mended.

It is not, therefore, owing to any lack of natural affection that certain classes of Indians practise infanticide, but they are compelled to this for fear of shame. It is incumbent on every respectable Hindu to find a husband for his daughter as soon as she reaches, or rather before she has reached, the marriageable age. Now the customs of castes and religions differ much, so that there is in some castes and religions a great superabundance and in others a sad deficiency of girls. Among some of the Pathan tribes of the frontier the birth of a daughter is considered almost as great fortune as the bestowal of a pension. In certain subsections of certain Hindu castes elaborate caste rules have been framed with the intention of creating an artificial scarcity of marriageable girls, and here the father of a daughter may well hope to sell her to some rich old gentleman for two thousand rupees. Among the peasants and labouring classes in general, where the wife shares in her husband's toils, it is easy enough for a girl to find a husband. Thus it will be seen that the practice of infanticide is necessarily confined to a very few castes. Such are some of the degraded Rajput clans. In this community it is considered a great honour for a young man to marry into

a clan a little higher than his own, while it is a disgrace to marry a girl of an inferior clan. No one will, without a very handsome dowry, marry beneath him into one of these degraded clans, so no husbands can be won from above, and as there are no clans lower in the scale of Rajput gradation, there are no possible husbands from below. Thus the girls of these clans, unless very wealthy, cannot hope to marry except into their own clan, and here they find the difficulty that all the young men who can afford it seek brides from superior clans. Thus the girls of these degraded clans are in general compelled to wait for marriage till they are, even according to European ideas, much past their prime. This is a state of things which in the East produces serious inconveniences, and there is a great temptation to the parents to avoid the risk of these inconveniences and the consequent shame by killing their baby daughters. The same state of things exists in certain very respectable peasant castes, and among the Brahmins there are certain sects which are poor and prolific. The wife of a Brahmin, important as she is as mistress of the household and a sharer in sacrifices, is not a positive wage-earner, and marriage is therefore a luxury denied to the poorer young men. Here also, therefore, there is great difficulty and expense in finding a son-in-law, and a corresponding great temptation to avoid future possible evils by removing the cause of them. It would be

such a dreadful thing for a Brahmin to have an adult unmarried daughter in the house that one hardly likes to contemplate it.

I asked one young woman why she had killed her daughter. She explained that she was the wife of a poor young man, who earned a miserable existence as a village astrologer. She had had three children one after another, all girls, with never a boy among them. She was looked on with disrespect in the village, and her husband's family were inclined to blame her as having committed some sins in a previous life, for which, not so much she as her husband was now paying. The marriage of these girls, if they lived to maturity, would cost the family six thousand rupees, and though all would club together on so necessary an occasion, the family would certainly be ruined. Nevertheless, she was fond of her daughters, and would not have parted with them for the world. Then she found herself about to become a mother for the fourth time. All the omens were favourable. The soothsayers and the gossips of the village foretold a son, she herself had a firm inward conviction that she was about to become the mother of a son; she was confirmed in this opinion by the prognostications of the midwife. The child was born. It was a daughter. She killed it.

The child is invariably killed at birth or very shortly afterwards. It is, as a general rule, put under a copper pot and left to die, so that the

guilt of actual murder may not attach to the family. The Courts do not take a very serious view of this offence, which, moreover, rarely is made the subject of a criminal prosecution. At one time the British Government did a great deal to stop the practice of infanticide among certain classes excessively addicted to it. A careful system of registration of births and deaths, rigorous inquiry into deaths of girl babies, fines on villages where female child mortality was excessive, and encouragement to modify pernicious caste rules were among the devices adopted with a certain degree of success; but as time passed on such legislation was discovered to be unsympathetic, and likely to be misunderstood; it led to oppression and blackmail. It was found that, though it might be possible to check murder, it was not possible to check neglect, which was just as efficacious, by law. This legislation, therefore, passed into desuetude, as all laws should which legislate above the heads of the people for whom they are intended. It is to be hoped, I suppose, that the progress of education, and the spread of Western enlightenment may here also come with healing in their wings, for if the Indian studies birth control, he will be relieved of a great responsibility, for it is clearly impossible to murder your children if you do not have any.

Such are some of the evil consequences which have followed from our abandonment of the laud-

able practices of our simian ancestors. But to proceed.

Infanticide, with which I have just dealt, is the crime of one who, entrusted with the care of children, kills them for private and personal reasons. But, of course, children, like all other human beings, may be murdered for gain or for revenge. The laws of inheritance in India are such that it is rarely profitable for an expectant heir to murder children, and the wicked uncle of our folk-tales is therefore not a common personage. There is, however, one class of offences against children which is very common in some parts, and that is the murder of children for their ornaments. The crime is very common in some districts, and almost unknown in districts closely adjacent. It is the custom of Indians to put their savings into the form of ornaments, and as they are fond and proud of their children, and particularly of their girls, they are apt to cover little Sita or Aisha with gold and silver, and turn her out to play in the village street. Some friend of the family, or acquaintance of the child, comes along, lures her away on some pretext, and murders her. He then strips off the ornaments and attempts to sell them. The crime is invariably discovered, because it is generally done on a sudden impulse, without due preparation for concealing the fact or disposing of the plunder, and it is obvious that the perpetrator must be one of a few people

who were friendly enough with the child to gain its confidence. The crime is invariably punished with death, and it appears that the criminal is generally some stupid oaf of a peasant, bored to death with the monotony of village life, and ready to run any risk to get a little money which will enable him to pay a visit to some large town, where he can see a cinema or, if possible, a circus. So rife is this crime in certain areas that it has often been proposed to render the theft of ornaments from the person of a child non-actionable. In theory this would work admirably. People, it is to be presumed, would no longer cover their children with ornaments which might, in the case supposed, be removed with perfect impunity by the first-comer. If anybody ran the risk, and still sent out his child unaccompanied and laden with jewels, then the thief, being promised immunity, would have no incentive to commit murder. The difficulty is that, in the first place, there are occasions when a child may properly wear ornaments; in the second, that in many cases the ornaments are so fitted to the wearer that they can most conveniently be removed by cutting off the arm, leg, or nose; in the third, that it is certain that many a man would try to avoid the reputation of being a thief by becoming a murderer. Until, then, the savings certificate has completely ousted the anklet, bracelet, or necklace as a materialisation of the thrift instinct, we may

expect that the mutilated corpse of many a tender little creature will be cast on many a convenient but isolated dung-heap.

One of these cases of child-murder which came under my observation differs materially from the typical offence of this kind in its spirit, and yet approximates to it sufficiently in detail, to make it a proper example. There was in a certain remote district, where this crime was unknown, a certain young married couple. The husband was of good caste, but landless, and earned a miserable subsistence as a labourer. Discontented with his lot, and being energetic, he left his home, and eventually succeeded in reaching Darya Bander, a large town about a thousand miles distant from his own district. There he found good work, and wrote to his girl-wife the most enthusiastic accounts of his present abode, saying that he only needed her presence to make him perfectly happy. The girl, who was only thirteen, was anxious to rejoin her husband, of whom she was very fond; was alarmed at what might happen to him in a strange city, where the air and water and food were different from those to which he had been accustomed; was not altogether easy as to how he might stand up against the temptations of a great and dissolute city, and was accordingly very anxious herself to go to Darya Bander. Her husband sent her money from time to time, but not more than was sufficient for her support and that of

his dependants. She had no ornaments that she could pledge. None of her relatives were in a position to help her, so the problem how she was to pay the cost of her passage seemed insoluble. This being so, she asked the daughter of a neighbour to come with her to look for crayfish. The young woman and the child Jingi accordingly followed the course of a mountain-stream till they came to a waterfall in the deep forest. There, while Jingi was bending over the pool at the foot of the fall watching the stones to see if there were any crabs to be seen, the girl-wife killed her with a stone, stripped off her ornaments, buried the body, and returned to the village. On being questioned she made a full confession, and surrendered the ornaments, the poor silver ornaments which the child of poor parents might wear, ornaments of the value of four or five shillings, and in no way capable of defraying the cost of a passage even to Bombay, far less to Darya Bander.

I have mentioned the monotony of village life as being one of the reasons why people kill children. It is the cause of a great deal of crime among races which are not martial, and which therefore do not follow the lure of the recruiting party. Among such races the bolder spirits take the path of the dacoit, the meaner and more villainous souls stain themselves with child-murder. I remember one story the converse of this, and it is perhaps worth recording because, just

as the story of Krishni, related above, has points of great similarity to a story told by De Quincey, so that has some resemblance to a particularly horrible story of De Maupassant's.

There was in a certain remote and arid tract a very small village. Here lived alone with her little nephew (Hanuman) an old lady named Lakshmi. Hanuman was the son of the brother of Lakshmi, and his parents had died within a few weeks of one another, leaving him an orphan and entirely destitute. Lakshmi was the widow of a rich man; she had some small landed property, a small hoard of silver coin, and a quantity of valuable jewelry. Her house, which was small and ill-furnished, was on the outskirts of the village. When the parents of Hanuman died, his aunt, with the strong natural affection and the humanity which is generally found in Indians, took the orphan into her house (though he had no legal claims on her whatever) and brought him up as her son, sparing herself no toil in his maintenance, though her income was but small and though she was advanced in age. When the boy Hanuman was about twelve years of age, one morning the neighbours saw no signs of life in the house of Lakshmi. After waiting and consultation they entered the house, and found the old woman dead with her head beaten in with a pestle. The grindstone was dug up, and the house thoroughly ransacked. There were no traces of Hanuman. The matter was

reported to the police, and an investigation was started on the lines that robbers had broken into the house, and killed and robbed the old woman, and that the boy had run away in terror, and was either lost or dead. The investigation proved fruitless, and the police came to a standstill. Some weeks afterwards, the police authorities of Bombay wrote to the police of the district concerned, saying that they had discovered a little boy in a state of absolute destitution, and that on being asked his antecedents he admitted that his name was Hanuman, and that he came from a certain village in a certain district, which was, in fact, the village where the murder was committed. The local police were much pleased at the information, and asked that Hanuman should be forwarded under escort to them. On his arrival he was invited to explain.

He had heard, he said, that there were in Bombay buildings so high that if you, standing at the foot, looked to the summit your head would be tilted at such an angle that your cap would fall off your head. As he had never seen a building higher than a mud-hut, he was very anxious to see that great sight, and implored his aunt to allow him to go to Bombay in company of some friends who had business in that city. She, of course, refused, and used to chaff him about his ambitions. When this and his desire became unendurable to him, he murdered

his aunt, and took the cash and jewels, and made his way to Bombay, where he was rapidly stripped of all he possessed and thus came into the hands of the police.

It occasionally happens in India, as elsewhere, that a woman, now resolute to die, cannot bear to leave her child behind her, and kills it as a preliminary to her own suicide. This is, of course, murder in the eyes of the law, but is in the eyes of a higher equity a much less serious offence. I remember one instance of this crime which was remarkable on account of the antecedent provocation. The Indian is in general a kind and affectionate husband. That a man may gratify his passions, without any regard to his wife's health or happiness, is true, and it is true also that even the mildest man may slay or mutilate an unfaithful consort, but men are not to be judged by the actions of exceptional persons or by their own actions in exceptional circumstances. Normally, I repeat, the Indian husband is a kind and affectionate husband. Left to himself, the Indian would no more think of getting drunk and beating and kicking an innocent wife, merely because she was the first kickable thing which came handy, than he would think of going into a tiger's cage and pulling the animal's tail. Scenes like those which some of the streets of some of our towns used to present on a Saturday night would, if presented on the stage of an Indian theatre, be perfectly un-

intelligible to the audience. I have known one man, and one man only, who in brutality approached European models. This was a very poor lime-burner, who lived in a hut out in the fields, near a deposit of his raw material. His kiln was some distance off near a source of the necessary fuel. Heavy bags of raw lime had to be carried from the excavation to the kiln, and heavy bags of quick-lime from the kiln to the store. This work is generally done by donkeys, but my lime-burner had no donkey. He had, however, a young wife who had three children, a baby in arms and two elder children. He compelled his wife to play the part of a donkey, carrying these heavy burdens all day without any rest. I forget the exact amount of the work which she did daily, but it seemed incredible not only to the lay audience, but also to the expert lime-burners. The Indian wife in the labouring classes is a valiant and loyal worker with her husband, and the young woman might not have repined at her cruel tasks had she been otherwise treated fairly. But her husband was in the habit, if she had not worked to his satisfaction, of tying her, hand and foot, to a stake, and leaving her there without food or water to the inclemencies of a cold-weather night, while he was watching the kiln. In the meantime no arrangements whatsoever were made or could be made for the children.

At last her patience gave way. She succeeded

in escaping. Accompanied by the two elder children and carrying the baby, she wandered for some time aimlessly in the fields. At last she came to a well built by some Mussulman lord of old times, and long since abandoned. This well had, as is usual, a flight of steps leading down from the surface of the earth to a gallery or chamber running round the circumference at about the level of the water. She descended into the well with her children. She then tied her elder children by the hands to her waist, and holding the baby tightly clasped to her, she said, "Now, my darlings, the time for departure has come. But how can I go and leave you behind? Who would look after you in a world of strangers? Acquit me, then, of the guilt of your blood." Having said this (which is to the best of my belief a literal translation of her actual words), she threw herself into the water. Unfortunately the lower part of the well had been filled up with the detritus of centuries, and the water was only three feet deep. The baby slipped from its mother's grasp, and could not be found, but perished. One of the elder children became exhausted with cold, hunger, and fear, sank down, and was drowned. The mother and the remaining child were rescued after remaining for many hours, willing but unable to die.

XI.

POISONS.

Our ancestors, when murder by poison was first openly practised in England, extremely misliked it, both as a peculiarly felonious crime and also as a foreign importation. With the medieval idea that punishment was deterrent in proportion to its cruelty, as also feeling vaguely that the criminal who used poison is a peculiar type, they attached to the commission of the crime the penalty of boiling alive. We have learned now that it is not the severity so much as the certainty of the punishment which is the deterrent, but we still feel, and I think rightly, that the psychology of the poisoner is peculiar to himself.

