LIFE

OF THE

HONB'LE JUSTICE DWARKANATH MITTER.

ONE OF THE

JUDGES OF HER MAJESTY'S HIGH COURT OF CALCUTTA.

BY

DINABANDHU SANYAL.

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DEDICATION.

TO

THE HON'BLE ROMESH CHUNDER MITTER,
One of the Judges of Her Majesty's High Court
of Judicature, at Fort William in Bengal.

My Lord,

I do not know to whom I can with greater propriety dedicate these pages, than to your Lordship on whom the mantle of the subject of this Memoir has so deservedly fallen and who has so well sustained the character of the native part of the highest bench in the Empire acquired and established by your eminent predecessors and raised to the highest pitch by the last incumbent. But you have a special claim on my gratitude in connection with this little book as one who heartily encouraged me in the writing of it.

May you continue to serve the State and your country as ably, zealously and honorably as you are doing and to command the affection of your countrymen without in the least forfeiting the regard of Europeans is, my lord, the fervent prayer of

Berhampore,
1st March 1883.

THE AUTHOR.

PREFACE.

—oo—

As one privileged to enjoy the friendship of the Hon'ble Dwarkanath Mitter till the last moment of his life, nothing would have given me greater pleasure than to see one of his eminent friends or a literary man of reputation to undertake his Memoir. I would have been glad to assist him with my notes and reminiscences. But years passing away without any work of the kind announced, I felt that the matter could not be longer deferred without prejudice, particularly as there was no hope of a superior man taking it in hand. Accordingly I have ventured to put together my recollections and the information and materials I could collect. They are here offered with all their imperfections on their head. They may at least be received as materials towards a fuller and worthier Biography.

It is easy to carp at the best work. Mine will be found easy game to those disposed to find fault. None can ever be so impressed with its defects of omission and commission as I am. I can only hope that those who criticise will seriously think, first, on the difficulties of a foreigner writing a book in English and, next, of the inherent difficulties of making such a Biography as this generally interesting.

Undertaking the work with reluctance, and in the face of its difficuties, I commenced under great discouragement of various kinds. I am bound to acknowledge the kindnes of those who have assisted me in any way. My grateful acknowled gments are due to Babu Poorno Chunder Shome of the subordinate judicial service for supplying me with a number of anecdotes of the early days of the subject of the memoir, to the members of the Dutt Family of Wellington Square for much of the correspondence and other informations given in the following pages, to Mr. W. Austin Montriou of the Calcutta Bar

and Mr. Kelly of the Civil Service for looking over the first 64 pages. To my friend Babu Shambu Chunder Mookerjea, the accomplished Editor of *Reis and Rayyat* my special thanks are due for carefully revising the remainder of the work, for corrections and improvements in it and supplying additional information from his own knowledge. My humble undertaking owes much to the early and earnest encouragement of Babu Brojendro Coomar Seal, the distinguished Native Judge and Babu Taraprosad Chatterjea, the accomplished Deputy Magistrate. Both of them have taken the greatest interest in the book throughout its progress.

As soon as my intention was announced in the press of publishing the life, provided 400 copies were subscribed for, His Highness the Nawab of Moorshedabad and Her Highness the Maharanee Surnomoye, C.I.E., of Cossim Bazar subscribed and paid (Rs. 50 and Rs. 200) for 10 and 40 copies respectively ; for this encouragement I cannot be too grateful to them. To the 350 gentlemen who subscribed before I put to press the first sheets, thus showing not only their interest in the work, but as I take it, some confidence to me, I am most thankful.

I have not ventured to print a large number of copies in anticipation of a posssible sale. Such a demand will, I suppose, depend in the reception of the book by the press. If the extra copies are quickly sold, it will be easy for me to bring out another edition in no time.

I regret I have not been able to present a photographic likeness of Dwarkanath. The Oil-painting now in possession of the family has been too much defaced to admit of a faithful impression being taken ofit.

THE

LIFE OF

Mr. JUSTICE DWARKANATH MITTER.

CHAPTER I.

Birth and College Career.

One of those keen intellects and noble characters of which nature is so sparing has been lost to us by the untimely death of Dwarkanath Mitter; and the importance of his career to his countrymen demands that some account of his life be recorded. Cut off as he was in the maturity of his powers and the heyday of his fame, his memory and example live, and will continue to live and to animate many a future generation. To have won his way to the highest place—by the simple force of a strong intellect and moral integrity without even a suspicion of subservience—is a feat almost without parallel—"In his walk through life there was no obtrusiveness, no pushing, no elbowing, none of the little arts which bring forward little men." Shall we not then cherish and set on high the example, the dear memory of our Dwarkanath!

The life of Dwarkanath Mitter divides itself into three parts. His early life and school days from 1833 to 1855. His career as an advocate from 1856; to 1867; and as a judge from 1867 to 1873. We

shall dwell at some length on the first of these periods, because it is the one least familiar to his countrymen at large, and in which the seeds of that culture, which bore so splendid fruits in later years, were sown.

Dwarkanath Mitter was born in 1833 at the village of Augunisi in the district of Hughli. His father, Huro Chunder Mitter, was then a *Mukhtear* (law agent) practising in the Hughli Courts. From his infancy Dwarkanath evinced great quickness of apprehension and intelligent curiosity. He could read well in his fourth year. Having acquired the rudiments of Bengali and of Arithmetic at the village *Patshala* (school) he was sent in his seventh year, to the Hughli Branch School. His marvellous quickness caused his promotion in 1846 to the 2nd class of the Hughli Collegiate School, when he had but just completed his 13th year. Here we relate a characteristic anecdote of those early days.

Very shortly after his transfer to the Hughli College, Dwarkanath was sitting alone in one of the College rooms, slate in hand, engaged in working Algebraic problems, when a fellow student, who had earned some reputation as a scholar, happened to pass. Dwarkanath, fond as he was, even at that early age, of intellectual fencing, resolved to have a passage of arms, and asked the boy to explain what he called an Algebraical paradox. "You admit" said he, "that *zero* divided by *zero* is equal to one. You also admit that a divided by a is equal to one. Therefore *zero* divided by *zero* is equal to a divided by a.

Multiplying both sides of the equation by *zero*, we have *zero* divided by *zero* equal to *zero* divided by *a*. Now *zero* divided by *zero* is equal to one. *Zero* divided by *a* is equal to *zero*. Therefore one is equal to *zero*. This apparent paradox puzzled the boy, but it led to an acquaintance which grew into a lasting friendship. The boy, here alluded to, maintained, in generous rivalry, a close contest with Dwarkanath for all the prize of college-life, and stood but second to his friend. His name is Baboo Poornachunder Shome who is now one of the ornaments of the Judicial service.

Before quitting the Branch School, Dwarkanath, when he had scarcely completed his 13th year, competed for a Junior Scholarship but unsuccessfully. In 1847, just after joining the College, he won a Junior Scholarship of Rs. 8 a month, which he retained for two years on passing the usual examination. In 1849, he obtained "Rani Katayaoni's (Dowager Rani of Kandhi) Scholarship" of 18 Rupees a month. At the examination of 1850 he stood first in the list of successful candidates for one of the Senior Scholarships of Rs. 30 a month. About this time the Hon'ble J. E. D. Bethune, President of the Council of Education, whose mathematical attainments were of the highest order, and who was well known by his life of Galileo, introduced great changes into the curriculum of College studies. Mathematics, which had hitherto held a position subordinate to that of literature, now came to occupy the most prominent place. Analytical Conic Sections

superceded Geometrical Conic Sections; and the highest branches of transcendental Analysis, the Differential and Integral Calculus were introduced. Many well-informed persons, in whose estimate Bethune, as a friend of Native Education, stands below David Hare only, trace the deterioration of student's English to these changes; but Dwarkanath, whose mature educational views were based on those of Auguste Comte, and one of whose recreations in after-life was Calculus, always spoke of Mr. Bethune's educational reforms in terms of admiration.

While on this subject it will neither be uninteresting nor unprofitable to notice some incidents in connection with Hon'ble J. E. D. Bethune who was not only the President of the Council of Education, but Law Member of the Supreme Council of India. In his dual capacity, he has rendered great services both to the cause of Education and Legislation. When in 1850, an attack of cholera carried off this good and great man, the event had a stunning effect on Dwarkanath, who though yet a humble scholar and not in a position to bask in the sunshine of the President's smile and sympathy, could well appreciate the loss the cause of education had sustained by his premature death. "The study of man" says Lord Bacon," "is the end of all knowledge." It is the centre to which all converge. To those of our young men of this generation who aspire to be analogues of Pericles, of Demosthenes, of Pitts, of Fox, or of Richelieu, a careful study of the public utterances of this man during his short sojourn in India may well be commended.

I venture to rescue from oblivion the following resolution of the Council of Education.

"That the Council desire to record their deep sense of the loss their own body and the cause of education in India have sustained by the death, of the late President, the Hon'ble John E. Drinkwater Bethune.

"A cultivated mind ; a catholic taste for and apprecia tion of general literature, combined with more than ordinary proficiency in the exact Science ; lofty views of the duty of education, and an ardent desire for the dissemination of its benefits, rendered him peculiarly fit to direct the course of public instruction ; and the exercise of these qualities were so prompted by benevolence, so regulated by conscientious sense of responsibillty, and so frequently accompanied by acts of personal munificence as to earn for Mr. Bethune a high place among those who have laboured for the improvement and development of the native mind, and to entitle him to the admiration of his own countrymen, and the affectionate gratitude of the inhabitants of the country.

"As the last testimony which the Council have it in their power to offer to the memory of their late lamented colleague, they have resolved to embody in their own report, the addresses made by him in February and March last to the students of Kishnagore and Dacca Colleges, after the distribution of prizes in those institutions."

Extract from the address to the students of the Kishnagore College.

"I miss among you the intelligent countenance of one who last year was counted among the brightest ornaments of your College, and whose premature death, in the bloom

of his youth, has excited the regret alike of his teachers, and his class-fellows, poor Umbicachuran Ghose ! I saw his eye lighten last year, when from this chair I exhorted you to exert yourselves to maintain the honor of your College, and assuredly I reckoned that he would not have failed to do his part. He has been taken from us ; it has pleased God that the promise of his early years, should not ripen to bear its mature fruits ; but though he is dead, his name and memory live among us. I noticed with melancholy pleasure the monumental tablet your kind recollection of your late companion has placed on the walls of your College, and by which, while seeking to record his merits, you have also done honor to yourselves. Look on it not merely as a memorial of departed worth, but as a pledge that you will endeavour to take him for an example ; that you, who have known how to appreciate his intellectual pre-eminence and his moral excellence, will seek to emulate his industry, his docility, his virtuous disposition ; when you feel tempted to act in any way of which you know that he would have been ashamed, pause and reflect that his eulogium be not turned to your condemnation.

"And you, Umesh Chunder Dutt, whom I have so often had occasion to mark out for praise, be assured of this that not even in that moment, which you probably thought the proudest in your life, when from this place I hailed you as the first scholar of your year throughout Bengal, not even then did I look on you with so kindly a feeling or so heartily desire to serve you, as when I heard of your affectionate kindness to your dying friend and competitor ; when I learned how carefully you have tended him in his malignant disorder, undeterred by the terror of contagion, which is often found powerful enough

to break through stronger natural ties than those which bound you to your departed friend. I doubt not that your own approving conscience has already amply rewarded you: for it is in the plan of the all-wise contriver of the world that *every sincere act of kindness to a fellow creature carries with it its own peculiar inimitable joy*; but it is also my pleasing right to tell you that your behaviour in this matter has not been unobserved; and that by it you have raised yourself higher in the good opinion of those, whose good opinion I believe you are desirous of deserving. May such examples multiply among us! May we have many such students, as Umbika churn Ghose! may your conduct one towards another be so marked with brotherly love, that it shall cease to call for particular notice or special commendation. Let these be fruits of knowledge, and who shall then venture to say that a blessing is not upon the tree."

To return to our story: In 1851 Dwarkanath stood first of the candidates from all the Colleges, and acquitted himself so creditably that Mr. James Kerr, the Principal, and Mr. Robert Thwaytes, a Professor, of the Hughli College, warmly congratulated him on the brilliant success he had achieved, the latter remarking "you are the smallest in bulk, yet greatest in point of merit." In that year he obtained the highest stipened then awarded to a student *viz.*, Rs. 40 a month. In 1852 he was promoted to the 1st class of the College department. At the next examination held in 1853, he was equally successful, and retained his scholarship of Rs. 40 a month. His papers on History and his Essay were published among the productions of distinguished

Scholars from the different Colleges. These exercises are remarkable for the excellence of their English style and their vigorous reasoning. It was in this year that Dwarkanath carried off Mr. David Money's Gold Medal for the best English Essay at the Hughli College. The year 1854 was the culminating point of his College career and witnessed a series of his intellectual triumphs. To retain his scholarship of Rs. 40 for another year, Dwarkanath was required to obtain 75 per cent. of the aggregate number of marks; and he acquitted himself brilliantly. He passed successfully in all subject of examination, carried off again Mrs. Money's Gold Medal, and not content with these trophies, competed for the Library Medal and won it. The last was not won without a severe struggle in competition with students very much senior to him in years. All his papers at the examination were published by the Council of Education at Calcutta in their Educational Report of 1854-55.—They are all worth reproducing, but I must content myself with quoting one of his English Essays and a paper on History.

ESSAY.

What man has done, man may do.

Lives of great men all remind us
We can make our lives sublime ;
And departing, leave behind us
Footprints on the sands of time ; —
Footprints that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.

Longfellow.

Not fortune's slave is man : our state
Enjoins while firm resolves await
On wishes just and wise,
That strenuous action follow both
And life be one perpetual growth
Of heavenward enterprise.

Wordsworth.

What noble and spirit-stirring sentiments are embodied in the mottos before us! The first calls upon us in a language at once beautiful and energetic to study the lives of the great and noble spirits that have in different ages blessed our planet, to mark every important feature in their character and take them as the models of our imitation that "we can make our lives sublime," and that we may at our departure from this great scene leave behind us examples for the imitation of others---examples that may guide and support them in their passage through life, and arm them with courage to encounter, and perseverance

to overcome the greatest difficulties, chance and accident may throw in their way. The other motto emphatically tells us that however great the empire of Fortune may be supposed by some, man, the image of his glorious Creator, can, if he like, place himself far above the reach of her influence, and that good and benevolent wishes on his part, when supported by firm resolutions to put them into execution, can make his life, in spite of every fortuitous accident, a continual tissue of great and noble deeds and a perpetual preparation for his restoration to the "blissful seat." Although both of these mottos breathe the same spirit of moral advice, let us for the sake of clearness consider them separately.

There is no branch of knowledge which directly produces a more powerful influence in improving our conduct and in exalting us in the scale of excellence than the biography of eminent and great men. By great men we do not refer to princes and lords; for these are "but the breaths of kings," and to speak in the language of Young "a fool that wears a title lies." On the other hand, the man, who has so succeeded in preserving the rectitude of his heart amidst the incessant temptations of vice, who has preserved one even tenor of virtuous conduct in the most trying situations "flesh is heir to," who has opened new fields of moral and intellectual inquiry for human pursuit; or has thrown light on subjects that tend to enlighten the human mind, is truly deserving of the title "great." Persons like him are among the noblest works of God, and worthy of every body's imitation. They are like beacons in "life's solemn main," and our frail barks tossed by the merciless waves of fortune can only be saved by following their "footprints." They are "the salt of the earth that seasons human kind."

When we think upon the perils they encountered and the glory they obtained by surmounting them, we are not only lost in silent admiration, but forgetting for some time the limited scope of our abilities, and as if "inspired by a fortitude from heaven," we strain every nerve to follow their noble example and to vindicate our importance in the creation. When we see them dying like Scorates or reigning like Aurelius, employed like Newton in exploring the ever-extending realms of science, or bravely fighting like the noble Washington for the liberties of his country, instinctive feelings of reverence arise and fill our minds; and remembering our kindred nature to them we are excited to trace steps in those noble paths that they struck out. The present advanced state of the world is in a great measure the work of such inspiration. It is a fact admitted on all sides, that generally speaking the condition of mankind is in both social and moral respects continually improving. Continual progress is the law of human nature. But to what cause is this superiority of the present over the past to be attributed? Is it because modern times have produced greater intellects than ancient times? This is very doubtful. Ancient Greece and Rome produced men who (as far as greatness and originality of genius are concerned) can stand in fair competition with the mightiest minds of modern times. The progress of human nature is therefore, in a great measure, to be attributed to that spirit which, while it teaches us to imitate, enables us at the same time to surpass our predecessors. The great genius of Newton was led by the light of Bacon's philosophy; and the successors of Newton, among whom were men like Laplace and Lagrange, followed the path he struck out, and found ample work for their

great minds to be engaged in exploring the inexhaustible field of knowledge he had opened to their view. But it is always to be carefully borne in mind, that it is incumbent upon us to imitate the excellencies of great men and to avoid as far as we can their failings. No reverence for their virtues must be allowed to consecrate faults, and errors. For the further elucidation of this subject let us take the example of Bacon. That Bacon was in many respects far in the van of mankind, no one can possibly deny ; and it must be the constant care of every one to imitate him as far as it lies in his power in those respects. But that he was in many other respects far behind his fellow-creatures is equally undeniable, and while imitating his excellencies we must not forget ourselves so far as to imitate his faults and errors. While we must do all we can to follow Bacon as he is characterized by Pope by the first epithets in the last line of his well-known antithesis, it must be our constant duty to avoid the last trait of character ascribed to him by the poet in the same line. We must reject the idols Bacon has warned us against, but we must not fall flat at the shrine of those other idols he himself worshipped.

Compared with the revolutions which great men have brought forward in the moral and intellectual condition of mankind, every other change utterly loses its importance. While the great contest about the classification of the animal kingdom was doubtfully going on between Geoffroy and Cuvier, the poet Goethe happened one day to meet one of his friends newly come from Paris and asked him how was the "great explosion" going on. His friend mistaking what he meant, answered that the revolution (the French Revolution) had come to that pass that there was a great probability of the Royal

family being banished. The old poet cried "pooh" to this reply, and said that he asked about the other revolution, the true revolution of the mind, the revolution, that will affect the whole world. Napoleon on one occasion in Egypt could not refrain from saying that, instead of treading in the footsteps of Alexander he would have better liked to tread in those of Newton. Such are the charms of moral and intellectual excellence, charms, which, while they dazzle us by their splendour, excite us to try our best for possessing them. Thus emboldened and thus benifitted by noble examples, it may happen that others following us may tread in our footsteps and imitate our glory. Our unflinching perseverence in moral rectitute may strike succeeding generations with admiration, and our meekness in prosperity and patience in adversity may perhaps raise the drooping spirits of many "a forlorn and shipwrecked brother."

Let us now return to our other motto. Human life, as the Stoics said, is a game of mixed chance and skill. But it depends in a great measure on our own selves whether we are above or below "chance." If to "wishes just and wise" we combine "firm resolves," and if "strenuous action follow both," we can, even when crossed by fortune, maintain our proper dignity and can smile at the greatest injuries she may inflict upon us. To entertain such wishes as are really worthy of being entertained, to adhere with unflinching resolution to their execution, are duties imperative upon human nature, and, if strictly obeyed, can never fail to make man inacessible to all the freaks of fortune. To a man of this character, wherever he is placed and to whatever difficulties exposed, the whole world is an inexhaustible source of delight, and we can justly say with Thompson "I care

not fortune what you me deny." His mind is at all extremities supported by thoughts like those which "dignified the poverty of Turgot and brightened the declining years of Franklin." Such a course of life is the proper end of man's existence, and his deficiency in any of these three points "wishes wise and just," "firm resolves," and "strenuous action," renders him proportionally subject to the influence of fortune; and an utter neglect of them makes him her "slave." Mere good wishes, to speak in the language of Bacon though "God accept them, are little better than good dreams." If we intend a noble object and make no effort to carry it out, we leave out a capital part of our duty, a part upon which great stress ought to be laid and for which chiefly, as it appears from the consideration of many circumstances in our moral and intellectual constitution we have been made by our great and wise Creator. If we allow "the native hue of resolution" to be "sicklied o'er by the pale cast of thought," we subject ourselves to every evil which irresolution can entail upon mankind. A man, who merely entertains good wishes, and rests contented without trying as far as he is able to convert those wishes into solid acts, can be very easily dispensed with in society; nor can he meet with our moral approbation. How poignant yet how true is the following remark on Sterne. It is very cuttingly observed by a critic that Sterne had "too much sentiment to have feeling," and how painful is it to reflect that a man, who could write such pathetic lines upon the misery of a bird confined in a cage, could suffer his own mother to rot in jail for debt when he himself was in affluent

plenty. The greatest depths of sentimental feelings like those of Sterne can not be offered as an excuse for the least neglect of active duty; on the other hand, the man who gains noble ends by noble means or, failing, smiles in banishment or captivity is truly great, and his life alone is "one perpetual growth of heavenward enterprise."

DWARKANATH MITTER,

Hooghly College,

First Class

Senior Scholar, 1853-54.

PAPER ON HISTORY 1851-52.

Morning Paper.

Question (1) Guizot says:---Two revolutions, one visible and even glaring, the other hidden and unknown, were taking place at this epoch ; the first, in the kingly power of Europe, the second in the state of society, and the manners of the English people. Explain this.

(2.) Mention the chief proceedings of the second Parliament of Charles.

(3.) Give the names of the leading men in the third Parliament. What was the petition of Rights ?

(4.) Who were the chief advisers of Charles after the dissolution of his third Parliament ? By what means did they govern between 1629-40?

(5.) What effect did their tyrannical measures produce on the country at large ?

(6.) Give particulars of the impeachment and trial of Strafford. What was his character ?

Answer.

(1.) Royalty in Europe was at this time becoming well-nigh absolute. The doctrines of devine right and passive obedience were but feebly contested where they were not openly acknowledged. In France, in Spain, in fact in all the kingdoms of the continent, the turbulence of the barons and the landed aristocracy was extinguished. Freed from the trammels and restraints put upon it in ruder ages, the kingly power was exercising a paramount and undenied influence upon the lives and properties of the subjects. The barons forgetting

the sense of their own defeat flocked in large numbers to the courts of their sovereigns, there to grace the triumph and to celebrate the pomp of their victors. The burghers and the lesser gentry were engaged in their own private concerns, and were yet unfit to take any share in the administrative capacity of the Government. In fact the progress of property and wealth, of reason and philosophy, all contributed to and celebrated the absolute powers of kings. Royalty in England was no exception to this general movement. Since the accession of the Tudor dynasty, the English throne was successively filled by a number of despots, before whom the aristocracy bowed and the people grew pale. Henry VIII. at once master of the church and state "wielded at will his royal" sceptre and began the "metamorphosis" of barons into courtiers. Wearied and impoverished by their mutual dissensions, above all by the wars of the Roses, the aristocracy followed in large numbers, the calls of their sovereign, and passed their days in pouring forth servile flattery at the feet of the throne. Elizabeth completed the "metamorphosis" begun by her father. The vigour of her foreign policy, the perils of a female virgin monarch, the gracefulness of her manners, and the haughty but powerful character of her disposition,---all contributed to inspire her subjects with awe and veneration, love and respect. James I. connected with the blood of Guise, and with some of the continental monarchs by means of his family reminiscences, preserved, though in a less degree, the absolute power of Royalty. "The king of England," said he to his Parliament, "must not be worse than his equals;" and in fact such was the effect of the example set by the

monarchs of continental Europe, that the English nation did not attempt to devise any effectual restraint upon the arbitrary administration of James. Nursed in the bosom of absolutism and fed by "the stimulating aliment," it furnished Charles the First, inherited from his father, the notion of "*jure divino*" sovereignty. On his visit to Spain and France, for the completion of marriage treaty with the *Infanta*, he became dazzled with the reception offered to him. He saw the servility and sycophancy of the courtiers and barons, the humble submission of the people all gracing the triumph of "monarchy majestic," and returned home full of those notions of all powerful royalty, which eventually brought him to the scaffold. But while on the continent, no restraints were imposed upon the kingly authority, in England a counter-revolution was internally going on and imperceptibly mining away the ground beneath the feet "of pure monarchy." This revolution was in the state of society, and the manners of the English people. For a while, in the sixteenth century the English Commons sought repose. Forsaken by the leaders and impoverished by their mutual dissensions, they abandoned all hopes of fighting out the battle of liberty against the encroachments of the crown. But internal peace soon infused new blood into their languid frames; and the greater accumulation of property among them brought forward the necessity of procuring greater securities. The House of Commons in England was not an ill-combined coalition of peasants and citizens as in the continent. It consisted of the most numerous classes of aristocracy, persons of property and honorable parentage who recalled to their memories the glory of their ancestors. The sale of

the crown lands begun by Henry VIII. and continued by Elizabeth, added greatly to the extension of their property and riches, and they soon endeavoured to put effectual restraints on the rapacity of their monarchs. The reformation a part of which belonged to the people, and was undertaken in the name and ardour of faith, soon inspired them with spirit and hopes to carry on their glorious measures. In the reign of Elizabeth, this movement made itself felt in some degree, but under the feeble government of James and Charles its strong efficiency became apparent and even glaring.

(2.) Among the chief proceedings of the second Parliament of Charles, the impeachment of Buckingham was the principal. That insolent minister had by his pretensions and weakness rendered himself extremely unpopular, and the absolute dominion he exercised upon Charles led the Commons to impeach him on the authority of "public rumour." They also forwarded some protests, for raising money under the name of loans and imprisoning those who refused to pay them.

(3.) The leading members of the House of Commons in the third Parliament of Charles were Pym, John Elliot, Sir Thomas Wentworth, afterwards the grand apostate to the cause of public liberty, Sir Robert Phillips, Mr. Glenvile and Sir Edward Coke. These were the glorious champions of liberty, who first began the task of attacking, storming and dismantling the fortresses of despotism, and of imposing upon Charles more efficacious and powerful restraints than the laws had hitherto devised. The Petition of Rights was a bill prepared by the House of Commons. After re-

capulating the ancient rights and privileges of the people and the violations committed up to the present time, it complained of the four principal points of natural grievance; (1) Illegal taxation; (2) Arbitrary commitment of free citizens and the denial of the rights of the Habeas Corpus Act; (3) Billeting of soldiers without their free consent; and (4) Trial by martial law, which although necessary in some measure for the preservation of discipline in the army, was yet unwarranted by the constitution of the country. All arbitrary imposts without the free consent of the Commons, whether in the shape of forced loans, tonnage and poundage, were declared illegal, and the petition was forwarded to the king for sanction.

(4.) Among the advisers of Charles after dissolution of his third Parliament, the most conspicuous were Laud, Strafford, Noy and Finch. The first who was the chief primate of the kingdom proved himself pre-eminently the "evil genius" of this reign. Far opposed to the healing counsels of Burleigh and Bacon, he irritated every difference in the bosom of the Church; and subjected those who failed to subscribe to his doctrine of the divine origin of kings and Bishops, to the most cruel and unwarrantable persecution ever done to humanity. The odious Courts of Star Chamber and High Commission furnished him with the means of wreaking his vengeance on those who differed from his opinions in the least possible degree. Sometimes approximating to Popery, sometimes receding from it, persecuting the Puritans and non-conformists, upholding with the most odious and culpable measures the power of the Church, and next to it that of the king, he applied every nerve to establish the sole dominion

of Episcopacy, a Church he eventually led to ruin. Under the pretended mark of Arminianism he endeavoured to re-establish Church-authority and priest-craft, to cement its alliance with prerogative, and thus to render the king absolute. Even his prudent and unwarrantable measures for checking all abuses in the management of the king's affairs and for removing all unnecessary restraints from commerce, excited the hatred of every one he came in contact with. But Wentworth was a man of greater capacity and judgment and therefore more formidable to the cause of liberty.

After exercising for sometime the most arbitrary influence as the President of the Council of the North, he left the sphere of action for a more extensive one as Lord Lieutenant of Ireland. "The Richelieu of that Island" he made it happy under oppression and tyranny. He checked all subordinate tyranny, but made his strong hand uniformly felt everywhere. The plan of Government which he in concert with Laud wished to establish in England was called by the name of "Thorough." He adopted the most energetic measures; his words were often violent; spared no evil and error in the management of the king's affairs; tried to destroy the authority of the lawyers and to render the "finger of the king" as he himself said, "heavier than the loins" of the state. He disagreed with Charles in considering that Parliament were to be entirely dispensed with, but considered them merely as the instruments of royal authority. Now we come to Noy, "a man of venial diligence and prostituted learning" who shaking off the dust from the musty records in the tower advised the king to supply the wants of his impoverished exchequer by

issuing writs for ship-money, the greatest crime of Charles' reign. Finch who succeeded him made an improvement upon the writs and directed them to be sent to inland counties, as well as the seaport towns and corporations. Thus they all contributed to bring forward a tyranny the most frivolous and at the same time the most unjust which England has ever suffered.

(5.) These tyrannical measures at once excited general alarm. The aristocracy was seized with the utmost consternation at the progress of the Church. They saw that a poor Bishop but yesterday taken from the many was about to supersede them in pomp and power. They found the rights and privileges of their own class at complete jeopardy from the encroachments of the Anglican Bishops, and the appointments of Bishop Juxon to the staff of the Lord Treasurer, at once filled them with terror and consternation. Farther from Court, men of learning and of the world, met together in taverns and assemblies, discussed freely on matters of state, and religion, sought after truth and justice and sent forth their invectives against the tyranny which attempted to bow down "Christian consciences under a fallacious unity." "Seldom poured out the treasuries of his erudition; Chillingworth discoursed upon his doubts in matters of faith," and Falkland then but a stripling threw open his house and gardens to all the literary men of England. In the town and on the country, the gentry complained of political rather than ecclesiastical tyranny. No years within the memory of any one living had witnessed so many violations of property as now. They complained of the violations offered to their persons and

property and loudly imprecated the proceedings which brought upon them so much mischief. Further from these towns, the lesser gentry complained bitterly of the tyranny of the Bishops. The sturdy Puritan, austere in manners and severe in principles took complete alarm at the downward progress of the English Church to Catholicism, and the encouragement avowedly given to pastimes and morrice dances, even on the day of his sabbath-----pastimes which to his cynicl temper were scarcely tolerable on any other day less sacred in the week. In fact so general was the disaffection that people began to fly from their country and began their settlement in New England. So great was the number of their emigrations that almost twelve millions of money were carried away from the mother country. It is a remarkable fact that some of the illustrious and most vigorous champions of public liberty were flying from a tyranny from which they found no protection at home. "The wise and cautious Lord Lay, the sagacious Sir Arthur Haselrig, Hampden ashamed of a country for whose rights he had fought alone, Cromwell panting with energies which he could neither check nor explain, and whose unconquerable fire was wrapped in smoke to every eye but that of his kinsman Hampden " were already embarked for emigration when Laud " for his own and master's curse" procured a royal order against their departure.

(6.) Charles had written to Strafford to leave Ireland and come to England, where he wished to take from him certain instructions with regard to the government of his kingdom. On his arrival and on his first entrance into the Lords, he found himself impeached for high treason by the House of Commons. Pym and Hampden,

the sagacious leaders of the popular party, drew up an accusation against him; for attempting to subvert the fundamental laws of the kingdom, for billeting soldiers in Ireland without their consent, for exacting the money from the Irish people without the consent of their representatives, for advising the king to adopt the most unjustifiable measures against public liberty, for abusing his authority as President of the North, and for other charges of minor importance. But finding the dilatory proceedings of the Lords in the prosecution of this great delinquent, Haselrig "a coarse-minded man" proposed the famous Bill of Attainder which in later ages has excited so much discussion. At length the prosecution went on with greater vigour. The great minister defended himself with the most extraordinary ability against thirteen lawyers by profession. He at first complained of the maliciousness of his enemies; the commoners took fire and he was obliged to beg pardon. The hall was filled with spectators of the very highest rank; the dark but commanding features of the culprit struck every one with awe. The king accompanied by his wife sat in a closed gallery to behold patiently a spectacle of so great importance. The Judge proceeded with vigour, and the Earl of Strafford was at length convicted, although St. John and Manyard with all their erudition and eloquence could not bring the charges brought against him within the legal definition of high treason. Now the consent of the king was required. Charles strongly objected; he made use of every means to save the life of his ablest minister; he told the Commons that he could not sacrifice him to their distrust and malice, but the entreaties of his wife and the perseverance of the Commons, at length procured from him an order which all Europe unanimously condemned.

Thus fell Strafford---one of the conspicuous characters of those times. "To rise, to act and to govern was the necessity of his nature." Possessed from nature of qualities at once energetic and vigorous, he in the beginning of his public career entered under the banners of liberty, but when he once forsook them, he became the most unconquerable advocate of absolute power. His political capacity has received the highest complement in the fact that such men as Pym, Hampden and St. John considered his existence in compatible with the liberty of his country. "When he once ceased," says the illustrious Commentator of Sir James Mackintosh's History of England, "to be a demagogue he became a satrap." But it is evident that in forsaking the cause of liberty, he was not obliged to sacrifice his principles. All his fame as a patriot rests upon two facts, first his refusal to pay the tax imposed upon him by Charles in one of the earlier years of his reign, and second his exertions to procure the acknowledgment of the Bill of Rights. But when we consider, that in one of his letters to Laud he lamented the lenity shewn to Hampden in his refusal to pay the impost of ship-money, the most flagitious violation of that famous Bill, that in his Government of Ireland he adopted the most unwarrantable measures of tyranny, that the treatment he gave to Lord Loftus and Mountnoris were acts of the most flagrant iniquity, and that the measures he advised Charles to adopt were the most arbitrary than any in the whole range of English history, we cannot satisfy our minds that his opposition against royalty in the first part of his life proceeded from true principles of patriotism nor can we condemn the Bill of Attainder as a "crime."

The leaders of the public cause thought the fabric of liberty as insecure and jeopardized, whilst he breathed whether in exile or in chains; and hence proceeded with that "capital ostracism which saved the republic" without interfering with the regular course of jurisprudence. Great he certainly was, for we cannot deny the epithet to "so much comprehension of mind, such vigour of intellect" and such profoundness of understanding. Eloquent, brave and daring, he was one of those men designed by nature to carry forth revolutions. But in taking leave of this great man we must not omit to mention that he was by no means deficient in natural affection. His able and eloquent defence, his tender allusion to the "departed saint" of his wife, are extremely pathetic and affecting, and it can be fairly said that the extreme severity of his condemnation and the magnanimity it enabled him to display at the moment of his departure from this world, have contributed greatly to redeem his forfeit fame.

DWARKANATH MITTER,

First Class.

The subject of these Essays were announced at the Examination, and they were written extempore, without the help of a single book or reference. Captain D. L. Richardson, then the Principal of the Hindoo College and the first literary man in India, noticed these papers in the *Literary Gazette* in terms of high praise and pronounced them to be literary feats which would have done honor to an Oxonian.

CHAPTER II.

Anecdotes of His School-days.

A FEW personal traits and anecdotes of Dwarka nath in his school-days may be given here, as illustrating the development of his character.

In his youth, Dwarkanath was fond of history, he read with great avidity the standard historical works of the day. He could read a volume of Alison's History of Europe in a day. His powers of retention were equally marvellous. Having gone through an entire set of Alison's Europe in a fortnight, he asked a friend of his to examine him upon their contents; and he not only answered carefully every question put to him, but reproduced whole sentences of the work. On another occasion, Dwarkanath was one morning turning over the pages of a volume of Gibbon's 'Decline and Fall of the Roman Empire,' when a friend, seated by him and preparing his lesson, observed him galloping through the pages; and upon his putting down the book as having accomplished his morning work, laughingly said that he had only looked at it, not *read* it. "Examine me then," said Dwarkanath, and his friend then discovered that he had retained substantially all that was worth knowing.

He was a great admirer of the genius of Napoleon Buonaparte and would rise to the highest

pitch of enthusiasm in describing the wonderful exploits of that wonderful man. It was a treat to listen from his lips the description of those wars in which the Emperor won his laurels. They were so vivid and correct that the dullest man could not fail to catch his enthusiasm. A beautiful print of Napoleon in the bloom of his youth was hung up in the study of Dwarka nath at his Bhowanipore House. In after-life, however, without denying that Napoleon was the greatest military genius in the world, he used to say that the movement which Napoleon headed was emphatically a retrograde one. Auguste Comte dispelled the halo with which Dwarkanath's imagination had surrounded the man, whose gigantic intellect was surpassed only by his unscrupulousness.

He was particularly fond of Shelly and Robert Burns. The polished and harmonious periods of Alexander Pope had not much charms for him. He could repeat from memory whole passages from Robert Burns and Shelly. For Shakespeare he had a respect bordering on veneration. The historical novels of Walter Scott had great attraction for him. All the published speeches of the great orators, modern or ancient, he read during the first years of his life as a pleader, and they, I believe, contributed not a little towards that fund of eloquence which Dwarkanath by common consent possessed.

In his early days he had a faith, never wholly discarded in maturer years, in phrenology, and took a delight in reading any phrenological work he

could get hold of. His arguments in support of phrenology were so strong that his class-fellows could not resist them. In fact, even in his school-days, he could bring from the rich armory of his mind arguments in support of any proposition he took up, that were difficult for his class-fellows to meet. His skill in fencing with opponents who held opinions different from his own, was even, in those days, the delight and admiration of all who heard him.

His proficiency in Mathematics, which afterwards became one of his favourite pursuits was remarkable. He readily solved problems in the Differential and Integral Calculus set from the Cambridge papers; and Mr. Thwaytes, then Professor of Mathematics in the Hughli College and afterwards Principal of that Institution, used to remark "you are the only native I have known, who has originality." Dwarkanath early gave promise of that remarkable command over the English language which, as Mr. Justice Jackson observed in his address to the Bar, "was the theme of constant admiration." Essay writing was an important exercise in those days; and performances of this kind which flowed from Dwarkanath's facile pen were noticed in terms of high eulogy by Mr. Kerr, the Principal of the College, who was struck with the ease and completeness with which Dwarkanath dashed off sentence after sentence, with the vigour of his diction and cogency of his arguments.

He was very sensitive and, even in his early

days, could not brook the slightest injustice. When only thirteen he was promoted to a class for which he was deemed unfit on the score of his age by Mr. Graves, the Head Master of the School Department. "You are too young for the class," said Mr. Graves patting him on the back. Dwarkanath's eyes flashed fire, but judging that any remonstrance would be useless, he burst into tears. Captain Richardson, then the Principal of the College, observed this from a distance and hastening up to the place where Dwarkanath stood said, "that would be a piece of gross injustice. If this boy has done remarkably well at the examination, his age should not be allowed to stand in the way of his promotion."

His vigorous mind in early youth chafed under the restraints which certain school masters are wont to impose upon their pupils by prescribing a mode, not always the best and often the narrowest, in which the latter are to get up their daily lessons. When a boy of fourteen he was one day called upon by his master to prove a certain proposition of Euclid. In enunciating the Proposition, he used certain words of his own. But the master, in his zeal for what he thought to be the only orthodox mode in which boys could prepare their lesson, would have the exact words of the book. "Now now, now, those are not the words of the book" roared the master. Dwarkanath, indignant at his master's endeavour to confine him to the dead letter of the text, and still more so, at his master's thunder-

ing ejaculation, was worked up into a ferment. "Am I, Sir," cried he, "to learn *by rote* the very words of the book?" laying a significant emphasis on the words "*by rote.*" "I do not wish to prove the proposition." With these words he flung on the floor of the class-room the piece of chalk he had taken for drawing the diagram and walked with a steady and defiant step leaving the master in speechless amazement. Though crotchety, he was extremely good-natured, and appreciated the rare talents of the dauntless tyro. He sent for Dwarkanath and explained to him what a dangerous example he had set against the rules of school discipline in soft and touching words (the only process by which the heart of the boy could be reached). Dwarkanath was all submission and asked forgiveness.

Dwarkanath's manners had but little of mere artificial polish. In fact, he used to say that fascinating manners were seldom found allied with sincerity. But his somewhat rough exterior covered a truly good heart; and those who knew him well, must have recognised and felt the warmth of his sympathies. Though he could sympathise with the most sensitive, he was not a prey to that which was morbid sentimentality so cuttingly satirized by him in his essay embodied in this work. His generous feelings always took a practical turn. When he was a lad of sixteen, the house of a poor man at Protappore in Hughli, not far off from his quarters, caught fire. On hearing the cries of

the unfortunate people he ran to the spot, and, eagerly seizing a *kulsi* (earthen pitcher), fetched on his shoulders a plentiful supply of water from a neighbouring tank, pouring it on to the flames, running to and fro with the utmost eagerness as fast as his legs could carry him, and not shrinking from exposure to danger. A large crowd of spectators, who had been attracted to the spot now followed his example; and their combined exertions extinguished the fire in a short time. The next day Mr. Kerr, the Principal, praised Dwarka nath for his humane efforts. "I am glad to learn," said he, "that you acted so nobly last night. You acted quite like a European gentleman."

When Dwarkanath joined the Hughli College, there was a feeling of exclusiveness akin to aristocratic hauteur among the higher class boys who seldom mixed with those below them. He at once broke through the rule and mixed freely with his less-advanced college-mates. This condescension on the part of such a brilliant scholar endeared Dwarkanath to all who came in contact with him. Indeed he took a lively interest in the pursuits of any student, however inferior in capacity, and never lost an opportunity of showing or explaining whatever could interest or instruct. He used to exercise the minds of his fellow-students and proposed to them, subjects for discussion. He was never too busy to explain or assist. He discussed with the inferior boys as his equals and took a pleasure in helping them to form their opinions.

He was particularly attached to a boy, named Devnath, on account of his amiable disposition and genial heart. The boy, so beloved by him, afterwards fell ill and died. During the whole course of his illness, Dwarkanath was to be seen day and night at his bed-side, passing many a sleepless night in ministering to his wants.

It was quite a puzzle to many who knew Dwarkanath less intimately to understand how a youth seemingly often idle during the whole day, could get on so remarkably well through his lessons. The fact is, he generally spent his morning and evening hours in company of his school-friends, playing, discussing or jesting as suited the fancy of the moment. But at night when others had retired to rest, he would pore over his books far into the night. Generally a month preceding the annual examination he would sleep only two hours out of twenty-four. This solitude, however, was the making of his character. During the solitude, and stillness of night, when others were locked in profound sleep, he read with vehement ardour, making ample amends in a few hours for the day's recreation. His hardy constitution and enthusiastic spirit enabled him in his younger days to triumph for a time and, as it were, to make nature succumb. But such intense mental exertion caused a reaction in after-life, and too probably planted the seeds of that fatal disease in his young frame which carried him off in the brilliancy and glory of his manhood.

In his youth Dwarkanath was fond of games of all descriptions; for chess he had a special liking which he retained through life. His mode of playing at chess was marked by dexterity, quick-moves, and few strokes. He avoided his opponents' aims by such sharp manœuvres that he seldom suffered a defeat at the hands of even a first-rate player. He could also sing a little, and his performance on the *Tubla* (miniature drum) which he had taken up by simply hearing a player as he was going through a piece of music and accompanying him on any thing he may lay his hands on—a book, a slate, or table—was pretty correct, though wanting in the *finish* of a professor.

While at the Hughli College, he would, during the summer, pass many a moon-lit night on the College Ghat, a noble flight of steps leading to the river. There seated on the pavement with the Bhageeruthi gurgling at his feet, and bathed in the silver light of the resplendent moon, he would read or muse all night, sleeping for one hour or so towards morning. Many a time he was seen by the early bathers reposing soundly on the bare pavement with a book for a pillow.

One fine evening he was seated on the river bank at Hughli with a friend at his side. He was in a musing mood, watching with fixed gaze the drift wood as they floated past him. All of a sudden he exclaimed, "How few of these are destined to float to the broad bosom of the ocean; the majority will ere-long stick on the mud bank and rot there."

While in a religious frame of mind, he often repeated from memory the celebrated prayer which the immortal Milton has put into the mouth of Adam, and he could well catch its spirit.

"His praise, ye winds, that from four quarters blow—
Breathe soft or loud ; and wave your tops, ye pines,
With every plant, in sign of worship wave !"

An incident of his College-life stamped upon his mind a pensive cast which, though subdued by time, clung to him to the latest period of his existence. Once during the Durga Puja holidays, his father, Hurro Chunder Mitter, unable to absent himself from his work at Hughli, sent away all his family including Dwarkanath to their village-home for the celebration of the Puja, which took place there every year. On their progress down the river, the family encountered the bore which capsized the boat and immersed its inmates. Two met a watery grave. Dwarkanath and his mother escaped ; each very narrowly. Thus a brother and sister of Dwarkanath's perished.

Shortly after this fatal occurrence his father died broken-hearted, leaving Dwarkanath quite unprovided for. His father was a man of business of the old school ; strictly religious, moderate in expectations, simple in taste, honest in conducting his own affairs and those of his clients. Punctually at ten every morning, the portly form of the old gentleman was to be seen dressed in scrupulously neat white muslin at the Court House, or under the cool shade of a tree listening to the

instructions of his poor clients, with a reed pen across his right ear and a bundle of law-papers under his arm. His manners corresponded with his attire; for they were scrupulously civil and not a little formal. He was much liked, trusted, and respected by all who knew him. His chief hope was to see his promising son rise in the world, but this was a pleasure which he was not destined to realize. Dwarkanath felt his father's loss keenly, and from that time, centred all his affections on his surviving parent; his love and devotion to his mother was exemplary.

Being now called upon to provide for the wants of his family of which he had now become the head, he was led to seek an employment in one of the Government Offices. A number of subordinate clerkships in the office of Colonel Ramsay, then Commissary-General, having become vacant, Dwarkanath Mitter and his friend Baboo Poorno Chunder Shome visited Calcutta in order to try their chance. No sooner had their carriage reached the office gate, than out came a Jemadar with a swaggering air, who, in reply to Dwarkanath's enquiry, answered, "*Hamari hina koi kam khali nehi*," *i.e.*, we have no vacancies in our office. The style of this significant warning was such that Dwarka nath left the place in disgust saying to his friend, "We should try to enter one of the learned professions and should never jostle among the crowd of applicants for employment." From that time he made up his mind to adopt the legal profession,

and he intended to join the Presidency College where a Law-Class had recently been formed. When the time of departure arrived, it was with considerable emotion that he bade adieu to his teachers; and to part with the companions of his boyhood cost him a severe pang.

After attending the Presidency College for some months, a question arose as to the period it was necessary for him to attend the Law-Class before being admitted to the examination for Diploma. The College authorities showing a marked preference for the old scholars of the Presidency College, who were allowed to count one year's attendance as two, Dwarkanath, who as it has been shown, could never brook injustice, became indignant and quitted the College. Before leaving, he addressed the fortunate youth in whose favor distinction had been made by the College authorities, and jestingly threatened his rival in the classical phrase "We shall meet at Phillipi," meaning the arena of the Sudder Court, which afterwards became the scene of his marvellous triumphs. Throughout his life, Dwarkanath entertained no high opinion of the Presidency College and its management.

Alone and unassisted, he applied himself to his legal studies with all the ardour which the hope of success could kindle in a spirit illumined by intellect and ambition,

He was now in the pride of opening manhood, of medium height, of graceful figure, his carriage

was manly and dignified. His eyes were expressive and sparkling with intelligence, and his countenance sometimes beaming with animation, at other times pale with abstraction, was very interesting in as much as it reflected his varied emotions and shades of thought. Though dark in complexion, there was a healthy tint in his face; great nobility of expression in his features; his forehead was massive; and his whole countenance bore the stamp of honesty and earnestness.

He was now prosecuting his study of law under circumstances not easily realizable. In short, he knew not how to provide for the day that was passing over him. He had sunk into the lowest depth of poverty, when he was one day sent for by the Principal of the Presidency College who knew his worth and also his state of destitution. Baboo Kissoree Chand Mitter, then the Junior Magistrate of the Calcutta Police, had written to the Principal to enquire if he could recommend a meritorious student of the College for a clerkship of Rs. 120 a month, then vacant in his office. Dwarkanath had made up his mind not to seek employment under Government, but stern necessity compelled him to close with this offer; at the same time he determined to give up the post the moment he passed his examination in law. But he had not to wait so long; no man was less made for the routine and drudgery of a clerk's life; he soon grew weary not only of the service but of the world with all its hollowness and insincerity; and seized probably with the rage for a quiet philo-

sophical life, and the young man's pardonable vanity of imitating Cicero in his Tusculum or Cincinnatus at his plough, he resigned his post, and, with his small savings, proceeded to his village inorder to betake himself to rural pursuits. But the conversation of the sages of the farm-yard was found to leave a blank, which could not be filled up but by resort to literature; and he appears to have passed a few months in study and writing, giving very little time to the legimate pursuit of his new life. It was during this interval that he appears to have composed a Critique on one of the popular plays of Shakespeare, which deserves a place in this memoir.

Before we reproduce his Critique, it is worth noticing here, that Dwarkanath read all the plays of Shakespeare with a thoroughness, seldom adopted now-a-days even for the prize of a University Degree. The roseate glow of love in" Romeo and Juliet"; the glimmering haze in which hover the elves of " Midsummer Night's Dream"; the wayward gloom of " Hamlet"—a reflection, as it were, from the glooming skies of the north; the dew-bespangled woodland freshness and pastoral melancholy of " As you like it"; the magic atmosphere of virgin solitude and purity that envelopes the " Tempest"; the element of music and moon-light in which the " Twelfth Night" and " Merchant of Venice" appear to float; the broad and boundless flood of humour that impenetrate the two parts of " Henry the Fourth"; were all seen by Dwarkanath with a masterly eye and appreciated by him accordingly.

How the very essence which forms the life of such a play as *Romeo and Juilet* was caught by him, and reflected with a fidelity and beauty of finish will now appear from the following :—

Critique on Romeo and Juliet.

(PROBABLY COMPOSED DURING THE YEAR 1855.)

"Romeo and Juliet is the only play of Shakespeare in which the whole plot is made to rest on the passion of love, a passion which is represented here in its truly dramatic aspect, and in such a light as to enchain irresistibly the sympathies of all. In the way in which love is generally treated in the English stage, it is felt to be an impertinent and tedious interference with the real business of the piece. When it is represented merely as one of many other passions, holding divided empire with jealousy, with envy, with pride, with hatred; contending with duties, with prejudices, yielding to views of selfishness, or the rules of society, it may be decorous, but it is not dramatic. But in a different light has the passion been represented here by Shakespeare. Here indeed is to be found that Eros, which haunts the dreams of youth, which lives in the memory, and casts back a sunshine even on the twilight of age: not a passion of this noisy world, but a celestial sentiment; mysterious, immortal, born of the deity, returning into his bosom. Where its spark lights it is inextinguishable; where its essence penetrates, it indelibly colours with its golden hue the whole fountain of existence. All duties yield to it, for it is itself the highest of all; all evil passions disappear before it, for they cannot co-exist with its presence; it cannot hesitate or doubt, for a divine revelation has announced its destiny; all prejudices of rank and society,

all rules of custom, are abrogated by the dictates of its higher law; it is open and undisguished; it is not clamorous but calm, and yet assured, for it confides in its own energies, and its heavenly though invisible source. One and indivisible, it is never at war with itself nor distracts us with a conflict of feeling. We foresee its course from the first, and follow it to the last with clear and unbroken sympathies. It no longer appears as a mere disturbing force, crossing the path of other duties, and jostling them in their courses, but a calm celestial luminary which, in its irresistible round, draws all minor objects within its orbit, and round which they are contented thence forward to perform their humbler revolutions.

"In this point of view, love is not only dramatic, but perhaps the *most* dramatic, the most fascinating of all exhibition of passion. For it is the only one in which purity can be combined with perfect power; in which the whole diapason of the human heart may be run without touching one jarring note of evil. Our sympathy with Macbeth is the sympathy of fear,---arising from the consciousness of a common nature, and the inward feeling, of how easily in the best of hearts the slnmbering demon may by circumstances be called into action; it is imperfect, it is in a manner extorted. But our sympathy with Romeo and Juliet---with beings who live not in themselves, but in each other, to whom selfishness, pride, ambition, envy, are unknown, who have made for themselves an Eden on earth, and hedged and girt it about in the hope that nothing evil would enter its calm precincts,---this sympathy is cordial and perfect; it is the sympathy produced by love and admiration, and the boding sense of common evil, made more affecting and

impressive by the very unconsciousness and though less happiness of those who are so soon to be its victims. Nothing can be conceived more deeply interesting than the position of two beings so situated, to whom love has become a religion and whose whole thoughts and actions are thus necessitated, as its were, by a power so essentially inconsistent with those forces that regulate the ordinary course of human affairs. The collision with the world, with the warring passions of rivals, with family pride and "lodged hate," with all the accidents of an ill-starred destiny, is here inevitable; and every one but themselves perceives that the result must be a hapless one; they alone have no thought and fear; while we are dropping "some natural tears" at the thought how soon they shall be driven from their ideal paradise, "they, hand-in-hand," are wandering through its flowery walks and repeating,

"Good night, good night, parting is such sweet sorrow,
That I could say, good night, till it be morrow!"

"The world is all before them, bright and smiling. They cannot conceive that external circumstances should resist the omnipotence of that feeling which, in their own hearts, has effected so sudden and mysterious a revolution; has banished the prejudices of feudal enmity; has overcome the bashfulness of womanhood; has bound up their existence into one and for ever. Love, which has wrought such miracles within, may yet change even the hard hearts of kindred and fathers, and heal up the old wounds which pride and violence had inflicted. They see Verona, long agitated by the quarrels of their houses, once more united in imagination and Montague and Capulet joining their hands above their bridal bed, which are only to be united above their grave.

"This perfect self-abandonment, this union of wild fervour with extreme youth, the passions of the woman with the purity of the girl, can be conceived as existing only in beings of a southern clime. Hence the solicitude apparently with which Shakespeare has laboured by all the accompaniments of the scene to impress upon us continually its Italian character. Juliet is pure and innocent, but she is already in mind and body a woman---an Italian or a Hindustani; her heart demands an object; her feelings, "deep and boundless as the sea," a reservoir into which they can overflow. So also with Romeo. His fantastic love for the haughty Rosaline which was simply a boyish dream, excites no ideas of inconstancy of character; it only shows the early development of a temperament of fire, and affords a standard by which to estimate the strength of the new passion of the heart which extinguishes at once the old vision of the fancy. Every thing about Romeo from the commencement announces him to be the victim of love. His first attachment, fantastical and superficial as it seems, has yet preserved the freshness of his character. His heart has not lost one iota of its first bloom. Amidst the wild mirth and loose gaiety which surrounds him, he is melancholy. He has no feeling in common with the reckless and somewhat libertine Mercutio, or the thoughtless and commonplace Benvolio. Something purer and holier than Verona has yet offered to him hovers before his thoughts and fills his heart with a nameless longing. Thus alike in youth, in purity of sentiment, in depth of feeling, and in confidence in the world, these two beings are thrown together. The accidental nature of the meeting, and the instantaneous electric communication of their feelings, are in perfect harmony with the celestial

inexplicable source to which Shakespeare has traced the origin of love. They seem to feel by a mystic free-masonry that each is to be the other's destiny; that they are parts of one whole hitherto separated, henceforth to be inseparable on this side of time.

> "And like two solitary rills, they side by side,
> And had been long durded, they meet at once!"

"In this instantaneous union there is no giddiness, no levity. It is not the hasty, transitory preference of a boy and girl for each other; it is marked by seriousness and solemnity. Juliet feels from the first scene that hers is fixed---that if he married "her grave is like to be her marriage bed." Even in her interview with Romeo on the balcony----amidst all the excitement of a first fond confession of attachment----amidst all the visions with which hope and passion gild the future, the thought creeps in how awful and irrevocable is the step she has taken.

> "Although I joy in thee,
> I have no joy of this contract tonight:
> It is too rash, too unadvised, too sudden;
> Too like the lightning, which doth cease to be
> Ere one can say--It lightens."

"Her whole conduct subsequently is the result of this sense of the earnestness of her situation. She cannot trifle with her lover, for the sentiment she experiences is too holy to be tampered with; she is open and undisguished, because she feels that love cannot mistake the language of innocence; she urges forward the nuptials, because she would place their union, if possible, beyond the reach of fate and invest it with an additional character of sacredness and solemnity.

"Yet Romeo and Juliet are anything but mere

abstractions; mere beings of sentiment and imagination. The perfection of these characters lies in the art with which the human and divine elements are blended in them in the harmonious union of the senses with the soul. Plato would have portrayed such characters otherwise; but such delineation would be too etherial, too refined for the purposes of dramatic interest. To awaken our sympathies, something more passionate, but partaking of the ordinary leaven of humanity, is required; for Platonism is no basis on which the interest of a drama can rest. All the fire which can be united with innocence of heart----all the elements, physical and moral, which make up the mysterious compound love----"all thoughts, all visons, all delights, whatever stirs this mortal frame," must be employed, if our feelings are to be heightened into sympathy and our pity into tears.

"Thus Shakespeare treated these characters. He will admit of no separation of love into the spiritual and sensual save in a comic point of view, by ridiculing the affectations of Platonism, or exposing the coarseness of a mere animal passion. In all his pictures of real love both elements are united, the soul and the senses take their part, and the *whole being* loves---for only the whole being can love truly. Thus it is that this romance of youth lays so firm a hold on the universal sympathies of mankind; that unlike all other lovers, Romeo and Juliet are never tiresome---that though they love and love intensely they are never love-sick; that they recall to every man, in a sublimated and concentrated form, all the early longings of the soul, the hopes and fears, the heart-felt joys, the scarcely less sweet sorrows of the parting."

In a few months, the natural ardor of his tem-

parement reasserted itself and we find him on his return to Calcutta resuming his law studies with undivided attention. With the principles he attentively studied the details, and thus laid the foundation of that scientific and thorough mastery of law, that outstripped his contemporaries. To a clear head, a capacious memory, strong common sense, and aptitude for analysis and arrangement, he combined a tact of arguing with unrivalled powers of elocution, hence his success,—a success that is so difficult of being attained by minds less happily constituted—was merely a question of time. Suffice it to say, that in the Committee Examination held at the Town Hall in January 1856, where he appeared as a candidate, his papers were pronounced by the Examiners as far above the usual run of such, and though the satirical remark of the *Pravakur* Editor "that too many of the candidates had to fix their eyes on the ceiling to count the beams" was but too true, yet Dwarkanath's success in the examination was unprecedented. On the result of the examination being made known one of the Examiners was desirous to see the clever young writer who represented Dwarkanath, and on being pointed out, he desired him to stand on the bench so that he may see him properly as Dwarkanath was of short stature. Thus the old adage "success is the index of merit" was reversed and the truth of the motto "merit is the index of success" fully established and exemplified in him.

CHAPTER III.

Early Struggles.

Having got his Diploma Dwarkanath joined the Bar of the late Sudder Court. The Bar was then replete with talent. Babu Ramaprasad Roy and Shambhu nath Pundit commanded the best portion of the practice and enjoyed the highest reputation as pleaders. Next to them in point of professional repute and emolument was Babu Krisna Kissora Ghose, a profound lawyer, but, with the gradual introduction into the Court of English pleading, he laboured under a difficulty of language which was the bar to his making his great knowledge extensively useful. All the old Regulations he held on his finger's end, but his knowledge of the more recent Acts and their construction was somewhat hazy ; and his opinion as to their merits was not very favorable. He was seriously of opinion, that the greatest service that could be rendered the country, would be to repeal all the Acts passed after his youth ; and burn all the law reports based on them. Next to this gentleman in rank, but far above him in business, was Munshi (afterwards Nawab) Amir Ali, who without any solid qualification for his profession, had the smack of being employed in many cases. The gloss of his manners and the sweet cadence of the languge (*Urdu*) in which alone, he could speak in all its freshness, chasteness, and *finish* could not fail to have had an effect upon

the civilians of by-gone days. Nor was this all. The temper and idiosyncracy of each individual judge, he was perfectly cognisant of and when on them, as it sometimes happened, depended the success of a case, he acquitted himself remarkably well and seldom failed on such occasions to win the plaudits of the by-standers. Almost simultaneously with Dwarkanath several young men fresh from the law class of the Presidency College were enrolled at the Sudder Bar. The influx of so many neophites, armed as they were with Queen's English, was a cause of serious apprehension to the pleaders of the old school, and there were therefore not wanting obstacles in the path of these obtrusive young rivals.

Success at the Bar is seldom attained until after years of toil and perseverance, but in the case of Dwarkanath, it did not prove so tardy. "His success" says Mr. Justice Jackson, "was, I may say, ensured from the very day he joined the Bar, for in the Sudder Reports as early as 1857, we find the name of Dwarkanath appearing in frequent cases either on one side or the other. He made a place early among the leading practitioners of the Court; that he should have done so, is easily understood, as he was rich in endowments which go to make up the successful advocate." Though it is not literally true that from the first day of his enrolement he got into business, yet it must be admitted that the period he remained unemployed and unnoticed was extremely short. It is well known that when a man first makes his appearance in Court, no *Muktear* is dis-

posed to try the unsafe experiment by conferring on him a brief; and when again a man's face has become too familiar by his doing nothing, but sitting as a silent spectator in Court, his want of business is attributed to his incapacity, though he may have the very best talents, thus in a manner heaping insult on injustice. This is, indeed, a sad and painful trial to a man conscious of his powers, but it is a trial from which none can enjoy an absolute exemption.

From the day Dwarkanath joined the Bar, he devoted himself with fresh vigour to the abstruse parts of the law and also to his more liberal studies. His method of initiating himself into the practice of law differed a great deal from the ordinary run of young pleaders who join the Bar for the first time. They content themselves by picking up a knowledge of the practice from experience, *referring pro re natâ* to what is to be found in the law reports; but Dwarkanath's energetic mind could not remain idle. He entered afresh upon a systematic study of both the Indian and English laws, tracing the principles of those laws to their very source and thoroughly mastering all the changes they had undergone. During Court hours, he was regularly employed in taking notes of the arguments and judgments, which in the evening he revised and digested. He listened very carefully to the speeches and the pleadings of the distinguished Barristers and Pleaders and acquired that close and collected manner of speaking. With the view of improving further his powers of ellocution

he read and studied the best English works on forensic eloquence and the finest models of composition (in translation) that the Latin language afforded :—almost all the speeches in Livy, very copious extracts from Tacitus, the whole of Sallust, and many of the finest passages in Cicero. It is no wonder, therefore, that his progress should have been more rapid than that of any other *debutant* in the annals of legal profession in India.

While pursuing thus his studies with unremitting zeal, he attracted the notice of two of the leading men at the Bar, Babus Ramaprasad Roy, and Shumbhunath Pundit. Both of them appreciated his merit and predicted the position the young aspirant would soon attain. Cheerful, warm, friendly and sympathetic, Shumbhunath was the delight of all who came in contact with him; it was but natural that he should have first of all extended a helping hand to Dwarkanath. Ramaprasad Roy was then the leader of the native Bar, and he, always a shrewd observer of men and times, felt it prudent to enlist the good will of the would-be-rising pleader by sharing with him his practice and retaining him as his junior. In return for this support, Dwarkanath assisted Ramaprasad considerably, by mastering for him the details of important cases,—cases involving intricate or knotty points were often referred to the junior for opinion; which his clear head and power of analysis enabled him to master with ease.

This sort of employment continued for two or three months; during which though he was occupied

with professional work and was enabled to pay his way, he had scarcely found an occasion to open his lips in Court. But he was not destined long to pine in obscurity. Within six months from the period of his enrolment, he got into the lead of a case (and an important one too,) by a lucky hit. He was retained as a junior in that case. His senior, Babu Ramaprasad Roy, was pleading before another Bench while the case was called up; and Dwarkanath, prepared as he was, stepped forward to plead the case without waiting for the appearance of his colleague. His client, who had spent thousand of rupees to retain the services of Ramaprasad, was thunder-struck at the turn of affairs and well-nigh yielded to despair. Here was an opportunity for Dwarkanath to display his powers, and certainly he made the most of it. His speech made marked impression on the Bench and founded that forensic repute which he established. The appeal was decreed. The presiding Judges were struck with his reasoning and his terse, cogent statement of facts; and asked Babu Ramaprasad who appeared before the close of the case, about the antecedents of the young pleader. Described by him as an ex-student of the Presidency College, Dwarkanath, always loyal to his *Alma Mater* and with no prepossession in favor of the Presidency College, immediately corrected that gentleman. Before he left the hall, he was applauded by the by-standers; before he left the Court that evening he was amply rewarded by his client and received several retainers from some of the *Muktears* then

present there. His fame travelled far and wide and on the following morning, he received at his humble lodging a number of additional briefs. From this time he was eagerly sought after to hold "second brief" on the highest Court of the land—not a slight elevation for an obscure youth only after six month's enrolment at that Bar.

The profession of Law, though not very congenial to one devoted to literary or scientific pursuits, yet exercises a healthy influence upon some temperaments and we are inclined to think that the sober restraints of the legal profession afforded a wholesome discipline to young Mitter, whose superfluous energy and enthusiasm found a vent in a direction useful to himself, as it certainly was to the public. Nor was this all. The locality in which he resided afforded him the society of excellent men of parts and learning; and in intercourse with them, the foundation of many a friendship was laid which contributed to the happiness of his future life. Among the companions of those days whose friendship he much valued, was Babu Hurishchunder Mookerjea, the Editor of the *Hindoo Patriot,* who possessed a genius for politics that found a ready ventilation in his paper which was in those days the pet journal of Lord Canning. The two friends fired with the enthusiasm which the contact of two such kindred spirits could hardly fail to inspire, passed many happy hours together. The premature death, in 1861, of Hurishchunder afflicted Dwarkanath considerably, who preserved the memory of his friend embalmed in his affections. Dwarka

nath had indeed that sympathy which a superior moral organization can alone bestow.

During all this time, he was rapidly advancing in practice and reputation. He has now won fame as a public speaker. He possessed those talents which are characterstic of a good speaker; warmth of utterance, command of language, strength and closeness of reasoning, and above all, an energy and irresistible vigor of eloquence. It may, therefore, confidently be said that none of those who ascended with him into the arena could now cope with Dwarka nath; none of them could wield his weapons. The pleadings of those young men contrasted strikingly with the energy and concentration of their great prototype; any one could distinguish them from the true flash and peal, a genuine birth of the tempest of the mind. Dwarkanath had certainly thrown a ray around him, that out-glimmered his compeers of the native Bar. Mr. Montriou, now the nestor of the Calcutta English Bar, thus speaks of his impressions of Dwarkanath, at the outset of the latter's career:—"I well recollect the period when he joined the Sudder Bar and the admiration which was expressed in private by the Judges of his abilities; and I can specially recall the remark of Mr. Abercrombie Dick respecting the accuracy and force of his logic. When engaged in the forensic arena, whether Dwarkanath was with me or against me, I well remember how his zeal, his conspicuous ability and honest pleading challenged the admiration of all and specially my own admiration. Those years of advocacy

were his initiation to the position which he at last attained. He was then on the threshold of that eminence to which he was born and which was to come."

Mr. D. I. Money, whose gold medals had so often been carried off by Dwarkanath while the former gentleman was the Collector of Hughli, had now taken a seat on the Bench of the Sudder Court and was extremely proud of the young scholar and advocate. That friend of the natives to whom so many are indebted for their education and advancement in life, was obliged through ill-health to cut short his official career before the amalgamation of the Courts. The day on which he sat for the last time on the Sudder Bench, he took Dwarkanath into his private chamber and prefigured in glowing colours the future which awaited Dwarkanath, if God only spared his life. He then grasped the hands of his favorite *protégé* and shook them warmly.

In 1862, the High Court was established with that distinguished lawyer, Sir Barnes Peacock, as its Chief Justice. The Bar of this new Court which comprised all the Barristers and Pleaders of the Supereme and Suddur Courts, afforded Dwarkanath an extensive field for development and display of his forensic talents. He was not slow to improve the opportunity. Ramaprasad Roy who had been appointed a Judge of the new Court was removed by death, before he could take his seat, and his place was filled by Shumbhunath. Thus, on the establishment of the High Court, two of the brightest luminaries of the

native Bar were removed from it, but the loss sustained, was amply compensated by Dwarkanath. "The sun of his fortune" says the *Hindoo Patriot*, "rose with the opening of the High Court. He then came in contact with minds which at once appreciated him. Sir Barnes Peacock was the first to recognize his rare talents and abilities. That eminent lawyer was so much struck with the grasp of his mind, thorough mastery of the principles of Law, and Indian Regulations and Acts, and the forensic ability exhibited by this legal practitioner that he at once accorded him his powerful support, and the other judges were not slow to mark their appreciation of his worth and chracter. Dwarkanath became, as it were, a general favorite." He then commenced a practice which in a short time exceeded anything he could have hoped for. He became the first practitioner and the undisputed leader of the native Bar. His professional services were courted by his rich countrymen; and his income went on increasing. Whatever case he took up, it was always his first object to gather into one focus all the facts and circumstances connected with it. In the exposition of facts, he brought an active mind to aid a good memory. The strong expression of feelings which was his wont, when exposing an act of injustice or high-handedness, was always sustained by close and accurate reasoning. He never stooped to any unfair trick, but always acted like an advocate confident in the justice of his cause. No amount of gold or cajoling could induce him to touch a dirty brief. While

his professional services rose so high in the estimation of the rich and powerful, he, to his infinite credit, it is to be remarked, never turned away his face from the poor and helpless. To them, his services were given *gratis*; and there are instances in which with professional aid was combined pecuniary assistance. "As an advocate" says Mr. Justice Kemp, "he was fearless, independent and *always ready* to support the cause of the poor, many times, I know from my own experience, without a fee."