With us in the West I think that it is very rarely that a man is hanged for his first murder by poison. I omit cases like that of Miss Blandy, where the crime was indubitably committed by a novice, but where it was perpetrated so openly that detection seemed rather courted than doubtful. But as a general rule it would appear that the reason why the poisoner is apprehended is

that he has poisoned so many people that he thinks detection is impossible, and is perfectly reckless. It is for this reason, I suppose, that in so many cases of poisoning the motive seems so extremely inadequate. This causes the poisoner to appear peculiarly callous and inhuman, and so he is, but it is not necessarily the case that the criminal takes to poisoning because he is naturally callous and inhuman, but the truth is rather that he has become so owing to a long career as a secret assassin. Moreover—and this is particularly the case with women—the long exercise of the super-human power of life and death is apt to upset the mental balance of the person in whom that power is vested, and as those who possess power in general love to exercise it merely because it is power, and not so much from the profit to be derived from its exercise, it is but natural that a poisoner becomes a sort of monomaniac, and slays as much at random as the thunderbolts of Jove.

Such is the condition of our Western poisoners. In India the crime is not very common, nor do its practisers approximate to the ideal type. In truth the Indian is not a good poisoner. There are several reasons for this. In the first place it is, owing to the social habits of the people, very difficult to get at the food of even a friend or relation. In the next place "the subtle poisons of the East," of which we hear so much in romance, do not actually exist.

Mineral poisons abound, but there is nothing particularly subtle about corrosive sublimate or sugar of lead. There are numerous vegetables and trees from which it would be perfectly easy for a skilled chemist to extract deadly alkaloids, but the criminal Indian is not a skilled chemist. Consequently, although with lavish kindness the gifts of Nature are strewn, the heathen in his blindness is forced to fall back on arsenic and powdered glass.

The reputation of the Indian as a skilled poisoner seems to rest on the stories told by the seventeenth century travellers of the pusht or potion which the Moghul emperors (who were no more inclined than the Turk to bear a brother near the throne) used to administer to cadets of the royal house. But this potion does not seem to have been poison in the strict sense. It was simply a decoction of opium, and was administered constantly, but not in fatal doses. The effect was merely that in the long-run the victim was compelled to become an opium addict, and sank accordingly into imbecility—a dreadful fate, no doubt, and one from which a high-spirited young prince might take refuge with death, but perhaps on consideration preferable to the bow-string or antimony needle. One or two of the Indian States are supposed to maintain hereditary poisoners among the instruments of their dominion, and these Lucastas are said to have the secret of unknown and terrible poisons; but

if this is the case the secret is carefully guarded, and not divulged to the general public, with which I am at present concerned. The great desideratum of the would-be poisoner, a poison which will work slowly after one administration, is yet to seek in India as elsewhere, and will probably be found as science progresses not in the laboratory of the chemist, but in the test-tubes of the microbiologist.

In the meanwhile the Indian poisoner is, as I have said, confined pretty strictly to the use of ground glass and of arsenic. Ground glass is not a poison at all, though the public has a touching faith in the venomous properties of this substance and also of powdered diamonds. Both, of course, are merely mechanical irritants, and would prove fatal, if at all, only after numerous administrations, and in consequence of continual laceration of the stomach and bowels. Ground glass has a gritty taste, and the impatience of the administrator in general prevents him from making a good job of the grinding, and the victim, discovering a large fragment of watch glass or of an electric bulb in his pottage, would probably be put on inquiry long before sufficient damage was done to prove fatal. Ground glass is therefore used principally in faked poisoning cases, in cases, that is, where A., wishing to make B. think that C. is poisoning him, causes the innocent C. unwittingly to administer to B. food filled with ground glass. B. is not killed,

and can therefore bestir himself to see that C. is punished, but is naturally alarmed and incensed, and does therefore so bestir himself. This is said to be a favourite device in Indian Courts, where a party of intriguers is anxious to bring the actual occupant to the chair of state into bad odour with the Resident or some other high official.

The Indian poisoner, therefore, is in general thrown back on arsenic; for though I have known of cases in which a decoction of the roots of aconite and *gloriosa superba* has been applied, yet the administration is so difficult, and the effect of the drug in that form so uncertain, that I have never known a case in which such experiments proved fatal. Arsenic, on the other hand, being used largely for innocent purposes (though not for weed killing or for the slaughter of flies) and being tasteless, is both easily obtainable and easily administered. Its symptoms are not easily distinguished from those of cholera or acute gastritis, both common diseases in India. With us the objection to arsenic from the point of view of the assassin is that it is a metallic poison, and is therefore not digested or eliminated from the system, so that the exhumation of the corpse of the victim after even twenty years will furnish ample proof of how he died. But the Hindus, or at any rate those Hindus most likely to be poisoned, burn their dead, and the poison is destroyed by the fire of the funeral pile, which

destroys the tissues. Muhammadans bury their dead, but the exhumation of a Muhammadan corpse is so serious an offence to the religious sentiments of the family that it would never be ordered, unless the other evidence that the deceased had died of poison was overwhelming. The crime can therefore rarely be detected unless suspicion is aroused between the beginning of the illness and the funeral. Arsenic, like cholera, works very rapidly, and cremation or inhumation follows very rapidly after death, so there is not much opportunity given for the investigator.

Crimes of poisoning may be divided into three divisions. In the first place, the poison is administered by the authority of a family tribunal to some erring member of the family or to some unwanted daughter. These cases can hardly be called crimes of poisoning, being in truth the irregular exercise of the family law, and the adult victims are in general aware that the substance tendered to them is lethal, and take it more or less willingly, preferring that way of dying to more brutal and scandalous methods of execution, such as drowning or burning. These are therefore not true cases of murderous poisoning, the essence of which is the deception practised on the victim. The second case is the case where the poison is administered secretly and against the will of the victim, no doubt; but the poisoner does not desire the death of his victim, but only his insensibility, so that he may

more easily rob him. Death follows here, if at all, by accident or inevitable necessity rather than because it was intended. With these cases I shall deal later. The third case is the true case of poisoning, and occurs when one person desiring the death of another administers a drug known and intended to be lethal to such person secretly and against his will with the intention of causing his death.

The poisoners in this latter case are almost invariably women, the wives of the victim. I am not here to be misunderstood. I by no means wish to range myself among those who depict the Hindu home as a torture chamber. On the contrary I suppose there are few positions in the world more enviable than that of a middle-aged Hindu woman of good caste, the mother of children, the wife of a man of suitable age. Even in the poorest classes, where the hardship is great, the women, valiant workers, are pleased and proud to pull the oar in the family galley. Indian women are necessary, not only to the domestic and physical comfort of their life partners, but also to the salvation of their souls. Consequently they are in general held in honour and esteemed. Moreover, there is very little of that harshness and lack of sympathy which is so common a feature of married life in some countries which consider themselves very advanced. But with all this there are here as elsewhere bad husbands, and perhaps in consequence bad

wives. As I have explained in a former chapter, there are certain reasons peculiar to India which do create discord between husband and wife in the first years of marriage; and if this discord is allowed to grow, it may well happen that the position of a wife—condemned as she is by the laws of Hindu society to a most close intimacy with a husband whom she now abhors—is so irksome and her life is so wretched that she seeks consolation elsewhere, and determines or is incited to end a relationship which is now mere misery. Such cases are rare, but to say that they do occur is no libel on India or the Indians, for what singularly unvital people would that be where there was never any love unsanctioned by the laws of religion and society. Unhallowed love has been known to grasp at the axe of Clytemnestra, or in these days of small and furtive passions, at the phial of Lucrezia.

We are surprised and shocked when we hear of a female poisoner, because the use of poison seems inconsistent with what we have heard of the tenderness and benignity of women. But poison is, where circumstances permit, always the weapon of the feeble. It does not in general cause effusion of blood. The long-drawn sufferings of the victim stimulate the emotions; it is therefore a very suitable weapon for women. As for feminine tenderness and benignity, the Oriental is not a great believer in the existence of these virtues among women. Women, he

says, are undoubtedly tender and kind to those whom they love, while they fear the beloved, or while the beloved is dependent on them; but they are harsh and cruel to those whom they dislike, and indifferent also to the sufferings of those to whom they are indifferent.

Among the tales that they tell is that Ali, in the course of his disputes with Muawiya, who had usurped the Khilafat, and was now reigning in Damascus, wrote a threatening letter to that prince saying: "Surrender my heritage or I will bring against you an army of men more cruel than women." When this letter was read in Durbar, the Lords of the Children of Ummaya laughed, saying: "This boaster is now gone mad, and talks folly. Who does not know that women are gentle and tender by disposition? How much therefore is the force of his threat attenuated when he talks of the cruelty of women?" But Muawiya said to them: "Be not in too much haste to call the son of Abu Talib a madman. Bear with me for some days, and we will put the matter to the test."

The Caliph then sent to one of the frontier posts, and summoned to his presence Abu Salman, one of the leaders of his armies, and when Abu Salman was present he said: "Abu Salman, you have well done in the wars of God, and my confidence is strong in you. My desire, therefore, is that you should become connected with this house (to whom God has given the kingdom) by

marriage. I am minded, therefore, to bestow on you by way of marriage one of the guarded treasures from behind the curtain. How say you?" Abu Salman replied: "Hearing and obeying, O commander of the Faithful." Then said Muawiya: "But there is a condition attached to this boon. It is not fitting that a lady of the House of Umayyah should find in her husband's house a co-wife, for a co-wife is ever a source of discord, and an occasion of affliction to her rival. Divorce, therefore, that which is with you and make your house vacant." When Abu Salman heard this he was silent for a while, and then replied: "Do not ask me to do this thing, and indeed I am excusable in this matter. For she, who is now in my house, was the wife of my youth, and the mother of my sons. We were not always rich. When we were young together we were very poor. In those days we have fasted together many a day, and watched, by reason of the cold, many a night. Moreover, it was by the labour of the loom that she supported us when I, worthless fellow, could not get even the wages of a camel driver. Yet she never reproached me, and now when God has raised me to this pitch at which you see me, shall I be disloyal? Shall I turn her out of my house in her old age with none to cherish her. If I denied her her share in my prosperity, her who shared my poverty, should not I be as one of the fraudulent? I pray that you will hold me

excusable in this matter." Muawiya replied: "There is no compulsion in matrimony, and it shall be as you will." So saying he dismissed him to his garrison.

When Abu Salman had returned to his garrison, the Caliph sent an old woman who was experienced in such matters to the house of Abu Salman, which was in Damascus, and she was admitted to an interview with Um Ubayd, who was the wife of Abu Salman. After many windings and twisting she came to the point, saying: "Know that Yazid, the son of Muawiya, has heard of your beauty and wishes to marry you. He has dealt with your husband, begging him to divorce you, so that the way may be open to this. But your husband will not divorce you. So now the son of Muawiya lies on a bed of sickness by reason of his consuming passion. What is to be done in the matter? Have you any counsel?" Um Ubayd answered and said: "May God kill the importunate. . . Is it not enough for that old dotard my husband to keep me here alone in this house, as if I were an Abyssinian slave-girl; is it not enough that he should leave me half-widowed while he is diverting himself in foreign lands, but he must also prevent me from making the most desirable of marriage." (For Yazid was the son of the Caliph, and his heir-apparent, and the most beautiful of young princes, and Um Ubayd had often seen him through the lattice when he was returning armed

and victorious at the head of his knighthood.) "Cause, I beg of you, the Caliph to recall my husband to Damascus, and when my husband is returned and well rested, send me, I pray, a little safe poison that I may free myself from this clog and incumbrance." When this story was told, the whole of it, to the Lords of Damascus they were astonished, and admitted that the rhetoric of Ali was not faulty.

Such are the malicious stories that men tell in the East about women, and people nourished on such doctrine have little belief in the absolute tenderness and benignity of women in general, however much they may believe that those qualities are found in their own women.

Legislating, then, for women in general, the high-class Hindu is apt to regret the abolition of the practice of sati. If a woman, he thinks, knows that she is expected to burn herself alive on the corpse of her husband, it will be to her interest to keep him alive. She cannot in any case positively profit by his death, and so will not be tempted to kill him. But this argument, apparently convincing, leaves out of sight some very important considerations. In the first place, sati was never obligatory, and was rather a matter of etiquette than anything else. In the second place, it was notorious, and even passed into a proverb, that women who had poisoned their husbands often did commit sati. People who are surprised at this forget how high are

screwed up the nerves of a woman who is poisoning her husband. The preparations, the narrow escapes over and over again repeated, the continual fear of detection, the long-drawn agony of the sickroom! In the case of a creature of high nervous organisation and ill-disciplined emotions, how violent must be the détente, and how strong the reaction when the deed is done! It is small wonder, then, that many a murderess, in the short interval allowed to a corpse between death and cremation, was swept on to the pyre by a violent gust of emotion.

However this may be, it is the case that almost all the cases of homicidal poisoning which come before the Courts are cases of husband poisoning. The wife is in a strong position in this matter. It is nothing extraordinary, even in the wealthiest houses, for the wife to cook certain dishes. The food is generally highly seasoned. The wife does not eat with her husband, but after him, so she does not run the risk of falling into suspicion by refusing to partake of a certain dish. Thus the matter is much facilitated. Our British poisoners, except such of them as were doctors, found the road to their desires much more arduous.

What often leads to the discovery of the crime is the rashness of the murderess, who is apt to administer a preposterously large dose. This leads to the appearance of violent and unmistakeable symptoms immediately after administration, and suspicion is at once aroused, the

doctor is called in, and the remains of the dinner are impounded. Moreover, in the case of death from a small but sufficient dose, although there might be suspicion, yet there could hardly be full probation, especially with a sympathetic tribunal, for many Indians take a good deal of arsenic habitually, this drug being supposed to be a potent aphrodisiac.

It is on this last circumstance that the defence (when the administration and the identity of the administrator is clearly proved) does in the last resort rest. The defence is in general that: "My husband became suspicious of me unjustly, merely because I was seen now and then laughing and talking with a friend. He ill-treated me, and I became very unhappy. So I asked my friend what I should do. He said he would consult a wise woman, and after some days he brought me a certain white powder telling me to mix it in my husband's food. He said that the love of my husband for me would then reawaken. What the powder was I don't know." The friend, who is generally a young Muhammadan of bad character, is interrogated, and denies the whole story. He cannot be prosecuted with success, for the only evidence against him is that of the wife, and that is accomplice evidence. Sympathetic tribunals are very apt to accept the wife's story (which, by the way, is identical with that told in the first case of poisoning with arsenic which is recorded in the

English reports—that of Miss Blandy), and either to acquit wholly or convict on some minor charge. The story, however, is wholly preposterous.

Such acquittals or attenuations of the crime are, however, at least when death has not occurred, by no means unpopular with the persons affected. I remember one case when the husband and the brother-in-law were both poisoned and nearly died. There was not the least doubt of the guilt of the wife of one of the brothers, and she was accordingly convicted. The Crown pressed for a severe sentence, as the case was particularly atrocious. The pleader for the victims, however, did not support this application, but, on the contrary, urged on the Court the excellence of mercy. On inquiry it appears that the way that the victims looked at it was this. They belonged to a community where there was an artificial scarcity of girls, and wives were therefore only to be obtained on payment of a heavy bride-price to the father. The family had had to save for years till they could get together the two thousand rupees necessary to obtain a girl. There was no hope that they would ever be able to raise such a sum again. If, then, the wife was sentenced to a long period of imprisonment, the house would be condemned to perpetual celibacy. In the abstract it might seem better to have a womanless house than to eat every morsel with fear and trembling, but the girl was really virtuous and well-disposed. There

had been a temporary aberration which might happen to the best and wisest of us, but she was now cured, and a little domestic chastisement, if necessary, would confirm her in her repentance, and if any symptoms of a relapse occurred—well, they would be on their guard. There was, I think, much common-sense in this plea, if one regards crime as a matter only between the criminal and the victim. This habit of regarding what happens in the family as a matter which concerns only the family, and the consequent practice of punishing such offences by the award of the domestic tribunal, is really anti-social, and cannot but encourage other women who are unhappy to cut the bonds which gall them. All the more creditable, therefore, is it to Indian society that these cases are not common.

Homicidal poisoning associated with magic is not uncommon if all tales are true, but such cases rarely come into Court because the victim or the victim's heirs attribute the death to the pierced lemon, or the bundle of bones which, concealed on the premises, has in their opinion led to the wasting and death of the bewitched person, and do not attribute it to that which often accompanied the magic ritual—namely, a good dose of poison. They know that the Courts of India have little belief in magic, and that little or no redress could be had against one who intended to kill by magic, and therefore keep silent. I do not know that this attitude of the

penal law is very sensible in India, where the practice of black magic is so common, and where it often happens that a man who thinks himself bewitched will, without more ado, lie down and die. In our African colonies the profession of the art of black magic is rightly punishable for this very reason—namely, that professed sorcerers can kill with terror.

Passing on now to cases of poisoning where the death of the victim is not in itself the thing desired, it is necessary to consider the case of the dhatura poisoners. This is a branch of Thuggee, and is becoming obsolete for the reasons which caused Thuggee to become obsolete. The object of the crime is to facilitate robbery, and it cannot well be practised on a large scale except when persons are in the habit of conveying quantities of cash or valuable merchandise by road for long distances. But what with the spread of the banking system, and what with the extension of railways, merchants do not nowadays travel for long distances through wild country with many valuables. Within the last generation, however, sporadic cases of this crime did occur on the great roads leading from British India into the dominions of the Nizam. There was a regular nest of criminals of this kind at a certain village precisely on the border line where one great road ran northwards. There was another village in British territory on the western road, the headman of which was alleged to have

had over twenty murders of this kind to his credit.

What happens is this. Amichand is returning from some distant village, the weavers of which are renowned over all India for their skill in working in silk. Amichand has laid out his money to good advantage, and has two carts laden with the precious stuff. He is in a hurry to get back to his own town because he has been delayed and the great fair is approaching. He sets off with one or two companions, and has a three weeks' journey before him. The Indian generally travels at night, and for that, among other reasons, regards it as almost a religious duty to travel with companions. The little caravan, therefore, is glad when, after it has been on the march for two or three days, it is joined by a small band of fellow-travellers. These travellers may perhaps be themselves merchants, or high-caste soldiers returning from furlough, or may be holy men on visit to some distant and sacred shrine. In any case they are welcomed. They are found to be great acquisitions, always cheery, always ready to lend a hand when any small difficulty of travel occurs, able if necessary to extract from the most churlish headman of the most clownish village hospitality and assistance. They are apt to beguile the way with a continual flow of pleasant talk, relating stories of their travels, and the strange cities they have seen, or of battles, or tales of holy

men and heroes of old days. So the travellers proceed on their way for days and weeks. One by one the other members of the caravan stop at their destination, or turn into some side road, till Amichand and his new friends are travelling alone. Now the occasion has arisen. It is reported that the villages ahead are infected with plague, or are hostile or are deserted, and it is decided to camp by the way. A suitable spot is chosen, some little way from the road, lest some Government officer should impress the carts. It is a place below the bank of a stream, not too narrow a stream or one with too abrupt banks, for there might be a freshet; but even at this time of year there is a trickle of water in the centre. The bank is overgrown with high trees, which give a pleasant shade, but there is not much brushwood, which might harbour snakes or wild beasts. Here the oxen are unyoked, watered, and fed, for a merciful man is merciful to his beasts. The travellers spend the day in rest, prayer, eating, and conversation till evening is come, and the stars begin to give the signal for departure.

The evening meal is cooked. Amichand partakes of it. The next thing he knows he is in a village fifty miles off, stark naked, howling like a demon, while a charitable old man is attempting to fit a red-hot horseshoe on to his skull. (The actual cautery is a sovereign remedy in all cases of violent mania.) His wayside friends were

dhatura poisoners. They have brought off their coup, and Amichand will never see his carts, his oxen, or his merchandise again. He has been wandering in the jungles for days, and long before he can appeal to the authorities the gang will be hundreds of miles off. In one way Amichand is lucky. A hundred years ago the leader of the band would have thrown a handkerchief round his neck, and, while another held his hands, would by a scientific twist have dislocated the vertebræ — an operation perfectly easy and, I believe, painless,—and the corpse would have been buried in a grave already prepared in that pleasant camping place.

The effect of dhatura (a very common plant) is to cause violent madness. It is not necessarily fatal: it is in fact habitually taken by advanced ascetics, to whose jaded senses ganja or hashish have ceased to appeal. It is apt to be fatal to children or to people whose health is weakened, and there is, of course, always the danger that a man, wandering about for days in a state of violent delirium, may come to some violent end. In certain cases we find ground glass and aconite added to the dhatura, and in such cases the intention to kill is manifest, but as a general rule it may be said of the dhatura poisoner that he has no wish to cause death, but is merely indifferent whether death follows or not.

The progress of mechanical civilisation has,

as I have said, rendered the science of the dhatura gangs obsolete, but this poison is still used fairly commonly by robbers, not operating in gangs on the highway, but in the solitude of familiar intercourse. One such case I have in my mind.

There was in the ancient and lost city of Kadim Bunder a certain woman of the town. There is not in India attached to this profession that stigma which we attach to those *quae questum corpore faciunt*. Their status is more like that of their sisters of ancient Greece. Freed from the restraints of the zenana and of laborious occupation, they have, if they choose to avail themselves of their opportunities, occasion to become educated. Mixing with all sorts and conditions of men, and being desirous to please, they learn to converse, and to converse on those topics which most please men—that is to say, on those topics which interest the person to whom you are speaking, that is in general his merits, his ambitions, and his successes. The necessity of their profession compels them to study at least music and dancing, and possibly poetry and the drama. The wiser ones, who know that respectable men are generally rich, and that respectable men do not like noise, debauchery, and scandal, are quiet and well-behaved, and keep a rigorous discipline among their handmaidens and satellites. Thus they are agreeable companions, and the real abomina-

tion of the matter is artfully concealed. Moreover, many of them are in some sort priestesses, being dedicated from childhood to the God. The profession, therefore, having nothing in it degrading, the professors are not degraded, but are or may be valuable and reputable members of society.

Such was Aminabai. She had been the valued friend of many rich men for many years, and accumulated a large amount of jewellery, such being the form in which most people consolidate their savings. Age was now approaching, and it seemed to Aminabai that the time was coming when she must prepare for the future. Unlike "the fair that was the armourer's maid," the Indian woman of the town does not sit in her old age in rags and misery huddled over a flickering fire of straw, bewailing with her sisters in like case her good days and the splendours of youth. She makes a formal act of penitence, marries, and spends an honoured old age in the practices of piety and the bestowal of alms. Aminabai was contemplating this honourable retirement, but the act of contrition would be expensive, and she was not satisfied that even her very considerable savings would be sufficient both for this and for the support of her old age.

At this conjuncture there appeared in Kadim Bunder a certain young Muhammadan, who was, he said, the son of a wealthy landowner of

North India. His father was now old, and wished him to take up the management of the estates, but before settling down to a dull country life the young man wished to see something of the world. He had visited the celebrated cities of the north, and was now on his way to Bombay and the south, but attracted by the fame of the ruins of Kadim Bunder he had come there for a few days *en route*. It is natural that a gay young man with much money in a foreign city among strangers should seek for diversion, and the errors of youth are easily pardonable. Aminabai was still handsome, and was skilled in the arts to please, and, what is more, soon fell truly in love with the handsome stranger. He was assiduous in her service, haunting her house by day and by night, and lavishing on her presents of much value.

But now had come the time for departure. The monsoon was approaching, and the necessary sea journey would be dangerous possibly, and certainly disagreeable if postponed much longer. Aminabai was used to partings, but would sorely miss her young, generous, and handsome lover. Therefore she was glad to accede to his request that on that last night she should be alone in the house, and should appear to him in all the majesty of her jewellery. But the dawn was now approaching, and it was time for lovers to part. In such circumstances it is requisite that after lustration the couple

should partake of some light refreshments, sweetmeats, milk, and the like, and homage was paid to this custom also. The young stranger (who was a professional criminal) had drugged the sweetmeats with dhatura. Aminabai presently became insensible. Her visitor cut her throat, stripped her of her ornaments, thrust the corpse into a closet, washed the floor, and awaited an opportunity to escape.

I think, but am not quite sure, that this thief was the criminal to whom a very unfortunate accident befell. At that time there ran from Kadim Bunder to the station (some twelve miles off) an old Ford car rigged up so as to take eight passengers. This set out in the evening in time to catch the up-train to the north. The murderer remained concealed in the house all day, and sallied out when evening came with the jewels wrapped up in a cloth. He got into the car and drove off. About three miles from the city the road passes a certain hill full of graveyards and the memorials of kings and saints of old time. The murderer here stopped the car, saying that he had a vow to pay at the tomb of a certain holy man, and ascended the mountain. It so happened that there was in the car a certain police officer returning from leave. His trained eye noticed something peculiar about the stranger, and he became suspicious, though of what he could hardly say. His suspicions were increased when the stranger got out of the car and made

for the holy hill. The hill might be holy, but holy or not it was full of graveyards, and was not a pleasant spot to spend a summer night, unless the visitor was particularly fond of ghouls, jinns, demons, and other condemned spirits. The more he thought over all this during the remainder of the drive, the less he liked it, and on arriving at the station he did not board the train as was his intention, but decided to wait the night there, and if nothing further happened to return to Kadim Bunder in the morning and talk matters over with the local police.

The garden house where the crime was committed was isolated and secluded, and normally the corpse might have remained there for some days without detection, but it so happened that some urgent message arrived at the town house of Aminabai, and was delivered to one of her handmaids. So urgent was the message that the girl decided that her mistress must be informed as soon as possible. I think the message referred to some legal business. When the sun was rising the girl went out to the garden house and found all quiet. She thought that her mistress and her companion might have gone out on some expedition, but felt strangely uneasy. She accordingly entered the house. The floor, in spite of hasty washing, showed clear signs of butchery, and the corpse, which had been concealed for over twenty-four hours, was loudly advertising its presence. The girl

opened the cupboard, looked in, saw what had happened, and rushed off to inform the police. A constable set off by the morning car to the station to give a description to the station staff of the wanted man, and to ask that all suspicious strangers should be arrested. On his way the car was stopped at the foot of the holy hill, and a well-dressed stranger got in, who entered freely into conversation with the policeman and the other travellers. Thus they drove to the station just in time to catch the train. At this moment, however, emerged the police officer who had spent the night there, and now came out to inquire of the passengers in the car whether anything had happened in Kadim Bunder. On hearing of the murder he exclaimed: "Why! this must be the man," and arrested the well-dressed stranger. The well-dressed stranger was, of course, no other than the murderer, who had spent the night on the holy hill and had there concealed the treasure so that nothing incriminating should be found on him. He was taken back to Kadim Bunder, identified in spite of his disguise as the friend of Aminabai, his clothes were found to be blood-stained, his footprints were found in the house. The case was strong, and in one of those moments of despair to which Indian criminals are peculiarly liable, he confessed to the police, and pointed out the tomb in which he had buried the treasure. It remains to be said that the Kadim Bunder police were by

no means pleased at the unofficial intervention of a policeman of another district.