The case in which Dwarkanath won for himself undying laurels was the memorable Rent Case of 1865 decided by the full Bench comprising of 15 Judges. It exhibited a scene never before witnessed in an Indian Court of Justice. As every circumstance connected with that case will always possess an undying interest for his countrymen, I proceed to give a brief outline of it.

Some time after the passing of Act. X of 1859, the ryots of several districts began to assert their right, against the Indigo Planters' to grow such crops as might pay them best. This attitude on the part of the ryots told against the Planters, and some of them, who were zemindars or farmers, proceeded to indemnify themselves by raising the rents of their tenants. One of the first to abandon the manufacture of indigo, and enhance rents was Mr. James Hill of the district of Nuddea. In a suit instituted by him against Iswar Ghose, the increased value of the produce was the ground upon which the claim for enhanced rent was based. The case coming on

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special appeal before the High Court, was decided in favor of Mr. Hill in January 1863. Sir Barnes Peacock, adopting Ricardo's definition of rent, ruled that the landlord was entitled to the whole value of the gross produce *minus* the wages of such agricultural work as was actually done by the ryot and his family; the capital expended by the ryot in hiring other labours, manuring the land, buying seed &c., and the interest on such capital calculated at the rate current in the village. These three items were to constitute the ryot's share of the produce. He further laid it down as a principle that a tenant's right of occupancy, though it entitled him to a fair and equitable rate, did not in strictness entitle him to a lower rate than what a tenant without a right of occupancy was willing to pay for the land. The law thus interpreted by the Chief Justice "threatened," as remarked by the *Friend of India* at the time, "to ruin the ryot, excite agrarian crime, deluge the courts with litigation, arrest all progress, and make the English settler hated as he is in Tipperary, the very essence of Socialism." It was estimated that a decree of one rupee instead of ten annas and eight pie per *bigga* in favor of Mr. Hill would add ten thousand pounds sterling a year to his rent roll. The ruling, laid down in Hill's case, led to the institution of numerous suits on similar grounds; and on a special appeal from the decision of a *cognate* case in which Thakurani Dassi was appellant and Biseswar Mukerjea and others respondents, finding that there was a conflict in the decisions of the several Division-

al Benches relative to the principle to be followed in assessing the rent to be paid by an occupancy ryot, the case was referred to the full Bench of fifteen Judges.

It was evident that the fate of more than sixty millions hung upon the determination of the case.

On the side of the zemindars and Mr. Hill, who was also interested in the determination of the point involved in the case thus referred to, were engaged the *elite* of the English Bar at Calcutta *viz.*, Messrs. Doyne and Woodroffe. Dwarkanath "always ready to support the cause of the poor" and whose number was millions, took up the side of the ryots without a fee. In the preparation of his case, he was indefatigable. English, Mohamedan and Hindoo Laws; treatises on political economy and other works bearing on the theory of rent, wages and labour; histories; old Regulations and new Acts; Law Reports and minutes of those who took part in the Permanent Settlement; *Ain-Akbari* (Akbar's code) and Manu's works; in short, all the sources of information available on the subject were industriously ransacked by him. There was no doubt a strong temptation; the case offered a wide field for declamation, and it enlisted popular feelings on the side of their mouthpiece. Fully alive to the sacredness of the cause, always loyal to facts, strongly fortified with arguments and stirring eloquence, he went to his work with his usual energy and conducted it with consummate ability. The case was argued at great length as befitted its undoubted importance. For

seven long days Dwarkanath was on his legs at a a stretch, and all the resources of forensic skill seems to have been laid under requisition. "Day after day," the *Hindoo Patriot* informs us, "he rose at 11 o'clock A.M., and continued on his legs till 5 and sometimes 6 P.M., though exhausted in physical power, still unexhausted in arguments and resources. In that case he was opposed in opinion to the leading mind of the Court, and, as a matter of course, exposed to the brisk fire of interrogations of the Chief Justice, but it was a pleasure to witness the skill and ability with which young Norval fenced with the Veteran." Day after day, their Lordships were overborne by a torrent of sparkling and nervous eloquence. It was a tribune of the people haranguing against privileges and prescription. The comprehensive grasp, the extensive research, the accurate analysis, the perfect mastery of detail, exhibited by this well-trained legal intellect, filled the Judges with admiration. Dwarkanath gained the day and his triumph was complete. The Court ruled, that the Pergunah or prevailing rate was generally the fairest ground of enhancement; that where such rate was too low or had not adjusted itself, according to the increased value of the produce, the new rate was to bear the same ratio as the new value of the gross produce bore to its old value. This was substantially what Dwarkanath had contended for. When we consider with what ability and tact, he maintained his position against his formidable antagonist, Mr. Doyne, then the leader of the English Bar, we cannot sufficiently

admire him. It is the opinion of the profession that the ability which he displayed in arguing the great rent case could hardly be surpassed by any European Barrister in India.

He had now reached the zenith of his fame as a pleader. He was engaged in almost every important case. He was now appointed as a Government pleader. The pressure of work on his hands from this time was so great that he could hardly spare a day from the High Court. I know it as a fact within my personal knowledge, that he refused an offer of fifteen thousand rupees to plead a case in a Mofussil Court which would have kept him away from the town for three days. It would be interesting to the reader of these pages to know that even in his halycon days he rivalled the dullest pleader in assiduity. He took no fee without conscientiously studying the case ; and it was no easy matter on the part of his clients to satisfy him. But when he was once satisfied, he spared no pains to procure judgment for his client. The limits of this work do not permit me to dwell on the forensic triumphs won in contention with some of the best legal intellects of the day. It would, however, be no exaggeration to say that no other native of Bengal possessed in so remarkable a degree the varied talents requistite for success at the Bar. Gifted with abilities given to few, deeply read, he commanded an armoury from whence he could readily and on the spur of the moment draw the weapons for defending his own case and demolishing that of his adversary. His eloquence

was stirring and dignified; his reasoning sound and persuasive; his style forcible and unaffected. His voice was heard in every part of the spacious hall of the Court House; and his words flowed with unbroken fluency except on rare occasions which arose from a circumstance so curious as to deserve mention. When pleading a case, Dwarkanath would seize a pen and twist it with both hands. The moment the last piece of the broken pen dropped from his hands he would loose the thread of his arguments. To guard against such a contingency one of his clerks, who stood behind him always well supplied with a stock of stout quills, put into the hand of his master a fresh pen before the former one had been completely demolished.

During the last three years of his career as an advocate, Dwarkanath was subject to attacks of colic which left him insensible for hours. Hot water fomentations relieved him a little. Pressure of business and entreaties of his clients would not permit him to stay away from the Court for a couple of days together. Fasting, weak and scarcely relieved from the pain, he would get through many important cases as if nothing were the matter with him. "Little did they think," says Mr. Montriou, "when they listened to his voice at the bar that even then there was a"—

"———Little rift within the lute,
That by and by shall make its music mute;
And, ever widening, slowly silence all."

The ardor of his mind rendered him almost insensible to physical suffering.

Of the private and domestic life of Dwarkanath about this period, I purpose to speak very shortly. Before he entered the bar, he had married the daughter of a respectable gentleman of Haripal; and his wedded life appears to have been one of unbroken felicity. His wife had considerable personal attractions and was no less distinguished for decision of character than for aimiability of disposition. She presented her husband with two children, a daughter and a son *viz.*, Bhoobun and Surendronath Mitter. Strongly attached as Dwarkanath was to his wife, yet his reverence for his mother would allow no compromise as to assign the first place in the household to the former. His wife was surrounded with all the comforts, and latterly, with all luxuries she could have reasonably wished for, but she occupied a position subordinate to that of his mother who had the supreme control in the management of the house and purse. When his income rose high to permit him to adopt a different style of living, Dwarkanath changed his former humble abode and took a house suited to his present requirements. Here he lived in a style befitting his altered circumstances. He was affectionate to his relations,—one to whom the charities of home and kindred were dearer than the shows and vanities of modern civilization. His indigent relations and village friends to the number of fifty including students from different parts of the country, formed a portion of his family at his Bhownipore house. These

students received board and education at his expense. In the morning Dwarkanath would invariably take his breakfast with his poor relatives and the school-boys, and no difference in the quality of the viands or in the manner of treatment was allowed to prevail in the house. He was not in the least ambitious of making distinguished acquaintances, nor was he fond of brilliant parties. He kept an open table for such of his friends as chose to drop in the evening; and it was not a rare occurrence for his early or professional friends to call in and partake of his dinner, during which the feast for the palate went hand-in-hand with the feast of reason.

Dwarkanath built at a considerable expense a mansion in his native village where he also founded at his own expense an Anglo-Vernacular School and a Dispensary. He repaired to his home every year during the great carnival of the Hindoos—the Dussera Vacation, to celebrate the Durga Puja after the example of his father and ancestors, but in a style suited to his position. The whole village the poor and rich, the young and the old, passed three happy days under his hospitable roof; and their affection towards their benefactor who has done so much for them and who has shed a lustre on their village, knew no bounds. This feeling, I need hardly add, was duly reciprocated by Dwarkanath. It was but once (in 1866) during his life as a pleader that he was obliged through ill-health to pass the annual vacation away from his home,—at Monghyr, for the benefit of his health.

When at the bar, the constant wear and tear of his brain from excessive mental toil and excitement, at times made itself so strongly felt, that he would then on occasions of close holiday, accompanied by a group of friends, go out in the cool of the morning to his suburban garden, to escape from the hands of his clients—an object not easily accomplished, as his irrepressible clients would sometimes hunt him out in his retreat. A picnic was hastily got up. Whatever might have been the quality of the viands, and however late the hour when they were served up, there could be no question as to the success of the entertainment. The society of Dwarkanath, in his leisure hours, compensated for all drawbacks. No one better than Dwarkanath could show himself on such occasions in a really attractive light. When one band of his friends seated on rustic seats under shade of trees, made themselves merry after their own fashion, another set more intellectual might be seen listening to the animated voice of the host. At times he would disengage himself from his friends, strike out into a secluded spot and falling on a bench, be drowned for a while in thought.

CHAPTER IV.

On the Bench.

During the Dussera vacation of 1866, Dwarka nath took a trip to Monghyr for the benefit of his health. It was there that I met him for the first time in my life. A personal acquaintance thus formed, was soon matured into an intimate friendship which continued to the day of his death, increased and strengthened by the number of years it had lasted. While his vigorous understanding, varied knowledge and splendid eloquence pre-eminently qualified him as an advocate, the charm of his conversation, frankness of his disposition, the sincerity and warmth of his heart made him the delight of the society in which he moved. During his stay at Monghyr, he used to call at mine regularly every evening. I then occupied a Bungalow close to the ramparts of the Fort. It was an unpretentious abode without external glory or internal recommendation, beyond comfort, but it caught the stranger's fancy. The situation of the place, commanding a full view of the great river at its breadth depth and heighth; bounded on one side by the distant hill of Khurukpore, pleased him much. There of many a calm evening or autumn moon-lit night, seated on his chair, surrounded by a group of admiring friends, did he recall many of the stirring events of India's past with all their burning passions and absorbing interest; and in delivering himself hold his audience almost spell-bound.

A few months after his return to Calcutta, Mr. Justice Shumbhunath Pundit died (6th June 1867) in the prime of life, followed by the regrets of the whole country. This event afforded a matter for speculation as to the person likely to succeed him.

One by one, within the short space of five years, both the veterans of the Vakil Bar had been raised to the brief honors of the Bench, before finally descending to their graves. One of them indeed only died with the news of his appointment in his ear. At any rate, the two leaders had gone,—leaving hardly any who for maturity of years as well as versatality of talents could be unhesitatingly thought of for the succession. Only two gentleman perhaps remained who carried the olden traditions of the Sudder Dewani and Nizamut Adaluts, but one of them, able Regulation lawyer as he was, was little more; and the other's qualifications were but moderate, however much he might eke them out by regular attendance at ante-chambers and the arts of the courtier. His age and unfamilarity with the English tongue utterly disqualified Baboo Krishna Kissora Ghose: he would have been obliged to decline the honor if offered. The other was believed by many, mostly outside of the High Court to stand a good chance, and probably would have stood *a very good chance indeed,* had Sir Barnes Peacock not been Chief Justice. The choice practically lay among the comparatively young Vakils. There were several men of professional eminence, each of whom might without much over valuation of self, have hoped to be recognized. The public

voice was unanimous. The public heart was set upon one man. But the public expectation was not equal to the public desire. The public idol was of sanguine temparament,—bold and fearless not at all the character to meet with official approbation. Above all, it was feared lest his youth should prove fatal objection. In fact, on these considerations, the public at last languidly gave him up.

One hot July morning at 11 o'clock Dwarkanath slowly ascended the lofty stair-case of the Old Court House, and as usual took his seat in the Pleaders' Library. As usual a group of professional friends soon surrounded him, but more than usually numerous and eager. Conversation had hardly begun on the absorbing topic of the day as to who should succeed to the vacant place on the Bench, when an envelop with the Government of Bengal frank was placed in his hands. It covered a note from Sir William Grey, then Lieutenant-Governor of Bengal, asking him to call by an early opportunity. To any other man the meaning would have been clear, but he thought nothing of it. It was, however, not a letter to disregard, nor was the interview sought in it one to put off; so Dwarkanath at once drove down to Belvedere, and there, to his surprise, learnt for the first time that Sir Barnes Peacock, the Chief Justice had proposed him for the vacant Judgeship, and that the Viceroy approving the selection wished to know if he could send up the nomination to Her Majesty's Government for sanction. In accepting an offer so gracefully made, without any solicitation on

his part, Dwarkanath certainly sacrified his income to a considerable extent, but in doing so, he was guided by a noble desire to serve his country from a higher platform.

On his return to the Court, he was met by an eager crowd of lawyers, officers and suitors that were impatient to hear the result of his visit to the Head of the Government. He tried his best to put them off, but it was useless. His friends ferretted out the secret. The news soon spread fair and wide, but was received every where with acclamation. Yet it was a mixed feeling. The right man had been selected for the right place to be sure, but it was undeniable that the Bench had gained at the expense of the Bar.

Among the friends of Dwarkanath, a few of the more elderly had at first their misgivings as to how their favorite—young and impetuous as he was,—would acquit himself in his new sphere. Deny it as we may, but it is a fact that the successful advocate is not necessarily the successful Judge. Nor is it a fact to excite surprise. The habits of thought and action required in the pleader are not exactly the habits suited to the Bench. The readiness to seize every point that might tell in favor of a client against an adversary is likely to be in the way of taking a calm view of the case as a whole. It is sufficient for an advocate to be plausible, but the judge must be simply judicial. It therefore requires an effort—a great deal of self-control to overcome the war—like instincts of an advocate, before he can well be

converted into a sound Judge. Dwarkanath's friends were, therefore, scarcely to blame for hesitating, in the absence of proof, to credit him with all the qualifications required for a sound Judge. It was quite natural that they should be slow to believe that he could all at once convert himself from a valiant Vakil to a weighty Judge of the highest Court in the realm.

Dwarkanath had just completed his thirty-third year when he was allotted a seat upon the Bench among so many grey heads. For aught we know, he was the youngest Judge that ever sat on that tribunal. Yet young as he was, his talents and virtues secured him all the respect due to such a position. "The native Bar" were desirous of publicly testifying their respect and love for Dwarka nath on such an occasion. A subscription dinner was got up where his health was drunk with enthusiasm. Dwarkanath rose, evidently under the influence of considerable emotion, to return thanks. He observed that "he could not but feel deeply sensible of the kind feelings which his friends had just shown towards him." "Long," he proceeded, "long, he trusted, might the Bar continue to maintain that high, honorable and independent character which was essential to the pure administration of Justice. So long as the profession maintained that character, he was sure the people of the country would always look to the High Court for the maintenance of their just rights and the preservation of their honor." In returning from the Hall, at the

conclusion of the speech, the new judge was greeted with repeated demonstrations of joy. This mark of appreciation was thoroughly merited. The Vakil Bar specially in honoring him but honored themselves. Dwarkanath had immensely raised the tone as well as status of the Bar.

On the receipt of the official letter of appointment, Dwarkanath took his seat upon the Bench; Sir Barnes Peacock making use of the occasion to announce in open Court the event of the day. The scene impressed Dwarkanath with a vivid sense of his responsibilities.

I have said above, that a few of his friends had not a very high opinion of Dwarkanath's qualifications for a Judge; a few even ventured to indulge in sad fore-bodings of failure, on his first appearance on the Bench. But a short time was required to dispel all fears. When he once began to put forth his full strength,—and he was not very long in doing so, the wise and cautious agreed with the rest of the world, that Dwarkanath was capable of taking as high a station among the Judges, as he had done among the pleaders and advocates.

For more than six years Dwarkanath sat on the High Court Bench. How he discharged his difficult duties, acting with colleagues of a different race and creed, before a fighting Bar composed of Christian and Hindoo and Mussulman Barristers and Vakils, and under the eye of a press not remarkable for politeness, is known to the world. It may safely be said that his fame has scarcely been exceeded by that

of any man sitting in that Court before or since. His remarks from the Bench were always sagacious and to the point; his judgments have been far and wide admired for lucidity and close reasoning. He was never destined to be a legislator proper. But the long series of enlightened decisions left by him embodying as they do valuable maxims of law in general and Hindoo Law in particular, and recognised for their wisdom, every where as generally binding on all, who administer justice,—may be considered as some of the best specimens of judicial legislation in this country.

He had never received the regular training of an English lawyer. Never-the-less we have several flattering testimonies to his knowledge of English Law from some of the leading Barristers of the Calcutta Bar. "One of them," wrote the *Hindoo Patriot*, "a severe critic and very charry of praise, more than once described Dwarkanath as a genius. Himself an eminent jurist, he often wondered how Justice Mitter without possessing the hard professional training, which English Lawyers received, could grapple so successfully and meet so triumphantly the English Lawyer on his own ground."

Sir Barnes Peacock attached considerable weight to the opinion of his Native Colleague, so much so that when he differed from him in opinion, he did so with considerable diffidence and reluctance. In the full Bench case of Rahmutwoolla *Versus* Shaikh Sharitwoollah, Justice Mitter was alone in the minority. The Chief Justice, in delivering his judgment

premised thus:—"I, regret very much to differ from my Hon'ble Colleague, who first delivered judgment, because I always consider his opinion is entitled to very great weight; but I am forced to form my own opinion on the subject."

In the full Bench case of Ferman Khan *Versus* Bhyrub Chunder Shaha, Sir Barnes records his judgment in the following terms. "I concur in the view which has been so forcibly and clearly expressed by Mr. Justice Mitter, and I am of opinion that the question must be answered in the affirmative: I must confess that when I came into Court before the case was argued and even after I had left the Court, my opinion inclined in favor of answering the question in the negative. I then considered that the right which is claimed by the plaintiff depended on a defect of title on the part of the coparcner to sell his share of property except subject to the right of the plaintiff to purchase it, *i.e.*, his right of pre-emption. But I am now satisfied that the right claimed by the plaintiff does not depend on any defect on the part of co-partner to sell, but upon a particular rule of Mohamedan Law by which neither the defendent nor the Court is bound." The importance of such a testimony can scarcely be exaggerated. It is no small feat to have turned so distinguished a Chief Justice as Sir Barnes Peacock." In the full Bench case of Amrit Kumari Devi *Versus* Luckshmi Narain Chakrabertia, we find the following remarks made by Sir Barnes.

"The Judgment of Mr. Justice Dwarkanath Mitter

which he has just read and in which he has displayed great learning, ability and research was written before the decision of the Privy Council of Giridharilall *Versus* the Government of Bengal was published. My Hon'ble Colleague has entered so fully into the reasons and exhausted the arguments in support of the view which he has taken, that it is unnecessary for me to do more than to say that I concur in the reasons which he has given in support of the conclusion at which he has arrived; and it is extremely satisfactory to find it is entirely in concurrence with the view taken in the Judgment of the Privy Council."

Resolute thoughts find words for themselves and make their own vehicle. Impression and expression are relative ideas. He who feels deeply will express strongly. The language of slight sensation is naturally feeble and superficial. It is generally known that Dwarkanath felt deeply and he expressed strongly. His exposure of high-handed-ness and chicanery are delightful to read, from their clear and crushing completeness. Smarting under one of such criticisms, the party affected by it contrived through the medium of a leading journal to aim against Dwarka nath a serious blow which, however, only recoiled upon its author with terrible effect. It is undesirable at this distant time to rake up matters long since buried in oblivion. It will be sufficient for our purpose if we were to extract simply the following passages from the decision of Sir Barnes Peacock in connection therewith.

"I may here remark that up to the time of our meet-

ing on Thursday morning, my Hon'ble Colleague had not uttered one syallable of complaint to me as regards the charges made against him. If the character of any other Judge had been similarly assailed, I should have thought necessary to adopt a similar course. But it appeared to me specially necessary in the present case, when the attack had been made upon a native gentleman on the Bench of the High Court.

"I knew him before he was raised to the Bench. I have sat with him as a colleague, and I believe that I have as good an opportunity as any one of forming a just estimate of his character. Though now speaking in his presence I may be permitted to say that he is a man of ability and learning, very unassuming, yet high-minded, of a gentle, kind and amiable disposition, independent, and always ready to maintain an opinion so long as he conceived it to be right and equally ready to abandon it if convinced it is wrong. He is the second native who by his own abilities has raised himself to the high position of a Judge of the High Court." (In the matter of William Taylor Esquire—Charge Contempt of Court. Decided on the 24th July 1869.)

While such was the opinion entertained of him by his Chief—an opinion fully endorsed to by all who came in contact with Dwarkanath, an octagenerian Civilian Judge of the old School, presiding at the Dwarkanath Memorial Meeting, speaks thus of him in a patronizing tone:—"As a Judge—and I speak with affection and respect to his memory—his only fault (and who amongst us is without fault) was, that he was too impulsive. He lacked what I consider a great gift in a Judge, and that is impass-

iveness on the Bench. He was somewhat apt to take a case prematurely into his hands; but when we consider the learned judgments he delivered from time to time—when we call to recollection that so great a lawyer as Sir Barnes Peacock differed from him with diffidence—when we remember that his judgments in the High Court on points of Hindoo Law were accepted as remarkably correct—the little errors which arose from impulsiveness, and which I can only attribute to his being so long an advocate, will be forgotten, and every body will remember what an eminent, and just, and great Judge he was."

It is clear from what has been cited that the soundness of Dwarkanath's judgment could not be carped at, but only his *modus operandi* was criticized by Mr. Justice Kemp. We can however, sympathise with his feelings—feelings quite akin to those entertained by a General of the old School towards the Corsican youth for the way in which the military science was then being handled by the latter.

We do not hesitate in the least to maintain that the talents of Dwarkanath as an advocate, brilliant as they were, fell rather short of those displayed by him upon the Bench. It is generally known that his "decrees" were never doubted, and every honest suitor was eager to have his case tried by him. It has not yet faded from the remembrance of men how the multitude flocked to the Bench where Dwarkanath presided. "I never heard" said an eminent pleader to me, "a discomfitted party ever

speaking of Dwarkanath in terms of asperity, or without a general praise of his wonderful talents." No one have denied that Dwarkanath performed his judicial function of his post, so as to unite all the suitors of the Court and all others, in one opinion concerning him—that his judgment was uncommonly sound, and his mode of delivering his opinion persuasive; his apprehension quick, and his explanation of the subject luminous. He never took notes of any arguments; he depended upon memory alone. I have known him often go through a cause which had numerous complicated facts without a note of the arguments delivered by the counsel, and with written preparation of any kind—with a force and perspicuity almost inconceivable.

To give chapter and verse for my facts, I may be permitted to reproduce the speeches of Messrs. Montriou and Kennedy, the first in reply to that of Justice Kemp and the latter in response to the address by Justice Jackson to the Bar.

Extract from the Speech of Mr. Montriou in reply to the charge of "Impulsiveness."

"With all deference to what they had heard from their chairman respecting Dwarkanath's qualities as a Judge, he would say that the position of Judge was that which best became him, and few indeed who had opportunities of seeing him on the Bench but would bear witness to the fact. While he (Mr. Montriou) spoke of his qualities as a Judge, he felt he had very difficult ground to tread upon. But he should not be doing his

duty were he silent. No Government or Administration or Representative power resembled the office of a Judge. A Judge represented an ideal, an unattainable one,—they could never hope to have a perfect Judge. He would remark, that the best Judges of Judges were not co-judges seated side by side, but the public were. The suitors could say candidly and well, why they valued a particular Judge, and what were there objections to another. Few, indeed, if any, were the objections raised against Justice Dwarkanath Mitter. He saw around them advocates, English and Native, and would ask them if they ever heard the slightest objections to a case being brought before Justice Dwarkanath Mitter. Was ever any one dissatisfied with Dwarkanath's decision? Was ever any one disappointed in him? He thought not. That being so, there was something remarkable and worthy of admiration in him as a Judge. He was possessed of high intellectual gifts, but he was not honored for these alone, but for that unswerving rectitude of character which was a natural endowment and which marked him out for that peculiar office, to the standard of which he certainly came up as ever mortal man could."

Extract from the Speech of the Standing-Counsel Mr. Kennedy.

"No Judge inspired us with more confidence for a high intellect, for none had we a higher respect and there are few indeed, if any, who, we felt certain, would take the most accurate, and at the same time, widest view of every question that was placed before him for decision. It is, I feel, a loss not only to the Bench, and not only to the suitors in this Court, but is a loss to the community which I fear can not be supplied."

I am free to admit that that "impulsiveness" on which Justice Kemp laid stress, might be dangerous, were the intellect itself of an ordinary one, and not endowed with corresponding powers,—powers such as markedly distinguished Dwarkanath's. Sitting on many occasions side by side with Dwarkanath, Justice Kemp should have realized this fact before indulging in such observations and extolling that "impassiveness" which he holds as the *ne plus ultra* of judical eminence.

CHAPTER V.

His private pursuits when on the Bench.

Soon after his elevation to the Bench Dwarkanath made up his mind to secure a permanent town residence in some eligible quarters of that suburb where he had passed all the years of his practice and which was endeared to him by his brief early struggles as well as his subsequent professional triumphs. He was looking out for a suitable site to purchase, when a large house built in former days for holding a court of circuit but then lying untenanted, was offered for sale. Not to loose the opportunity, Dwarkanath proceeded one evening to see it, accompanied by some of his friends, among whom the writer of these pages was one. The house had an evil reputation which doubtless accounted for its deserted condition. It was in fact believed to be haunted. Dwarkanath had been apprised of it, but this circumstance rather weighed in its favor with him. The idea rather tickled his fancy, that he would brave the ghosts. A thorough-going Positivist, who disbelieved the supernatural altogether, he would not be deterred from the worst spirit-infested medival castle. A two minutes walk brought us to the gate of this old circuit House; an old servant gave us admittance. The extensive lands surrounding the house spoke in its favor. The interior of the building did not seem to belie the rumour about it. As we entered the rooms, a num-

ber of owls took flight, and kept flapping and circling over our heads. The windows were thrown open; and the feathery tenantry who had acquired occupancy rights by long prescription, feeling themselves disturbed in right earnest, finally took to their wings. We could now quietly make our inspection. The house although bearing obvious marks of dilapidation was never-the-less sound in the main. The garden in front was not in better preservation. Weeds had long since taken the place of flowers; and the rank grass grew among the interstices of the paved masonry in the yard round the building. A ditch dignified with the name of tank—half mud and half water, its surface dotted with large frogs, divided the garden from a half shaven meadow shorn of its grass by the grass-cutters, on which a lean donkey and a few goats were with difficulty picking up a scanty subsistence. This house with its lands was soon after purchased by Dwarkanath for fifty thousand Rupees.

On a visit to Dwarkanath fifteen months from the date of the purchase, I was struck with the aspect which the same house had now put on. It had indeed quite taken its place among the "Stately Homes" of the City of Palaces. Dwarkanath had built much and well. The old building itself had been done up in many parts. The grounds were so green, the shrubberies and trees so fine, the muddy pool now enlarged and reclaimed and another newly excavated, looked so glassy, as our carriage drove up to the portico. The arrangements of the garden were

significant of the brain that dictated them. Here and there attempts at landscape gardening had been made. The flower beds and grassplots were one and all constructed after the model of one or other of geometrical figures. This mathematic bearing was indeed the weak point in the design. He was a Positivist even in his search after beauty. There in the midst of that geometrical disposition of vegetable life, his young boy was required every morning not only to make himself practically acquainted with the principles of garden culture, but also with the properties of mathematical figures.

The rooms of the house were all furnished more with an eye to solid comfort—such as he understood it—than to luxury. If he allowed himself any luxury it was in the matter of books and scientific apparatuses. He formed a magnificent Library, loaded with the learning of many ages and different climes. Between the Library and the mathematical and optical instruments, he expended no less than fifty thousand rupees. Few were the Art treasures in the house. Among the pictures, an admirable likeness of Emperor Napolean in the first bloom of youth, and in the uniform of a General Officer, four water colour designs of the four seasons and two wood-land sceneries in oil were much admired. There were two life-sized portraits of owner of the mansion. Both were faithful copies of the original, but in the one latterly taken we missed the sap, the freshness and the bloom of the other of an earlier date. The action

of time coupled with the unceasing mental toil accounted for the difference.

After building, furnishing and embellishing, Dwarka nath discovered for the first time to his amazement that he had beggared himself. The case would have been greatly different if he had known how to protect his interest; but he was singularly unskilful in the management of his private affairs: they were necessarily looked after by another; but here again he was singularly unlucky of his man. The consequence was that he was quietly relieved in various ways of a round sum far exceeding a lac of rupees. But although he discovered at last how his confidence had been abused, he could not be persuaded to take any legal steps for his protection, far less to bring the delinquent to justice. The fact was the man was a relation of his on his mother's side. Lest he might hurt his mother's feelings, he bore all with heroic equanimity. Deprived thus of this comparatively slender accumulation of his years of practice, he began anew as it were.

Reduced now to a fixed income, which large as it was, was saddled with various charges incedental to his position in society, and to his hospitable and charitable disposition, he saw that he must surrender all hopes of leaving a fortune after him. He became, in consequence, extremely anxious for the education of his son, when he evidently regarded as the representative of his mind, if not the inheritor of his profession at the Bar. He resolved to spare no expenses, nor pains to secure to his son a first-class training.

Besides the usual staff, he secured the services of Mr. Rees, an ex-professor of the Presidency College on a pay of Rs. 200 a month, for teaching his boy classics and mathematics for 3 hours a day.

In the alternate reading of classics and mathematics with his tutor, the rapidity of his boy's comprehension was quite commensurate with the wishes of his father, who hoped much, at no distant day, to send his son to Cambridge, where he should fathom still further the depth of pure mathematics and study the *Principia* with the Dons of that famous centre of learning—a wish alas! he was not destined to see realised.

During his career at the Bar he had not much time at his disposal for private study, each day bringing with it a multiplicity of claims upon his attention that left no portion of his long working hours unappropriated. It was different now. Heavy as the duties of a High Court Judge were, especially under the eye of a Chief Justice with a passionate love of work like Sir Barnes Peacock, he ordinarily required not a moment beyond his court hours to get through his daily work. His facility in forming his opinion and delivering judgment was remarkable. As soon as the arguments were closed, he would, except on rare occasions, there and then dictate judgment to his Bench Clerk. Such spare hours on hand as he thus possessed, it is nothing surprising that a man of his temperament should turn into account. He made up his mind to prosecute two new languages *viz.*, French and Latin. To French he was

induced to pay greater attention at first. Some years back, a cursory glance which he had taken at the positive philosophy of Auguste Comte, had made an impression on his mind. He now resumed its study in right earnest, and soon he was so fascinated that he felt a strong regret that he could not read it in the original, instead of through the cold medium of translation. Accordingly he set about in right earnest to master French. It is noteworthy that without much assistance of a teacher, and with the aid of such books as afford help to beginners he made a remarkable progress in course of a year. His practice was to look over a passage, to make himself master of the meaning of unknown words with the help of the Dictionary and then render the passage straight way into English. This method he adhered to, and thus he acquired an almost unrivalled power of putting his thoughts, without premeditation into words well-selected and well-arranged. When he made his way into the language, he began to read with the greatest enthusiasm the whole series of Comte's works "Cours de Philosophie" in 6 volumes; "System de Politique Positive, on Traite de Sociolgie instituant la Religion de l' Humanite" in 4 volumes; "Catechisme Positiviste on Sommaire Exposition de la Religion Universell" and others. These studies he varied now and then dipping into Voltaire's "Essai Surles Moeurs" and his "Dictionarie Philosophique." In time he became so very fond of the French authors that his demands for fresh works could hardly be supplied by Messrs. Thaker, Spink & Co.

of Calcutta. His Library contains on less than one thousand volumes of well-selected French works.

From the remarks made by him in pencil, it is evident that he had gone through most of them very carefully. Shortly after he translated a French mathematical work *viz.*, Analytical Geometry of Auguste Comte into English. It was published at the time in "*Mookherjee's Magazine.*"

His introduction to the writings of Aguste Comte in original is an era in his life, producing a complete revolution in his opinions on the most important subjects. This event exercised a greater influence upon him than any other that occurred in connection with his spiritual culture. A new current of ideas flowed on his mind; new modes of interpreting the past and reading the future dawned upon his soul, and Dwarkanath was completely kindled with enthusiasm towards his new teacher. He now opened communications with Dr. Richard Congreve (the High Priest) and other Positivists both here and in England. The letters thus interchanged during a period of 3 or 4 years are too valuable towards the illustration of his character to be omitted. But as they are not all available, I content myself by placing before the reader so many of them as have come to my hand.

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WANDSWORTH, 12, MOSES 82,

12th January 1878.