The use of poison or of narcotics to facilitate theft is easily intelligible, but these substances are also used on occasions when the motive of the administrator is obscure. It happens now and then that a strange man, generally an ascetic, Hindu or Muhammadan, distributes poison wholesale. It may be that he obtains access to the food prepared for some banquet, and introduces the baleful matter before it is served to the guests, or he may himself be a guest, and contaminates the food of his fellow-guests, or, what is perhaps most common, he approaches with winning words a party of school children and distributes among them sweetmeat purporting to be blessed by some god. On occasions as many as twenty persons have been taken ill; and if there have been old people or children among them there have been many deaths. It is not clear what is the motive, and I have never succeeded in getting any reasonable account of the matter. Several explanations are possible. Many ascetics are, by reason of the austerities they have practised, half mad, and in this case they may have an insane desire to use a secret and tremendous power. Such, I apprehend, was the case of our Neil Cream. Or again dhatura is, as I have said, used by certain advanced ascetics as a substitute for hashish, because its effect also is to destroy limitations of time and

space. So its administration may be a sort of proselytising, the intention being to shake the smug self-satisfied citizen out of his complacency and his over-reliance on this transitory universe. That would be like the case of one of our young subversives who writes a brilliant and naughty book in the hope of shocking the Philistine. Or again it may be some method of 'passing on some evil' in the way known to all students of sympathetic magic. Or again it may be merely a method of impressing the lay public with the power of the ascetic community.

Such are some of the possible solutions of this strange problem, and I am not satisfied with any one of them. Perhaps some other student may be more fortunate in his investigations.

XII.

FOR PROFIT.

MURDER for profit is much the same in all lands, and as I have no desire to enter into competition with the Newgate Calendar, I shall not inflict on the reader a mere catalogue of horrors. I shall therefore in this chapter recount only a few cases which seem to me particularly worthy of record on account of some singularity in their attendant circumstances. I shall also exclude gang robberies accompanied with murder, as also cases of poisoning, with both of which offences I have dealt fully elsewhere.

There was once upon a time in a certain District a very wealthy and noble landholder. He was an eccentric man and treated his only son, Zulfikar Khan, very harshly and capriciously. One day my zamindar was riding home from the nearest administrative centre, where he had been busied with some law business. He had no escort with him, for the way was frequented, except for a stretch of track about a mile in length, which lay along the banks of a back-

water, and consequently passed through dense forest. The zamindar was belated, and arrived at this point after nightfall. There he was beset by an armed party, dragged from his horse, and hacked in pieces. The crime made a great sensation on account of the wealth and nobility of the victim, and strenuous efforts were made to discover the assassins. The matter was not very difficult. There is in that province a race of hereditary trackers, who possess by nature a most marvellous talent for recognising among a hundred others a footmark of man or beast to which their attention has been directed. This talent is, in a country where cattle-lifting is so rife, not allowed to sleep, and it is common for a skilled tracker to follow the trail of a missing camel for a hundred miles, through desert and forest, through towns and villages, over shifting sands and hard road-metal, till he runs the missing beast to earth in an enclosure where he has no right to be. It used to be the proud boast of these men that they would never give perjured evidence, and that they were deaf to the solicitations of the powerful, who often wished to allege that a stolen animal had been found in a place where it was not actually found. Time, however, and the mellowing effects of civilisation, have here also worked a change, and this ungenial obstinacy is now a thing of the past. Still, however, a tracker is much more likely to be a truthful witness than others.

In the present case there was no need for perjury and prevarication. The trail ran hot and high to a place but a few miles off, namely, to the mansion of the deceased himself. There the males of adult age were paraded under the orders of the dead man's son, and their foot-prints compared with the naked footmarks of the five men who, as the trackers declared, had made up the party of assassination. None corresponded, and the investigating officer was about to turn away disappointed, when it occurred to him that he had not completed his investigation. "Take off your shoes, my son," he said to Zulfikar Khan, "and let us see *your* prints." After much demur the young man complied, and the trackers unanimously declared that his footmark was one of the five footmarks left by the murderers. The young man was questioned and interrogated, and made a full confession, stipulating only that he should be admitted to turn Crown evidence. It then appeared that he, having been kept short of money by his eccentric father, had become mixed up with a gang of bad characters, and had in their company committed petty depredations. Finally he had accompanied them, as they said, to way-lay a rich merchant, and had found, to his horror, that the intended victim was his father. He had not dared to interfere, and had remained a passive spectator. This story was improbable, as it would not be to the interest of a gang of

robbers to attack a landholder, who was not likely to have much money on his person, and whose death was certain to cause a hot pursuit. The old question "Whom does it profit?" might here have well been asked; and the truth was most probable that he had arranged with his dissolute friends that they should murder his father for a reward, and that they had insisted on his presence at the time of the killing, so that they might be the better able to insist on payment when he had gathered in his inheritance. However, his story passed muster, and he was admitted to turn approver. On his evidence his four accomplices were arrested, tried, and sentenced—two to death, and two to penal servitude for life.

The rest of this story is curious, and is an example of the good fortune which under our legal system befalls the criminal who can pay for good legal advice. The Muhammadan law forbids one who has slain another to inherit his victim's wealth. Zulfikar Khan then, as soon as the criminal trial was over, was confronted by a suit, brought by his cousin and next heir, to recover from him possession of the whole estate of his father, worth several thousands of pounds. If the cousin could prove that Zulfikar had killed the father, then there was no doubt that Zulfikar was barred, and the cousin was entitled to succeed. But what was the evidence that Zulfikar had killed his father? Merely

his own deposition in the Criminal Court, on which, as I have said, two men were hanged, and two transported. But this deposition, being made in an action between our Sovereign Lord the King and the prisoner at the bar, could not be used as evidence of any fact at issue between Zulfikar Khan, defendant, and his cousin, the plaintiff, in a civil action. There was thus no positive evidence that Zulfikar had in fact murdered the old man, and Zulfikar himself, standing in the witness box, asseverated his innocence before God and Man, asking most piteously whether it was not enough that he should be robbed of a kind and indulgent father whom he would have ransomed with the last drop of his own blood, and for whose death he was no more responsible than he was for the death of Aurangzeb, but he must also be harassed and branded by the infamous accusations of his cousin? The Court had no option but to dismiss the suit, and to confirm Zulfikar in the lands of his father. Zulfikar was highly delighted at this decree, and returned to his capital mansion; and having arranged such of his tenants as he could catch in two rows, and having stripped them of their clothing, gave them by way of impressing on them his power and dominion each one or two blows on the head with a club, and one or two handfuls of rupees.

His troubles were not yet, however, altogether over. The difficulties arising from his late

exuberance were soon surmounted, but there was still lying in wait for him a prosecution for perjury. He had sworn in the Criminal Court that he had murdered his father, and he had sworn in the Civil Court that he had not murdered his father. One of these statements must be false, and both were made on oath, therefore, morally speaking, he had certainly committed perjury. The legal advisers of the Crown had two options. They might select either of the statements, and prove affirmatively that Zulfikar, having murdered his father, had sworn that he had not done so, or that, not having done so, he had sworn that he had. But it would be very difficult for the prosecution to prove either of these assertions affirmatively, and the difficulty was not lessened by the fact that both statements had been accepted as true by the highest tribunals of the province, a fact which could not but much hamper any inferior tribunal on which was laid the burden of decision as to the truth of the matter. The Crown lawyers, therefore, fell back on their second line of attack.

There is in India a provision of the law of procedure which empowers a Court, when a man has sworn to two mutually irreconcilable statements, to charge him in the alternative, and if it appears that the statements are really irreconcilable, and that he swore to them knowingly, to convict him of perjury, without de-

ciding which of the two statements is false. The effect is much as if there were created by statute a substantive criminal offence of 'tergiversation.' The Courts, however, do in general look with much disfavour on this procedure. In the first place, this form of prosecution is not in accordance with the best English precedents. In the next place, lawyers, as a general rule, dislike short-cuts of that kind, both as being unsporting, and not allowing a criminal a fair run for his money, as also as tending to shorten and simplify criminal proceedings. In the next place, the form of prosecution may very well increase the crime of perjury, because if the form was used to its fullest extent, it is clear that no person who had advisedly sworn to two irreconcilable stories could possibly escape conviction. But how about the man who, having sworn falsely before the magistrate during committal proceedings, afterwards repents and swears truly before the Judge of Assize? He is rather a meritorious person, though his merits have come late into flower. Ought he to be punished just as severely as the criminal who, having told a true story before the magistrate, wickedly and feloniously swears to a false story against the life of the prisoner at the bar of the trial Court? Frequent convictions, therefore, under this device would shock public opinion, and make the man who had once committed perjury stick to his story through thick and thin. In

fact, the accused person tried under this charge is tried not for perjury but for incoherency.

The Crown was, however, desirous of making an example and proceeded with the prosecution. The accused was convicted in the Court of First Instance, and received a smart sentence. His conviction was upheld in the Court of First Appeal, but his sentence was commuted to one of fine only. In the Supreme Court, however, the case was argued with a great array of legal talent for many hours, and it was there decided that, under the words of the law, the accused was not guilty, inasmuch as the two contradictory statements were not made "in the course of the same transaction." Thus Zulfikar returned free and sackless to his paternal home, loudly extolling the extraordinary justice of the Sirkar.

Patricide is not a very common crime in India. Parents are generally indulgent, and among the richest classes the son, when born, has a share in his father's estate, which cannot be increased or diminished by any act of the son. In addition to the natural humanity of the Indian, there is the fact that the religion of the masses gives the son a good deal of control over the father, for it is impossible to play the stern parent when your son can, after your death, consign you to a long period of hell by neglecting the ceremonies and oblations incumbent on the heirs of the deceased. Of a case of matricide I have never

heard, though I have heard of cases where, had the crime been committed, the tribunal would have been inclined to consider that the circumstances were extenuating.

Another rare crime is the killing of a person in order to collect his insurance. Fire insurance frauds are very common indeed, and I believe the general idea is that there is no moral turpitude attached to the fact of burning your own property in order to defraud a company. But life insurance frauds are rare. This is probably due to the fact that the practice of life insurance is not yet well known, or used, except by a few very respectable classes. Nevertheless there was one case where a knot of very respectable people were accused of a daring and atrocious crime of this nature. The accused persons were tried for the fraud only, and even on that accusation were ultimately acquitted, so it must be held that no such crime was actually committed. Nevertheless the story as appearing in the police papers, and in the rumour of the bazaar, may be set down for purposes of comparison with certain well-known cases recorded in our annals.

The conspirators were poor young men of the literate caste. They were well acquainted with the system of life insurance, and had had some luck in the matter, relatives whose lives had been insured for small sums having died unexpectedly, after very few premia had been paid. None of the conspirators had benefited very much by

these windfalls, for the sums received were but small, and were divisible by law among many sharers in the family property. Still, they could easily see that there was in the insurance system a perfect gold mine, if it was only properly worked. They determined to work it properly. Presently one Hanumantrao, a wealthy landowner of the neighbourhood, made an application through the local agent to a powerful and wealthy insurance company for a policy of twenty-five thousand rupees. This application was supported by the representations of a local wealthy money-lender, and it was explained that Hanumantrao needed a large sum of money for the dowry of a daughter, and did not wish to pledge his estates. The money-lender was willing to advance him the sum he wanted on his note of hand, but required that a life insurance policy should be taken and assigned to him as collateral security. Reference was made to two persons of position and wealth well acquainted with the proposer and the money-lender. All these four persons were members of the conspiracy. There was no such person as Hanumantrao, and the 'money-lender' was a little shopkeeper whose income was about sixty pounds a year. The "friends of wealth and position" were small clerks.

The company sent down the proposals to their provincial and local agents, who for some reason or other reported favourably on the matter.

The fictitious Hanumantrao was medically examined, and reported to be a first-class life. The policy was to run for five years only, and the proposer was a young and healthy man, consequently the first annual premium was not heavy. Light as it was it exhausted the resources of the conspirators, and it was necessary that a claim should be made before the next premium became due. It was foreseen there would be a difficulty, because the burning-ground lay outside the city, and the names of dead men conveyed from the city to the burning-ground were registered twice—once at the gates of the city and once at the entrance to the place of cremation. It was necessary that the fictitious Hanumantrao should be burned, or at any rate be registered as being burned; for though the guardians both of city and burial ground were careless, and often did not register cremations, yet the insurance company would not be contented with a mere statement that there had been neglect, it would require that all formalities should be fulfilled. Similarly, though in India a certificate of a medical man is not necessary in case of death, yet it was clearly a case where a certificate would be most useful. The original intention of the conspirators was to obtain the necessary registration and certificates by bribery or fraud, but on more mature reflection it occurred to four of them that this was somewhat risky. In fraud it is in general desirable to have

as few accomplices as possible, as the web of deceit is very fragile, and may be torn by a breath of suspicion. It was therefore considered desirable that there should be a real corpse, and true registration, and a medical certificate as convincing as possible. The conspirators looked round them for some time seeking for some person suitable to play the principal rôle in this tragic farce, but all the unwitting candidates were rejected on one ground or another. What was required was a young man of good caste who could successfully play the part of a wealthy Hindu landowner, and then would allow himself to be murdered without reward or scandal, and who, moreover, had no close relatives who might cause trouble afterwards. At last a brilliant idea occurred to the leader of the gang. Why not kill their own friend, the young man who had already acted the part of the fictitious Hanumantrao? The more the others reflected over the idea the better it seemed. At any rate the person dying and the person already seen by the doctor and the insurance authorities would be identical, thus removing a great difficulty, and enabling the evidence in support of the claim to be greatly strengthened. Moreover, the sum to be obtained would, in the case supposed, be divisible by four and not by five, and it does not need an Archimedes to perceive that six thousand is better than five. The master of the conspiracy therefore convened a final meeting,

where the fictitious Hanumant appeared. A long and inconclusive debate as to ways and means, and how certain minor difficulties were to be met, followed. It was now evening, and the situation of the house was lonely. His four friends now strangled Hanumant. A doctor was induced to give a certificate that the deceased had died of apoplexy. The corpse was as soon as possible taken to the burning-ground, and registered under its fictitious names at both controls. It was then burned, and the mourners returned to claim and collect the insurance money, the widow of the deceased being quietened with the odd thousand. The action of these conspirators may be called an excellent example of Machiavellianism, which is in effect the application of the intelligence to solve a problem after excluding any moral or sentimental factor. In this case, though the conspirators got the money, and were acquitted in the criminal proceedings in respect of the conspiracy, and were also successful in the civil proceedings arising from the transaction, yet I believe they profited very little owing to the heavy expenses.