DEAR SIR,—Our mutual friend Mr. Lobb, encourages me to write to you. It would give me great pleasure to enter into correspondence with one who is a sharer in the same belief and hope, in the Positivist belief and in the hope that belief holds out. Let me thank you first for what you say of the translation of the Catechism. I am thankful to find it has been of use to you. It is profoundly interesting to find our doctrines acceptable to men of your country and in a position such as yours, and to us in the West it is, you can honestly tell, how great, an encouragement to meet with sympathy out of the limits of the Western World. A steady communication between those who are sympathisers in the service of Humanity is most desirable and it is this which I would wish if it suit you to begin by this note. If there is any want of form I know you will excuse it. I write to you as I should to any Western Positivist, believing that the common faith will override any differences in mere expression. Mr. Lobb tells me that you are willing to subscribe to the Positivist fund. The first Hindoo contribution is a great want, and I should be pleased if through him I were the medium of communicating it to the centre at Paris. If you send your first subscriptions through him, then you might send subsequent ones to me direct, as most convenient to you. I confine myself at present to the more immediate points of interest, as my object is to open, if you are willing, a communication with you. That once established other things may follow. I doubt not, though you speak hesitatingly, that with time much that you now think sealed to you will become quite clear. Almost all of us here have advanced too late to a full mastery of

the whole, but by study and thought we can all advance; and in every religious system, so far as it is true, there is much which the living by it makes intelligible though at first it was not so.—Believe me to remain, yours very faithfully,

RICHARD CONGREVE,
SOUTH FIELDS,
Wandsworth, London.

To

THE HON'BLE JUSTICE DWARKANATH MITTER,
Bhowanipore, Calcutta

On receipt of the above, Dwarkanath entered into a correspondence with Dr. Congreve. But as no copy of that letter was retained, we can only guess at topics it dealt with from the following reply returned to it.

WANDSWORTH S. W. 28, ARCHIMEDES 82,
22nd April 1870.

MY DEAR SIR,—Your letter of 21st March reached me last Monday April 18th. It was a great pleasure to me in every way, and I would not lose any time in answering it. If breathes throughout a firm conviction of the truth and utility of the Religon of Humanity; and it is with the greatest satisfaction that I find such a conviction in one of your position and antecedents, outside of the Western world, and if in one, then surely if not immediately and actually, still certainly at no distant period in more; and if the convictions which you have, spread and influence more in the East, it is quite certain that the reaction on us in the West will be most valuable. So our mutual sympathies may be quickened to the advantage

of the common cause on which East and West are really one, if their past makes their course somewhat different. You may count confidently on the warmest sympathy from all Positivists in Europe, as also upon such co-operation as we can give—a co-operation gradually increasing as our numbers and means increase.

Reviewing your letter which lies before me, you mark well the two-sided action of Western thought upon your social state, its enlightening and at the same time its revolutionising power. We have the same contrast here, and may have it still more painfully forced on our attention. We share consequently in your evils. Many minds in our present state will take of Positivism only that portion which emancipates them from the old and will refuse to take that other portion which would involve self-discipline and control. Your remarks on the prospects of Christianity come with peculiar interest just at present when a certain sensation has been awakened in London by the arrival and language of Keshub Chunder Sen (I believe this is the name as our papers give it) who is a Bramho, and who is much quoted by the vaguer Christians as really favorable to Christianity. They clutch at every straw of comfort in their decaying state. There has come lately also an utterance quite in keeping with your judgment on the prospects of Christianity from the Bhuddhists of Siam in a little book translated by a British resident in that country, which shews the complete alienation from any Christian revelation which you express occupying another great branch of the Eastern world. Our papers publish letters, I see, to the effect that Bramhoism is by no means very powerful in Hindoostan, but that all its abler disciples more

and more tend in quite a different direction that of Comte or Mill. I read with great interest your remarks on what is called natural Theology, as also those on the attributes of God. Both questions for you are evidently judged and disposed of. There is no need to return upon them. You have wholesomely cleared out your mind from their weakening influences, as also from the peculiar compromise offered by Mr. Herbert Spencer. It is most refreshing to think that all these subjects are met and set aside with such vigour by you. You see clearly that the admission of invariable laws either excludes God or degrades him, and the first is at once the more respectful and the more logical process. No attempt to solve the problem has any hope in it. If I comment at all on what you have written, it is to shew that I have carefully read it. It puts me in possession in the clearest way of your views. I take it as expressing the arguments which influence you and which are to my mind quite sound. In treating Bramoism as in treating Christianity practically we must aim at being as relative, as sympathetic as possible—allowing for what of truth and beauty there may be on the ideas, as also for the power the Theist or the Christian theories have exercised in the past. This is the easier in proportion as we see the more clearly the intellectual weakness of the systems. I am glad to hear you have subscribed to the Positivist Fund. It is most desirable that it should steadily increase on a solid basis. This is why on all fitting occasions I put forward its claims, as in the two addresses which I send with this begging your acceptance of them. They may be as a token of the pleasure I feel in opening a correspondence with you. I

shall have the greatest satisfaction in announcing your adhesion to our Positivist's centre.

You may be most useful to me in keeping me informed of the movement in India and its progress so far as you trace it. Are you in communication with others who share your convictions or do you stand alone and merely hear that there are others. It is most desirable that wherever possible, disciples of the Religion of Humanity should be in connection with one another. But I do not know enough of your circumstances and position to know how far such connection is possible. Would you when will give me such information on these two points as you may be willing to do, that I may appreciate your situation. You will not, I am sure, think me intrusive in this request, as you say the direct action of the Positivist. Priesthood must be waited for. It must be in its full form a comparatively slow growth. We must do what we can to fill up the gap which is much to be regretted, and there is much in our power. By historical and social studies such a sense of the value of the Religion may be spread and it may be by others as by yourself be so completely adopted that some will be led to master the knowledge for its further propagation. It is in this direction of religious, social and historical teaching and reading that in the immediate present our main effort should be made so to obviate the revolutionary tendency of ordinary education and the solvent proverty inherent in the newly scientific instruction if limited to that. Let me here, ask you, your own views of what may be done in this respect. May we not hope to see some one or two of your countrymen of ripe age, engaging and able to engage in a vigorous study of the scientific basis under the impulse of a religious connection so implanted. What kind of works

finds readiest access with you? But I could multiply questions and must not. Rather let me wait for your subsequent letters, which if far between it will be well on both sides to make as regular as we can, so they will afford us the means of making ourselves clear as to our feelings and action. I conclude this by thanking you very cordially for your kind expressions towards myself and assuring you that I wish to do all in my power to help you. We in England, owe you much—more than we can perhaps give. I cannot but look on it as evidence of a noble feeling that you can write to an Englishman as you have done to me. (On the Education my second address may help you,)—yours most truly,

RICHARD CONGREVE.

THE HON'BLE DWARKANATH MITTER.

BENARES.

To Dr. CONGREVE.

HONORED SIR,—I am really ashamed to ask you to forgive me for this long and protracted silence. I have been so unwell both in body and mind since the breaking out of the late unfortunate Franco-German war that I could not make up my mind to write to you though I can confidently state that I did not allow a single day to pass without thinking of you at least once. It may appear strange to you that I a native of Bengal should have suffered so much for an event which took place thousands of miles away from my home, but I can assure you from the very bottom of my heart that it has caused me far greater pain and misery than any other event in the whole course of my life. Indeed I must confess to my great shame that for sometime at least it shook my faith in Positivism to its very foundation, so much so that the Religion

of Humanity appeared to me nothing more than a glorious dream. Thanks, however, to the irrestible logic of our immortal master a careful reperusal of the Positive Politique has restored my mind to its original state, and I am now satisfied more than ever that the peacefulness of Universal Love is sure to establish itself sooner or later in spite of all the Birsmarcs that the world can produce.

What do yo think are the present and future prospects of poor but to me still dear France? If we are to believe half of what is said of her in the English newspapers, there seems to be no hope for her future recovery. The Celt, they say, never knew, and is by his very organization incapable of knowing what progress is. I of course do not attach the slightest weight to such nonsencical stuffs. If the teachings of History can be relied upon, and if the subordination of the egoistic to the altriustic instincts be the true test of Human advancement, Celtic France has maintained and will continue to maintain her superiority to Teutonic Germany in spite of all her disasters and shortcomings. Nevertheless it is impossible to deny that her present condition is extremely deplorable. That the noblest country in the world should thus allow herself to be repeatedly driven backwards and forwards between anarchy and retrogession is sufficient to break the heart of every sincere well-wisher of Humanity, and what makes the spectacle infinitely more distressing is that she should continue to do so after it has been conclusively demonstrated to her by the noblest, the wisest and the greatest of her children that progress and order are by no means antagonistic to each other the former being nothing more than the development of the latter. Do you think

that there is any chance for the Bourbons? If so the enemies of France will have a long time to triumph over her misfortunes. The report of the recent French elections shows that the Conservatives are in the majority. Who are these men and what is their political creed. I hope they are not Bonapartists. I believe there is not a single honest and intelligent man now living in France who is not thoroughly convinced that his glorious country owes all her recent misfortunes directly to that selfish and incapable dulard who is now doing penance at Chiselhurst and indirectly to his insensate uncle whose highet idea was that the world was the appointed quarry of the Bonapartes and their myrmidons. Do you know any thing about the real character of M. Gambetta? He does not seem to be a Positivist, but at the same time I cannot help thinking, notwithstanding all the abuses that have been heaped upon him, that his name is the only redeeming feature in the history of this disastrous period, and I am almost inclined to believe that if France had half-a-dozen men like him, she would have been spared the most humiliating of her misfortunes—the capitulation of Paris and the cession of Alsace and Lorraine. But I must drop this painful subject, or it will break my heart.

Will you kindly let me know something about the progress our Religion is making in Europe. I read somewhere in the papers that a rupture has taken place between the Positivist of Europe and America. Is that a fact? If so, what is the point of difference. As for my unfortunate country, I am afraid we must wait for some time to come before her children can be made to accept the sublime truths of the Religion of Humanity. A perfect indifference to all questions connected with

religion is the prevaling order of the day, and with some four or five exceptions that I am aware of, the best of our educated youths are incapable of understanding, far less of appreciating what disinterested benevolence is. "Enlightened self love" as they call it, is the ultimatum of their thought; and beyond it every thing appears to them more than a fanatical delusion. I must say however that this melancholy state of things is not exclusively due to the inherent defect of our national character. The fault lies principally with our education which is too imperfect to yield any better results. Positivism teaches that the moral progress of a nation is nothing but the resultant of its mental and material progress and I regret to say that in both these respects our condition is far from what it ought to be. Our legislators are under the impression that society is not governed by any inherent laws of its own, that it is entirely at their disposal, and that they can alter it in any manner they like by a single stroke of their pen. Our educators on the other hand, and I am sorry to say that with a solitary exception here and there the great majority of them do not even know what education is, seem to think that the only function of a teacher is to assist his pupils in getting up parrot-like a few unconnected and unintelligible formulæ, selected from the worst books possible, in order that the majority of them might come out as B. A.s and M. A.s at the end of a given period of time, and his own salary increased in proportion to the number of successful candidates. The higher authorities think that the subject of education apart from the question connected with the reduction of expenditure is too unimportant to deserve any serious consideration; and if they interfere at all, they do so only to add to the number of our

Inspectors and Sub-Inspectors whose sole business is to waste immense quantity of stationery in drawing up *colour de rose* reports at the end of every official year. At present, the cry is for mass education. High education, they say, has had enough care devoted it, and the result is any thing but satisfactory. By some strange oversight, the masses have been altogether neglected; and as their education is the first duty of the state, and there can be no education without funds, the people must be taxed right and left to enable the Government to discharge this hitherto forgotten obligation. I have already given you some idea of the state of *High Education* in our country, and you can very well imagine the glorious harvest which *mass education*, if conducted on the same plan is likely to yield. The old bonds established by theocracy which are still keeping society together will of course be the first thing that will be knocked in the head; and we shall have throughout the length and breadth of this vast country no other principle to guide us than that sublime creation of modern Political economy, namely, the principle of competition "open" or "understood."

The state of our judicial administration is equally unsatisfactory. Perjury and forgery have increased to an awful extent, so much so that there is scarcely a single case in which both parties are not guilty of producing a mass of false evidence, oral or documentary. The usual explanation of course is that the Indian is too black to be honest, as if the vices above referred to were indigenous to the soil of this country alone. One need not however go very far to ascertain the true cause of this deplorable state of things. The introduction of a judiciary system altogether unsuited to the requirements of the people, the general incompetency of the judicial functionaries most

of whom are totally ignorant of the manners, customs and languages of the people, and an undue haste to dispose of cases without sufficient deleberation are quite sufficient to account for it, without arttibuting any peculiar depravity to the national character. Then again the Legislative Mill is going on incessantly. Laws passed yesterday are repealed today, and the result is that the most studious member of the profession is unable to keep pace with the rapidity of legislation. People will forge and perjure themselves so long as they find it their interest to do so, but our legislators seem to think that a rapid change of laws is a panacea for all evils.

Our financial position however is the worst of all. You know very well that the people of the country have no voice whatever either in the matter of raising the revenue or in that of spending it. This privilege, perhaps, we as a conquered people have no right to claim. But we are certainly entitled to see that the burdens imposed upon us are in proportion to our means, and that whatever is taken from us is not absolutely wasted if not spent exclusively for our benefit. But alas ! matters are every day becoming worse and worse. Two sources of taxation, the imperial and the local, have been opened simultaneously and the whole country is groaning under an accumulated burden of taxes which it is by no means able to bear. The moral consequence of such a disastrous state of things can be more easily imagined than described. I will give you only one example. The Income Tax requires that every person summoned under that Act should file a statement of his annual income supported by a solemn affidavit as to its correctness, and you can very easily imagine the number of false affidavits which are being daily filed in our Income Tax Office, when such serious apprehensions

in that direction are felt in a country like France. The people are trying their best to understate their incomes as much as they can, and the Government officials are equally assiduous in assessing them at the highest amounts up to which it is possible to go. When we came to the department of expenditure, the picture is equally gloomy. Our Commissariat and Public Works Departments which swallow up very considerable portions of the public revenue are two gignatic shams. A man has but to enter either of these departments, by the assistance of some Alladin's lamp which outsiders cannot discover, and he is sure to come out with his lacs. A Commissariat Gomastaship is one of the most coveted of employments, and the universal belief is that the higher posts are *de facto* mines of gold. Palatial buildings erected yesterday at enormous cost are condemned today as unfit for habitation, and the public is again to be saddled with the cost of demolishing them. Appointments are created for which there is not the slightest necessity, but the most pressing public demands are overlooked on the ground of want of funds. Such a penny-wise and pound-foolish system of policy, if allowed to go on unchecked, will ultimately end in the total ruin of the people, for there certainly is a point beyond which taxation cannot go, notwithstanding all the devices and manipulations of Political Economy. Curses though not loud but deep are to be heard in almost every part of the country, and I can venture to say without the slightest fear of contradiction that the British Government has never been more unpopular than it is at the present moment. A sad want of sympathy with the people and their feelings seems to be one of its chief characteristics ; and I regret to say that there are good grounds to support the charge.

While giving you the above picture, I do not wish for one moment to deny the inestimable blessings which England has conferred upon us. The very fact that I am able to write to you so freely is sufficient to show that all things being taken under consideration, we are far better off than our ancestors were under the best of Mahomedan Emperors. I can even say that there is not an intelligent man amongst us who does not from the bottom of his heart wish for the continuation of the British power, though he may now and then cry out against it. All that I mean to say is that England herself has effected a vast change in our feelings and ideas, and if she is not prepared to adopt a more sympathetic line of policy, and give up all idea of governing such a distant and heterogeneous empire as this by telegrams and Political Economy no one can say where our miseries will end. A foreign Government is one of the strongest of social forces ; and if the Governors are not disposed to sympathize with the governed, the latter must give up all hopes of happiness as chimerical.

Have you heard any thing of M. Laffitte the Director of our Religion. I hope he is quite well. I will remit to you my last year's *subsidi* as soon as I go down to Calcutta, as also a sum of Rs. 3 which has been contributed for the same purpose by Babu Gooroodass Banerjea who is employed as a teacher in the Kishnagur College. Allow me further to subscribe a sum of £50 in aid of the translation of the *Positive Politique* which you and some of your illustrious friends have undertaken. I will remit the amount to you as soon as I can.

I am extremely sorry to hear from Mr. Lobb that you have been unwell. I hope you are all right now.

In conclusion, I have a somewhat awkard request to

make. Some time ago, I received a letter from your brother-in-law Mr. Geddes requesting me to subscribe something in aid of the translation above referred to. I have already told you that my mind was then in a terrible state of confusion, and I am ashamed to say that I have not acknowledged it up to this time. Will you kindly intercede with him on my behalf and ask him to excuse me for my rudeness. I would have written to him direct but I cannot muster courage to do so.—Believe me to be, your humblest and most devoted disciple,

DWARKANATH MITTER.

P. S. I wish to say a word in explanation of the word "disciple" used by me. You know there is a custom amongst us Hindus according to which every man after arriving at years of discretion is required to adopt a spiritual guide. I think that this is a very salutary institution and as I consider you to be in every respect worthy of filling the position of a spiritual preceptor, I shall consider it an honor if you allow me to regard you in that light.

DWARKANATH MITTER.

MECKLENBURGH SQUARE, LONDON W. C.
24, HOMER 84, *21st February 1872.*

MY DEAR SIR,—I received on Monday two drafts one for £49-4-5, the other for £2-6-0, the first being your subscription towards the translation expenses of the *Politique Positive,* the second a joint subscription from you and Baboo Gooroodass Banerjee to the subside sacredotal. Both I hereby acknowledge and will send you in due time M. Hardcraft's receipt for the latter. Will you meanwhile notify to your friend that I have received it. So far for

immediate business with this additional remark that the translation will yet be some time before it appears. We hope to get to press in October, this is our hope, and it will of course take some time, to pass it through the press. It is a heavy labour but my collegues in it are advancing.

I am extremely pleased that you liked Mr. Geddes and I feel much indebted to you for your cordial greeting of him. He is one who insensitive to all kindnes and he felt, I assure you, the kindness of your reception. He is under a sad trial in being parted from his wife. I hope that you will some day make her acquaintance also. It would, I am sure, be a mutual pleasure. She is one of our best Positivists.

I have been long in your debt—how long your letter does not tell me. It bears no date. I see but I am sure it is a long time. You then like myself suffered in health from the Franco-German calamity. It nearly upset me with its long excitement and lamentable ending, combined with the deep disgrace of England's conduct. I can quite understand your suffering and look on it as a clear proof of your practical realization of the unity of Humanity. We need not feel our confidence shaken though the immediate future is very pregnant with suffering. Yet the triumph of brute force and all the evils which we have seen are susceptible of being led to other issues than the immediate actors dream of. It is a poor satisfaction, but I make no doubt that in the end it will be found that Germany loses most in the struggle. Her present moral degradation is intense. You, I see, have not been blind to this fact, and there is no ground for the popular persuasion so aided by those who at present are interested to of her superiority. She has greater learning in the ordinary sense, dictionary learning, if I may use the

expression, but she remains none the less really behind France, and her best sons are aware of this, I am sure. The present state of France is very gloomy, so bitter is the hostility of the two parties into which she is divided, the theological and the revolutionary, and our doctrines are not yet strong enough to count in the scale. She suffers for all,—that is the simple fact to which we must cling. She is in advance in the process of decomposition and pays the penalty, and her sufferings will save the others, if they are wise, but I have not hope, but confidence that the end of her suffering, though not near will be a better state for herself and the recognition by others of her good services. Our papers are a terrible spectacle of low morality and almost equally low intellect. I am sure you are right in your estimate of the French superiority. Be this as it may, for us, it is the great task immediately to bind up the West bringing each element into union with the others. My own political prognosis is favorable to the Republic; but it is I am aware most uncertain. Still the other powers against her are weak and the logic of events in her favor. What can the others hope but a slight tenure of power and a new Revolution. But any solution immediately seems possible. Still the easiest is a form Republican and which shall gradually move towards a real Republic. The danger is that the desire of order become too infectious and lead to a new complete provisional sacrifice of the interests of progress. Every election goes as yet in favor of the Republic. The honestest public man seems the Count de Chambord. Gambetta ia personally an enigma rather, still he is a power, and we look to him with hope, but I imagine with no real knowledge. He has a certain knowledge of Positivism it is thought. His organ in the Press has spoken in a

way which implies this. Had there been two such in the war, the issue would have been different. It is the consciousness of this that constitutes his social force. There is no rupture between the American and European Positivists, the former are rather incomplete and given to odd ways, but on the whole as yet we get on quite amicably together. You will see in my address for this year evidence of this. Your country must wait. It is much that we have such first fruits as you. What a heavy responsibility rests on Mr. Mill for misleading people as to Positivism. Every where it is the same story—governments at sea with good intentions only to guide them, and teachers teaching at random and too generally as a matter of self-interest. Clearly the European world is not competent as yet to give really valuable instruction to the Eastern. Is it in your power to speak to your countrymen on these Educational topics, keeping clear the distinction between instruction and education? I of course can only ask the question, but your remarks lead me to it naturally. Evidently all the instructions should be subordinate with you as elsewhere to Education in its higher sense, and as so should probably in your country be considerably controlled,—so as not to loose by a foolish dissemination at random of knowledge, not to loosen prematurely the moral securities which your religious state still has in it. Your picture is very dark, but I feel sure, not too dark. Mr. Torrens' recent book "Our Empire in Asia" is one among many signs that here we are aware of the black outlook. Your conclusion is I see as is Mr. Torrens' that we should hold on. You will see from my discourse when you receive it that I am of a different mind. Slowly but surely we should I am convinced. We are bound as a duty to relax our hold—leaving your Bengal last. That we cannot continue is

I feel certain. That we ought not, because we are really unable to do what we should is perhaps the most practical way of stating the conclusion. This is but a poor answer to yours but I cannot write as much as I would. We are going on very steadily here. Our lectures in full working, our society meeting regularly, with great difficulty in our way but still making progress I believe. In France, they are starting a review which under the circumstances I think we should support. I have asked them to send you a prospectus, you will see if it suits you to take it in. I do not enlarge on our condition but you will see my estimate in the address, we are more solidly based here than in France in some measure. They on the other hand have most communications with and support from the workmen. This is a great point in their favor. We have all of us at the best *however* in need of a *robust* patience—for in relation to the emergency of the need our advance is distressingly slow.

Many thanks for your letter. Do not, I *pray*, let so long a time elapse without writing. A half-yearly letter might be a possibility at any rate.—Yours most fraternally in the faith and service of Humanity,

RICHARD CONGREVE.

We had on Monday last two *Presentations.*

To

THE HON'BLE DWARKANATH MITTER,

Calcutta.

17, Mecklenburgh Square, London W. C.

11, Archimides 84, *4th March 1872.*

My Dear Sir,—The papers I enclose need no comment. I trouble you with the acknowledgement for our second Eastern confrere. You may like to see also the simple programme of what we are doing in London. Just at this moment we are very busy owing to the agreeable circumstance of M. Laffitte's visit to us, which naturally occupies much my time and attention. He is giving three lectures on the first philosophy at the School as a kind of evidence of the sympathy which exists between the two Western nations—so far at any rate as the Church of Humanity is *concerned.* I am behindhand in one matter in sending you my address of the first of the year. I am not quite sure whether Mr. Lobb will have sent it you or not, I will however certainly send you shortly a copy.

M. Laffitte is on the whole very encouraging on the state of France. Their sufferings have been great, but he thinks the moral result has beeen good, that it has done a real service to the town populations, most of all to the Parisians, more widely and more extensively Republicans than ever. He believes in the continuance of the Republic in its present form for some time but probably in an improved form in the hands of M. Gambetta and a staff of kindred spirits. I see all around me proofs of the fact that the waves of last year are the starting point, the baptism as it were of a new movement forward with a more intelligent aim and a larger policy than before. I think I see all our own body regaining their courage where it had at all suffered, and one most important feeling spreading in us and still more outside of us—that whether

we are right or wrong,—we and no others offer a solution which is worth a trial to all who are not convinced that the old doctrines are yet susceptible of directing efficacy. Much therefore is satisfactory with enormous difficulties,—not one of the least of which is that of how to act towards India,—what if Japan and China act in their recent alliance and on a strongly defined policy,—will such an event not make itself in Burmah and the quasi-independent states of Hindoostan. Evidently we cannot destroy those two great Empires and they, if not destroyed, must in their present state gradually advance towards a greater relative equality. There is an outlook—a prospect of greatest interest.

With my best wishes.—Yours ever in sincere fraternity.

RICHARD CONGREVE.

THE HON'BLE DWARKANATH MITTER,

Calcutta.

17, MECKLENBURGH SQUARE 20, FREDRICK 83,

24th November 1871.

MY DEAR SIR,—The bearer of this Mr. James Geddes of the Bengal Civil Service will have great pleasure in making your acquaintance. He is the husband of my wife's sister. Had she been able to accompany her husband, I should have much wished her to see you. But ill-health prevents her going at present, and therefore my introduction, if I may make so bold as to introduce any one to you to whom I am only known by letter, applies to Mr. Geddes alone. He is a complete Positivist as is his wife, and anxious to cultivate all possible sympathies with those who share in our faith. I hope and think you will not regret the opportunity of making his acquaintance.

All who know him here value and esteem him. It is long since I have heard from you. I have been hoping for your annual subscription and even more for some news of you and some communication on between fellow-labourers in the same cause. I have been myself in poor health or I might ere this have written to remind you of our existence and work here. I hope shortly to send you the Circular for 1870 which not unnaturally considering all that has happened is somewhat late. Salut et Fraternite.—Believe me to remain, yours very truly,

RICHARD CONGREVE.

THE HON'BLE DWARKANATH MITTER,
Calcutta.

17, MECKLENBURGH SQUARE, LONDON,
28, DANTE 82, *12th August 1870.*

MY DEAR SIR,—I call your attention to this address which henceforth is mine. We have lately moved into London in order to be more in the centre of things and nearer at work.

Next I have to acknowledge your remittance of £5, as I think I may have said, it is peculiarly welcome as coming from the East. This recognition of our great movement by an Oriental is a real course in its history, and will I am sure be as such at our centre in Paris. This feeling is wholly independent of the amount. Had that been our minimum of £3, it would have been much welcome but that we are not rich enough not to welcome the larger sum. In many respects our subscriptions fall short of our wants, most so in regard to M. Laffitte's position—so that we should all do what we can, and if in course of time, you would centralise other similar efforts

in India, it would be a good service. August is the best time for receiving subscription as in all ordinary years I go to Paris early in September. This year the war and revolution may make a difference.

My best thanks for your letter. We must regret but cannot wonder at the relative preponderance of Mr. Mill. This but for a time however. His own writings supply in some degree the antidote, and his inorganic tendencies are becoming more felt. Then the translation of the *Politique Positive*, if we can effect it, will do much. I send you some circulars which you will perhaps find means of circulating. Any who would take copies could do good service by sending in thier names to Trübner or his agent in Calcutta. The *Appil aux Conservateurs* is in a way to be translated. Friends have undertaken it, this might be peculiarly useful in India, where a true conservative policy is above all places desirable and its size gives it an advantage. Your remarks on Bramoism and Christianity interest me very much. Such movements are in your country only subsidiary and in some respects the latter has a tendency to be purely disturbing without the compensation offered by the former in its connection with the Vedic traditions of which you speak. Both, however, might be as well spared,—but we cannot secure that and must work in outlook of both, and ready to profit by both. To form a number of the higher minds in conjunction with our movement in the West and ready to propagate its results and action and to guide opinions so far as it is possible, such seems to me the true policy for you in the centre of Hindoo Positivism. With you as elsewhere the system must spread from above. It is a doctrine des class. In Paris, it will soon, I feel sure, have large working men's support

but at present only in Paris, however contagious such a result would be. You seem to me to see clearly this line and to be following it. Individuals will gather round you, and from here we will keep you acquainted with what is being done. (An article in the July Fortnightly by Mr. Harrison on the subjective synthesis might have a value for you.) Do you know the synthetic subjective. The two first chapters are valuable in the highest degree generally.

I have left myself but little room for your last question. Our total number will be very disappointing to you. Were I to fix it at some thing bellow one hundred—if we take those who have fully accepted our system,—I should still be putting it too high. But that would not give you a true measure of its power, which is very considerable, and outside of those who accept it fully, there are numbers who accept its political and social guidance. In Paris, it is making real progress popularly. Here it is mainly confined to the more highly educated. In America it is superfically examined and with interest which does not at present possess much. My hopes in England have been better. This year we have taken a good room in London where we shall have regular meetings of a religious character,—historical lectures on Positivist principles and, soon I hope, strictly scientific teaching, besides meetings for conversations on the questions of the day and meetings of the London Positivist Society. We have had this year three complete Positivists (you see our numerical weakness) and another is in comunication with me. It is important not to over estimate our movement, but I was never better pleased with it.—Yours very sincerely in faith,

RICHARD CONGREVE.

17, Mecklenburgh Square, London W. C.,
11, Shakespeare 84, *19th September 1872.*

My Dear Sir,—You have I believe received the numbers of the Revue Occidental as they have appeared. Will you allow me to ask if you are disposed to become a regular subscriber or to take a share or shares in it. Each share is £4 or 100 francs. The subscription is marked in it at 15 P. I cannot but think that it is an effort really worth supporting as tending to connect our body and if it succeeds in living, tending also to constitute an usual form of propaganda which need not supercede any other. Perhaps you will kindly consider the matter and let me know your decision. It has a difficult task before it—that of living for the first year, but I think from what occurred in Paris that with a considerable effort here in England, an effort which some of our friends are willing to make, we shall pull it through the first year. Its success must depend on regular subscribers.

Our meeting in Paris was cordial and pleasant, and the numbers were satisfactory especially of women. Indeed we seem really advancing there amongst the workmen. They here constitute our chief difficulty. In other respects we are making our way good—the foundation seems solid, and all the various movements are helping to admit attention to our doctrines.

For yourself I hope you continue in good health and fair spirits. I am afraid Mr. Lobb is in a very suffering state. Mr. Geddes at Poori is on the other hand very well. He writes that Positivism is very much discussed in English circles in India. What a hindrance in our path is the school of Mill, the semi or intellectual Positivists.

I enclose one of our quarterly Prospectuses. It may interest you to see what amount of regular work we are doing. All such communications tend to keep the body in rapport throughout the various sections.

With every good wish.—Yours very sincerely,

RICHARD CONGREVE.

THE HON'BLE DWARKANATH MITTER,
Calcutta.

17, MECKLENBURGH SQUARE, 16, BICHOT 84,
17th December 1872.

MY DEAR SIR,—I never like to delay an acknowledgement of money received and therefore send you a few lines. When I get from Paris the formal receipts I will transmit them to you with a longer letter, a fuller answer to your interesting communnication. Meanwhile let me say to you that I have received two cheques on the Agra Bank one for to £2-7-3, the other for £3-0-0, representing your subscription and those of Baboos Kissen Ghose, Nuffer Chunder Bhutto, Uma Churn Roy. I am most pleased to find that under your auspices the number of adherents to our Faith is on the increase and I trust that you have the satisfaction of finding an enlargement in the circle with which you are in sympathy. Isolation has been and still is too common with us. It is a great thing when it ceases.

I can and would gladly arrange about the Positivist Publications, at least I think so ; but would you tell me which of them you want, or I might be sending you duplicates. Through Trübner's Agent at Calcutta the thing might be managed. I will communicate your wishes to

the direction of the Revue Occidental. I hear from the Publisher that it is making satisfactory progress.

M. Laffitte's lectures on the first Philosophy were not published. The war interrupted that as much other useful work.—Nor can I find the means of publishing my own lectures which are of much less importance. I do not write them so that they may produce such effect as they may and pass.

So much for the present. I am, I thank you, not strong but with great care manage to get through my necessary work.

For the great kindness of your letter my best thanks are due—I am sensible this is but a poor return, but I hope at no distant period to write again. At present the preparation for my annual address presses hard on me. With best wishes for the new year.—Yours most sincerely,

RICHARD CONGREVE.

P. S.—Mrs. Congreve is with Mr. and Mrs. Geddes at Pooree. If it should be possible I shall hope that she will see you, if she on her return pass through Calcutta. She is a most thorough Positivist. She landed at Pooree November last.

Mr. Congreve again writes under date the 15th January 1873.

MY DEAR SIR,—I am anxious to send you the enclosed for yourself and your fellow-contributors. I indulge a hope that when in Calcutta which will be soon after you receive this Mrs. Congreve will see you. But I cannot tell whether that can be managed. I shall much envy her the privilege if she does so. She is at present with

her sister Mrs. Geddes at Pooree. I forget whether I have mentioned this before.

I think Mr. Mill's influence is on the wane—not at all what it was, though still very great. People are becoming better acquainted, though slowly, with the facts relative to his view of Comte's system and life, and such a knowledge does not tend to raise their estimate of Mill's candour nor of his ability. I do not think the time far distant when almost instinctively the man thoughtful will see that they must stand for the old or the new Religion and the smaller objections must be pushed aside as really not relevent to the great issue. Meanwhile what trouble we are all in under all our material prosperity, and in this I mean all the countries of Western Europe equally. France suffers but in degree. She is relieved by Bonaparte's death from one trouble and danger. Had he lived to return by the aid of the army, our body or some of its most prominent members would have been quite unsafe in France. Other changes and what are not possible, are not, I believe, so immediately dangerous. There is a sense of uneasiness becoming more general here as to our relations in the East—especially just at present with Russia. I would not so care were it not that it spoils our action and views, * * * but should we come to a war with Russia, we shall feel how shortsighted in our interest was our policy in regard to France. * * * I make little doubt that the Prussian Court will be more than merely favourable in feeling to Russia. Their organs breathe great enmity to England.

Our Positivist movement is not so good as it shall be. It is very difficult to account for its slowness. There is just enough to keep us going.

Gambetta has been speaking in honor of Mr. L—an odd thing after his previous language against him.

* * * *

We may feel sure that France cannot whatever her sufferings have a real down-fall. She is more powerful as an agent on European thought though now outwardly unsuccessful and draws more sympathies. The Germans feel this, and are greatly annoyed at it. The publication on the first Philosophy has been, as so much else, interrupted by the war, and is not in the way of being resumed. My own lectures are not written but spoken from notes. Whatever I publish,—and it can be but little at present, it costs me so much,—I shall be happy to send you.—Very sincerely and with all respect,

RICHARD CONGREVE.

17, MECKLENBURGH SQUARE, LONDON,
28, GUTENBERG 85, *9th September 1873.*

MY DEAR SIR,—I send through Mr. Geddes a few lines to express my great pleasure in finding that you are in relation with him and Mrs. Geddes. I think the intercourse cannot but be mutually pleasant and useful—based as it is on a real community of faith. Mrs. Geddes is one of the most devoted and now one of the oldest Positivists—one whose every feeling has been for long years enlisted in the service of Humanity—and that in times which offered no attraction externally to one who was so devoted. Her support and countenance has been to me one of my greatest consolations. It would be much both for India and England if such sympathy, so resting on a common faith, could become more common. It is a great thing to have begun them and shewn that real sympathy

between the two populations is a possible thing. I am afraid you are not well in health. Pray take care of yourself, it is but due to our common cause that you should do so. We seem really approaching actions on the matter of the translation of the *Politique Positive*. It has been too long about but our existence has been so modified by the disturbance of European peace that the delay was inevitable.

With my best wishes I beg to remain,—Yours ever very sincerely,

RICHARD CONGREVE.

THE HON'BLE DWARKANATH MITTER.

17, MECKLENBURGH 15, ARISTOTLE 85,

12th March 1873.

MY DEAR SIR,—I send through Mr. Lobb this short acknowledgement of your remittance—two cheques on the Agra Bank one for £4, the other for £15.

I will forward you in due course Dr.———'s receipt—you will see from his circular that your aid is very welcome. It must remain uncertain for some little time whether the money he requires can be raised. I hope so—for the Revue will do us good service.

I indulge the hope that you and Mrs. Congreve may have met in Calcutta, but as yet I have not heard of it. A meeting with you would be of great interest to her.

I am on the eve of going to meet her on her return to Europe, and shall be absent from home till the month of July. Health and Fraternity.—Yours most sincerely.

RICHARD CONGREVE.

THE HON'BLE DWARKANATH MITTER.

San Remo, Italia,
15, Ceasar 85, *7th May 1873.*

My Dear Sir,—With the enclosed I send a line or two. I always found much writing difficult when away from home. Besides on principle I want to rest as much as possible during this occidental holiday. I was greatly pleased at Mrs. Congreve's having the pleasure of your visit. I should have been doubly sorry had she not seen you—sorry for the cause in your health—I hope you are re-established—and sorry for her sake.

It was very good of you under the circumstances to go and see her. She speaks with the greatest pleasure of your conversation with her. She has brought such a real love of your climate—suffering as she does from the cold even here in July, I do not wonder at the charm India has for her. Her interest in the many questions which concern your country is not perhaps increased but made more definite. Relations out there naturally produce this result. I wish we could see you in Europe—we will do all we can—it is not very much to make your visit agreeable, should you have it in your power to come. It would be Eastern and Western Positivism face to face. On the whole, situations in Europe is becoming slightly more favorable to us and the acceptance of our doctrine. But the difficulties of European Politics are such as to demand great calmness in judgment—so many dangerous rocks ahead.—Yours fraternally in the service of Humanity—with Mrs. Congreve's very kindest remembrance,

Richard Congreve.

The Hon'ble Dwarkanath Mitter,

From Mr. Lobb, the late Principal of the Kishnaghur College, Bengal.

4, HARRINGTON STREET,

27th November, 1869.

MY DEAR SIR,—Mr. Fegrido (at Messrs. Thacker & Co's.) was asking to me about a book which you had ordered, and which he had not been able to supply. He showed me your list and what is wanted is evidently the Synthése Subjective in one volume published by DUNOD, Quaides Augustino, 49, Paris.

This first volume contains the "Systémede Logique Positive, on Traité de Philosophie Mathematique." It is the only one which Comte lived to complete.

With kind regards.—I am yours sincerely,

S. LOBB.

4, HARRINGTON STREET,

1st December, 1869.

DEAR DWARKANATH,—Would you kindly let my servant have the article on Utilitarianism which I sent you last Sunday, as I expect the *Bengalee* peon will call upon me today, and I wish to give him the MSS. when he comes.

Have you formed any opinion as to the merits of Utilitarianism. I must confess I cannot make it out. There seems to be no one consistent system which gathers round itself a large following of disciples. The only point on which they seem to be all agreed is that happiness is the test of right.

Lecky seems to me to have brought out very well the fact that in every man there is a moral *germ*, an inherent tendency to good. This I regard as thoroughly

in accordance with Comte's views. The Utilitarians are angry with Lecky, because he has adopted the ordinary (?) of *utility*, a view which has been adopted not only by Lecky but by nearly every philosopher who has criticized the Epicurian doctrines. What I maintain is, that the view is in the main correct, and that the Utilitarianism of Mill and his school is quite a new affair—which, so far as it has any value at all, is due to the Humanitarian conceptions of Comte.

I have a Utilitarian friend who is evidently very angry with me for the article in last week's *Bengalee*. He tells me it is *illogical* and *unsatisfactory*, and treats me with a long lecture upon the beauty and efficacy of Utilitarianism.

You must let me know your opinion on this question next Monday.

If you have time to read Lecky's book (*History of European Morals*) I think you would be repaid for the trouble. It seems to me that whatever Mr. Lecky's mistakes about neo-utilitarianism may be, the Editor of the *Fortnightly* has been most unjust to his general merit.—Yours sincerely,

S. LOBB.

THE HON'BLE DWARKANATH MITTER,

Bhowanipore.

KISHNAGHUR,

1st February, 1870.

DEAR DWARKANATH,—I am ordered to hold myself in readiness for Kishnaghur. I am to be there not later than the 10th.

I hope I shall see you before I go. I had wished to have discussed some points with you in the *Philosophic*

Positive, but the time now left I fear is too limited to admit of our doing much together. Try and write to me occasionally, when you have a few leisure moments. Never mind about the letters being short. You are the only Positivist friend I have in India, and I can assure that it is very cheering now and then to interchange a few thoughts with one who has so much in common with my own sentiments as yourself.

My sister, I am sorry to say, remains very unwell, and I am afraid she may at any moment have a relpase.

I shall look out for you on Sunday.—Yours sincerely,

S. LOBB.

KISHNAGHUR,

8th October, 1869.

DEAR DWARKANATH,—As I did not think you would object, I have taken the liberty to put your observations on the war in the form of an article, which I have sent to the *Bengalee* as I should like it to appear on the 15th.

I have not mentioned your name. The article is headed "*A Bengalee Positivist's view of the War.*" I think it will read very well.

Of course I should not include the remarks in my pamphlet unless I obtain your express consent. Do you object to my telling Babu Bacharam (the Manager of the *Bengalee*) when I next write, who is their author.—Yours sincerely,

S. LOBB.

P. S.—As Dr. Congreve see the *Bengalee* he will read the article I have put together from your letter, and will I am sure be pleased with it. There can be no objection I suppose to my telling him that you are the author.

If you, however, have the least objection to the remarks appearing in the *Bengalee*, let me know at once, and I will countermand my instructions. They are written out in my own handwriting, and their authorship can be known to one but myself, unless of course you do not object to my indicating to Bacha Ram who is their real author.—Yours sincerely,

S. LOBB.

KISHNAGHUR,
12th May 1870.

MY DEAR DWARKANATH,—I was very pleased to receive your kind note some little while ago. Have you yet heard from Dr. Congreve? He will I am sure be very pleased to be in communication with you.

I see Keshub Chunder is starring it at fine rate in London. I never can quite make out what his real opinion of Christianity is.

I attempted a few remarks last Saturday, in the *Bengalee*, on the question of Perpetuities. I wonder whether you would agree with me.

Are you at all behind the scenes in the matter of education. There seems to be a danger of our Department being dis-established. I suppose it must come some day, but I hope they will do it gently. Before demolishing it, they should do away with such flagrant abuses as the Ecclesiastical Establishment, the annual Exodus to Simla &c. &c.

When I see the utter stupidity which obtains among the educational grandees of India, I often think it would be not much loss to the country if University *were* suddenly to collapse. Fancy for the *Honor* course in History.

History of England from 1760 to 1832. On what principles, in the heavens above or in the earth beneath,

this particular slice of the particular history of a particular country should have been chosen I am unable, after most strenuous efforts, to imagine.

The heat here is growing very intense. I intend to close the College for the summer vacation on Saturday.—Ever yours sincerely,

S. LOBB.

KISHNAGHUR,

7th October, 1870.

DEAR DWARKANATH,—I was very glad this morning to see your handwriting once more and was much interested with the contents of your letter. I am about to publish my articles on European Policy in the form of a small pamphlet. If you will allow I think I could put the contents of your letters into printable shape. I should of course have the substance intact making only a few alterations for the sake of style. I should propose to put your observations in an appendix simply remarking that they had been addressed to me by a Bengalee Positivist, and were inserted as likely to prove interesting to many readers. Your name would not be mentioned. This anonymous publication in which I indulge is in direct contravention of a fundamental principle of Positivism. I think, however, that in the case of officials in this country there is a good deal to be said in favor of this anonymous practice. In the *first* place our *names* belong primarily to the Government so that any thing to which we affix our names has a kind of official sanction. This it is desirable to avoid when maintaining Positivist opinion, at least I think so.—In the *second* place every one can know who the writer is if he takes the trouble to enquire, so that secrecy is impossible.

I think it, however, very advisable that your countrymen should as a rule be induced if possible to sign their names to what they write. This practice of stabbing in the dark is very injurious every where, but it is immensely dangerous in a country like this—where all the disorder of our Western civilization is so readily welcomed, and all its higher attributes so little studied. Pardon me if this observation seems at all hard. I know there are many exceptions, and noble ones too—but you will allow I think that modern ideas have not altogether penetrated India in their best form.

I don't fear for France. She is going through a dreadful period of suffering, but I feel convinced will come out triumphant. The countrymen of Condercet and Dauton and Hoche and many a other splendid hero will never yield to the federal Lords of Prussia, be they drilled and disciplined as they may. Europe certainly ought now to intervene and extinguish the Prussian lust for slaughter and conquest. I am not certain about M. Maquin. There is a Positivist of that name : he is a working man and one of the finest fellows you ever set eyes upon. I had the pleasure of meeting him in Paris in September 69. I think I sent you a little pamphlet which he had written. I hope the new minister of agriculture may be a Positivist : it would be a happy augury for the future. I don't know Mr. Gedde's address, but if you enclose the letter to Dr. Congreve, it would find him, as Dr. C. is in communication with him. Dr. C. is much pleased with him and regards him as a great accession of strength to the Positivist cause. Did I tell you that Mr. Cotton, out here, is a Positivist. I fancy there are others who, though not of us, sympathize more or less with us.—Sincerely yours, S. Lobb.

KISHNAGHUR,
16th January, 1871.

MY DEAR DWARKANATH,—I don't know whether I have mentioned it before but in case not I write now. It is about the Subside. Guru Dass wants to subscribe to it and perhaps others might like to do the same. Would you mind receiving any such subscriptions from your countrymen and forwarding them from time to time to Dr. Congreve. I would rather not undertake the task myself as it might give rise to unpleasant remarks if it were known.

The *Indian Mirror* seems rather fond of attacking me, and I don't wish to lay myself open to their insinuations. I am not in the least ashamed of my principles, or even making them known, but as I don't approve of the kind of propagandism of which I am suspected—it is best not to expose myself in any way to the charge of it.

Have you heard from Dr. Congreve lately? I have not had a letter for some few mails. I expect the war absorbs all his time and energy.—Sincerely yours,

S. LOBB.

KISHNAGHUR,
21st October, 1871.

MY DEAR DWARKANATH,—I am sorry to hear you give so poor an account of yourself. Ill both in body and mind. This is sad indeed.

Dr. Congreve's address is as it always was

DR. R. CONGREVE,
17, Mecklenburgh Square,
London, W. C.

Do write to him? He will be very pleased to hear from you. Tell him freely your ideas about the position of England in this country, and influence which Western civilization has on India. I do not wish that he should depend on my representations alone. I may take a distorted view, but every day increases my belief that the position of a European, as ruler, in this country is thoroughly false. It is not that I would bring to an end the contact between the East and the West,—that would be impossible; nor do I think it possible for a long while to come that England should resign the sceptre of Hindoostan. But the country decidedly wants rest, we afflict it with our ceaseless restlessness and change. We shall break down utterly, if we don't take care on the taxation business. The masses of the people will stand any tyranny rather than a tyranny which interferes with their pockets. Then look at our miserable legal system, can any thing be conceived more thoroughly immoral than the system of Western Advocacy which we are doing our best to introduce into this country. I ask you as one conversant with these matters, are not our law-courts hot-beds of corruption, and is not the love of litigation contaminating and thoroughly perverting the national mind. Why not let the people settle their own disputes as far as possible. If we simply keep the peace and develop the wealth of the country in a quiet way, it ought to be enough. We of the West are not ourselves settled enough to think about evangelizing and moralizing such countries as India and China. The people I think had better progress according to the inherent capacity for development—and you must remember that to us Positivist this development is present in some degree every where, spontaneous where not systematic.

I don't like to talk about poor France. She is in the hands of mere hucksterers and money changers at present, but I do not despair of the future. As you most justly observe "Progress is now in the hands of Anarchists and Order in those of Retrogressionists." But our Positivism has already sown the seeds of Reconcilement between these two opposite movements, and I fully expect that erelong those seeds will start forth into a rich and abundant harvest. I don't exactly know what they mean by *conservoutiers* probably men who would not be averse to the restoration of the Orlean's family. I shouldn't myself have much objection to seeing the Comte de Paris President for life of the Republic. But I do hope that the heriditary principle will, as a caste principle, be frankly abandoned. It is to France that we must look for the solution of all our social and political problem.

Tell me when you next write your candid idea as to influence of our English education on the *generality* of your countrymen,—not on a few select minds like your own, but on the ordinary Bengalee. Has it improved the *morale* or not? By the *morale*, I mean functions 8, 9, 10, 16, 17, 18, in the cerebral Hierarchy.

I don't know of any recent Positivist publications except the little tracts that have appeared on the war which I think you have seen. I generally sent to the *Englishman* what private information I obtained about political events. I suppose you know that Dr. Congreve has been very ill for many months and quite unfit for any work. The sister desires to be kindly remembered to you.—Ever yours sincerely,

S. Lobb.

KISHNAGHUR,
24th October, 1871,
17, DESCARTES 83.

MY DEAR DWARKANATH,—I find I have not answered your letter quite thoroughly.

According to the last accounts which I received M. Laffitte was very well. He delivered the usual address on the 5th September (24 Gutemberg), the anniversary of Comte's death. He dwelt, I am told, at considerable length, on the situation in France. I should like to see his discourse but I fear it will not be printed. If you write to Dr. Congreve occasionally you will hear from him more French news than I can give you.

Talking of Positivist publications did you see Mr. Gedde's Lecture on Modern Industry. He was rather too strong to suit my taste. When Mr. Geddes is out here—which will be in less than a couple of months—Positivism will muster pretty strong in India.

I know scarcely any thing about the Positivist movement in America. From an article which I saw in *Saturday Review* some two years ago, I should say the movement was rather a wild one. Dr. Congreve told me in one of his letters—not of a recent—that the Americans were coming more into harmoy with the European body. Every thing American is slightly wild. I expect they acknowledge no competent leader.

Will you when you next write give some little *résumé* of the state of English Education in Bengal under the old Council as compared with its state since the Establishment of the University. Can you refer me to any good book or books on this subject. I have an idea that the old system was much the better one. Any general remarks

that you can give me on the influence of English Education and as to its probable effects on the future of Bengal will be welcome. I want the subject treated in the light of our Positive doctrines, and not metaphysically.

I wish you could sometimes give us the benefit of your powerful pen in putting questions before the public in a positive form. You are the only Bengalee I know that is not steeped up to his ears in Metaphysicism; even those who loudly proclaim themselves to be emancipated are really as good bondsmen as the rest, the iron has eaten deeply into their souls. Can there any thing more surely a mark of metaphysical state than the constant and universal appeal to Government to remedy all social and political wrongs. The Government is looked upon as a short of Almighty Father that has only to say :— Let there be light and immediately there is light.

Hoping that in your next you will be able to give a better account of yourself.—Believe me, yours very sincerely.

S. Lobb.

The Hon'ble Dwarkanath Mitter,
(Judge of High Court, Calcutta.)
Benares.

Extract from a letter from Mr. Lobb, dated 1st April 1873, to Dwarkanath.

Might not the break of your old social and religious organization have something to do with it. (Epidemic fever). The old Brahminical ceremonials must have had a very salutary hygienic effect, and must have pre-disposed the subject in many ways. In loosening the old bonds, we are producing a general laxative effect, which, although primarily intellectual and moral, reacts with

considerable force upon the physical organism. It is very strange that the rise of cholera exactly synchronizes with the establishment of European influences in this country. I believe these epidemics too are quite common. You find very little disease among tribes whose mental unity has not been disturbed. I sadly fear that the longer we English govern this country, the worse the state of things will become. Hinduism ought not be broken up prematurely. The precious primary Education (if carried out) will add immensely to the existing confusion. The equilibrium will become more unstable than ever. It is a sad look out, but our rulers are as blind as bats."

Mr. Lobb forwards with the letter quoted above a slip cut from the *Englishman* containing the views of another English Positivist on kindred subjects.

"Fundamentally it appears to us, that there is little or no difference between Government and Missionary action in the matter (Education). In both cases, the system pursued utterly destroys all respect for the old organization; and in both cases the old beliefs are replaced by a tenebrous rationalism which demoralizes the individual and tends to produce disorder in the community. Though we do not undervalue the benefits derived from the Western civilization we are, at the same time, not blind to the evils attendant on an over hasty forcing of this exotic. We respect too strongly the doctrine of historical continuity. From a study of the past it is our endeavour to guide the present in the interest of the future. The future should ever, in our opinion, be the legitimate offspring of the past. We regret, therefore, that one tendency of our existing educational system has been palpably to undermine the social feelings of attachment—

reverence, obedience and respect. We notice—to take a particular case,—that the admirable nature of the old relationship between the *Guru* and his disciple has died out. And, generally, we observe in the minds of our educated natives, whether belonging to the careless many or the earnest few, an undisguised contempt for the simple beliefs of their forefathers and the venerable traditions of their people. We notice, too, a deplorable tendency to exaggerate the value of modern at the expense of ancient achievements. In truth, it needed not experience to convince us that shallowness and scepticism and conceit must be the inevitable accompaniments of an education like ours which is wholly negative and which rests on no acknowledged moral basis.

* * * *

"Whatever change may eventually be effected, the change from Hinduism to Christianity is, in our opinion, the most improbable."

On the envelope of the letter are to be found the following remarks in the handwriting of Dawarka nath.

"The people of this country have been treated by our rulers as a *corpus vile* on which they had full power to experiment as they pleased."

CHAPTER VI.

Positivism.

FROM the foregoing letters it is abundantly clear that "the Religion of Humanity" was the creed of Dwarkanath's soul in all sincerity, and to carry the results of its teachings into practice was the Alpha and Omega of Dwarkanath's being. His devotion was noticed by all who knew him. Alexander the Great did not set half the value upon the poetry of Homer which he used to carry under his pillow that this Bengali Judge attached to the writings of this modern Frenchman. To him was Comte what the Bible is to the Christian, the *Koran* to the Mahomedan, the *Dharma Shastras* to the Hindus. This Religion of Humanity is a recent discovery, and its founder is still comparatively unknown. Nevertheless the Positivism plays such an important part in the life of Dwarkanath that it is impossible to understand the one to any purpose without knowing something of the other. It may, therefore, not be amiss to have a glimpse of every-day life of the great Frenchman during the closing years of his life before giving a brief exposition of his doctrine.

"Auguste Comte rose at five in the morning, prayed and meditated and wrote until seven in the evening with brief intervals for his two meals. Every day he read a chapter from the "Imitation of Christ," and a Canto of Dante. Homer was also frequently re-read. Poetry was his sole relaxation, now that he could no longer indulge

his passion for opera. From seven to nine (and on Sundays in the afternoon) he received visits especially from working men, among whom he found disciples. On Wednesday afternoon he visited the tomb of Madame de Vaux. At ten he again prayed and then went to bed. The hour of prayer was to him an hour of mystic and exquisite expansation. Nothing could be simpler than his meals: breakfast consisted only of milk; dinner was more substantial, but vigorously limited. At the close of dinner he daily substituted for desert a piece of dry bread, which he ate slowly, meditating on the numerous poor who were unable to procure even that means of nourishment in return for their work."

The following quotation from the 'Preface Personelle' affords a further insight into his character and habit of thinking on one important subject at least.

"I have always thought," says Auguste Comte in his work cited above, "that with modern Philosophers, necessarily less free in this respect than those of antiquity, reading is hurtful to meditation, modifying both its originality and unity. Consequently having in my past youth rapidly amassed all the materials which appeared to me necessary to the great elaboration whose fundamental inspirations I felt within me, I have now during twenty years at least (he is writing in 1842), imposed upon myself, on the score of cerebral hygiene, the obligation of reading nothing whatever bearing on my subject except such new scientific discoveries as I deemed useful—an obligation which if sometimes irksome was more frequently pleasant. This severe rule has presided over the whole execution of my work, and imparted to its conception, precision, range, and consistency, although

in some minor matters it may have left it behind the actual state of advance of the several sciences. In the second and chief part of my work I have found it even necessary, in consistency with my hygienic principle, the efficacy of which a long experience has fully confirmed, to abstain scrupulously from the reading of the daily and monthly journals, both political and philosophical. So that for four years I have not read a single journal except the monthly publication of the academy of science, and of this sometimes only the table of contents, degenerated, as it has become more and more into a mere display of trifling academie miscellanies. "I wish to impress upon all true philosophers, how such a mental *régime*, otherwise in harmony with my solitary life, is necessary in a time like ours to elevate the views and give impartiality to the sentiments by bringing into view the true bearing of events, so apt to be obscured by the irrational importance attached to every transitory interest by the daily press and the parliamentary tribune."

A slight description of the *cultus* of the Religion of Humanity founded by Comte may here be given.

The Religion of Humanity has an elaborate *cultus*, private and public. The former divides itself into personal and domestic worship, each of which has its special rites. The objects of personal worship are the guardian angels of the family—the mother, the wife and daughter—as respectively the highest representatives of Humanity. The existence of Supreme Being (such as is recognised in this Religion) is founded entirely on love, for love alone unites in a voluntary union its separable elements. Consequently the affective sex is naturally the most perfect

representative of Humanity, and at the same time her principal minister. Nor will Art be able worthily to embody Humanity except in the form of woman. The three types, the mother, the wife and daughter, form the ideal of Humanity. (Hindooism had long before anticipated Comte by introducing into one of its numerous systems the worship of *Sakti, Kumari* and mother.) Together they represent the three natural modes of Human continuity—the past, the present, and the future—as also the three degrees of solidarity which bind us to our superiors, our equals, and our inferiors. The principal angel, the mother, is of course common to both sexes. Women must worship husband (quite in conformity with our religion) and son, on the same grounds as men worship wife and daughter. Worship is equally due to these types of the family, living or dead. Death only exalts the character of the worship, which then becomes *subjective* instead of *objective*. Generally one of the three types has become subjective, while one or both of the others remain objective. The two iufluences, subjective and objective, are normally mixed, and our homage is more efficacious from the mixture, for it secures a better combination of strength and clearness of imagery, with consistency and purity of feeling.

Each man should pray to his angels three times a day—on getting up, before going to sleep, and in the midst of his daily work. 'The worship of Humanity raises prayer for the first time above the degrading influence of self-interest.' Our first prayer should

be the longest of the three, lasting for an hour, chiefly communicative, but in part also effusive. In the other prayers effusion occupies the chief place. The total length of our daily worship should reach two hours; it need not exceed this, even in the case of those 'who find it useful during the night to repeat the prayer appropriated for midday.'

So much for the personal worship of Humanity. The domestic worship is embodied in seven sacraments under the successive names of *Presentation, Initiation, Admission, Destination, Marriage, Maturity, Retirement, Transformation,* and lastly *Incorporation.* The first gives a systematic consecration to every birth. The parents present the child to the priesthood, and come under solemn engagement to fit it for the service of Humanity. The second sacrament has the name of *Initiation,* as making the entrance into public life, when the child passes at the age of fourteen from the training of its mother to that of the national priesthood. Seven years later comes the sacrament of *Admission,* when the preparatory priestly education is completed, and the life service of Humanity is opened to the youth. His choice of a profession, however, may be still delayed till his twenty-eighth year, when the sacrament of *Destination* sanctions the career which he has chosen. Those who may be unfitted for its service by extremely defective organization, which education has failed to correct, are to be condemned to a perpetual infancy—a sentence to be passed by the priesthood. Marriage follows the choice of a career

and it is one of the most important of the sacraments. Men can only be admitted to it when they have completed their twenty-eighth year; women when they have reached the age of twenty-one. These limits of age must not be lowered for either sex, save on very exceptional grounds. Marriage when once entered upon is indissoluble, save in one case—the condemnation of one of the married persons to loss of social position for an infamous offence. In no other case is divorce to be allowed. The full development of the Human organism, which is fixed for the age of forty-two, is celebrated by the sacrament of *Maturity*. This is a critical period in the Positivist theory of life. Up to this time life is still of a preparatory character, and the faults into which we have fallen even of a serious character, are not beyond reparation; but from this time forward we can hardly ever repair any faults we commit, either in reference to ourselves or others. It is well, therefore, that a solemn ceremony should be imposed upon the servant of Humanity at this grave stage of his career. Twenty-one years after the human organism attains to its full maturity, or at the age of sixty-three comes the seventh sacrament of *Retirement*. Our active service to Humanity is then completed; we retire from the stage of pulic duty, and in doing so exercise one last act of high authority, by naming our successor, subject to the sanction of the priestly authority. Then comes the last ritual by the name of *Transformation*. Positivism surrounds the dying with the sympathy of a 'just appreciation, and mingles

the regrets of society with the tears of the family.' It generally holds out, too, the hope of subjective *incorporation*. It must not, however, be in a hurry to encourage such a hope. This the final sacrament does not come till seven years after death, when the finished life stands out at length from all the accidents of temporary passion, and may be finally estimated according to its true value. Then, 'if the priesthood pronounces for *incorporation*, it presides, with due pomp, over the transfer of the sanctified remains from the common burial-place of the city to the permanent resting-place in the sacred wood that surrounds the temple of Humanity. The incorporated dead are thenceforth glorified. They become subjective members of the sacred existence.

The public worship of Humanity as formulated by Comte may be briefly touched here.

The symbol of the Positivist Deity is a woman of the age of thirty, with her son in her arms. Such a statue is to be fixed in each temple of Humanity, and a painted representation of the same figure is to be carried on banners in solemn procession. In all parts of the earth temples of Humanity will arise, but they must all turn towards Paris as the metropolis of the sacred race. At first and provisionally, the old Churches may be used as they are gradually vacated, in the same manner 'as Christian worship was carried on at first in pagan temples;' but ultimately the influence of Positivism upon architecture will be felt, and more appropriate buildings will spring up for human worship. While one side of the processsional

banner is to be blazoned with 'the holy image' in white, the reverse side is to glow in green with 'the sacred formula of Positivism, Love, Order, and Progress.' Positivism has also its sacred sign. Instead of crossing himself, the Positivist will touch in succession, for the three chief organs, those of love, order, and progress. The two first adjoin one another ; the last is only separated from the other two by the organ of veneration, the mutual cement of the whole, so that the gesture may be continuous. When the habit is formed we need not repeat the words, the gesture is enough.'

The worship of Humanity has also its calendar. The year is so arranged as to present an incessant series of festivals in honor of all the great epochs and characteristics of Human life and history—marriage, paternity, the filial relations, the fraternal relations, women, the priesthood, the patriciate, the proletarial, fetichism, polytheism, monotheism. The days of the week, as well as the names of the months recall the most illustrious heroes of Humanity ; 'Moses begins the year ; Bichat ends it. It is reckoned in thirteen months of twenty-eight days each, with a complementary day, devoted to the festival of the dead and an additional day in leap-years for the dovout remembrance of holy women.'

To regard Auguste Comte simply as the author of a new Religion would be to do injustice to his position as a scientific thinker. It would be impossible for readers unacquainted with his "Cours de Philosophie Positive," on the basis of which his

Religion is founded, to appreciate its leading ideas or understand the force with which they have impressed themselves on many intellects of very high order. Possessed of great force of intellect, with a marvellous genius for scientific method, and a powerful faculty of co-ordinating knowledge from his own point of view; endowed, moreover, with a luminous insight into the true meaning of scientific ideas, and their fruitful application to one another, Auguste Comte has rendered immense service to the cause of science.

The positive method is the basis of Comte's Philosophy. What is positive method? It is nothing more or less than the inductive method so commonly associated with Bacon and styled Baconian. But though Comte was not the originator—neither Bacon was—of the method, he has by the imperial sweep of his brain given it a wider application than any previous thinker, and far more clearly understood its import. The luminous consistency with which he has applied this inductive method to all natural phenomena and thus expelled from the domain of science many vague and mystical hypothesis which lingered in his time, constitutes a service to the cause of science which can never be exaggerated. Facts and the connection of these facts—in Positivist's language Phenomena and their laws—constitute the sum of knowledge to be derived from the physical method of enquiry. Wherever we penetrate we find that natural phenomena are linked together in endless sequence; there is no jar in the harmony of their

movements ; there are no disconnected threads in the vast world of material succession.

But Comte has done something more than extend and illuminate the inductive method. He has classified the sciences ; and there is no one capable of appreciating the task who will be disposed to undervalue what he has done in this respect. Others may, to some extent, have anticipated him ; but no one who has really mastered his system of classification, the principles on which it is based, and the rich and frequently striking thoughts with which he has expounded its sequences, can entertain any question of his ability and originality as a scientific thinker of rare power.

In proceeding to his task, he establishes a distinction between abstract and concrete sciences. The former has for its object the discovery of the laws which regulate the whole phenomena in any department of knowledge ; the latter contemplates the phenomena in detail or according to their actual appearance. Chemistry, for example, is an abstract science ; Mineralogy a concrete one; Physiology is an abstract science, Botany a concrete one. Properly speaking, the name of *science* only belongs to the first or abstract class, the latter being mere classifications of the former. According to this principle, his classification of sciences may be summed up as follow :—

Mathematics, Astronomy, Physics, Chemistry, Physiology.

Though there are much that is either objectionable or one-sided in his "System de Politique Posi-

tive on Traité de Sociologie instituant la Religion de l' Humanite" and his "Catechisme Positiviste on Sommaire Exposition de la Religion Universelle," there are few mental discipline more bracing and exhilarating than the study of the Comtean hierarchy of sciences as expounded in the "Cours de Philosophie Poistive."

Nor his services end here. Comte before summing up his series, creates a new science called Sociology. The creation of this science is the crowning effort of the Positive Philosophy. There are few even of those most strongly repudiating Comte's Principles who would deny the great and just conception that underlies his sociological science. Other thinkers before him had conceived of human society as regulated by natural laws, and so presenting throughout its course a great plan of development. But however this idea may have dawned upon other thinkers, none before him had evolved it so fully, or worked it so thoroughly as a scientific conception. Here, as in other department of science, it is Comte's great merit that he has applied the Positive conception without reserve, and shown that looking *merely at the phenomena* of society, no less than the phenomena of physical action, they represent an invariable order, facts following facts in rigorous sequence. That Politics is a science in short, and that law reigns there as supreme as in other departments of human knowledge are truths, the growing diffusion of which is very much owing to the Positive Philosophy.

Comte has brought out the essential bearing of history upon politics, and shown how all the

phenomena of human society are what they are, not merely as the result of human nature *per se*, but as the result of *historical human nature*. History is not merely a sequence linking age to age by inevitable laws of progress, but Society at every particular stage of its progress, bears the impress of all that has gone before, and social phenomena are in consequence a historical deposit, and not merely a result of individual human life. Man, in short, as a social being, yields a definite science, because there goes to his making not merely the radical propensities which the study of the individual man reveals, but all the social conditions arising out of the sequency of events in the midst of which he stands.

With the last of these sciences comes "man" as the most characteristic and eminent of living beings. The science of his external constitution, his special organism, sums up all previous stages in the scientific classification, dependent as it is upon all the previous succession of physical conditions—Astronomical, Physical and Chemical (regarded by our Philosophers in the light of *khudra Bramanda* or microcosm) and presenting of course the most complex manifestation of organic or physiological conditions. Comte's method of enquiry which hitherto proceeded according to the rational principles of an enlightened and satisfactory kind breaks down at a point (a starting point with our Hindu Philosophers) where he reaches the last stage of purely physical science and the last rung in the ladder of the inductive method. Bound by his principle to recognise no other method, he

pushes his objective method beyond its proper stretch, and it crumbles in his hands. The process of studying mind is distinct from matter. But Psychology has, in Comte's opinion, no claims to be reckoned a science—(though it is in fact a science of all sciences). The method of internal or subjective observation is therefore delusive, and real knowledge can only arise from actual or objective observation. Holding such a theory, it is no wonder that Comte should have rushed to the conclusion that what the mere scapel could never lay bare must be *non est.* And where there is no recognition by him of the immortal spirit of man, he can never find a superior directing spirit above him. *Nisi in microcosmo spiritus, nec in macrocosmo Deus.*

Positivism in denying the divine side of man and a divine order in the universe, quite consistently makes humanity its highest word—its 'The Supreme.' It knows no order, transcending the human, embracing and controlling it. It has therefore constructed an elaborate philosophy on a physical basis, but with a strictly consistent logic it has constructed a religion on the highest results of this philosophy—in other words—on the supreme conclusion of physical science. There was no other authority remaining for it.

Many of the celebrities of the age who could not accept his religious principles and doctrines, have embraced more or less Comte's intellectual and political basis of his system. Among these might be cited the names of the John Mills, the Grotes, the Baines, the Lewses, the Littres and a host of other

powerful intellects. But regular followers of the system in its entirety throughout the world can be easily counted on the fingers. Perhaps in all England and France there are four men of unquestioning and unquestioned loyalty who have accepted the system in its entirety. Dr. Robinet and M. Laffite in the former and Dr. Congreve and Dr. Budges in England. India had the distinction of containing the largest number; and of these Hindus formed the largest proportion. The late Ram Kamal (Professor of Sanskrit College) was a Positivist of a thoroughgoing type; and he had disseminated the teaching among a small but select circle of friends and admirers. The most distinguished Indian Positivist were Mr. Geddes, Mr. Lobb, and Dwarkanath. They were all thoroughgoing disciples of Comte.