The niceties of our law do not always assist the heinous criminal to escape from due retribution, as the following example may show. A certain doctor had been employed for many years in one of the wild countries coterminous with India. He had had good pay and allowances, few expenses, and a fair private practice,

being both skilled and honest. He had made what seemed to him to be an adequate fortune, and decided to return with his young wife and child daughter to his native land to prepare for old age. Being a pious Muhammadan he could not take interest, and had not therefore put his fortune into Government securities. Commercial debentures were open to the same objection, and he knew nothing about shares. He therefore had the bulk of his savings in cash, notes, and jewelry, and loading these in two large trunks on to his camel, he set out on his journey across the desert, and arrived safely at the railhead. He had before him a long and tedious journey, and having with him his wife and daughter, he succeeded in arranging that a whole second-class compartment should be put at his disposal.

The professional train-robbers of India are a subsection of a certain criminal tribe called the Uchhlias, who have their headquarters in a district not far from Poona, and who worship the instruments of their art. This caste is so highly specialised by education and heredity for their business that their feats are almost incredible. Their silence will not arouse the most vigilant of human or animal guardians, and their dexterity will remove the spoil from the most inaccessible of hiding-places. Thus they have no need to kill, and consider the use of force a sad derogation from the canons of Uchhlia honour. It was unfortunate for my doctor that it was not one

of these that, lounging about a railhead, had marked the laden trunks.

A criminal of a very different type had long marked the doctor for his destined prey. He had made a careful study of the railway line and the surroundings of vital spots, and had arranged for accomplices and transport. As soon, then, as he heard that the doctor was on the march he prepared all things. He joined the train shortly before nightfall, and took his seat in the lavatory of the compartment next to that occupied by the doctor. When the train had proceeded about twenty miles, and night had now fully come and they were nearing the place selected for the third part of the performance, he got out of the window of his lurking-place, and, crawling on his hands and knees along the footboard, approached the door of the doctor's compartment. He found it locked. He had therefore to retrace his path, regain his own compartment, and again crawl along the footboard (on this occasion on the other side of the train) till he reached his objective. This time he found the door shut, but not locked. The train was now approaching a tunnel. He tore open the door and jumped into the compartment, where the doctor and his family were composing themselves for sleep. The doctor had been particularly happy that day, as he saw the well-known landmarks one by one appearing as he neared his home Districts, and had been discussing with

his wife the plan of the house he intended to build and the fields he was going to buy. Seeing the intruder the doctor leaped up, intending to pull the communication cord, but the robber felled him with a blow from a short stout truncheon, and then cut his throat with a knife. The woman and child remained paralysed with horror through this and the ensuing scenes. Having now reached the spot where his accomplices were gathered, he lifted up the two trunks and threw them out of the window. The track here passed over a slight embankment at the foot of which was dense cultivation. Having successsfully accomplished his task so far, the robber assumed a comfortable position on the seat facing the two women, and began to smoke. The murdered man, his family, and the assassin remained thus *in statu quo* for five-and-twenty minutes till the train reached the next station, which was a large and important junction. As the train slowed up the murderer dropped from the moving carriage, and was immediately lost to view among the trucks and impedimenta of a large goods station. Even then the widow and daughter were so petrified with horror that they were unable to give the alarm, and it was a ticket-collector who, entering the carriage in the course of his duties, saw the tragic group, first informed the authorities.

In the meantime the accomplices gathered at the spot where the trunks had been thrown out,

had opened and plundered them, and had dispersed. In this case the track of the thieves could not be followed by the most skilful trackers, and all signs of them had vanished. The woman was unable to give more than a general description of the nocturnal visitor, for the lamp in the carriage had been obscured for the night, and fear had made that which was already dark darker than ever. It seemed, therefore, that there was no chance of any discovery of the criminal as the result of an investigation on orthodox lines.

The police, however, did not despair. The crime was obviously one committed by a daring and expert professional criminal; and though daring and expert criminals abounded in that neighbourhood, they were not innumerable. The police began to reckon them up, and soon came on the name of a certain Piru, who was an offender wanted on various charges, and actually proclaimed an outlaw. He had absconded and had never been under any sort of arrest. One by one the other notorious criminals were gathered in, and all satisfactorily accounted for their movements. The arrest of Piru was more difficult, but he was at last found owing to the denunciation of a woman of whom he had become tired. A large party of police surrounded the forest-hut where he was sleeping, and closed in on him silently and cautiously. He awoke, but awoke too late, and, seeing the odds against him, sur-

rendered without resistance. He was at the moment of arrest charged with one of his old offences—namely, the stealing of a camel, and the night being late, was sent for custody to a lock-up till the morning. Such temporary lock-ups are generally in charge of the police of the district, and there is in India a law which forbids the adduction as evidence against an accused person any statement which he may have made to the police while under arrest. There is, however, no provision of the law which requires any officer to inform a prisoner that anything which he says may be given in evidence against him at the trial.

Piru had, as I have said, never been under arrest before, but he was well aware of the provisions of the law as to statements made to the police. He found himself in a very comfortable lock-up, and was presently visited by an official in uniform whom he took to be an Inspector of Police. To him he opened his heart. Was it not intolerable, he said, that he should be arrested for a petty case of camel-stealing as if he was a wretched peasant or huntsman, when the police knew perfectly well that he had committed many a crime worthy of a hero ? Who, he said, among the famous robbers of old time had done what he had done ? He then described six murders in which he had taken part as principal or accessory, ending up with a full description of how he had robbed and murdered the doctor. He took much

credit to himself that he had not availed himself of his opportunity to molest the widow, and rather blamed himself for his lack of enterprise in not searching her at least for concealed property. A more complete and damning confession has rarely been made; but had the circumstances under which it was made been such as Piru imagined, not a word could have been given in evidence against him, and he was careful to give no information as to his accomplices or as to the present hiding-place of the property, which might have furnished an investigating officer with valuable clues.

Unfortunately for Piru the real lock-up was out of repair, and he was much too important and dangerous a criminal to be trusted in unsafe custody. He had been sent therefore not to the lock-up and the custody of the police, but to the local jail, and the officer who had interviewed him was not a police officer at all, but the chief jailor. A jailor is not a police officer, and statements made to him are perfectly admissible in evidence. All the story, then, which Piru had poured out in his innocent exultation to what he supposed were safe ears, was immediately reduced to writing by an educated and trained officer, on whose good faith no possible suspicion could be thrown. This statement was produced against Piru on his trial, and chiefly on that statement he was convicted with the only possible result. The property was, however, never re-

covered. I must confess I felt rather sorry for Piru, who gave a sad example of the old saying that a little knowledge of law is a dangerous thing.

The outlaw's psychology is worthy of more study than it has received. Piru the outlaw, whose sad history I have just related, appears to have been a hardened and bloody criminal, yet even he had his rubicons. Others are by no means lost to all sense of right and wrong. I remember hearing of a case in which two young men were sentenced to death for a flagitious murder. As the law then stood the sentence ran that they should be executed on the site of their crime, that is, as it happened in this case, in a very outlying village, many days' march from the nearest lock-up. They set out, therefore, with an armed escort of police, and marched day after day towards the place of doom, sleeping night after night in little wayside caravanserais and temples. When they were two or three stages from the assigned village, and had lain down to rest, they succeeded in freeing themselves from their chains, overpowered and bound the guard, and, taking with them the rifles and ammunition, made good their escape into the hilly and broken country which lay closely adjacent. There they became formal outlaws. Now these men were men of a low caste. Having therefore a very nebulous idea of a hereafter and little belief in any system of spiritual rewards and punishments, they were

of course freed from the restraints of caste and of public opinion; finally, they had, if they so wished, as far as human justice was concerned, a blank cheque. As soon as they were caught they would be hanged without more ado on their old sentence, and as no one can be hanged twice, they were certain of immunity in respect of any offences they might now commit. I will own that they were perfectly ruthless as regards protecting themselves from the attacks of the armed forces of authority, as also in revenging themselves on spies and informers, but in other respects they were not particularly criminal. They respected temples and holy men, and particularly women. I have heard of one of them that, in a hostile country, he took much pains and ran much risk to restore to his village a boy who had lost his way in that wild country, and had accidentally happened on one of the lurking-places of the gang. Is not this an indication that there is in man, or at any rate some men, a sense of right and wrong, which is instinctive and independent of any fear of the consequences, temporal or spiritual, which befall the wrong-doer? These two outlaws, it may be noted, died ultimately not on the gallows, but fighting manfully hand to hand against an overwhelming force of police.

Continuing the series of murders committed for profit, it may be observed that in some areas the hack-driver is apt to add to his scanty earn-

ings by robbery with violence, which on occasion develops into murder. These hack-drivers are, I suppose, corrupted by the company they keep, for it is one of the great diversions of debauched young men to drive about in hired carriages. Considering the nature of the vehicles, it would hardly seem, *a priori*, probable that this form of amusement would appeal to the delicately nurtured, but so it is. I suppose the rapid movement through the air, and the feeling of superiority to the multitude of pedestrians, compensate for the joltings, the jarrings, and the abrasions. There have been many cases where a debauched young man, having spent his evening in some low haunt, has come out into the open air and felt at once that he had drunk a good deal more than was good for him. He calls for a hack-carriage and is driven off, but not to his home. He is found speechless or dead some miles from the city, generally stark naked and invariably denuded of his valuables. It does not seem a paying game for the thief or murderer, as all hackney carriages are numbered, and there is not a great number of them, so detection is almost certain. The hackney-driver is, however, sometimes not only a murderer but an accomplice of murderers.

There was once in the great city of Darya Bander a certain wealthy merchant. He had a good deal of cash in his shop, and also many gold ornaments belonging to others which were

pawned with him. These valuables were all locked up in two strong safes, the keys of which never left his person. He was getting on in years, but was nevertheless a man of vicious habits, inclined to a love which is barred by the civil and religious laws of all countries. His intermitter in such affairs was a certain elegant Kashmiri Brahmin. The merchant had for long sought the favours of a certain slender wand of beauty, and had sent the Kashmiri on many errands of love, promising large gifts for a meeting, but had always received the reply that this merchandise was not for sale. Inflamed by passion he renewed his solicitations and increased his promises. One day the Kashmiri reported that his diplomacy and the generosity of the merchant had won the day, and that the beloved would no longer prove inhuman. As, however, that idol was of a respectable family, and was still in the tender years when ingenuousness and coyness and modesty are appropriate, the place of meeting was to be some way out of the city by night, among certain sandhills bounded on one side by marshes. The merchant was so blinded by passion that he did not consider the inconveniences so patent to the unbiassed beholder, accepted the conditions, and asked the Kashmiri to provide him with transport, not thinking it proper to take his own carriage on such an errand. The Kashmiri chartered a carriage the driver of whom was in

his confidence, and at about ten o'clock in the evening, it being a fine cold starry night, set out with his friend to the assigned spot. When the carriage reached the place indicated it stopped, and there came out of the sandhills, not the beloved, but two professional murderers. Seeing what had come on him the merchant, who had not dismounted from the carriage, shouted to the cab-driver to drive home at once. The cab-driver laughed, and, descending from the box, dragged out the shrieking victim. There was the merchant slain by the two murderers and the cab-driver under the inspection of the Kashmiri. The Kashmiri directed them to leave the body intact, taking himself only the keys of the safes; but the driver secretly and unobserved took a valuable ring from the hand of the dead man. It was now late at night, and the Kashmiri, driving rapidly back into the city, opened the door of the merchant's shop and unlocked the safes, which he plundered of their contents. The stolen property he removed to a secure place, and locked the doors of the safes and of the shop. He thought that the body would not be discovered for some days, and that when it was, it would be supposed that the merchant had been killed by some jealous rival, some indignant husband, or some outraged father, and that the theft of the jewels, of which no list now existed and which could not be recognised by the family of the deceased, would not be detected. The

body was, however, discovered early the same morning by a strange chance. The shop was immediately examined by the brother of the dead man, and traces were found of footsteps and of lights. Next day the cab-driver attempted to pawn the ring which he had stolen from the corpse. The person to whom he offered it was the very jeweller who had made it, and knew perfectly well to whom it belonged. The cab-driver was at once arrested, and pleaded as an *alibi* that he had been on the night in question driving the Kashmiri. The Kashmiri was interrogated and his premises searched, and the bulk of the property was discovered. Thereafter the matter followed its usual course.

XIII.

CHATURBHUJ.

It is not possible strictly to divide crime into crimes of particular classes. There is always the chance that the motive of the murder may be mixed. Thus one might call the assassination of the Prince of Orange a murder from conviction, for the murderer was convinced that William was the enemy of his God and his King. On the other hand, there was a large reward offered to whosoever should execute the sentence passed by loyalty and orthodoxy on a rebel and traitor. So the desire for acquisition was not absent. Similarly in the case of the Cenci family. Thus in the case of the prophylactic or vindictive murder, it sometimes happens that the assassin is able to combine business with pleasure, ridding himself of an enemy who has wronged him or who might become dangerous, and at the same time acquiring part of that enemy's property. The matter is complicated by the fact that if you were considering the murder of a man for his money, you would, *cæteris paribus*, select as

a victim a person whom you disliked rather than a friend or even an indifferent person. The most common case of this kind which occurs in India is the murder of a money-lender by or on behalf of his debtors. The case which I am about to relate is an ideal case, a genuine murder story being selected, and details added to it from other genuine sources.

Chaturbhuj was a Marwadi. He appeared at the beginning of the cold weather as a young man with a bundle of blankets, and peddled these round the remote villages of the backward district of D. He thus acquired some knowledge of the ways and customs of the villagers, picked up a little of the dialect, and in fact familiarised himself with the terrain on which the campaign was to be fought.

When the hot weather and the rains were approaching and the time of harvest and the moving of the crops, he entered the service of one of his castemen who was already established in a big way of business. He received no pay, but was allowed to sleep in a corner of the verandah, and fed meagrely with the family. In return he acted as ledger and despatching clerk, and got to know a good deal about the grain trade, which is rather a high mystery communicated to few. The grain has to be painfully collected from hundreds of little silos, conveyed for many miles in very primitive vehicles to remote railway stations, and thence

despatched by train to the great marts, none of these operations being possible without the use of great tact and diplomacy. This would be the part of the clerk. The higher matters of the trade, the rigging of the market, the cornering, the gambling and so forth would, of course, remain in the hands of the principal, but a shrewd employee living in the house might pick up much useful information.

Pleased with his industry and capacity, the head of the firm took on Chaturbhuj as a permanent hand. It was now his business to travel about the district of B. wherever his master had interests. It was his duty to collect debts, to report on the solvency of clients or would-be clients, to compel the fulfilment of contracts, to negotiate with headmen of villages, cart contractors, stationmasters, underlings of the Executive and Judicial Departments—none of them very agreeable jobs, and all calling for a certain ruthlessness and unscrupulousness as well as considerable force of character and executive ability. He performed his duties admirably, and after some years his master offered him a small agent-partnership. This did not seem attractive to Chaturbhuj, for in these partnerships between employees and principals the capitalist partner is apt to get the share of two lions while the business prospers, and to shuffle off all liabilities, as far as possible, on to the employee partner when things go wrong. Moreover, Cha-

turbhuj was now a warm man. His duty to his employer did not prevent him from doing a little business of his own, and his peddling industry had been successful, and he had also brought off some small financial deals and petty but happy speculations. Moreover, it was hardly to be expected that no commissions would accrue to the servant of a powerful and wealthy firm. Debtors might be expected to pay some small sums for a slight postponement of the day of reckoning. Expectant debtors could not expect that the reports as to their solvency would be wholly satisfactory if the servant whose duty it was to report was not satisfied: it would be a very stingy fellow who, having received a bribe, would refuse a small commission to the distributor of largesse. In one way or another Chaturbhuj had accumulated over a thousand rupees, and determined to set up for himself. His master, who was on the whole an honourable and reasonable man, who drew most of his profits from honest trade, warned Chaturbhuj, saying that he had not enough capital to start in the grain business, and that usury was dangerous, for the people of this district were not like the people in some other parts of India, but a sullen and vindictive race. Chaturbhuj, however, who had marked the richness of the land and the stupidity of the inhabitants, and who was genuinely shocked at the absence of credit facilities, was resolved to try his luck,

and extracted from his late master a promise to finance him to the extent of five thousand rupees on reasonable terms.

The place selected by Chaturbhuj for his headquarters was the thriving little market town of Adilpur. There was neither Court, nor police station, nor railway there, but these facilities were to be found in the local headquarters a few miles off. The town itself had at one time been the capital of some petty principality, and there were still surviving from the days of its past splendour some colonies of handicraftmen, principally weavers and workers in copper. The country round was fertile and well watered. Not remote was a range of hills, which in the rains afforded excellent pasturage for sheep. There were few money-lenders, and these were pretty easy-going local men, who would never make much more than a living. Moreover, Chaturbhuj's master let him have on nominal terms the use of a large old rambling mansion, once the abode of a now extinct family of landowners, which had come into his hands as part settlement of a hopeless debt.

Riding through the lands of Adilpur, or rather through the lands of many hundreds of Adilpur, I have learned to smile and to sigh at the fallacies of certain doctrinaire Socialists, who, mistaking the meaning of their Master's teaching, brand all capitalists as useless parasites.

Into the production of wealth there enter five

ingredients—raw materials, demand, labour, and capital being the element, and directional ability, applied to the discovery of the raw materials, the creation of demand, the direction of labour, and the application of capital (being the fifth ingredient) is the creative spirit. I do not say that it is possible that these elements and this creative spirit might not be derived from sources other than private enterprise, but I do say that until those sources are tapped, without ability and without capital, the worker, even if provided with raw materials in plenty, with a demand at his doors, loses much of his wealth-creating possibilities.

The lands of Adilpur were excellent, and could have produced great crops of sugar and cotton. But to render them fit for this cultivation they must be irrigated, dams must be built, canals made or wells dug. The peasant must lay out great sums for cattle, seed or cuttings, manure, or cultivation. He must buy machinery. With all this, lucrative as this cultivation is, it is perilous. The crop might wholly fail, or the demand might suddenly cease. No peasant can from his own resources provide himself with the cash necessary to bear these heavy expenses and to tide him over the bad years. Much of the land was suitable for the cultivation of the vine or of other noble fruit-trees, but how is a peasant, the lord of ten acres, to live during the five or eight years that must pass before his vines or

his mangoes come into bearing? There being no cheap and accessible capital, the hardy and laborious peasant of Adilpur, with his excellent lands, was compelled eternally to cultivate the simple food crop of the district, millet, and as he had now been growing this voracious crop on the same soil for about fifty years without rotation, fallow, deep ploughing, or thorough manuring, the crops were becoming thin and diseased.

The condition of the weavers was piteous to behold. The men, women, and children of the family, working from darkness to darkness, could, in favourable seasons, just keep a thatched roof over their head and water and stale bread in their bellies. When I saw these miserable creatures, and walking among them at the time of pestilence saw how they died at a touch, I thought of the pampered operatives of the factory centres I had known, and thought that it was possible that the capitalist also might find mercy.

In like manner were the shepherds, a wild, clownish, but attractive race, not resembling in any way Thyrsis or Damon, and very remote from Arcady and the slopes of Etna, plunged into poverty—a poverty hardy no doubt and a mother of the virtues, and not squalid like that of the town dwellers, but unnecessarily harsh and oppressive to the women, the children, and the aged. They also could not afford to run

risks, nor could they buy good stock or build folds and shearing-sheds, nor could they wait for the market. They must stand and fall by their old friends the little, active, hardy, stunted, blackish sheep and goat of their fathers, each animal producing a few ounces of wool or hair in the year. One year of disease among the animals, and a hundred families of free shepherds sank into the position of unskilled landless labourers working for starvation wages.

Now if this was an economic fable, such as was fashionable in the good old days of the Edgworths and the Martineaus, I should depict the coming of some Man of Ross, some Barlow-trained Sandford, some Medeçin de Campagne, and after the passing of a few years, diversified by the triumphs of reason and philosophy, I should depict Adilpur as a paradise of Cockayne, with not a pauper or a criminal within twelve miles of it. Its wealth would be decupled, and the inhabitants, dressed in neat new clothes, would have ample leisure to stand at the doors of their neat new cottages, salaaming to their benefactor as he took his walks abroad in the cool of the evening. A good business man with lots of loose capital, infinite patience and determination, an iron constitution, a thorough knowledge of the technical side of agriculture, weaving, and sheep farming, and, above all, with a pull at headquarters, might not have performed all these miracles, but he would have made his

fortune, and have enormously improved the condition of the country in benefiting himself; but the gods did not send to Adilpur a Man of Ross, a Sandford, or a Medeçin de Campagne: they sent Chaturbhuj.

He started by advancing grain to the cultivators at the time of sowing. I had the pleasure of unravelling some of these accounts after they had been running for fifteen years or so. At the time of sowing, one bushel of grain would be advanced, on the promise of the repayment of one bushel and three-quarters at the time of harvest. This might be fair enough, for, of course, the cash price of grain is much less at the time of harvest than at the time of sowing. But if the stipulated amount was not paid, as it rarely was, the stipulated amount—namely, one bushel and three-quarters—would be counted as a fresh loan, to be paid again with 75 per cent interest in six months. After a client had dealt for a few years with Chaturbhuj in this way, the original one bushel advance had grown into a debt of ten, and this in spite of periodical partial payments of about three bushels in all. The value of the grain advances, nominal or actual, would now be calculated in cash, and the debtor would pledge his fields as security. By this time Chaturbhuj had by him a considerable sum in cash, obtained by dealing in the corn paid to him in partial settlement by his debtors, and he could now deal with a superior class of

cultivator. Such a man would not need advances of seed-corn, but might well need cash loans for building a wall, for purchasing cattle, for marrying a daughter, or for a law-suit. He would find Chaturbhuj a kind and sympathetic banker. It is true the interest charged was rather high, 15 per cent, with a deduction from the capital of the first year's interest, but, given reasonable luck, there should be no difficulty in paying off capital and interest in a year or two. Only somehow the good luck did not materialise, and far from paying off the capital the debtor found it hard to pay the interest, and Chaturbhuj was in no hurry. Fresh bonds, therefore, were passed for the interest in arrear, these bonds themselves naturally at 15 per cent, until a time had come when it was clear that the debt had reached a figure which the debtor could never pay. A settlement of accounts would then be made, some of the debt would be remitted, and for the remainder the debtor would pledge his lands. In this way little by little almost the whole of the lands of Adilpur and its dependent villages passed into the control of Chaturbhuj.

Chaturbhuj was now pretty well master of the situation. No one dared offend him for fear of being sold up. He was under no obligation to pass receipts for payment, or to show any debtor his accounts. He received his payments in kind, and could enter them to the credit of his

debtor at any cash value he thought fit. One would hardly believe what the power of compound interest is until one has gone into one of these usurious transactions from beginning to end.

This question of compound interest is interesting: it is one of the things that show how unmathematical is the mind of man. Mathematically it is all the same whether I lend £100, or am not paid £100 which is my due. If I lend £100 I should expect to receive, say, £105 after a year. Similarly if I am not paid £100, I should expect, when I was paid, to receive £105. But man will never be convinced that it is the same thing for me positively to advance £100 from my own pocket as it is negatively not to put into my pocket £100 which is my due. If Judas had bought a field with the thirty pieces of silver, he, his heirs, executors, and assigns might peacefully have drawn three shillings a year rent from the date of transaction to the present time; but if his representatives were now to claim the original sum (with accumulated interest at 10 per cent up to this year of grace), they would be thought unreasonable. We feel, instinctively and illogically, that we pay interest to compensate the lender for the positive deprivation of well-being that we have caused him, and that as a negative deprivation is not so keenly felt, particularly when such negative deprivation is of old date, it does not need compensation at so high a rate.

In his dealings with the weavers, these poor devils who had nothing to pledge except their skill and industry, Chaturbhuj advanced them yarn and other materials, and made from time to time exiguous advances of grain and spices for their wretched meals. On the other hand, they had to deliver to him woven stuffs. From time to time he would make up the accounts, and a settlement would be made. As he had a pretty free hand in estimating the value of the yarn supplied and of the stuffs delivered, it is not to be wondered at that the balance was invariably against the debtor. As the creditor possessed the power of consigning his debtor to the civil prison for six months, the weaver class became thoroughly tamed and docile. With the shepherds Chaturbhuj had little to do. He supplied them from time to time with food, clothes, and cash, and took in return the produce of their flocks, but he never cared to push matters to extremes with them. He would have seen himself under the necessity of going up into the hills and pastures to dun these elusive and migratory people, and the prospect was not attractive. He thought they were wild and lawless people, who would be apt to settle accounts with a blow of a cudgel if pressed too far. In this I think he wronged the shepherds. All Indians are very punctilious in paying their just debts, because they think that a man who dies in debt will go to hell; but they are sometimes

a little hazy as to what their just debts are. I have in general found the shepherds extremely honourable in such matters, and anxious that no stain should rest on their good name.

Chaturbhuj was now a rich man. It is not to be supposed that he succeeded without the possession of qualities other than mere avarice and ruthlessness. To be a successful usurer one must possess many qualities which are the marks of all successful men. The Indian debtor is by no means a saint, and he is well versed in the arts of delay and evasion, is shrewd, and if driven into a corner is apt to fight with any weapon, such as fraud and collusive transfers; he is moreover pretty well versed in chicane. To extract wealth from poverty is the task of intelligence, to extract it from reluctant and recalcitrant poverty is the art of genius of a kind.

The dealings of Chaturbhuj were harsh and unconscionable, and their effect was that in a very few years almost all the inhabitants of Adilpur and its environs were his serfs. They worked hard and produced much, but the whole produce went to Chaturbhuj, with the exception of that minimum which enables the serf to live, propagate his species, and produce more wealth. The people, however, did not regard him with much animosity. He was by this time a sort of local institution. He was a hard bargainer, but he stuck to his bargain, and it was a great con-

venience to have in the village a person from whom absolutely necessary funds could be extracted at a price.

As for Chaturbhuj himself, he was highly specialised to make money, and like all other highly specialised organisations found pleasure in using his specialised abilities. He had no other apparent pleasures. His personal expenditure would be easily covered for the year by a twenty pound note. His dress was plain. He spent the days arguing with debtors and tenants, and the nights studying by the light of a primitive oil wick his accounts. He was, by the way, alleged to keep three separate sets of accounts, one for production to the income tax officials, one for production in Court, and one for his own use. This was, I believe, a calumny. He possessed but one set, which he refused to produce when called on by the financial or legal authorities. He spent nothing on the service of the gods or on festivals. He was not married. As the years passed on he got leaner and leaner, and as the hoards in his cellar and his silos ever grew so in proportion grew his avarice. He vaguely looked forward to some happy day when he would realise his investments and return to his native Rajputana, where he would marry, beget a son, and endow a temple, but that happy day was ever postponed to a more and more remote future.