"A deeper insight into this Philosopher" says the *Bengalee*, "whose catholicity is his most conspicuous merit, who reveres St. Paul as he is revered by the most bigoted catholics, who has discovered the origin of Astronomy in Astrolatory and Astrology, and the origin of Anatomy in the dissection of birds by Augurs removed a scale from the eyes of Dwarka nath and led him to look with admiration at the institutions and customs hitherto sneered at. At last he came to speak of Hinduism and Brahmins with respect." He respected most profoundly the doctrine of historical continuity. From the study of the past, he used to say, it should be our endeavour to guide the present in the interest of the future. The future should ever be the legitimate offspring of

the past. In all improvements, the present should be brought into harmony with the past, and only out of the transformation thus effected, could arise a system, *improved* and *not disfigured* by alteration. The Mahomedan Government, despotic as it was, had passed by, without touching the organization of our society and its institutions to any great extent. But under the present *regime,* the present has been completely separated from the past, and there yawns an immense gulf between the two. Theories not at all in keeping with our past, exercise ascendency in the minds of our rulers, and the practical realization of them, when effected, simply demoralizes us. Thus in the so-called civilization, growing out of simplicity, we find extremes meet. What a difference between the ideal of the Institutes of Manu and the ideal of Voltaire's *Essai sur les mo-eurs !* and yet both co-exist.

Dwarkanath regretted that one tendency of the existing educational system had been to undermine the social feelings of attachment, reverence, obedience and respect, and to generate in the minds of the rising generation an undisguised contempt for the venerable traditions of the people. His reverence for the laws of Manu grew more and more every day. On the fly leaf at the commencement of a copy of the translation by Sir William Jones of the *Manva Dharma Shastra,* we find the following record in the handwriting of Dwarkanath.

"Manu inspired Egyptian, Hebrew, Greek and Roman legislation ; and his spirit still permeates the whole economy of the European laws."

"The History of Hindoo (*sic*) is a concise summary of the whole moral system of Manu. The national mind has rested, as it were, upon his writings. That the moral system of Manu has so long preserved its influence is due simply to the fact that it was precisely adapted to the conformation of the Hindu mind and its sorroundings. To understand Manu, is to understand Hindoos. He was an incarnation of the national character,—a mouthpiece of national feelings. The spirit of innovation which is now so active among us and which professes to reform our society after the pattern of European civilization, will simply shake the principles on which our society rests to their very foundation. All order and morality will perish with the innocent prejudices with which they have been so long and so intimately associated. The system established by the institutes of Manu can only disappear with the national genius ; and history knows of no calamity more dreadful than the destruction of a nation's genius."

On the system of caste—a favorite subject of declamation with educated Hindoos who never miss an opportunity to call Manu a cheat for having, as they say, forged the fetters of social distinctions, Dwarkanath fully adopted the view of his master who expresses himself as follows.

" Universality and tenacity of the system of caste are a sufficient proof of its suitability to human needs, in its season, notwithstanding the inconvenience which it afterwards involved. Nothing, indeed, could be more natural, at the outset, than that by domestic initiation, the easiest and most powerful means of education, employments should descend from fathers to sons ; and it was the only possible training in an age when oral transmission was

the only means of communicating conceptions. In fact, there is, and always will be, a tendency, though diminishing, to the heriditary adoption of employments, however different the modern method may be from the ancient in which the succession was directed by law. When men had no special impulse to a particular occupation, they naturally adopt that of the family."

"The distinguishing properties of the system are not less evident than its natural origin.—We owe to it the first permanent division between theory and practice, by the institution of the speculative class, invested with grand prerogatives of dignity and leisure: and to this period we must refer the primitive elements of genuine knowledge,—it being that in which the human mind began to regulate its general course. The same may be said of the fine arts then carefully cultivated, not only for the sake of their charm but as tributary to dogma and worship on the one hand, and information and religious propagation on the other. The industrial development was the most remarkable of all, requiring no rare intellectual qualifications, inspiring no fear in the ruling class, and furnishing under the reign of peace, forces adequate to the most collossal undertakings. The loss of many useful inventions before the preservative institution of caste arose, must have suggested the need of it, and have produced its advantages afterwards in securing the division of labour which was here and there attended. No institution however has ever shown itself more adapted to honor ability of various kinds than this polythestic organization, which often exalted into apotheosis its commemoration of eminent inventors, who were offered to the adoration of their respective castes. In a social view, the virtue of the system is no less conspicuous. Politically

its chief attribute was stability. All precautions against attack from within and from without were most energetically instituted. Within all castes were united by the single bond of their common subordination to the sacerdotal caste, from which each derived all that it had of special knowledge and perpetual instigation. There never was elsewhere such a concentration for intensity, regularity, and permanence of human power, as that possessed by the supreme caste, each member of which (at least in the highest rank of priesthood) was not only Priest, and Magistrate, but also Philosopher, Artist, Engineer, and Physician. The statesmen of Greece and Rome, superior as they were in accomplishments, and *generality* to any examples that modern times can shew, appear but incomplete personages in comparison with the fine theocratic nations of early antiquity of one whom Moses is the most familiar if not the most accurate type. As to its influence on morals, this system was favorable to personal morality and yet more to domestic ; for the spirit of caste was a mere extension of the family spirit. The condition of women was improved, notwithstanding the prevalence of polygamy ; for they were rescued from subjection to rude toil which had been their lot in a barbaric age ; and their seclusion, according to the custom of polygamy, was the first token of homage and of their assignment to a position more conformable to their true nature. As to social morals the system was evidently favorable to respect for old age and homage to ancestors. The sentiment of patriotism did not yet transcend love of caste, which, narrow as it appears to us, was a necessary preparation for the higher attachment. The superstitious aversion to foreigners must not be confounded with the active contempt maintained at a later period by a military polytheism."

Dwarkanath never lost a proper occasion to prove how the whole nation benifited by the system and example of the Brahmins of antiquity. On a particular occasion, he said, that however degraded might be the present political status of this country, the intelligence and fine nature yet exhibited by the people are wholly due to the teaching and influence of the Priesthood.

The picture drawn by Dr. Hunter (as published in a recent issue of the *Theosophist*) recalls to me a similar sentiment expressed with great force and copiousness one evening by the subject of this memoir. With slight exceptions and alterations, Dwarkanath's friends might mistake the following for one of his harrangues at the Social Board.

"The Brahmins are a body who, in an early stage of World's History, bound themselves by a rule of life, the essential precepts of which were self-culture and self-restraint. As they married within their own castes, begat children during their prime, and were not liable to loose the finest of their youths in war, they transmitted their best qualities in an ever increasing measure to their descendants. The Brahmins of the present day are the result of 3000 [the learned Doctor, with all his liberality, has not yet been able to free himself from the fetters of Jewish Chronology] years of heriditary education and self-restraint; and they have evolved a type of mankind quite distinct from the surrounding population. Even the passing traveller in India marks them out alike from the bronze-cheeked, large-limbed, leisure-loving Rajput or warrior caste of Aryan descent; and from the dark-skinned, flat-nosed, thick-lipped low caste of non-

Aryan origin with their short bodies and bullet-heads. The Brahmin stands apart from both, tall and slim, with finely modelled lips and nose, fair complexion, high-forehead and slightly cocoanut shaped skull—the man of self-centred refinement. He is an example of a class becoming the ruling power of a country, not by force of arms but by the vigour of the heriditary culture and temperance. One race has swept across India after another, dynasties have arisen and fallen, religions have spread themselves over the land and disappeared. But since the dawn of History, the Brahmins have calmly ruled, swaying the minds and receiving homage of the people and accepted by foreign nations as the highest type of Indian mankind."

CHAPTER VII.

Social engagements.

SINCE his promotion to the Bench, Dwarkanath was asked on almost every occasion to assist at the festivities that came on at the Vice-regal mansion at Calcutta. These calls upon his time were the necessary incidents of his position, and whether the nature of the entertainments suited his taste or not, he was in a manner bound to be present. Copies of a few of the cards of invitation are given here in order to afford the reader an idea of the nature of the engagements.

To have the Honor of Meeting

His Royal Highness the Duke of Edinburgh.

The Aide de Camp in waiting is commanded

by

His Excellency the Viceroy

to request the pleasure of

Mr. Justice Dwarkanath Mitter's

Company to a Fancy Dress Ball at Government House

On Friday 31*st December* 1869 *at* 9½ *P. M.*

Ladies and Gentlemen are

requested to appear in Fancy Dress.

To have the Honor of Meeting
His Excellency the Viceroy
The Equerry in waiting is commanded by
His Royal Highness the Duke of Edinburgh
to request the Company of
Mr. Justice Dwarkanath Mitter
to a Ball on board H. M. S. Galatea on Tuesday Evening
4th January at half past nine o'Clock

Full Dress.

The Aide de Camp in waiting is directed by
His Excellency
The Viceroy and the Countess of Mayo
to request the pleasure of
Mr. Justice Dwarkanath Mitter's
Company on Wednesday Evening
the 18th of January 1871 *at* 9½ *P. M.*

Music.

The Aide de Camp in waiting is directed by
His Excellency
The Viceroy and the Countess of Mayo
to request the pleasure of
Mr. Justice Dwarkanath Mitter's
Company at Dinner on Tuesday
The 16th of January 1872 *at* ¼ *to* 8

The Aide de Camp in waiting is commanded
by
His Excellency the Viceroy
to invite
Mr. Justice Dwarkanath Mitter
to an Evening Party on Tuesday
the 18th of February 1873 *at* 9½ *o'Clock P. M.*

The Aide de Camp in waiting is commanded
by
His Excellency the Viceroy
to invite
Mr. Justice Dwarkanath Mitter
to an Evening Party on Friday
the 28th of March 1873 *at* 9½ *o'Clock P. M.*

Among the Viceroys with whom Dwarkanath had had the honor to mix, Lord Mayo appeared to him to be the most genial and warm-hearted. Dwarkanath was often invited by his Lordship to dine with him not only on state occasions but *en famile;* and in one of these select private parties, Dwarkanath sat next to Lady Mayo who was full of condescension and affability towards her sable guest. The table was spread with all the luxury and refinement never absent from the Vice-regal board. The Governor General's excellent band was discoursing sweet music while course after course was served up and removed. At last when side-dishes made their appearance, Lady

Mayo culled some delicacies out of a dish and mixing them up with sauces, handed the plate to Dwarkanath as a mark of special favor. Thus honored, Dwarka nath lost no time to help himself to it, but before he could swallow it—mastication being out of the question—had to take a deep draught of water. The morsel that he put to his mouth could not otherwise go down. A slightly wry face and half gesture in the shoulder evinced by Dwarkanath when taking up the glass of water, did not escape the eye of Lord Mayo who sat opposite, and plainly told him that the dish had proved disagreeable to his native guest. When it is generally admitted that tastes are acquired, it is needless to refine upon this rather unpleasant incident and try to account for it. Suffice it be for me to remark here that Dwarkanath could not help looking exceedingly abashed and awkward in presence of Her Ladyship, who, on the other hand, was no less disconcerted at the turn of affairs. But Lord Mayo's *bon homie* and geniality set both of them at ease again. "I warn you, Mr. Mitter," cried his Lordship jocosely, "against my French Cook. He will poison you with his national dishes. What if you came again and dined with us to-morrow? I think we shall have some plain English dishes that may suit your taste."

Lord Mayo was so pleased with the comprehensive mind of Dwarkanath that it was believed at the time by many well-informed persons that His Lordship had serious thoughts of procuring for Dwarka nath, if possible, a seat in the Executive Council.

If such a liberal scheme was truly in contemplation, that noble man did not survive long enough to carry it out. But whatever the value of the rumour, there can be no doubt that the Government of India would have largely gained by the association of such a man in its Council—a man so well endowed by nature and so trained by education and, what is of far more importance, so well conversant with the manners, habits, and feelings of his countrymen and so competent to give them expression. The notion of employing natives to aid in the work of legislation and real administration seems to be in complete accord, not only with the declared views of Her Majesty and Parliament, but with common sense. The Mogul Emperors employed without hesitation their Hindoo subjects in all branches of administration and in posts of the highest trust and responsibility with great advantage to the *regime* and the state. The equal rights of all subjects of the Queen-Empress were at last definitely proclaimed nearly a quarter of a century back, but the pledge can hardly be said to have been fulfilled; the Principle then laid down yet remains to be developed into practice.

With Lord Northbrook Dwarkanath was equally intimate;—still more so with the Legal Member of his Lordship's Council Sir Arthur Hob-House. Indeed the greatest cordiality prevailed between the British and Hindoo Lawyer. Dwarkanath always spoke of Sir Arthur in the highest terms, not only of his intelligence but also his urbanity and kindness. Theirs was not a mere social acquaintance. Mr. Hob-

House freely exchanged ideas with his native friend and was wont to consult him on almost every project of legislation before the Vice-regal Council.

The claims upon Dwarkanath's time were so numerous and varied that he could not respond to every call without injury to his ideal, without, that is, sacrificing a portion of that liesure which he required for "nobler thoughts and nobler cares." Accordingly, he attended those meetings where he could be of real use to the Public. A handful of letters cited below will give a glimpse of the work that awaited him, beyond the strict line of his duties on the bench.

CALCUTTA UNIVERSITY.

REGISTRAR'S OFFICE,
7th August, 1871.

OFFICIAL MEMORANDUM.

A MEETING of the Sub-Committee appointed to select Text Books in Law will be held on Saturday the 12th Instant after the business before the meeting of the Faculty has been disposed of.

(Sd.) J. SUTCLIFFE,
Registrar.

To the Hon'ble Dwarkanath Mitter.

CALCUTTA UNIVERSITY.

NOTICE.

A MEETING of the Faculty of Law will be held at No. 10, Russell Street on Saturday the 13th Instant at 4 P. M.

Business.

1. To select a President and representative of the Faculty in the Syndicate for the year 1869-70.

2. To prepare a scheme for the annual delivery of one complete course of lectures in Law in accordance with the terms laid down in the accompanying Extract from the Will of the Hon'ble Prosonno Coomar Tagore C. S. I.

BY ORDER OF THE PRESIDENT OF THE FACULTY.

(Sd.) J. SUTCLIFFE,
Registrar.

The 4th February, 1869.

To the Hon'ble Dwarkanath Mitter.

CALCUTTA UNIVERSITY.

REGISTRAR'S OFFICE,
Calcutta, the 28th January, 1873.

SIR,—I have the honor, by direction of the Vice-Chancellor and Syndicate, to request you will be good enough to serve on a Committee with the gentlemen named in the margin for making selections in English for the First Arts, B. A., and M. A. Examinations.

The first meeting of the Committee will be held at the Presidency College Library on Wednesday the 5th February at 10-30 A.M.

I have the honor to be,
Sir,
Your Most Obedient Servant.
(Sd.) J. SUTCLIFFE,
Registrar.

To the Hon'ble Dwarkanath Mitter.

CALCUTTA UNIVERSITY.

NOTICE.

A MEETING of the Senate will be held at the Town Hall, on Wednesday, the 10th July at 5 P.M.

Business.

To elect a Tagore Professor of Law.

BY ORDER OF THE SENIOR FELLOW.
(Sd.) J. SUTCLIFFE,
Registrar.

2nd July, 1872.

To the Hon'ble Dwarkanath Mitter.

CALCUTTA UNIVERSITY.

NOTICE.

A MEETING of the Senate to be held at the Town Hall on Saturday, the 4th December at 4 P.M.

Business.

To consider the proposal.

That an address be presented by the University to His Royal Highness the Duke of Edinburgh.

BY ORDER OF THE VICE-CHANCELLOR.

(Sd.) J. SUTCLIFFE,

The 25th November, 1859. *Registrar.*

To the Hon'ble Dwarkanath Mitter.

BENGAL SECRETARIAT,

The 25th February, 1873.

MY DEAR SIR,—The Hon'ble the Lieutenant-Governor has resolved upon the formation of a Committe for the management of the Bethune School which he proposes should consist of yourself and of the gentlemen named in the margin. Will you please let me know at your early convenience whether you would accept His Honor's nomination and oblige.

The Hon'ble Justice Phear,
Rajah Kalikrishna Bahadur,
W. C. Bannerjea Esquire,
Mon Mohun Ghose Esquire,
Pundit Ishwar Chundra Vidyasagur.

Yours truly,

(Sd.) C. BERNARD.

To the Hon'ble Dwarkanath Mitter.

No. 3161.

From—The Junior Secretary to the Government of Bengal.

To—The Hon'ble Dwarkanath Mitter.

FORT WILLIAM,

APPOINTMENT DEPARTNENT. *The 14th August*, 1867.

SIR,—I am directed to inform you that the Lieutenant-Governor has been pleased to appoint you to be a Member of the Committee to Superintendent the affairs of the Bethune School.

I have &c.

(Sd.) A. S. HARRISON,

Junior Secretary to the Govt. of Bengal.

No. 923.

From—H. S. Cunningham Esq., Officiating Secretary to the Council of the Governor-General for making Laws and Regulations.

To—W. M. Soutar, Esq., M. A., Officiating Registrar of the High Court Calcutta.

Dated Simla, the 15th August, 1871.

SIR,—I am directed by the select Committee, to which the Bill to amend Act V, of 1840 (concerning the Oaths and Declarations of Hindoos and Mahomedans) has been referred, to forward herewith sixteen copies of the papers noted in the margin, and to request that you will be good enough to move the Honorable the Judges of the

High Court to favour the Government of India in this Department, as early as practicable, with an expression of an opinion on the provisions of the Bill.

I have &c.
(Sd.) H .S. CUNNINGHAM.

Submitted to the Hon'ble Justice Dwarkanath Mitter for opinion.

(Sd.) W. M. SOUTAR,
Registrar.

13*th February*, 1872.

MY DEAR SIR,—After the terribly and awfully sad intelligence of assassination of the Viceroy, do you think we should meet tomorrow at the Mouat Committee? If it had been fixed for *today* of course *we could not have met*—but as it will be the third day after the mournful news reached Calcutta I am in a fix,—and have determined to be guided by your advice if you kindly give it.

Yours very truly,
(Sd.) K. M. BANERJEA.

To the Hon'ble Dwarkanath Mitter.

23*rd May*, 1873.

SIR,—In reply to your letter of yesterday's date, I beg to state that I knew nothing about the correspondence referred to therein until I read it in the *Mirror* of the 20th Instant. I did not authorize Miss Akroyd to

write the letter in question, nor did I, as I have already said, know any thing about it or your resignation until I read it in the *Mirror*.

I remain,
Sir,
Yours Obediently,
DWARKANATH MITTER.

To Baboo Keshubchunder Sen,
Lilly Cottage.

MY DEAR SIR,—Would it be convenient to you to call here on your return from the High Court today? I should be much obliged if you could do so, as I wish to have a few minutes' conversation with you.

Yours very truly,
(Sd.) A. AKROYD.

Hon'ble Mr. Mitter.

A Demi-Official letter from the Govt. of Bengal to Justice Mitter.

Dated 15th November 1869.

"OPINIONS have frequently been expressed as to the advantage which would be secured by transferring the jurisdiction of Rent suits to the Civil Courts; and I am of opinion that the time has come for fully considering the question.

2. If the measure be desirable, a good opportunity offers itself for carrying it out; as on the one hand the business of the Moonsiff's Court has so much decreased as not to give full occupation to the member of the

Courts which it is desirable to retain in order to make them readily accessible to the people: and on the other hand the works devolving on the Revenue and Executive Departments have so much increased as to render it impossible to carry on with the present number of Assistants and Deputy Collectors and Collectors, unless some such relief be given as would be afforded by the transfer of Rent suits to the Civil Courts.

You are therefore requested to give your earliest consideration to the matter and to give your opinion on the subject; as it is hoped that any measure which is resolved upon, may be carried through the Legislature Council during the coming season."

From—The Hon'ble Dwarkanath Mitter.

To—The Secretary to the Government of Bengal.

SIR,—I have the honor to acknowledge the receipt of your No. 2226 of the 1st instant, calling my attention to your previous No. 48, in which His Honor the Lieutenant-Governor desires to have my opinion on the provisions of the Amended Hindoo Wills Bill, and on the expediency of extending its provisions to the Lower Provinces of Bengal.

I regret, I should have overlooked your first letter on the subject, but on considering the subject itself, I find that I cannot give my opinion upon it without going into the whole question of the Doctrine of Perpetuities as a question of Hindoo Law.

But this is a question which sitting as a Judge of the High Court, I may any day be called upon to determine judicially, and in this view of the case, and after consultation with several of my colleagues in the Court, I have come to the conclusion that there would be an

obvious inconvenience and impropriety in my giving an opinion extra-judicially on a matter on which I may be called on to give judgment judicially.

I think myself unable therefore to comply with the request contained in your letter under reply.

I have &c.

(Sd.) DWARKANATH MITTER.

To the Hon'ble Dwarkanath Mitter.

MY LORD,—The Chief Justice has desired me in circulating the accompanying (which contains the substance of his Judgment in the Full Bench Case which was argued in the Original Side) to send it first to your Lordship to read it and make any suggestion that you may think necessary in the margin. If your Lordship make any suggestion for the Chief Justice, I am to ask you to return the Judgment with your suggestions to the Chief Justice, but if other wise, the Chief Justice will be obliged if your Lordship would send on the Judgment to Mr. Justice Loch.

Yours respectfully,

(Sd.) A. S. GASPER.

The Chief Justice would have written himself if he were not busy and just about to start for the Original Side.

(Sd.) A. S. GASPER.

But in these his halcyon days when fortune smiled its sweetest smile upon him, Dwarkanath was the same as he had been when a schoolboy. "He had," said Dr. Sircar at the inaugural meeting, "no inside and outside. The fact is that great as was his head, his heart was far greater, and that he always subordinated his head to his heart." "He scorned" wrote the

Bengalee, "meanness with all his strength. Frank and childlike in his intercourse with his friends, he respected all independence of opinion and was studiously careful not to wound the feelings of others. Although heavy duties of his office exhausted his physical frame, he was a regular student in his liesure hours, and his love of physical science was only equalled by his anxiety to bring up his children according to the advanced ideas and his desire to please his mother. As a Mathematical scholar his friend Baboo * * stood above him at the College Examination, but it is doubtful whether Baboo * * has kept up his Mathematical studies. The writer of this notice saw Dwarkanath studying or rather re-studying Hall's Calculus in 1868. It is doubtful whether most of our eminent Mathematicians at College can tell the difference between Taylor's *Theorem* and Maclaurin's *Theorem*. His knowledge of History and English Literature was vast and profound."

Although thus constantly absorbed in such high pursuits, his was not the talent to dazzle the world by their fruits, still less was his heart to deceive. His dislike of what he called "humbugging" was rather carried to extreme. He shrunk from the pretence of teaching where he was not sure of his own ground. Here is an instance in point. As Vice-President of the Social Science Association, he was requested by its Secretary to deliver an Annual Address. Not receiving a reply in time, the Secretary asked me to sound him. Here is Dwarkanath's reply to me,—a letter characteristic in more ways than one.

BHOWANIPORE,
1st December, 1869.

MY DEAR FRIEND,—I must beg your pardon ten thousand times for my past neglect in replying to your last two letters. I cannot blame you for the construction you have put on my conduct, although I can assure you from the very bottom of my heart that it did not proceed from the coolness of declining friendship. I will tell you the whole truth for I am awkward at files. Procrastination, they say, is the thief of time, and it is to procrastination that I am indebted for the charge you have justly preferred against me. Every time I thought of writing to you, I was obliged for some reason or other to put it off till tomorrow. That tomorrow never came, for when it came the idea had completely slipped from my memory. I cannot put this forward as a justification, but I plead it in mitigation of the sentence and I know your good heart too well to despair of forgiveness, I am perfectly ashamed of myself and all that I can do is to promise that I shall be more dutiful in future.

I am glad to learn that you are coming to Calcutta, but I will be very angry with you if you do not put up with me this time. As to my delivering an Address in the Social Science Association, it is almost an impossibility. My views on the subject are yet crude and confused, and I do not like to rush before the public merely for the purpose of humbugging them.

Your most sincere friend,
if you believe me,
(Sd.) DWARKANATH MITTER.

Babu Dinabundhu Sanyal,
Berhampore.

CHAPTER VIII.

His siezure with an attack of Cholera and his sojourn at a Suburban Villa.

In April 1868, Dwarkanath Mitter was siezed with an attack of Cholera which had proved all but fatal. His family physician and personal friend, Dr. Mohendrolall Sircar, since famous as founder of the Indian Association for the Cultivation of Sciences, attended him. Dr. Sircar, though a distinguished graduate of the Calcutta Medical College, had recently embraced Homœpathy, and treated the case according to that system. When the disease took a serious turn, there arose on the part of the family and several friends, a strong protest against the mode of treatment he was undergoing; but the patient's courage and faith in his friend's skill disarmed all opposition. His faith, as the sequel showed, was not misplaced. Within thirty-eight hours, a cure unattended with pain was effected, the patient lying all the time in a profound trance as it were,—the effect of medicine employed. When he recovered and was convalescent, he found his strength brought down alarmingly low. He was advised to try a change, if possible, or at least to reside at a locality where he might enjoy fresh river breeze unpolluted. Accordingly a house at Cossipore (now forming one of the suburban villas of the Maharajah Sir Jotindra Mohun Tagore K. C. S. I.) was engaged, and thither he removed and stayed for months with his family. Happening then to be on privilege

leave I was asked by Dwarkanath to share his company for the first month—a request which was gladly complied with.

Here Dwarkanath had the rare privilege of a country retreat in the heart of the town as it were. Here he enjoyed the great river running past, the fragrant bower, the spreading lawn, the flowery garden and other advantages to soothe his mind and aid his restoration to health; to yield him most grateful repose and recreation after the laborious duty of the Bench, and enable him to return to work with renewed vigour and zest. Here under the broad *Channdee* of a marble-paved Ghaut, erected by the late Babu Prannath Chowdhry of Satkhira, Zemindar, we used to spread our carpets every evening, and sat and mused and conversed, passing many agreeable hours, watching the rise and fall of the river, an numerous boats plying up and down, and occasionally catching in the passing breezes "strains that might create a soul under the rib of death." On the terrace of a temple of Shiva hard by, was then sojourning an ascetic—an up-country *Mohatma*, with whom now and then Dwarkanath entered into conversation on theological subjects. This Yogi used to call Dwarkanath by "Jungi Lord." On one of these occasions Dwarkanath made an observation in reference to ascetic life which I vividly recollect. "Pious mendicancy" said Dwarkanath, "so much unbearable in the eyes of the political economists, was in its day and is still in a country like ours, full of charms. It offers to a multitude of mild and contemplative souls

the only condition suited to them. To have made poverty an object of love and desire, and to have raised the beggar (as he is called by the men of modern civilization) to the first place in public estimation was a master stroke which political economy may not perceive but to which the true moralist cannot remain indifferent. Humanity, in order to bear its burden, needs to believe that it is not paid entirely by wages. The greatest service which can be rendered to Humanity is to repeat often that it lives not by bread alone." Of course I quote from memory.

A few days after our arrival at the Villa, Dwarka nath perceived on the palm of his hand a kind of cutaneous erruptions. As Dr. Sircar was then absent from town, he sent for another Homœpathic Practitioner. The Doctor came and examining the hand of the patient asked him if he had ever a disease not quite unknown among the young men, specially of a fast turn. The moment the question was put, Dwarkanath was observed to give a start, and rising from his chair paced rather hurriedly up and down the hall; while the excitement clearly perceptible on his countenance and manner seemed to increase every moment. When fully worked up with his feelings, he made a halt before the Doctor and cried with a wave of his hand. "There, Sir, let there be no such strange question again. What! Am I the person to carry such a stain on my character.?" Then he repressed himself and saying "that will do," while the Doctor could hardly stammer out an excuse for his hasty diagnosis, he bowed the luckless physician

out, not forgetting to order his Sircar to pay his fee at once. No sooner was he gone than Dwarkanath called for some scented water, and after moistening his temple with the same, resumed thus: "A clever man to be sure to insinuate thus, and so I say," turning to his maternal uncle and *factotom*, "a strict quarantine against that man, I 'll never see his face again."

While sojourning with him at the Villa one night after I had gone to bed and had just fallen asleep, I was suddenly aroused by Dwarkanath, and after listening to his excuse for the untimely disturbance, was taken by him to the veranda facing the river and there sitting on a chair kept listening to his discourse till day break. We both of us had no idea of time as it slipped by (though the tickling of the clock was within ear-shot) till all of a sudden the booming of the gun at the dawn from the rampart of Fort William aroused us to a sense of it. He descanted chiefly on the past of our country. I need scarcely say that his handling of the ancient Hindoo period exhibited a succession of sketches vivid and striking. I shall not make the ineffectual endeavour of reproducing the whole of this discourse, but a portion of it might perhaps be given as a feeble specimen to assist the imagination in realizing the original. Great as was his enthusiasm, it was never so charmiug.

"His speech, his form, his action full of grace,
And all his country beaming in his face."

Plunging into the brightest period of Hindoo antiquity, he began to dwell at length on the improvements

then made in almost all branches of Mathematical knowledge. In the *Surjya Sidhanta,* continued he, is contained a system of trignometry which not only goes far beyond any thing known to the Greeks, but involves theorems which were even not discussed in Europe till the sixteenth century. In referring to the originality and antiquity of Hindoo Astronomy, he maintained that observations taken of upwards of three thousand years before Christ and which are still extant, *extorted* admiration from some of the greatest Astronomers in Europe, such as Cassim, Baily and Playfair. In such hoary antiquity and labouring under great disadvantages, the Hindoo Rishees of whom Parasara was the first or father of Astronomy, made wonderful progress in that science. Compared with the results arrived at by other nations after the lapse of so many centuries, the Hindoo system might now be considered incomplete in certain respects, but the skill shown by the Hindoo Astronomers in treating the points which they have taken up, is simply beyond all praise. The points thus treated afford evidence of very extraordinary proficiency. The invention by the Hindoos of the decimal notation gave them a great advantage over the Greeks in the science of numbers. But it is in Algebra that the Hindoos most excelled their contemporaries. Bramha Gupta, Bhaskara Acharjya, and Arya Bhatta are the Mathematicians to whom the discovery, development and culmination of that science are attributed. What can be more remarkable than that a particular solution given by Bhaskara Acharjya (in A. D. 1150) is exactly the

same as that hit upon by Lord Brounker in 1657; and that the general solution of the same problem was unsuccessfully attempted by Euler, and only accomplished by De La Grange in 1767, although it had been as completely given by Bramha Gupta in the sixth century of the Christian era. But the superiority of the Hindoos over Greek Algebraists is not only conspicuous in their discoveries, but in the excellence of their methods, (*Bija Ganita* is altogether dissimiliar to that of Deophantus) and in the perfection of our Algorithm or notation. One of our most favorite processes (that called *Kuttaca*) was not known in Europe till published by Bachet de Mezeriac about the year 1624, and is virtually the same as that explained by Euler. The *Kuttaca* is a quantity such that a given number being multiplied by it, and the product added to, or subtracted from, a given quantity, the sum or difference will be divisible by a given diviser without a remainder. Our application of Algebra to Astronomical investigations and Geometrical demonstrations is an invention of our own, and our manner of conducting it challenges up to this day the admiration of the world. In Algebra the claims of the Arabs had been set up against us, but it has since been fully established that Algebra had attained the highest perfection it ever reached in India before the first dawn of culture of the sciences amongst that people. The first Arabian Mathematician translated a Hindoo book in the reign of Khalif Almansur A. D. 773. Leonard of Pisa first introduced Algebra into Europe; he learned it

at Bugia in Barbary, where his father was a scribe in the Custom House by appointment from Pisa; his book is dated A. D. 1202. Whatever the Arabs possessed in common with the Hindoos, there are good grounds for thinking that they received it from the latter nation. The Geometrical skill of the Hindoos is shown, among other forms, by their demonstrations of various properties of triangles, specially one which expresses the area in the terms of the three sides, and was unknown in England till published by Clavious in the sixteenth century, and by the knowledge of the properties of the radius to the circumference of a circle which the Hindoos express in a mode peculiar to them by applying one measure and one unit to the radius and circumference. This proportion which is confirmed by the most approved labours of Europeans was not known out of India until modern times. There is indeed no nation in the world which can contest the priority of the Hindoos in Arithmetic, Algebra, Geometry or Astronomy. The peculiarity of our methods, irrespective of other proof, gives every appearance of originality to our discoveries.

Dwarkanath concluded his discourse by reciting from memory the following passages from Cowper:—

"Ages elapsed ere Homer's lamp appeared,
And ages ere the Mantuan swan was heard;
To carry nature lengths unknown before,
To give a Milton birth asked ages more.
Thus genius rose and set at ordered times,
And shot a day-spring into distant climes,

Enobling every region that he chose
He sunk in Greece, in Italy he arose;
And, tedious years of Gothic darkness past,
Emerged all splendour in our isle at last.
Thus lovely halcyons dive into the main,
Then show far off their shinning plumes again."

Dwarkanath was not well disposed towards the Economists and the Utilitarians. "What we have to study," said Dwarkanath in a letter to Mr. Lobb, a portion of which has come into my possession, "are precisely those which are presented by our instincts, which are called feelings when passive and propensities when active. Every utilitarian judgment is the result of an intellectual process which has no connection whatever with the operation of our feelings, and no number of judgments however refined or multiplied can make up a code of ethics. The intellect can never acquire the sovereignty of our nature; for it is utterly destitute of that motive power which the heart and the heart alone possesses. If there were no instincts in our cerebral organization, the intellect would have just been as much inactive as our practical qualities, and no utilitarian Philosopher can deny that if we set aside the satisfaction of our instincts, all discussions on utility would be reduced to a meaningless jargon. If we have no instincts to satisfy, the idea of usefulness is a mere chimera, and every one who denies the existence of such instincts is bound to confess that all his speculations are chimerical. I do not dispute for one moment that the intellect has a necessary reaction upon the heart, nor do I deny that the reaction is of the highest importance

to us in the development of our feelings" (a portion here is lost and I then come across another loose page which runs thus) "but it is impossible for them to deny that those conclusions are the necessary results of the very principle upon which their whole philosophy is based. They all maintain that what is useful is right, and it would follow as a matter of course that in judging of human actions, the only question which we have to determine is the usefulness or otherwise of their results. Some of them might say that they are ready to take the agent also into their consideration but if utility is our standard of right and wrong, a reference to the agent is wholly unnecessary. Then again if the agent is at all to be taken into consideration, we must take him as a whole, that is to say, as a feeling, reasoning and active being, and not merely as a speculative and active machine. If this be admitted, we can no longer mistake the source from which our notions of right and wrong are to be derived. Can any one deny that our feelings are the only motors of our activity, whether theoretical or practical, and if this is once conceded, does it not necessarily follow that every question of morality is essentially a question of feeling. The phenomena we have to deal with in moral science are moral phenomena, that is to say, the phenomena of our feelings,—whereas all that the Utilitarian philosophers have to offer are some isolated consideration on a quite different phenomena, namely, those which we call intellectual. For what after all are these so much abused considerations of utility? Are they

not the results of purely intellectual operations and do they not therefore belong to an order of phenomena altogether different from that with which we have to deal in moral science. No man who sets himself up as a competent Judge on questions of morality can say that such a science is not possible, and if it is possible can there be any doubt that the phenomena." (It is a pity that the remainder is not forthcoming.)