As time went on the yoke of Chaturbhuj became

more and more irksome to the people. In the first place, there was the history of the cattle charity. I was riding with one of the local Indian officials, and was discoursing with him about the condition of the country, and the scourge of usury, and I asked him whether he had ever known a money-lender of that caste do anything for the public from which he had made his money? My companion said: "We are just coming to Adilpur, and there there lives one Chaturbhuj, who has as a matter of fact spent a lot of money on a cattle trough for the village." I reflected that these are the latter days, when signs and marvels are to be expected, and thought I would look into this story. Adilpur was not well provided with surface water, and there was no very good place for the cattle to drink. Now, sure enough, there was a handsome trough attached to a well, with a rude hydraulic machine by means of which the trough was kept full. It appeared that Chaturbhuj had got a free grant of the well and the land from the public authorities, had induced the villagers to supply him with labour and materials, and had himself supplied the 'directional ability.' The result was this water charity, and Chaturbhuj was charging the owners of cattle twopence a head per month (or over a hundred pounds a year) for permission to use it. In compensation he allowed some old and worn-out animals to take water free if there happened to be any left in the

trough when the 'paying guests' had finished. The people did not mind this exploitation so much; what they did mind was that Chaturbhuj had thus monopolised the only possible source of supply for the village cattle, and was thus enabled very successfully to put a screw on recalcitrant debtors. "Pay my demands, or march your cattle two miles off to the river."

The inhabitants of Adilpur thought this device inhuman, and one which did not lie within the proper sphere of the activities of a money-lender. What part has a money-lender in the prerogatives of kings? and it is the prerogative of a king to establish a monopoly in public franchises. Still less were they pleased with the action of Chaturbhuj in connection with the scarcity and the grain supply. By this time Chaturbhuj controlled nearly all the grain supply of the township. The crop, as soon as it was reaped, passed into his silos, or at least was held at his disposal by his debtors and friends. A great deal he sold year by year at the prices which appeared most favourable, for he could wait for his market. Part he hoarded, for grain stored in silos will keep good for many years. Part he kept at the disposal of his customers and clients. This year, however, the rains failed over a great part of Southern India, and there was every likelihood of a famine. In such circumstances the wildest gambling in food-stuffs takes place in the great commercial towns, and the price of cereals

fluctuates preposterously almost from hour to hour according to baseless rumours and fraudulent crop estimates. In such a case it is natural for the merchant who possesses stores of saleable grain to sit tight and wait for events. Consequently at the beginning of a famine, grain seems to vanish from the face of the earth. In the present conjuncture, therefore, it was natural and proper of Chaturbhuj to sit tight on his saleable grain, and no one blamed him for doing what was natural and proper. But he went further. He imagined that the scarcity would turn into a famine, and that grain would be very scarce, and would consequently reach a far higher price than was now obtainable. Anxious, therefore, to retain in his power as much grain as possible, he refused to advance or sell grain to any of his clients, debtors, or customers at any price whatsoever. As for many years he had been the sole source of supply of the retail trade, and as all the labourers, weavers, mechanics, and small farmers had been accustomed to get their weekly supply of food from him and from him only, this was really tantamount to a sentence of death on half the population. It was true that there was no legal obligation on Chaturbhuj to supply the bazaar, but the empty belly is deaf to legal arguments, and there was a very strong moral obligation on him to feed the people, for they were, after all, by this time all his serfs or slaves, and a master is bound to feed his

servants. Accordingly a band of respectable heads of houses of the smaller people met together, and went to the house of Chaturbhuj, begging him to release sufficient grain to supply the bazaar. He refused. The meeting thereon themselves opened one of the silos, and distributed the contents to all and sundry. I wish I could say that they sold the grain at a reasonable price, and set aside the price to the owner, but I must confess that they did not push their gravity and public spirit to that extent. They filled their own bags, and let who would carry away as much as he liked. The loss was not very serious, but the offence was, and to Chaturbhuj it was like the dagger of death. He represented to the authorities, and quite correctly, that if lawlessness of this kind was permitted, no one would care to import, export, or economise corn, and that towards the end of the famine every one would necessarily die of starvation. The authorities acted promptly. The ringleaders of the riot were arrested, tried, and convicted. A fine was laid on the village to compensate the victim. At the same time a hint was given to Chaturbhuj that it would be well if he would be a little more conciliatory in the matter of supplying the bazaar, as if there was a serious riot Government might avenge him but might not be able to save him. Reluctantly, therefore, and with bitter sighs, he sold week by week at the highest possible price, what weevilled and

musty grain he possessed, abominable stuff and productive of serious intestinal troubles. In a few weeks good rain fell, prices fell, and all was as before, but the people remembered these exploits with no very kindly remembrance.

Still the patience of Indians seems almost inexhaustible, and the oppression being a common oppression it was felt as less oppressive. A tyrant can generally with safety defy the indignation of the general public, but he must beware of the resentment of one or of a few. After all what is everybody's business is nobody's business, but to be picked out from the many as an object of insult and injury, that will gall the man most wrapped round with sloth and baseness. Unfortunately for himself Chaturbhuj now went too far, and still more unwisely he picked out for special injury a man who was certain to resent it.

There was adjacent to Adilpur a small village which was the family estate of Sikandar Shah. Sikandar Shah was a Sayyad of undoubted descent. His ancestors had come from Arabia in the time of the small independent Kings of the South, and had risen to high office. At the time when Aurangzeb decided to bring all India under one umbrella, the head of the family was vazir to one of the local princes. He betrayed his master to the Sultan of Delhi, and on the fall of the kingdom was rewarded with rich fiefs and regalities. The revolution of two hundred

years has much reduced the estate, junior branches had detached appanages, much had been wasted in debauchery, much in litigation, and the present head of the family was left with one village only in which was situated the ancestral manor-house and the tombs of the ancestors. Some years before Sikandar Shah had been much embarrassed by the appearance of an impostor who claimed to be the brother of Sikandar's father, and as such entitled to a share in the estate. In order to defeat this impostor's claims in the Courts, it was necessary to raise money, and in order to hamper or elude the impostor, in case he succeeded in establishing his claim, Sikandar proposed to raise that money, not by an open mortgage on his last remaining village, but by a fictitious and nominal sale. Chaturbhuj was the financier and the conveyances purported to effect an out-and-out sale of the whole property for a sum equivalent to about half its value, and a lease, by the purchaser Chaturbhuj to the old owner, permitting him to hold the estate for seven years, at a rental equivalent to ten per cent on the amount of the purchase money. There was a contemporaneous oral agreement that on repayment of the purchase money, and all outstanding arrears of rent, Chaturbhuj would retransfer the estate to Sikandar Shah. This method of securing a loan is very common in India, and was originally a device of the Muhammadans, who regard the taking of

interest as a sin, but who have no objection to the exaction of rent. Sikandar Shah supposed that he would have exploded the claims of his bogus uncle within seven years, and would have no difficulty in paying off the loan, as, though poor himself, he had wealthy friends, and was indeed on account of his descent looked up to by many as their religious preceptor.

The law of evidence of British India is contained in a very small Act of about one hundred sections, and is a codification by an experienced English jurist of the law of evidence as it has been laid down in England by numerous judicial decisions. Few people know what a blessing a strict law of evidence is till they have perused the records of trials held in countries whose legal system admits no law of evidence, except the curiosity of the trying judge. Still all blessings have their reverses, and the English law of evidence is not wholly suited for Indian conditions. The developers of that law were dealng with cases tried by a jury. In the first place it was necessary to guide the jury, men who were shrewd and honest no doubt, but were amateur investigators, who might easily be led into error by sophistries and fallacies. The English law therefore roughly lays down what evidence is in general credible, and worthy of consideration, and rigorously excludes all other evidence from the trial. Now it is quite possible that pieces of evidence which are generally true and vital in

England may be false and nugatory in India. Similarly much may be excluded, and rightly, in England which would be interesting and valuable in India. Moreover, in England jurors are busy men, and must not be kept trying cases for weeks, while there were not many judges, and these were strictly held to time and place by the assize system. Thus the investigation of cases in Court must be made as short as possible. In civil cases a very rigorous system of pleading sprang up, and the law of evidence simply would not allow to be raised any plea which might probably be false and fraudulent.

Among other provisions of this latter kind, it provides that a man is not allowed to affirm and deny at his own sweet will. If, then, a man admits solemnly in writing that he is a tenant, he is not allowed to deny his landlord's title. Similarly if a man holds himself out to all the world as having sold his lands, by executing a sale deed, he is not allowed to plead that he did not sell, but merely pledged his lands. This is quite a reasonable stipulation in England, where there has not been for long an oppressive government, and where men, therefore, have no hesitation in exposing the exact nature of their estates, and where, moreover, tangible property is in the hands of a few wealthy men who can command excellent professional advice. In India, however, property is divided in very small parcels among millions of holders, who have no better

legal advice in most cases than what can be obtained from a public letter writer, or at best some tout who plies between poor litigants and dishonest pleaders. Moreover, the instinct of every Indian is to conceal the amount of his wealth, or the nature of his interest in any given piece of property. It would take too long to investigate why this is so, but it is the fact, and the probability is that in 90 per cent of the transfers executed outside the Presidency towns the conveyances do not represent the real dealings between the parties.

The Courts in India had long been accustomed to disregard the provisions of the Statute law, and they allowed litigants to set up the real nature of the transactions, in spite of the most formal and solemn conveyances in writing, so that the judges became most expert in deducing from circumstantial evidence what those transactions were. At last, however, litigation arose between a European firm and an Indian Zamindar. Both parties were wealthy and powerful, and the amount at stake was considerable. The question turned on this very point. Here was a sale deed. Was that conclusive evidence that the transaction which it recorded was a sale and nothing else ? The Courts in India investigated into the matter, and on consideration of the circumstantial evidence held that it was not a sale. The defeated litigant now went to London to the Privy Council. The Privy Council, used

to a more rigorous system of pleading than that then current in India, and used to the doctrine of estoppel, was surprised that the question could ever have been raised, turned up the Evidence Act, and pointed out, with perfect truth, that in India by statute, as in England by precedent, a man was bound by his admissions, and that it was therefore not open to a party to a solemn deed to plead or prove that the transaction apparently effected by that deed had not been so effected, but that the provisions of the deed were in fact modified or nullified by some contemporaneous oral agreement. This ruling was binding on the Indian Courts, and was rapidly applied by them to all outstanding cases. The result was most devastating, and the statute law was ultimately modified so that it caused little or no hardship.

In the meantime, however, the law was the law, and knowledge of it rapidly filtered down to the money-lenders. It was good news for them. They had for years been insisting on the execution by their debtors of mortgage bonds in this very form—namely, in the form of sales, with a condition for repayment expressed orally. In respect of these transactions, therefore, they now saw themselves converted by a single judgment into owners of the fee-simple instead of mere holders of pledges. The position was much like that of a banker who allows an overdraft of two hundred pounds against securities worth four

hundred, who should suddenly see himself with the debt cancelled and the security transferred to him lock, stock, and barrel.

Sikandar Shah had now defeated his bogus uncle, and was anxious to regain the full ownership of his lands. He raised money from his friends and disciples, calculated the amount of the loan and arrears of interest due to Chaturbhuj, and approached Chaturbhuj with a request for reconveyance on receipt of his dues. Chaturbhuj expressed surprise, said that he had bought the lands, and was the sole owner. A quarrel ensued; Sikandar Shah refused to pay the rent, and filed a suit for restoration of his lands. Chaturbhuj filed a cross-suit for ejectment and the expulsion of Sikandar from the village. All the arts of chicane and perjury were exhausted, but the case was, on the law as it then stood, too clear, and Sikandar was ordered to vacate on a fixed day.

Sikandar looked round him on the fertile fields, both those of his domain and those of his tenants, on his groves of fruit-trees, on his wells and weirs and tanks. He looked on the old manor-house which had in days gone by repelled many a wild foray; he looked at the gateway through which a young prince of his house had ridden his last ride to a fatal field of battle—a gateway once hospitably open to the bard, the ascetic, the guest, and the mendicant, but now for ever walled up as sacred and accursed.

He looked on the tombs of his ancestors and on his women and young children, homeless now. He cursed his enemy with a bitter curse, and prepared to die in arms on his threshold.

His curse was not unheard. There was in his family a certain Brahmin steward whose family had been attached in that capacity to the family of his master for many generations. He was a faithful and devoted servant. I do not mean that he did not rob his master as fully as he dared, but he would let no one else rob him. He might well have used his power in the house for sinister ends, but he would rather die than betray a secret confided to him by his lord. He regarded the Sayyad as a filthy kind of Turk and pariah, but he devoted his whole energy (after providing for himself) to advancing the interest and prestige of that master. He could no more bear to think of the family of Sikandar beggared and exiled from their paternal lands than he could conceive of the sun's falling from its place and following the wandering course of a comet. Moreover, what in that case would happen to his own comfortable place and profits, licit and otherwise ? And the young ladies, what was to happen to them ? Were they to beg their bread ? Why, he had been the favourite of every one of them from their cradles till they had become veiled. Something must be done. He would consult Abd-ul-Murteza.

This was, as will be seen, a serious step, and

that it was taken at this conjuncture by the agents of Sikandar Shah has often made me wonder whether there was not more in the case than meets the eye. Why for instance this extreme bitterness of Chaturbhuj against Sikandar, a bitterness which induced Chaturbhuj, contrary to the character of a prudent moneylender, to extirpate his debtor? Why this recourse by Sikandar to ultimate and desperate remedies, when his resources were by no means at an end? There is a possible suggestion. Chaturbhuj was, as I have said, not married, and had no permanent female domestic. He was now somewhat stricken in years, but was hale and hearty. He belonged to a tough stock, and constant exercise and spare diet had preserved him from the degeneration which dogs the wealthy sedentary and sweetmeat-eating Oriental. Consequently he felt the need of feminine society, and in his celibate condition was forced to fall back on the more or less compulsory services of the female relatives of his more desperate debtors. These services were not remunerated, nor were they taken in part payment of the debt of the husbands or fathers; they were regarded as windfalls or bonuses accruing in addition to the lawfully claimed profits of financial transactions. Still, naturally, Chaturbhuj would look with some leniency on debtors who had obliged him in this matter. He might give a longer day for payment which in any case might never be

made, he might remit some part of debt, wholly irrecoverable, he might even make a small further advance to a debtor, embarrassed indeed, but not hopelessly insolvent. After all necessity knows no law. It is I think possible that Chaturbhuj may have attempted to extend his operations in this line into the family of Sikandar Shah, or one of his close relatives, or dependants, and have met with an ignominious repulse. This I say is possible, but not certain, for who would dare to interrogate, or to reply to interrogations on so delicate a matter? If this conjecture is correct there could be no doubt that the matter at issue between Chaturbhuj and Sikandar was a case for Abd-ul-Murteza.

Abd-ul-Murteza was at one time a Muhammadan of no birth or breeding called Piru. He had picked up his living in many shady ways, was totally ignorant or careless of the ordinances of religion, was grievously suspected by the police of participation in a heinous murder, and was in fact entering the long and arduous road which leads the bazaar loafer to the Andamans or the gibbet. One night, however, he had a vision. A Shining One appeared to him, inflicted on him a tremendous beating, and reproached him for his sinful life. These spiritual experiences are not uncommon in India. Piru was convinced of the objectivity of his vision, decided that he was on the road to hell, and obeyed the call. He made a formal act of contrition, and be-

lieving that his nocturnal visitor was the Prophet Ali, took the name of Abd-ul-Murteza (. . . al murteza being one of the titles of the Imam.) He became and remained to the last extremely strict in the observances of his religion, and observed every jot and tittle of the law. But this did not satisfy him. He resolved to make pilgrimage, and, according to his own account, he visited not only Mecca and Medina, but also Najaf in Mesopotamia, Mashhad in Khorasan, and Mazar on the borders of Bactria. Thence he returned through Afghanistan to India and his homelands. On what he had lived and how he had been supported on this tremendous journey I do not know; He knows, Who provides all that He has created with daily bread, neglecting neither the sultan on his throne nor the prisoner in the dark dungeon, and provides, be it noted, for the young fawns indeed tender grass, but for the hyæna its carrion.

For it appeared that Abd-ul-Murteza had by no means profited by his pilgrimage. He was, as I have said, rigorous in the practice of ritual, and had a tincture of theosophy, but was very erroneous in his ethics. He had, I imagine, at some point in his travels come into contact with some dangerous and depraved sect of dervishes. He at first took up his quarters in Bombay. He had some knowledge of magic and of the silly tricks of the conjurer, professed great sanctity and purity of life, and averred

that he had advanced far on the mystic path. He obtained much influence as a sort of religious preceptor among certain wealthy classes, both Hindu and Muhammadan. Although his clients were wealthy and generous, he took but small gifts, and those with reluctance. If any poor man came and asked for an alms, he would say: "I have nothing of my own, but it is possible that I may help you." Then extending his empty hand into the air and shutting it, he would draw it back to him suddenly, and opening it disclose two or three good British rupees, and present them to the suppliant. It was in connection with this practice that some Voltairean said that he had always known that Queen Victoria was a mighty monarch, but that he had not known that she had attained to such a height of greatness that the mints of heaven coined money in her name. In addition to this, he used to give to his clients tips on the Cotton Exchange. It was this that ruined him, for the tips began to go wrong, and his votaries began to lose money; but if a man cannot keep his promise to make us rich in this world, how can we rely on his promises to make us rich in the next and the blessings of the next? Thus men began to look doubtfully on him, and he thought it well to retire before he was utterly discredited. He therefore left Bombay and betook himself to the hill fort of Burj. Burj is a small hill fort situated on an isolated peak

of that range of hills which, as I have said before, was situated at no great distance from Adilpur, and formed excellent pasture land for sheep. The village itself and the fort is situated on foreign territory, which is surrounded on all sides by lands under the direct rule of the Government of India. At the summit of the hill is the fort itself, some ruler of old times having scarped the sides of the mountain, and built walls, bastions, and guardrooms on the plateau. In this enceinte is a tank of good drinking water which never fails. Half-way down the hill is another wall, now mostly ruinous, which, in the days when the fort was occupied, protected the wives and families of the garrison and the sutlers and other dependants. Half-way between the lower wall and the fort proper is a level space covered with tombs, which is called the Meeting Place of the Martyrs. The story is forgotten, but presumably the name indicates that here some Muhammadan garrison was surprised and massacred by some pagan enemy. Among the tombs was one largish tomb with a dome and gallery, which most probably was that of the commandant.

This hill was more or less derelict, the village at its foot being small, and having plenty of good grazing land more easily accessible. Abd-ul-Murteza took up his abode in the fort, repairing a few of the half-ruinous buildings, and giving out that the tomb, which, I have said,

was probably that of some truculent fighting old Turk or Pathan, was in reality the tomb of an eminent saint, repaired it and whitewashed it, and constituted himself the custodian, lighting lamps at night, reciting prayers at the foot of the sepulchre, and keeping anniversaries. New saints are always attractive to the worshippers of saints, and pilgrims were soon attracted to this new place of visitation. The saint was found a most successful intercessor, and a liberal answerer of vows. His shrine was resorted to from all quarters, and he now began to work miracles. By this time Abd-ul-Murteza had collected round him a good many disciples and satellites, and the fort was beginning to assume the aspect of a fortified village. No one interfered. The villagers of Burj proper were, of course, delighted at the honour shown to their village by the manifestations of the saint, and made good profits from the pilgrim traffic. The village was not in British India, so no duty was laid on the officers of the Government to interfere, and the rulers of the Indian State, in which Burj was situated, were remote and careless, and with its local officers Abd-ul-Murteza knew well how to deal. The result was that in a few years there was situated there a fanatical colony, holding a position so strong that it could not be reduced except by the use of howitzers, or by the slow and doubtful operations of blockade.

The villages on this side and on that of the

boundary between British India and a large Indian State are, as is natural, often the resort of criminals. There is no border police commission, and perhaps some departmental jealousy exists between our police force and that of the State concerned. Moreover, all Indian States are excessively touchy as regards their independence, and do not look with a favourable eye on attempts by British officers to exercise any sort of jurisdiction over their subjects. Hence robbers, smugglers, swindlers, and all that class may (like the Armstrongs of the Debateable Land of old days) successfully defy the insulted laws by a timely migration from one side of an imaginary line to the other. Burj was ideally situated for an Alsatia. The British police could not get at it because it was in foreign territory. The State police were not particularly anxious to get at it, and in any case could not have done so without passing through British territory. Criminals are by nature superstitious, and the criminals on both sides of the border for fifty miles north and south attorned to the Saint of Burj, paid him their vows, invoked his blessing, and remunerated him for the success of their enterprises by a payment of a tenth of the spoil.

I have no details of the interview or interviews which took place between Abd-ul-Murteza and Gangadhur, the agent of Sikandar Shah. I can imagine that the Brahmin was very smooth and non-committal, but that nevertheless the Mussul-

man obtained the assurances that he required, and the information which he needed. Abd-ul-Murteza was now totally blind, but had trained his daughter in the sciences on which he relied. When he returned to his eyrie from his last interview, he called for his daughter, and she brought the ephemeris, and constructed an astrological scheme, from which it appeared that the most suitable time for an attempt would be the tenth night of the first half of the month, distant about a fortnight hence. A hurry-call was sent out to the lieutenants and captains of circles, and they collected at Burj from every side.

In the meanwhile Chaturbhuj felt no uneasiness, and had even neglected to engage a watchman. For years he had had two decrepit old men, who slept or coughed on a corner of his verandah from sunset to sunrise. They were members of a criminal tribe, and were kept, not for their devotion, their strength, or their valour, but because, being criminals, they guaranteed, merely by their presence, that their caste-brothers would make no attack on the house where they were employed. To regard as sacrosanct a house so guarded was not so long ago a strict point of honour among the criminal tribes strictly so called, and these tribes also admitted a liability to compensate a householder in whose house, so guarded, a robbery took place ; but these ancient and laudable customs have now fallen into great decrepitude. One of Chaturbhuj's two watch-

men had died of mere old age, while the other, shortly afterwards, left his service on some trivial pretext. Chaturbhuj should have taken warning from this last incident, but regarded it merely as an excellent chance of saving ten shillings a month, for a few months, till he could hire a new man. But time went on, and no new man was hired.

A young Arab told me that he went to the house of Chaturbhuj, hearing that he needed a watchman and expecting to be engaged, for there was then a fashion among rich Hindus to engage Arabs as guards. Their advantage was that they were very brave, very faithful, had no local connections, and were dreaded by the people. The negotiations failed on the question of terms. The Arab swore by Imad-ud-din that he would not imperil his immortal soul by serving a polytheist as a swashbuckler for anything less than twenty rupees a month, while Chaturbhuj averred that he never had paid and never would pay more than seven. After much haggling Chaturbhuj rose to ten, while the Arab descended to fifteen. Here they stuck, and here the negotiations were broken off. Had Chaturbhuj engaged a couple of Arabs, very likely that would not have befallen which did befall. "But in fact," said the Arab, getting in his ancient jest, "I come from Hazaramaut, and to him also Hazara maut (death was present)."

In the meantime the tenth night was ap-

proaching and the spies of Abd-ul-Murteza had reported to him fully the lie of the land. He had worked out a complete plan of campaign and communicated it to his lieutenants, telling them that, if they adhered to his commands, then a blessing would attend them, but that if they divagated then destruction should be theirs. In consequence of these orders about twenty men travelling singly, or at most in parties of three, collected about midnight in Tukaram's grove.

There was as I have said a river about two miles from Adilpur. At one point the stream had divided, leaving a small eyot in the midst. The eyot was wedge-shaped, and was covered with dense trees, but, at the broadest part, there was a clearing in the wood, where at one time some Rajah had had a pleasure-house. The place was not frequented even now when the river was nearly dry, because it had a very bad reputation, both as being the resort of snakes, and also as being haunted. This place was known as Tukaram's grove, and it was here that the robber band collected about midnight, and awaited the coming of the Adilpur contingent. They gathered round the ruins of the summer-house, where they lit a fire, which was concealed by the ruins and dense undergrowth.

It was a perfect night for murder under arms. The moon was bright, giving good guidance to the assembling brigands, but it would set about

two in the morning, when with any luck the deed might be done, and pursuit possible. The sky was somewhat overcast, so the treacherous light of the stars would be hidden. It was a cold night, so that most of the villagers and the village watchmen and patrols would be under shelter. The omens had been good, and all were in high spirits as the Adilpur contingent dropped in one by one. When sufficient were assembled, the captain gave them his orders, as he had received them from Abd-ul-Murteza. One party was told off to stand watch on the station road, and one on the road to Sikandar's village. These pickets were to arrest or turn back any individuals or small parties coming towards Adilpur from either of those directions. If by evil chance some large party, or a party of police, should be seen, then the picket was to fall back on Adilpur as slowly as possible, making as much noise as possible. Another party was told off to go to the village hall where the watchmen, and perhaps the village officers, might be sleeping. Another party was to stand in the village square, shouting and hurling stones down the roads which debouched there. A few individuals were told off to stand at certain points round the house of Chaturbhuj, with instructions to cut down any one who might seem to be coming from that quarter. The band, though not well armed as things go nowadays, yet was sufficiently provided with weapons as things were then. They

had succeeded in borrowing five matchlocks from respectable landowners who had obtained permits to keep firearms on the allegation that their fields were devastated by wild boars, and who made a respectable income by hiring out the weapons so obtained to criminals at five rupees a night. Several had slings and swords. The rest were armed with hatchets, bill hooks, and iron-shod clubs.

When all was arranged and the parties detailed had taken or were ready to take up their posts, the main body of men, numbering about twenty, with their faces blackened, and the ends of their turbans tied over their mouths, dashed into the village towards the house of Chaturbhuj shouting "Din! Din!"—the war-cry of Muhammadans. Many of the principal men of the village had been out to a festivity at the estate of Sikandar Shah that day, and had not returned, others were lying well wrapped up in their houses. A whisper had already gone round "It is for Chaturbhuj that they have come": and no one felt in the slightest degree inclined to interfere with armed robbers on his behalf. The watchmen, surprised while asleep and threatened with death if they moved, did not move. And now the main gang was thundering at the door of Chaturbhuj, which already showed signs of yielding.

Chaturbhuj had spent a pleasant evening, totalling up his books for the Divali, and was

now sleeping in an inner room opening on to a gallery, but with a staircase leading up to the roof. The shouts and the clamour woke him, and he started up. He knew that the dacoits were upon him, and that there was small hope of rescue. He ran up the stairway on to the roof, hoping that he might slip down that way, and so escape, and perhaps rouse the village, but as he looked over the parapet he saw and was seen by the sentinels. The robbers uttered a howl of menace and exultation, and the fugitive saw there was no help there. There was no place of concealment on the roof. Down the stairs again, and a hurried search for cover. Already the front door was breaking away from its hinges. Place after place was scanned and rejected in an instant of time. There was a great grain jar standing near what had once been the kitchen. Into this Chaturbhuj crawled and ensconced himself, and lay trembling. At that moment the door gave way, and the robbers rushed into the house. What did the poor wretch think of during the few moments that were conceded to him? Of the injustice of fate, for he had committed no sin? Of the sin of the Government which had left him to his doom? Of his hoards and the speculations now in train which might never come into maturity? Of his childhood in far-off Marwar? Of all these things doubtless, but doubtless also mostly of life, how sweet it is, and how gladly he would live a beggar, muti-

lated, an object of scorn and loathing to all, if he could only live. This might have been conceded to him, for there was much spoil in sight, but there were men there who came not for spoil but for revenge. These ranged through the house seeking everywhere, and in no long time his lurking place was discovered. They dragged him out with a merry jest, and many a bitter scoff.

What then befell I shall not relate. Suffice it to say that men who have hated and feared are, when they still hate but fear no longer, crueller than devils. But when they had worked their will, and now only moans came from the creature on the floor, they heaped account-books, bonds, and title-deeds over the twitching mass, soaked the whole with petroleum, ignited the pile; and returned well satisfied and satiated to their homes.

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