It has been shown in the early portion of this narrative how many needy men and boys found board and shelter under Dwarkanath's roof, and the diminution of his income as a Judge did not lessen their number. But these objects of his interest did not exhaust his active charities. There were from several quarters continuous demands upon his purse; and though, some of them were sometimes unreasonable, he was never tired of responding to them to the limit of his means. Among the evidences of his open-handed charities I shall adduce here only one instance.

"My Lord,—It is my intention to start by the first steamer in October next that I may be able to be in time for the terms which re-open in November. I trust your Lordship will have the pleasure of acceeding to my request by favoring me with Rs. 100 in addition to what has been already subscribed. I need scarcely say that I never shall be able to go unless your Lordship does me the favor solicited. I anxiously wait for a reply.

I remain,

My Lord,

Yours faithfully."

* * *

"My Lord,—I deeply regret to inform your Lordship of the death of my father. My regret becomes intensely painful as I am forced to fear that the melancholy circumstances will interfere with my plans of going to England to be called to the Bar. It certainly will be a mortal blow to me if my object be suffered to miscarry specially after all the efforts and pains I took to carry it out. I have already secured a subscription of Rs. 1500 while the sum of necessary is Rs. 3000. Now I appeal to you once more and to whom can I appeal at this time of my distress with strong hopes of success but you, my Lord, whom the Supreme Being in all His wise Providence has been pleased to bless with singular magnanimity, kindness and generosity. I appeal that your Lordship may have the pleasure of favoring me with Rs. 400 in addition to what your Lordship has already subscribed. Should your Lordship be pleased to do me the favor I beg, I shall prevail on Babu Digumber Mitter subscribing the same sum. If this be done, there shall, my Lord, be every prospect of my success; otherwise I must die a victim to grief and disappointment. But I have centred all my hopes in your Lordship, and I commit myself to your Lordship sympathy and kindness.

I remain,

My Lord,

Your Lordship's Obedient and Humble Servant."

* * *

The young man who wrote these letters was in no way connected with Dwarkanath, and yet he received Rs. 1,000 in three instalments.

Dr. Sircar's Science Association not only met at first with marked approval of, but received powerful

support from, his friend Dwarkanath who headed the subscription list by putting his name down for Rs. 4,000—this led others to follow his example.

Promising schoolboys had free access to Dwarka nath at all hours. They always experienced a warm and cordial reception that knew neither diminution nor interruption. That his advise and instruction must have been valuable to them, it is superfluous to say. To those who shared his friendship, he was extremely attached. The death of any of his friends completely unmanned him. When I informed him on his return from Benares of the demise of Dinabandhu Mitter he was actually speechless for some time, his cheeks bedewed with tears. For the rest of the evening he was found unfit to bear company. He was equally rejoiced at the good fortune of his friends. When Baboo Unoocool Mookerjea was appointed as an additional Judge of the High Court, he rejoiced exceedingly and prevailed on his friend to take up his residence close to his house so that they might oftener meet.

The note quoted below will give a glimpse of one evening's enjoyment.

58, CHOWRINGHEE,

21st April, 1871.

MY DEAR DWARKANATH,—The King of *Turkeys* who is a prisoner at my Palace for the last three days will give himself up to the sacred fire—pray come and bless his soul at 7 o'Clock P.M. Dr. Nilmadhub and a few select friends will be present and read the *mass.* The matter was postponed for your sake yesterday, so you must come tonight.

Was any thing of matter with you yesterday or you did not go because there is an extra (*Balad*) bullock.

Yours very sincerely,
(Sd.) UNOOCOOL MOOKERJEA.

Sometime after his return to his Bhowanipore house, Dwarkanath lost his wife, who died of heart disease. All through the trying days and weeks that preceeded her death he never failed for a day in that watchful, sympathetic care which gives to husband's love a depth, an earnestness and a sanctity which even the passionate devotion of a lover cannot match. For all that, the precious, long-tried and dearly beloved wife, who was as it were a part of his being, was now taken away from him, and the pang felt by him can be better imagined than described.

Within a year from the death of his wife Dwarka nath married again. In taking this step he was influenced partly by the earnest desire of his mother and partly from the consideration that married life was one of the best safe-guards of character. A personal description of the Judge's new consort is given in a subsequent part of this narrative, dealing with the last scene, when fully developed into womanhood, she was on the eve of being severed for ever from her lord. Suffice it to say here that Dwarkanath escaped the too common fate of Hindu men bent on marriage, whether young or old, of wedding a child. He had the fortune to espouse a rather grown-up miss whom the custom of the land would almost esteem quite a young lady. And she was an accomplished lady too. This fresh married life, though of short duration, proved

equally happy with the former one. His youg wife "was loyal to him not only through principle but through passion." She bore him a fine healthy boy who was petted by Dwarkanath as his "little Mitterja."

Throughout the whole of February 1870, Dwarka nath was busy preparing for the approaching marriage of his only daughter (Bhovun) by his first wife with Upendra Dutt, the second son of that great philanthropist Babu Rajendra Dutt, the head of the well-known Dutt family of Wellington Square in Calcutta. The bride-groom elect, then receiving a first class training in St. Xavier's College, was unexceptionable in morals, and both in body and mind distinguished by youthful freshness and vigour. The marriage was celebrated with due pomp on the following month; and thence-forward the charge of his education was taken by Dwarkanath into his own hands; and both his son and son-in-law remained together under his roof, and his own supervision supplemented by that of the family Tutor, Mr. Rees.

CHAPTER IX.

His collision with two big wigs.

THE appointment of Sir George Campbell, who had only a few years back been a Judge of the Bengal High Court, to the Governorship of that Province was hailed by Dwarkanath as the advent of better days to Bengal. Some time after Sir George Campbell had assumed charge of his august office, Dwarkanath called upon him one afternoon, but the great man had gone out and Dwarkanath had to come back disappointed. On the following morning, however, he received from the Private Secretary to His Honor the following letter.

BELVEDERE,

The 4th April, 1871.

MY DEAR MR. JUSTICE MITTER,—I told Mr. Campbell of your having called and he has desired me to express his regret that he was not at home at the time. He will be very glad to see you at any time you like to honor him with a visit. If you will let me have a line at any time before you intend coming, it will enable me to save you from the annoyance of finding him out.

Yours very truly,

(Sd.) HENRY BEADON.

Private Secretary.

Accordingly Dwarkanath soon after called again, this time destined to find him at home, but none the less to be doomed to disappointment. He was

received by Sir George Campbell with due courtesy and politeness, but it was a cold courtesy—the politeness of mere formality. There was an entire absence of that cordiality and friendly warmth with which Sir George, while in the High Court, was wont to greet the "great tribune of the people," as he loved to call his Hindu colleague. It was instantly discovered by Dwarkanath that a change had come over the lucky Scot.

Dwarkanath was, nevertheless, occasionally invited by Sir George to dine with him, and when they met at the dinner table at Belvedere, their conversation was at times prolonged far into night; so many topics had they in common to discuss upon. But these social parties were not destined to be of long duration. Circumstances soon arose that created a breach between them. Let the *Hindoo Patriot* so well conversant with these matters speak to the cause of this breach. "Dwarkanath was," says the *Patriot*, "fearless in exposing and reprobating the abuses and caprices of power." He it was who first unmasked the evils of personal government in the now notorious Malda Case, though it was said that the bold onset he commenced and which was followed by Justices Kemp and Phear brought upon him thunders from Belvedere in a confidential communication to the Governor-General so much so that it was believed that should an opportunity occur Sir George Campbell for one would not recommend again the appointment of a native judge to the High Court. Whether such a communication as that referred to by the

Patriot was sent or not, it would be difficult to say—because Dwarkanath heard nothing of it from the Viceroy either officially or privately, but this much is certain that the Malda Case resulted in the break-up of the *entente cordiale* between these personages. The remarks made by Dwarkanath in his judgment in that case evidently touched the *amour propre* of the Civil Service, and Sir George Campbell, as the head ef that service, took offence at them, instead of admiring, as he should have done, the honesty of the criticism. The procedure of some of the local officers in that case excited Dwarkanath's decisive indignation. As a Judge anxious to preserve the purity of his ermine, he could not ignore the facts. And his feelings were too strong to have said less.

There is another instance of Dwarkanath's collision with a big gun, but this time with one of a different calibre, that is, with one of his colleagues in the High Court. A letter dated London from Mr. Justice Jackson explaining the circumstances was published in the *Hindoo Patriot* of the 6th September 1880 from which the following paragraph may be extracted.

"Para. 3. It is imputed to me that on the elevation of Dwarkanath Mitter to the Bench, I treated him with "gruffness," but altered my demeanour on discovery that Sir Barnes Peacock was his friend."

"Now the fact is that on the death of Justice Shumbhunath Pundit, I was among those who first and most energetically advocated the claims of Dwarkanath to the vacant seat, and I do not hesitate to say that I contributed not a little to his appointment."

"That being so I certainly received him with no gruffness, but it happened that some time after he became a member of the Court, a question came on for discussion before the Judges in chambers in which Dwarkanath and I held opposite opinions. He took offence at some observations of mine made during the debate, and replied in a manner which I considered improper, considering how much I was his senior, and I determined to have no intercourse with him (other than official) until he apologized. After some time he did apologize, giving me to understand that he would have done so earlier, but he felt an awkwardness as to the manner of approaching the subject. From that time to the last day in which I saw him before his death, our intercourse was marked by unbroken cordiality."

Now before giving another version of the affair derived, as it has been, from Dwarkanath himself, I may be permitted to premise that the question before the Judges in chambers being an open question involving in its solution a reform of the judicial machinery, it was not unbecoming on the part of Dwarka nath to have opposed his senior if he could not coincide with his views. Mr. Justice Jackson really seems to have thought that he had nothing to do but to declare his opinion to have it immediately received as one of unquestionable authority. That was his habit. Since the retirement of Sir Barnes Peacock, Sir Stuart Louis Jackson was wont to decide great questions of judicial administration in an authoritative manner and to press his notions upon his colleagues as undeniable facts. This it was impossible for Dwarkanath to have acquiesced in without at least

stating his view of the matter in discussion. In this case Dwarkanath differed greatly with Mr. Jackson. And in stating his grounds in support of the view taken by him, Dwarkanath addressed himself so entirely to the common sense of his brother Judges, with such down-right earnestness, and in a style so clear and forcible that he at once won them over to his view. This upset Mr. Jackson who thereupon came upon Dwarkanath in a way that could, to use one of our familiar expressions, have pierced through the shell of a tortoise. This onset provoked Dwarkanath to retort, under which his colleague winced. In the heat of subsequent debates they both went to unhappy lengths; and when at last they parted, they parted like two furious bulls.

For about six months from this date, they both, though sometimes sitting together on the same Bench, did not exchange a word. Things went on in this way when the late Mr. Justice Norman, then Officiating Chief Justice, catching hold of the hands of the two as they were passing one after another, brought about a reconciliation. There was no apology tendered on either side, unless it be that the civilities exchanged on the occasion were mistaken for such. It was not in the nature of Dwarkanath to harbour vindictive feelings; and if he had wrestled with his senior and held out so long, it was because he could not help doing it. "A clear unblemished character comprehends," says the writer by the name of Junius, "not only the integrity that will not suffer, but the spirit that will not submit, to an injury." As regards

the part said to have been taken by Mr. Justice Jackson in advocating the claims of Dwarkanath, it is only necessary to remind the reader that Dwarka nath never applied for the post, nor endeavoured in the least to create interest on his behalf. He did not seek the judgeship; it is well-known that he made a large pecuniary sacrifice in accepting it. He had scarcely any great reason to feel grateful, for least of all to a Judge of the well-known temper and bearings of Sir Louis Stuart Jackson. Nevertheless, Dawarkanath was by nature of far from a quarrelsome or supercilious disposition. He was courteous and affable to all—respectful to equals and deferential to superiors.

But "All's well that ends well." Let it, however, be said to the credit of Mr. Jackson's heart that from this time forward none stood so attached to each other in the High Court as Dwarkanath and Jackson. Every honest man will therefore forget the unfortunate differences that clouded their intercourse for a time but will only remember and admire their mutual appreciation and attachment which ended with the last breath of the Hindoo.

During the cold weather Dwarkanath used to take along with him both his son and son-in-law to hear the Lectures on Experimental Philosophy including Optics and Theories of Light delivered twice a week by that eminent man of science, Father Lafont, the Rector of the St. Xavier's College. He used to induce many of his poor friends to attend the lectures, paying himself their admittance fees. His attendance at the

lecture-room was punctual to a minute, and in order to make his son and son-in-law to go deeper into the spirit of those discourses, he made them on returning home reduce to writing from memory what they had heard at the Lecture-room ; and then explaining them those parts they did not understand. He was on such occasions found closeted with them in his favorite Library, sitting on his arm chair, with scientific apparatuses around him ; he explaining and the boys listening, till the difficulty was removed.

Passionately fond as he was of books, he would read nothing but solid standard literature. With the exception of the Waverley Novels of which he was a great admirer and a few others of sterling mark, he would never fritter away his time in reading novels nor allow his friends to do so. Hence his Library contained but few works of prose fiction. Of the great poets he was extremely fond. He got most of their striking passages by heart and could any time repeat them. Good English Poetry from Shelly and Longfellow was frequently read and re-read by him in latter days. In penetrating into the profound thoughts and etherial conceptions of the former bard Dwarkanath shewed a perfect mastery. *Queen Mab,* so beautiful and gorgeous and so abounding in the delicate and subtle traits of the poet's imagination, was Dwarkanath's special favorite. In Dwarkanath were combined dissimilar powers. A lawyer and Mathematician, he was no less remarkable for poetical susceptibility and fervour. Though not a poet

himself, he was a worshipper of poets and an eloquent and gifted expounder of poetical excellence and genius;

"*Looking* abroad through nature, to the range
Of planets, suns and adamantine spheres,
Wheeling unshaken through the void immense;"

Dwarkanath was through all his life studious in his habits. He could never remain idle for even so short a time as half an hour. It was his practice to remain on his bathing tub for an hour in the morning. Even this much of his time he would hardly devote solely to his physical comfort. While lying there immersed for the most part in water, and his servant rubbing or scouring his body, he would still pore over his books,—this time vernacular popular literature issuing from the Burtolla Press. His splendid Library received every month a fresh addition in the shape of new or valuable works,—latterly mostly in the French language. The little bill cited below shews the supply for one indent—the last that he ever made.

14, Henrietta Street, Covent Garden.

London, 1st September, 1873.

The Hon'ble Dwarkanath Mitter.

Bought of William and Norgate, Importer of foreign books.

		£.	s.	d.
1	To Comte Letteres	„	5	6
1	„ Hutheic	„	8	„
1	Congreve L' Inde	„	2	6
1	Luipisle Condolisation... ...	„	2	6
1	„ Discourses	„	2	„
	Postage of two letters to Calcutta ...	„	1	6
		£	1	2	„

The following letter shews how one of his orders could not be executed in Calcutta.

Hon'ble Dwarkanath Mitter.

Sir,—With reference to your enquiry we beg to say that "La Place's Mechanique" has been purchased by Colonel Tennent of the the Roorkee College.

Yours faithfully,

(Sd.) Thacker, Spink & Co.

Many of the choice works he went through are replete with notes traced by him in pencil. Some of them are profound; others cutting. I would cite here two or three as specimens.

HISTORY OF THE CAPTIVITY OF NAPOLEON AT ST. HELENA.

By GENERAL COUNT MONTHOLON.

Vol. I. PAGE 123.

SUBJECT

Napoleon on his way to St. Helena from Plymouth.

"On the 9th of August, the admiral gave orders for getting under sail, and a few moments afterwards the whole squadron was under weigh, taking in order to get out of the British Channel.

"Several times did the shores of France appear before our eyes, as a vague and formless shadow appears in a dream, when the mind and thoughts are touched by a feverish impression; but, just as our hope of recognising or seeing distinctly some points of the coast was about to be realized, the cursed signal to tack was to us as the awaking which destroys the illusion of a pleasant dream.

"Once however, while the Emperor was taking his accustomed walk on the deck, the coast of Brittany threw off the clouds which concealed it, and presented itself to our eyes, as if to receive our last *adieux*. France! France! was the spontaneous cry which resounded from one end of the deck to the other.

The Emperor stood still, looked at the coast, and taking off his hat, said, with emotion:—

"Farewell! Land of the brave, I salute thee! Farewell! France—farewell!"

The emotion was electric; even the English involuntarily uncovered themselves with religious respect."

Remarks by Dwarkanath.

Our Country ought to take note of this emotion which ennobles a man and exalts a nation.

The same book and Volume page 85.

SUBJECT.

"It is true, however, that ever since the Emperor's sojourn in Malmaison his mind was impressed with the conviction of the grand marshall and Count Las Cases, that he had reason to expect a magnificient reception, and the extent and greatness of the popular ovation, would be increased by the testimony of esteem, which would be given by the Emperor in throwing himself upon the hospitality of England. During his sojourn at Malmaison he had said to Queen Hortense—"Give myself up to Austria, never!—she has siezed upon my wife and my son! Give myself to Russia, that would be to a single man; but to give myself up to England, that would be to throw myself upon a people."

Accordingly he gave himself up, and was betrayed. He was sent to St. Halena there to die by inches.

Remarks by Dwarkanath.

Wrong—a single man may be generous; a body never—they are ever led by passion or fear.

The subject quoted below is long but still worth reproducing.

FROM GENERAL WASHINGTON'S LIFE.

Lord Suffolk, Secretary of State, contended for the employment of West Indians, in the American War then raging. "Besides its policy and necessity," his Lordship said, "that the measure was also allowable in principle,

for that it was perfectly justifiable to use all the means God and nature had put into our hands."

This moving the indignation of Lord Chatham he suddenly rose and gave full vent to his feeling in one of the most extraordinary bursts of eloquence that the pen of history has recorded. "I am astonished," exclaimed his Lordship, "shocked to hear such principles confessed, to hear them avowed in this house or even in this country. My Lords, I did not intend to have encroached again on your attention, but I cannot repress my indignation. I feel myself compelled to speak. My Lords, we are called upon as members of this house, as men, as Christians, to protest against such barbarity. That God and nature had put into our hands! What ideas of God and nature that noble Lord entertains I know not, but I know that such detestable principles are equally abhorent to religion and humanity. What, to attribute the sacred sanction of God and nature to the massacres of the Indian scalping knife! to the cannibal savage, torturing, murdering, drinking the blood of his mangled victims! Such notions shock every precept of morality, every feeling of humanity, every sentiment of honor. These abominable principles and this more abominable avowal of them, demand the most decisive indignation. I call upon that right reverend and this most revered bench to vindicate the religion of their God, to support the Justice of their country. I call upon the Bishops to interpose the unsullied sanctity of their lawn, upon the Judges to interpose the purity of their ermine, to save us from this pollution. I call upon the honor of Your Lordships, to reverence the dignity of your ancestors, and to maintain your own. I call upon the spirit and humanity of my country, to vindicate the national character. I invoke the genius of

the constitution. From the tapestry that adorns the walls, the immortal ancestor of this noble Lord frowns with indignation at the disgrace of his country. In vain did he defend the liberty, and establish the religion of Britain against the tyranny of Rome, if these worse than popish cruelties and inquisitorial practices are endured among us. To send forth the merciless cannibal thirsting for blood! against whom?—Your Protestant brethern—to lay waste their country, to desolate their dwellings, and extirpate their race and name by the aid and instrumentality of those horrible hell-hounds of war! Spain can no longer boast pre-eminence of barbarity. She armed herself with blood-hounds to extirpate the wretched natives of Mexico, but we are more ruthless, to loose those dogs of war against our countrymen in Ameria, endeared to us by every tie that should sanctify humanity. My Lords, I solemnly call upon Your Lordships, and upon every order of men in the State, to stamp upon this infamous procedure the indelible stigma of the public abhorence. More particularly I call upon holy prelates of our religion to do away with this iniquity; let them perform a lustration to purify this country from this deep and deadly sin. My Lords, I am old and weak, and at present unable to say more, but my feelings and indignation were too strong to have said less. I would not have slept this night in my bed, nor reposed my head upon my pillow, without giving vent to my eternal abhorence of such enormous and preposterous principles.

Remarks by Dwarkanath.

"It is the heart which gives lesson to the head. Under the system of education now in vogue, England

is not likely to see another Chatham in their midst. The principles of political economy are eating into the vitals of the English nation."

In the fly-leaf of a work on Indian History Dwarkanath has left a racy criticism on two of the late Governor-Generals of India under the heading of "King Log" and "King Stork." For obvious reasons I refrain from reproducing them here.

Among his papers is a newspaper cutting treasured up with evident care. I well remember his interest in it. It appeared originally in *Blackwood's Magazine,* being the account of an Anglo-Indian Hunter's first encounter with a tiger. The story had made a deep impression on Dwarkanath. It was years since he first read it, but he kept the passage by and loved to speak of it. More than once he read it to me. I better give the passage entire. Long as it is, it is certainly most interesting. It will afford an opportunity of seeing somewhat more of Dwarka nath's inner thoughts.

The printed paper runs thus:—

"I had never seen anything in the shape of a tiger and was struck dumb with astonishment; not so my Hindoostani boy of about 14 years old. He was the son of a famous *Shikari*; and I believe he had never seen a tiger any more than myself; he knew me to be a griffin, and his little heart swelled with the proud consciousness of superior knowledge of wood-craft. "Suppose master please," said he, drawing himself up and assuming an air of much importance, "I show Shaib how to kill that tiger; I know

very well burra Shikar business." In my simplicity, I looked upon the daring little imp who talked thus confidently of killing a panther, with a degree of respect almost amounting to awe, and without hesitation put myself under his guidance. According to his directions I extracted the shot from my gun and loaded it with some bullets which I happened to have in my pocket. "Now then," exclaimed my young *Shikari* as he placed himself behind the shelter of a large stone directly in the front of a cave; "now then, I show Shaib how to make shikar come. Shaib make a tiger eat plenty balls; that proper shikar business." So saying he marched directly up to the entrance of cave and began to pelt the tiger with stones, abusing him all the time in choice Hindoostani slang. Sure enough, this did make tiger come with a vengeance. The enraged brute, uttering a shrill roar, darted from the cave, siezed the body by the back of the neck, threw him over his shoulders, and dashed him down the hill like a thunderbolt. My blood curdled at the sight, but I instinctively fired, and I suppose hit the beast, for he instantly dropped the boy, who rolled into a dark ravine at the foot of the hill. The panther having disappeared in a neighbouring jungle, I descended into the ravine to look after little "Kedar." There he lay weltering in blood, dreadfully mangled and evidently in a dying state, but still quite sensible. The gallant little fellow never uttered a complaint, but fixing his eyes steadily on my countenance, as if he could there read his fate, asked in a faint tone of voice for some water. I was stooping down to collect some in my hat, when I was startled by a surly growl, and the noise of some animal snuffing among the brushwood, which closed over my head and almost excluded the light of day; it was

the panther, who had returned. My first impulse was to fly and leave the boy to his fate. But poor "Kedar," seeing my intention fixed his glassy eyes upon me with an imploring look which cut me to the heart, and made me blush for very shame. Kneeling by his side, I raised his head, wiped the bloody froth from his parched lips, and poured a few drops of water down his throat. This appeared to revive him. "You have not killed the tiger Shaib," speaking in Hindoostani; "I am sorry for that; I should have liked to have sent his skin to my father. But you will tell him, Shaib, that I died like a *Shikari*. I was not afraid for the tiger. I never cried out when I felt his teeth crouching through my bones. No! I struck my knife in twice. See! this is tiger's blood!" and his glaring eyes flashed wildly for a moment as he held up a bloody knife, which he clutched firmly in his right hand. "Father will be proud to hear of this. But my mother will cry very much, and her heart will turn to water when she hears that I am dead." And here, for the first time, the hot tears began to trickle down his cheeks. For a few minutes he remained motionless, with his eyes closed, and big drops stealing slowly and silently through the long silken eye lashes. But suddenly starting up, with his eyes bursting from their sockets, and gasping painfully for breath, he screamed as if in a fit of delirium. "The tiger has siezed me again! Save me, Shaib, save me! "cried he in a hoarse voice;" I feel his teeth in my throat! my breath is stopped! ah! ah!" he gasped like a person drowning—his eyes turned in his head till nothing but the white was visible—his jaws became firmly locked. A cold shudder ran through his limbs, and the gallant little "Kedar" fell back in my arms a stiffened corpse. I was young then, and unused to death,

and that scene has made an impression on my mind which will never be obliterated.

"The panther was afterwards discovered lying dead from the loss of blood caused by the wounds inflicted by "Kedar" with his knife."

Great was Dwarkanath's interest in that little hunting incident. It was by no means uncommon in the annals of Indian *shikar*, but Dwarkanath was neither a *Shikari* himself, nor a reader of sporting literature. The foregoing account casually met his eye and at once appealed to the native bravery of his heart. Since then little "Kedar" became one of the heroes of his admiration, nay one of the greatest of them. His enthusiasm for the poor fellow was unbounded. He went so far as to say that had the boy lived, he might have been a Napolean. The great Corsican certainly never exhibited greater daring or coolness in danger.

CHAPTER X.

"The last chapter of his official career."

THE progress of the late Franco-Prussian War Dwarka nath watched with intense anxiety; and his sympathy for France was profound. Striken down and exhausted, France to him was on that very account, the dearer. What was the state of his mind during the crisis, the following letter written to me at the time will show:—

MY DEAR FRIEND,

Nothing could have given me greater pain than the charge of neglect you have brought forward against me. That I am not very regular as a correspondent, I am fully prepared to admit. But I assure you from the very bottom of my heart that I am incapable of feeling coldness towards you, whom I have always looked upon as one of my best friends and whom I shall continue to cherish as such to the end of my life. Yours is a noble heart which no one who has *once* come in contact with you can cease to love.

The only reason why I did not write you so long is the unfortunate war, which has completely robbed me of my peace of mind. France who has taught us every thing that is good and noble in Humanity is about to be sacrificed to make a Prussian Holiday; and this is the thought which has been tormenting me like 'hell-fire' since the fatal day of Woerth. If she survives this attack, you will hear from me as often as

you like. But I sincerely trust that you will excuse me for my silence until the crisis is over.

Trusting that you are all right.

I remain,

Yours ever faithful and loving friend,

DWARKANATH MITTER.

BABOO DINABANDHU SANYAL,

Berhampore.

So great was Dwarkanath's interest in the war, particularly his anxiety about the fate of France, that he early arranged at some cost to himself to be supplied with the news from the seat of war with all possible expedition. If a telegram reached his place late at night, he would not excuse his servants if they neglected in the least to awake him for the perusal of the same.

During the period he occupied the Bench, Dwarka nath generally passed his Dussera vacation in some healthy place in the North-West Provinces. Benares and Lucknow were generally resorted to. But the vacation of 1872 he spent in Chinsurah. In chosing this place, he was actuated by other feelings than a regard for his health, and that could be discovered easily. He appeared then with all the lustre of a name endeared to the people of the place by his early connection with the College there. He was hailed with real enthusiasm. And well might the people be proud of one who reflected such glory on them and was so zealous of the credit of their common *Alma Mater*. The place evoked all the fond recollections of boyhood, and he visited all his

early haunts and old friends. He was *feted* there by all his college chums. Occupying a pleasant house on the margin of the river, Dwarkanath passed his entire holidays—two months, in the society of his early friends and gave them a succession of dinners. Before leaving the place, he, on the re-opening of the College after vacation, visited it and offered a gold watch and chain, for an Historical essay to be competed for, every year by the students of the highest class.

Some time after his return to Calcutta, Dwarka nath presided in association with his brother Judge Mr. Justice Phear at the distribution of prizes to the students of the Calcutta Oriental Seminary, the oldest great public school founded and maintained wholly by private enterprise. He was much pleased with what he saw of the improvements of the boys on the roll of this ancient institution, which sent forth such men as Shumbhu Chunder Mookherjea, Kristo Dass Paul and Shumbhunath Pundit and others of note. Before he left the school he had a private talk with its manager Babu Becharam Chatterjea and asked him of his free will to put his name down as a subscriber of one hundred rupees a month. I was not aware of this his almost princely charity until I heard of it while these sheets were going through the press. Babu Becharam who gave me this information ended with the remark that "a life so valuable to the community should have been so short!"

During the cold weather of this year Dwarkanath appears to have written some papers at the request

of Mr. Justice Phear. That this was so, will be evident from an extract given below:—

Extract paras. 2 and 4 from a letter dated 3rd July 1873, from the Hon'ble Kristo Dass Paul Rai Bahadur C. I. E. to Dwarkanath.

PARA. 2. "I have read with great pleasure the extract from Mr. Justice Phear's letter. I wish you Godspeed."

PARA. 4. "I return Captain Baring's letter. I am much obliged for your kind opinion of my humble self. With regard to the character of the evidence I might give before the Commission, I need hardly say your estimate is much exaggerated. I would have gladly gone to England for the sake of my poor country, if there were not insuperable difficulties in the way."

It was about this time, that Dwarkanath was confined to bed for some time with an attack of the Dengue fever, which then appeared in this country for the first time, and made a rapid circuit throughout the peninsula. Though he got well in time, the disease left some traces behind in his frame, which disappeared only with his life. Just as he grew convalescent, he attended the Court and was engaged for some days in hearing an appeal on which he has recorded a decision which alone might ensure his memory from decay for generations to come. On this subject, I would here cite the authority of the *Hindoo Patriot.* "Almost his last days on the Bench were," says the *Patriot,* "occupied with the trial by a Full Bench of the Great Unchastity Case in which he delivered a judgment which has been the theme

of his countrymen's admiration throughout the length and breadth of the land." In his decision of that case Dwarkanath has simply put forth a plain statement of facts and interpreted Hindu Law bearing on them; and the opposing arguments urged by his colleagues differing from him, stand openly refuted. In fact its argumentative effectiveness is largely due to its clear and compact statement of facts and lucid interpretation of the Hindu Law govering them.

The excitement of the case kept up his spirits and health for some time, but when the case was over, a reaction came over both his spirit and health. His glands began to swell, and he used to feel something like a shooting pain over his body—all which he attributed to the after-effects of the Dengue fever he had had on some time before. The Dussera vacation drew nigh and he began to make preparations for a trip to Oudh for the benefit of his health. On the very first day of the vacation he left Calcutta with a troop of friends. He took with him a lot of Sanscrit works and when starting told a friend of his, that he would now take to authoring.

CHAPTER XI.

The closing scene.

THE prospect of Dwarkanath's career was at the very brightest when, in November 1873, on his return from Oudh, he discovered for the first time that he had been attacked by a terrible malady—cancer of the throat, accompanied with the swelling of the glands. Sleeplessness had now set in, and his nights had been almost wholly restless. As the Court re-opened after the vacation, Dwarkanath attended to his duties on the Bench for a couple of days only and then applied for and obtained three month's privilege leave. I was at this time sent for and I remained with him almost all the time he stayed in Calcutta, ministering all I could to his comforts. A change now came over the habits of his living. He forsook all unorthodox fare and adopted in its entirety the old Hindu's simple diet. He also caused his room to be perfumed in the evening with insense (*Dhup*) which he held as purifying the air and destroying the unwholesome exhalations.

"The general diet of a civilized country," remarked Dwarkanath one of these days, "is never a thing either of accident or caprice; it is rather the stereotyped expression of what experience has proved to be the best. As a rule, it would be well to note what is the prevailing diet of a country we got into, and conform to it so far as we could without violence to our principles and inclination. Our medical men trained in the English system

generally ignore this fact and in prescribing unsuitable diet do an immense injury to our country."

During his illness Mr. Geddes of the Civil Service was a constant visitor, sometimes in company with Mrs. Geddes. One afternoon in my presence Dwarka nath spoke thus to Mr. Geddes. "The course of self-discipline prescribed by our law-giver Mánu consists of moral, mental and physical development, carried on in paralell lines, one being useless without the others. It is a system of drill scientifically devised." He concluded this by saying that "I attribute all what I suffer to the neglect of such rules. If I survive this attack I will turn over a new leaf." At which Mr. Geddes asked him what he meant thereby, and Dwarkanath repeated from memory the following passage from a letter from Professor Max Müller to my friend and neighbour Dr. Ramdass Sen—a letter that had shortly before been published in the newspapers. The passage runs thus:—

"Take all what is good from Europe, only do not try to become Europeans, but remain what you are, sons of Manu, children of a bountiful soil, seekers after truth, worshippers of the same unknown God whom all men ignorantly worship, and whom all very truly and wisely serve by doing what is just and good."

His agonies from the effects of his disease unrelieved by sleep began to increase as time wore on; some times they were fearful, but he struggled with all the energy of his character, all the power of his mind against sufferings which would have crushed another in no time; never yielding till death siezed him. By

the month of January 1874 it became too plain, that recovery was hopeless and what remained of life, could be but a slow and painful process of dying. The malady was making the most rapid and irresistible progress. He was now subject to occasional fits of stupor. Recovering from one of these fits of death-like trance, he heard that his mother whom he adored, had sprained her ankle in a hurry to come and see him. "O mother! are you hurt in your haste to see me," cried he and sobbed with bursting tears, followed by a deep groan, "are you coming to save your Dwari, bless me for ever, with one breath!" "O gracious God, I bless thee," she said and swooned and fell by the side of her son. I cannot describe the scene.

Letters of sympathy from his positivist friends began to pour in upon him, of which 2 or 3 are reproducecd here.

LONDON, 16 MOSES 86,
16th January, 1874.

MY DEAR SIR,—It is with the greatest sorrow that I hear of your illness and your suffering and I send you a line or two through Mr. Geddes to express my sympathy and that of all my family here, as also of your co-religionists. May it find you better and stronger. I cling to the hope that it may be so—knowing you to be ill I do not do more than just give expression to my feelings and hearty wishes for your safety. The fruits of the Eastern world every thing has made me deeply interested in your welfare.

Yours in all affection,
RICHARD CONGREVE.

THE HON'BLE DWARKANATH MITTER.

KISHNAGUR,
18th December, 1873.

MY DEAR DWARKANATH,—I am so sorry to hear from Mr. Geddes that you have been and still are so poorly. I can sympathize with you in suffering for I know myself full well what it is. Had I felt strong enough I should come to Calcutta to see you, but I am able to go about very little, and need to husband all my strength for the College work. Whether I shall be able to continue my work next term is very doubtful. I hope I shall hear of you occasionally. You may depend upon it, I shall not cease to think of you so long as you are in suffering. Constant wearing *mataise* is bad enough, but when pain is acute the matter is more worse, and more courage is needed for bearing up against it. I dare say you will agree with me that this is a sad world for very many—far far too many in fact—of us poor mortals. For my own part, I shall quit it without a sigh at any moment though I dare say that when the supreme hour is at hand I shall hardly have the courage of the great Antaine who calm to the very last, gave as his dying watchword "A Equanimitas." But these are doleful thoughts, and I ought rather to be dwelling upon topics of hope and encouragement. However, I am but sad myself, and you therefore must take the sympathy which I can give as the best which a fellow sufferer can offer. It may perhaps be some consolation for you to know that you are not alone in the dark vale of tears. I shall pray for you and trust that a strong constitution and sound brain may enable you to tide successfully over the present crisis. Let me grasp your hand in thought and I hope that you will grasp mine in return.

Yours fraternally,

L. LOBB.

P. S.—"My sister Mrs. Peachy desires me to be very kindly remembered to you."

THE HON'BLE DWARKANATH MITTER.

Mr. Lobb again writes under date the 27th December 1873.

"I have heard of you very frequently of late, and have now received a message from you through Mr. Geddes."

"My object in writing to-day is to give you a little encouragement. Putting together all I have heard I expect you are not so bad as some people make out. Don't let them frighten you. Death I should suppose would be nothing very terrible to a serene mind like yours, but still don't put any faith in the talk or chatter of Doctors and nurses. Some people take a long time in dying. I for instance have repeatedly given our good friends the Doctors the slip though I somehow think I shan't be able to frustrate their lugubrious vaticinations much longer. However you are a young man and tolerably strong, and I presume have had a temperate life. If so, you will be able to bear up against a good deal of illness without giving in. The first access of a chronic malady is always painful and perhaps dangerous. But when once this priliminary onslaught is over, the patient settles down into a truncated sort of existence, and may with care get on tolerably well for many years.

"What I expect you have to dread most is the meddling of the Doctors, who will be sure to make an utter mess of your complaint if you to let them have their own way. I know what I have had myself to suffer at their hands, and I earnestly warn you against them. There is Homœopathy which at least is a system that

can do no harm. It does good in many cases, but there are maladies in which it is quite as impotent as any other system. Mine is one of them. Of course I can pronounce no opinion upon yours. But from what I hear I expect that will be something like me, always having a thorn in your flesh. I have now taken my case into my own hands, and I find I can manage it toleraby well. I expect you might do the same with yours when once this acute attack is over. I find the best *regime* to be careful diet and perfect rest. Let your food be simple and not greasy, and avoid any thing like excitement. I administer to myself occasionally some Homœopathic medicine, but I can't say that it has any but temporary effect. Still it just humours one, makes one feel that something has been done, that one chance has been given. This may be a very sorry fetisch perhaps, but if it gives satisfaction that is the main point. I am no believer—as you know—in our good friend *Absolute Truth.* Any thing that gives a man satisfaction conforms to my notion of Truth. Perhaps this is a vague definition, but you will understand what I mean.

"Now, *Courage Mon Ami! Point de desespoir*, more brave! Let me shake hands with you mentally, and with all the sympathy that a *pauvre diable* like me can offer, believe me."

Yours fraternally,

S. Lobb.

P. S.—"I wish I could have cautioned you a twelve month ago against the Doctoring business. I am a great heretic in this matter, as I suppose you know. But I can't help it."

There was no mistake on the part of Mr. Lobb that the Doctors would make a mess of Dwarkanath's

complaint; so they did. But a strong constitution and a sound head enabled him to struggle against the disease for months. At last, he was himself aware that his end was near, and while under this conviction he sent one afternoon for his wife; and the scene that took place after the interview is given below.

In a corner of the room where the patient lay, sat, unknown to the company sitting in the adjoining drawing-room, a young lady of seventeen. She was dressed in black-bordered *Saree* with a small muslin-frock fringed with gold lace and thoroughly bejewelled, turning over some photos presented that morning to her husband by Mrs. Geddes. As I entered the room in obedience to a signal made at the door by a boy servant, she looked embarrassed; but the significant look of her Lord reassured her; and she quickly regained her composure. Her face was so lovely in its pensive sweetness that one could not ignore her presence: her complexion was of light gold; her mouth small and vivacious though now tinged with a shade of melancholy; her nose, not classical certainly, but the prettiest imaginable; her eyes large and of a delicious dark; and to crown all, a mass of shinning and long tresses which adorned her head, swept from her back over the cushion on which she sat. This was the last wife of Dwarkanath. As soon as I entered the room I was beckoned by him to sit on the bed beside him. His face suddenly assumed a melancholy aspect; his eyes at once filled with tears; he gazed on her wife with a fulness of heart and then turned

his eyes to me. Then what occurred, it is not necessary to recite. Suffice it to say that what she now saw and heard from her husband, led her to anticipate the worst. She impatiently fell back on a pillow which soon got wet with tears, her large hairs getting disturbed and entangled by the constant movement of her restless head. I felt quite oppressed at the thought of all that was in store for the poor lady.

All through these dreary months, we were in the greatest anxiety and distress, and though what we saw and heard of Dwarkanath left little room for hope, yet we could not even bear to think of such a catastrophe. At times there was "a decided rally," which acted like a ray of sunshine through the gloom of despair.

Time wore on in agonizing alternations of hope and fear—a sentiment shared in by all who daily crowded his house either to enquire after his health or to minister to his wants—a sentiment which quickly spread through the land. Almost all the Hon'ble Judges of the High Court including the Chief Justice called pretty often at the Bhowanipore House to enquire of his health. Mr. Morgan, formerly a puisne judge of the Bengal High Court and since the Chief Justice of Madras was so attached to Dwarkanath that he availed himself of the Christmas vacation to take a trip to Calcutta principally to see him, and left the house with eyes filled with tears. Lord Northbrook, then the Viceroy of India, sent by one of his Aides-de-Camp message of sympathy to Dwarkanath.

At the end of January 1874, after a stay of 3 months under his roof, I was obliged through urgent private affairs to repair to my home. For the incidents of the mournful sequel of the scene, I turn from this time to the letters of my valued correspondent Babu Rajendra Dutt as well as to the information conveyed by his son who attended Dwarkanath up to the last moment.

CALCUTTA, WELLINGTON SQUARE,

7th February, 1874.

MY DEAR SIR,—I have received your kind letter. I am sorry you are laid up, but I hope you will soon get over your malady and be well again.

Our friend Dwarkanath as usual is again under the influence of the *devil*, and refuses food and medicine. He says he will kill himself, if he is not taken to his native village. As before, war is going on in the house, and one cannot say how long this hallucination will go on or how it will teminate. It is most deplorable that such a valuable life should be lost from the absence of decision in his councillers. It proves the evil consequences of not having some one to guide and hold the helm in times of trouble and distress. His death, I am exceedingly sorry to say, seems to be inevitable, though yet I think that if it could have been properly managed, if not cure, prolongation of life and immunity from suffering could have been ensured. You may have heard the treatment of the celebrated (*Chain*) quack physician, but as heretofore just as soon as there was slight diminution of the swelling, Babu————stepped in and began to administer his medicaments, but this time he had the

good sense to give him that medicine which he had heard we had given and under the influence of which our friend had derived so much benefit; and as a natural sequence he derived some benefit in some respect—not an undesirable thing in his present condition; it removed some of his impending sufferings and averted immediate death as was apprehended, but as fatality overrides, he would not give that a fair play and thus his vitality is now on the decline. It mortifies me much to think that he has not had proper treatment from the commencement of his malady and he shall have to die a victim to his whims and caprices and for not having a proper head to guide the management of his condition; but what is to be must be; and we as friends have to lament without being able to minister to the wants of his condition.

I shall always be glad to hear from you and wish particularly to know how you get on and when you are well.

Yours truly,
RAJENDRO DUTT.

BABOO DINABANDHU SANYAL,
Berhampore.

P. S.—"Upen tenders his *pronam* to you."

Upen (Upendro) was the son of Babu Rajendro and the son-in-law of Mr. Justice Mitter. This young man proved more than a son to Dwarkanath throughout his protracted illness.

A second letter from the aforesaid gentleman under date the 21st February 1874, discloses the state of affairs relative to the patient as follows:—

"As regards the present condition of our friend Dwarry I don't know what to say. It seems the devil

is in him and he is moved by that influence to do things contrary to all his friends' advise. He took to his head to go to his native village. When he went he was in a desperately bad condition, but from reports I get from Upen he is somewhat better though exceedingly weak and still not in a such condition as to afford a hope of his ultimate recovery. However change has done him some good in prolonging his life; for when here we were apprehensive of speedy dissolution—this he has escaped by his departure, that is, in my judgment, by being able to avoid the maltreatment he was having here. The cessation of medication for some days has done him some good; only if he had been let alone. But destiny accompanies him, officious friends and relatives force Allopathic remedies into his stomach whenever they can do so and thus thwart his relief. Poor Upen is asked, when the sufferings are great, to alleviate them by Homœopathic remedies, which I am glad to say are still found efficacious showing thereby that however advanced may be the state of his malady, his system is still amenable to appropriate and correct medication.

"I am often called to go to him but my peculiar position as regards my Cuttack business does not permit me to comply with that requisition for which I am exceedingly sorry. I am trying and shall go to Augunshi as soon as I can manage to go. I cannot really tell you that our friend has any hopes of recovery but if he is permitted to take Upen's medicine without interference he may recover, but as you know there is no chance for this since several members of the family think that *our Uncle friend* is a great practitioner and what he says is gospel truth."

The fact of the matter was that after months of suffering, borne with patience, he found no relief, and

felt disgusted with the medicines he was plied with, and longed for a change. "I shall never," said Dwarkanath one day in a tone full of pathos, "live to see many days; let me go back to my dear, dear Augunsi, and lay my bones on the place where I drew my first breath. I do not think I could rest in peace elsewhere." The attraction of the human clay to the spot whence it had received its first nutriment is so potent in the human breast!

His dying wish it would have been inhuman not to have complied with; and complied with it was without much loss of time. On the 16th of February 1874 at 1 o'clock P.M., Dwarkanath started for his native village. The tide was favorable, and the boats glided down fast. In a short time, the stately buildings, towers, and steeples glittering in the sun were left behind; the hum of the City of Palaces died on the ear; and they found themselves amidst villas, groves and cottages covered over with green leaves. The further they proceeded down, the more lovely the earth seemed to Dwarkanath; and his eyes glowed with enjoyment.

"Night was drawing on," says in a letter to me the son-in-law of Dwarkanath who was in the boat with Dwarkanath "as we reached the Ghat whence we were to proceed by land to Augunsi. The weather began to put on a threatening aspect, and the wind sang through the old trees! The owl too kept whooping from an old temple lying in ruins close by. Methought I heard the death knell in the screech of of the owl. This feeling came over me with the

force of conviction which never left me. The wind continued to sing a dirge in my ear; the steam of the river, as it flowed past, reminded me of joys past, never to return. Here we anchored our Budgerows for the night.

"With the morning the weather cleared up and my father-in-law and we all set out on a land journey of a few miles before we could reach our destination. As he approached close to his house, a large number of villagers surrounded him; and his face glowed with joy as he encountered their wistful gaze. From the day he reached home, the malady which had tried him so bitterly seemed to have let go its hold upon him but he grew every day weaker and weaker notwithstanding. Yet he kept up spirits, holding out hope, for his mother's sake, when hope was not, till at length "the golden bowl was broken," and he quitted his transient home. Two days previous to his death, he desired to listen to *kirtun* (a band of singers of sacred songs) and his desire was complied with. He listened to their songs for two hours very attentively and seriously. The day before his dissolution he made me read to him his favorite passages from Shelley's Queen Mab. The reading over, he took the book, and traced with his own hand in red pencil the following words in the margin "live for others." The passages thus read to, and marked by him are quoted below:—

Fairy. I am the Fairy MAB: to me 'tis given
The wonders of the human world to keep.

The secrets of the immeasurable past,
In the unfailing consciences of men,
Those stern, unflattering chroniclers, I find:
The future, from the causes which arise
In each event, I gather: not the sting
Which retributive memory implants
In the hard bosom of the selfish man;
Nor that ecstatic and exulting throb
Which virtue's votary feels when he sums up
The thoughts and actions of a well-spent day,
Are unforeseen, unregistered by me:
And it is yet permitted me, to rend
The veil of mortal frailty, that the spirit,
Clothed in its changeless purity, may know
How soonest to accomplish the great end
For which it hath its being, and may taste
That peace, which, in the end, all life will share.
This is the meed of virtue; happy Soul,
Ascend the car with me!

The chains of earth's immurement
Fell from Ianthe's spirit;
They shrank and brake like bandages of straw
Beneath a wakened giant's strength.
She knew her glorious change,
And felt in apprehension uncontrolled
New raptures opening round:
Each day-dream of her mortal life,
Each frenzied vision of the slumbers,
That closed each well-spent day,
Seemed now to meet reality.
The Fairy and the Soul proceeded;
The silver clouds disparted;
And as the car of magic they ascended,
Again the speechless music swelled,
Again the coursers of the air
Unfurled their azure pennons, and the Queen,
Shaking the beamy reins,
Bade them pursue their way.

The magic car moved on.
The night was fair, and countless stars
Studded heaven's dark blue vault,—
Just o'er the eastern wave
Peeped the first faint smile of morn:—
The magic car moved on—
From the celestial hoofs
The atmosphere in flaming sparkles flew,
And where the burning wheels
Eddied above the mountain's loftiest peak,
Was traced a line of lightning.
Now it flew far above a rock,
The utmost verge of earth,
The rival of the Andes, whose dark brow
Lowered o'er the silver sea.

Far, far below the chariot's path,
Calm as a slumbering babe,
Tremendous Ocean lay.
The mirror of its stillness showed
The pale and waning stars,
The chariot's fiery track,
And the grey light of morn
Tinging those fleecy clouds
That canopied the dawn.
Seemed it, that the chariot's way
Lay through the midst of an immense concave,
Radiant with million constellations, tinged
With shades of infinite colour,
And semicircled with a belt
Flashing incessant meteors.

The magic car moved on.
As they approached their goal,
The coursers seemed to gather speed;
The sea no longer was distinguished; earth
Appeared a vast and shadowy sphere;
The sun's unclouded orb
Rolled through the black concave;

Its rays of rapid light
Parted around the chariot's swifter course,
And fell, like ocean's feathery spray
Dashed from the boiling surge
Before a vessel's prow.

The magic car moved on.
Earth's distant orb appeared
The smallest light that twinkles in the heaven;
Whilst round the chariot's way
Innumerable systems rolled,
And countless spheres diffused
An ever-varying glory.
It was a sight of wonder: some
Were hornèd like the crescent moon;
Some shed a mild and silver beam
Like Hesperus o'er the western sea;
Some dashed athwart with trains of flame,
Like worlds to death and ruin driven;
Some shone like suns, and as the chariot passed,
Eclipsed all other light.

Spirit of Nature! here!
In this interminable wilderness
Of worlds, at whose immensity
Even soaring fancy staggers,
Here is thy fitting temple.
Yet not the lightest leaf
That quivers to the passing breeze
Is less instinct with thee:
Yet not the meanest worm
That lurks in graves and fattens on the dead
Less shares thy eternal breath.
Spirit of Nature! thou!
Imperishable as this scene,
Here is thy fitting temple!

II.

If solitude hath ever led thy steps
To the wild ocean's echoing shore,
And thou hast lingered there,

Until the sun's broad orb
Seemed resting on the burnished wave,
Thou must have marked the lines
Of purple gold, that motionless
Hung o'er the sinking sphere:
Thou must have marked the billowy clouds
Edged with intolerable radiancy,
Towering like rocks of jet
Crowned with a diamond wreath.
And yet there is a moment,
When the sun's highest point
Peeps like a star o'er ocean's western edge,
When those far clouds of feathery gold,
Shaded with deepest purple, gleam
Like islands on a dark blue sea;
Then has thy fancy soared above the earth,
And furled its wearied wing
Within the Fairy's fane.

Yet not the golden islands
Gleaming in yon flood of light,
Nor the feathery curtains
Stretching o'er the sun's bright couch,
Nor the burnished ocean-waves,
Paving that gorgeous dome,
So fair, so wonderful a sight
As Mab's ethereal palace could afford.
Yet likest evening's vault, that fairy Hall!
As Heaven, low resting on the wave, it spread
Its floors of flashing light,
Its vast and azure dome,
Its fertile golden islands
Floating on a silver sea;
Whilst suns their mingling beamings darted
Through clouds of circumambient darkness,
And pearly battlements around
Looked o'er the immense of Heaven.

The magic car no longer moved.
The Fairy and the Spirit
Entered the Hall of Spells:

Those golden clouds
That rolled in glittering billows
Beneath the azure canopy,
With the ethereal footsteps trembled not:
The light and crimson mists,
Floating to strains of thrilling melody
Through that unearthly dwelling,
Yielded to every movement of the will.
Upon their passive swell the Spirit leaned,
And, for the varied bliss that pressed around,
Used not the glorious privilege
Of virtue and of wisdom.

Spirit! the Fairy said,
And pointed to the gorgeous dome,
This is a wonderous sight
And mocks all human grandeur;
But, were it virtue's only meed, to dwell
In a celestial palace, all resigned
To pleasurable impulses, immured
Within the prison of itself, the will
Of changeless nature would be unfulfilled.
Learn to make others happy. Spirit, come!
This is thine high reward:—the past shall rise;
Thou shalt behold the present; I will teach
The secrets of the future.

The Fairy and the Spirit
Approached the overhanging battlement.—
Below lay stretched the universe!
There, far as the remotest line
That bounds imagination's flight,
Countless and unending orbs
In mazy motion intermingled,
Yet still fulfilled immutably
Eternal Nature's law.
Above, below, around
The circling systems formed
A wilderness of harmony;

Each with undeviating aim,
In eloquent silence, through the depths of space
Pursued its wonderous way.

There was a little light
That twinkled in the misty distance:
None but a spirit's eye
Might ken that rolling orb;
None but a spirit's eye,
And in no other place
But that celestial dwelling, might behold
Each action of this earth's inhabitants.
But matter, space and time,
In those aerial mansions cease to act;
And all-prevailing wisdom, when it reaps
The harvest of its excellence, o'erbounds
Those obstacles, of which an earthly soul
Fears to attempt the conquest.

The Fairy pointed to the earth.
The Spirit's intellectual eye
Its kindred beings recognised.
The thronging thousands, to a passing view,
Seemed like an ant-hill's citizens.
How wonderful! that even
The passions, prejudices, interests,
That sway the meanest being, the weak touch
That moves the finest nerve,
And in one human brain
Causes the faintest thought, becomes a link
In the great chain of nature.

"The morning of the day of his death, he grew perceptibly better and took a stroll in his veranda; but his effort was beyond his strength; a relapse took place, and before evening his spirit passed away gently." That form which but a little before was animated with a soul which did honor to

Humanity lay stretched without a sense or feeling in it! That voice which had charmed thousands now lay hushed in the sleep of death! He died at 4 o'clock P. M. on the 25th day of February in the 40th year of his age.

It was a day of gloom at Augunshi; Dwarka nath had been so much attached to his neighbours, and they so proud of him. In fact, the nook of which the outside world had scarcely heard before, has since his death become a classical spot,—as the place of birth as well as of final rest of one of the most remarkable sons of India.

We cannot conceive how much we should feel, were it not lightened by the consideration that his death was a deliverance from a painful existence considering what he had gone through for many months past, one cannot call it a cessation of life but the conclusion of a lingering death. "Non erepta vita sed donata mors est." He expired, free from all pain, in a state of composure and tranquility which could hardly be expected from what he had so long suffered. May his spirit rise purified to a better and higher world to fulfil higher duties!

THE END.

APPENDIX I.

Extract from the Hindoo Patriot under date the 2nd March 1874.

"Bengal's brightest ornament has been snatched away! After a painful struggle for months the Hon'ble Dwarkanath Mitter has succumbed to the King of Terrors. To him death has given relief but it has left a void in the country which we at present see no prospect of filling up adequately. He suffered from the cancer of the throat, which no medical skill could heal, and the excruciating pains which nothing could assuage. Indeed, his suffering was so great that the very sight was painful. In sick-bed he had sympathizing visits from friends and admirers of all classes and creeds—the Viceroy himself through an Aide-de-Camp, the Judges of the High Court, his colleagues and friends and other numerous friends personally enquiring of his health—this warm and universal sympathy, coupled with his own fortitude of mind, carried him through for a long time in this sore trial, but at last his spirit sank, and he wished for a change of scene, which the Doctors thought might benefit his system. He loved to see his native village near Ampta, the scene of his early days and associations, and thither he went, as the sequel showed, to lay his bones. His loss is mourned by an old mother, a young widow, three young children, one quite a boy, troop of friends and admirers and the nation at large.

* * * *

"But he soon after passed the pleadership examination, and on obtaining the usual diploma joined the bar of the late Sudder Court. He was looked upon with

some coldness by the then leaders of the bar, but he was warmly taken up by the hand by Babu Shumbhu Nath Pundit, the then Junior Government Pleader, and afterwards his lamented predecessor on the Bench. But a man of sterling worth as he was, he did not long pine away in the cold shade of neglect. The sun of his fortune rose with the opening of the High Court. He then came in contact with minds which at once appreciated him. Sir Barnes Peacock was the first to recognize his rare talents and abilities. That eminent lawyer was so much struck with the grasp of mind, thorough mastery of general principles of law and Indian Regulations and Acts and forensic ability exhibited by this legal practitioner that he at once accorded him his powerful support; and the other Judges of the Court, Barrister and Civilian, were not slow to mark their appreciation of his worth and character. Dwarkanath became as it were a general favorite. Apart from his general abilities he was pre-eminently distinguished by his thorough honesty and unflinching independence. He and few of his co-adjutors, who had joined the bar with him, raised at once its tone and character. Hitherto the legal profession was shunned by the educated native, because it was considered synonymous with an immoral practice. Not that there were not able and honorable men among the old practitioners, for some of them were the pride of their country, but the general character of the bar as a matter of fact did not stand high in public estimation. Whether it was owing to the depressing influence of the old Sudder or the absence of English education and consequently of those high principles of self-respect and professional honor, which that education fosters, among the old Vakeels, it is not necessary to enquire. Suffice it to say that

the advent of the new Pleaders marked a new era in the History of the native bar, and at the head of this young band stood Babu Dwarkanath Mitter. The success and influence which the new men acquired encouraged other educated native gentlemen to follow the legal profession, so much so that it has now become with the educated classes of our countrymen the most favorite of independent occupation. The moral influence of their success has gone far and wide. There is scarcely one important district in the country, which does not number at least half-a-dozen educated Pleaders in the Local Courts. This healthy change was chiefly brought about by the early labours of Babu Dwarkanath Mitter and his compeers. As a pleader he had many good qualities to recommend him. He was patient, and would not open a case without bringing within his ken the four corners of it; he was quick-sighted and could at a glance catch its salient points; he was remarkably clear and clever in making a statement, and generally carried the Court with him by his impressive exposition of facts; he was gifted with oratorical powers, and not unfrequently succeeded in making effective appeals to the feelings of the Judges; he was courageous, and never shrunk from his duty however ably he might be opposed on the other side; he contested with leading Barristers with a freedom and ease which challenged their admiration; and above all he was thoroughly honest and independent, he would never stoop to take an unfair advantage of an opponent, nor would he give up a single point which he considered essential to a fair elucidation of his clients' case, however galling his firmness and independence might be to the Judge he addressed. We could cite many a passage in this brilliant chapter of his life, which reflected great credit

upon him, but by far the most memorable one was his seven days' argument in the Great Rent Case of 1865 before all the Judges of the High Court which brought all the armoury of his knowledge of Political Economy, English Law of Landlord and Tenant, Indian Rent Law and local custom to bear upon the vitally important question at issue. Day after day he rose at 11 A.M., and continued till 5 and sometimes 6 P.M., though exhausted in physical power, still unexhausted in arguments and resources. In that case he was opposed in opinion to the leading mind of the Court, was as a matter of course by a brisk fire of interrogatories by the Chief Justice, but there was a pleasure to witness the skill and ability with which this young Norval fenced with the Veteran. He officiated for a short time as Junior Government Pleader, and on the death of his friend and compatriot the Hon'ble Shumbhunath Pundit, another ornament of the Bar and Bench of the High Court, he was appointed his successor. He took his seat on the Bench of the High Court in June 1867, and thus held his office for nearly seven years. By this appointment he was a loser in a pecuniary point of view, for it was believed that he was then making much more than Rs. 50,000 per annum. But his elevation to the Bench for the second time vindicated the claims to and fitness of the educated natives for the highest office in the state. The unanimous testimony borne by the Judges of the High Court, the Government and the Public at large to the ability and efficiency of the late Hon'ble Shumbhunath Pundit had confirmed the wisdom of Parliament in opening the bench of the Highest Tribunal of the land to the children of the soil, but Babu Dwarkanath Mitter was destined to shed still greater lustre upon the native character. The exchange

of place from the Bar to the Bench brought him new responsibilites, which he discharged most conscientiously, thoroughly and efficiently. Indeed, we have had the most flattering testimony to his judical abilities from some of the leading Barristers of this city. One of them a severe critic, and very charry of praise, more than once described him before us as genius. Himself an eminent jurist, he often wondered how Dwarkanath without possessing that hard professional training which English Lawyers receive, could grapple so successfully with the principles of law and jurisprudence and meet so triumphantly the English Lawyer on his own ground. Calm, patient, so quiet and firm, he made a model Judge, and was respected alike by the Bench and the Bar. Sir Barnes Peacock almost doted upon him. He was in the hey-day of his youth, only 41 years of age,—but he was respected alike by the old and young for his abilities and independence. The *Weekly Reporter* contains many valuable and luminous judgments he delivered from time to time within the last seven years, and as it would be seen he not unfrequently differed from his brother Judges, but almost invariably his judgments were confirmed by the Privy Council. Almost his last days on the Bench were occupied with the trial of the appeal by a Full Bench of the Great Unchastity Case, in which he delivered a jugment, which has been the theme of his countrymen's admiration through the length and breadth of the land. Although occupying the highest official rank among his countrymen Dwarkanath knew no pride or vanity ; he was simple as child and carried his heart on his sleeves. It was to be regretted that he did not mix in public movements, latterly he could not do so by reason of his position as a Judge, but he took a warm interest in public questions

and was a vigorous thinker. He was Comtist by faith and he once ably expounded the Religion of Humanity in an after dinner speech at Sir Barnes Peacock's. He knew French and derived great pleasure from his French studies. He took a deep interest in the late Franco-Prussian war, and warmly sympathized with that brave and romantic nation, the French. He hated oppression, and in his judgment from the Bench, he always espoused the cause of the poor and the weak. An advocate of law and order he was fearless in exposing and reprobating the abuses and caprices of power. He it was who first unmasked the evils of Personal Government in the now notorious Malda Case ; though it was said that the bold onset he commenced and which was manfully followed by Justices Kemp and Phear brought upon him thunders from the Belvedere in a confidential communication to the Governor-General, so much so that it was believed that should an opportunity occur Sir George Campbell for one would not recommend again the appointment of a Native Judge to the High Court. But let that pass. A man of strong feelings he never hesitated in private conversation in expressing in strong language his opinions about persons and things. A man of the people he was also their champion, though his championship did not unfortunately receive public expressions. He was a voracious reader, but was a very reluctant writer, and the only literary contribution he made were the articles on Analytical Geometry in *Mookerjee's Magazine*. He was also a lover of Science and devoted a considerable portion of his time to the study of scientific works. For sometimes he regularly attended Father Lafont's Science Lectures at St. Xavier's College. He marked his appreciation of Science by subscribing the munificient sum of Rs 4000 to Dr. Sircar's

projected Science Association. He was a man of open-handed charity, and persons in actual distress seldom appealed to him in vain. Though placed so high in the social ladder, he was the same unaffected friend to his class-mates and compatriots. Frank and unassuming, though somewhat reserved to strangers, he was liked and loved by all who knew him intimately."

"Such was the man whose loss the nation mourns to-day. He was unrivalled in his department; indeed there is no other native in the whole Indian Peninsula, who can adequately fill his place. As we have had of late occasion to say more than once there is a blight upon Bengal. With her best men snatched away by death, and her children desolated by fever and famine the prospect before her is sad,—very sad. May Heaven help her!"

Extract from the Indian Mirror under date the 1st March 1874.

"BENGAL has lost one of her most noted sons. Never within our recollection has she suffered a loss equal in extent and magnitude to the one sustained by the death of the Hon'ble Dwarkanath Mitter. Every section of the community, we make bold to say, will take the mournful event in the light of a grave calamity. To his own immediate circle of relatives, friends and admirers his death will be an irreparable loss; the educated community has lost a brilliant ornament; the High Court one of its most distinguished Judges; and the country an able and eminent representative. The public mind was fully prepared for some time for this melancholy occurrence. Yet throughout the period of three months during which he was ailing, it was led to hope against every hope that by some mysterious dispensation of Providence he might rally and reoccupy the seat in the High Court which he alone of all natives was fitted to fill. That hope was not allowed to be fulfilled. It becomes our painful duty to take a cursory view of his life."

Intelligence of the death of Justice Dwarkanath Mitter having been received in Calcutta during the *Mohurum* holidays, the Hon'ble Sir Couch Knight, the Chief Justice and the other Judges of the High Court, on the re-opening of the Court on Monday the 2nd of March 1874 took their seats on the 1st Bench Hall where the Bar of the Appellate and Original Sides of the Court were assembled. Mr. Justice

Jackson, on behalf of the Court, addressed the Bar as follows :—

"Mr. Standing Counsel and Senior Government Pleader,—By desire of the Chief Justice, I have to express, in the name of the Judges of this Court, their sense of the loss which the Judges and the public service have sustained by the untimely death of Mr. Justice Dwarkanath Mitter. The reason why I have undertaken this duty is, that I am not only one of those who had the longest acquaintance with our lamented Colleague, but also the latest of the Judges of the Court who had the honor and the satisfaction of being associated with him in the discharge of our public duty. These occasions of deploring the loss of departed colleagues, which are becoming sadly frequent, have a peculiar and painful significance for my brother Kemp and myself, seeing that during the space of 11½ years, or since the 1st of July 1862, we have witnessed the death or retirement of no less than 21 occupants of this Bench, of whom ten have been removed by death, and 11 by retirement, three of the former being native gentlemen who had been selected, and most worthily selected, from among the Native Bar, to take their places on the Bench. These three distinguished persons have all paid the debt of nature at a comparatively early age—the latest of them, also the most eminent, Babu Dwarka nath Mitter dying earliest of all, for he was only 38½ years of age. I would wish first to speak of our lamented colleague in the character which has the most interest for those whom I see before me, I mean his character as a pleader of the High Court. Babu Dwarkanath Mitter made his place early amongst the leading practitioners of this Court; that he should have done so, is easily

understood as he was rich in the endowments which go to make up the successful advocate.

If we add to great natural ability, varied learning,—if we add to learning his unsullied integrity, in the possession of these great qualities, I do not hesitate to say that Babu Dwarkanath Mitter was undoubtedly the first of the many able men who have adorned the Native Bar in Calcutta. Having been admitted a pleader of the late Sudder Court in 1856, and having been subsequently enrolled as a Vakeel of the High Court, Babu Dwarkanath Mitter was qualified under the High Court's Act, for a seat on the Bench at the time when we were deprived by death of our lamented colleague, Mr. Justice Shumbhoo Nath Pundit, and I may say that he was chosen almost by acclamation to fill the place of that lamented Judge. Then began that closer intimacy and association which takes place between those united in a common duty, and which continued with great advantage to us, for 6½ years down to the present time. Babu Dwarkanath Mitter's career and conduct as a Judge, if I may venture so to say, amply justified the choice of Her Majesty's Government and the expectations entertained of him. His extensive acquirements, varied learning and rapid perception, his keen discrimination, his retentive memory, his clear good sense and his instinctive love of justice—all made him a most valuable colleague, and one with whom it was a real pleasure to share the labours of the Bench. Amongst his more brilliant, though less important qualities, was his surprising command of the English language; the readiness, precision and force with which he used that language are not common even among those who speak it as their mother-tongue, and were the theme of constant admiration. One fact I feel bound to state which is very

material to be known, and which I think does great honor to my departed colleague. Those who hear me are aware that the appointment to certain offices has for some time rested mainly in my hands; during a great part of that time my association with Mr. Justice Mitter was close and almost daily, and although he must have had many acquaintances probably some friends, and possibly relations and connections amongst the persons who were either candidates for these appointments or interested in the distributions of that patronage, I declare that during all that time, never so much as once did he attempt to influence my judgment in the appointment or promotion of any single member of the Subordinate Judicial Service. Only one instance, can I call to my mind, in which the name of a single individual was mentioned to me by Mr. Justice Mitter, and that was to suggest the grant of a very trifling boon to a deserving public servant. I may add never was there a man whose performance of his public duty and whose official conduct was less tinctured by class feelings, sectarian influences, or social prejudices than our lamented colleague.

It must not be forgotten that the man who achieved this eminent position, this remarkable success, was emphatically a self-made man—far beyond this, that being a *Koolin Kyest*, and so in native estimation regarded as respectable or gentleman by caste, he began life without any derived advantages whatever. Born in an obscure village in the District of Hooghly, and the son of a comparatively poor man who exercised the unhonored vocation of a *Mooktear*, he won his way entirely by the force of his own ability and of his own admirable disposition. In those days at the time when Babu Dwarkanath Mitter was young, it was always open to a lad of

conspicuous talents to make his way in the world by the aid of those scholarships which have been created by a wise and liberal Government for the encouragement of exceptional ability and conduct. Babu Dwarkanath Mitter used that opportunity, and by his brilliant career first in the Hooghly Branch School, then in the Hooghly College, and afterwards in the Presidency College Law Class, he laid the foundation of his reputation and secured for himself the success which he achieved in after-life. His success was, I may say, ensured from the very day he joined the Bar of the late Sudder Court, for in the Sudder reports as early as 1857, we find the name of Babu Dwarkanath Mitter appearing in frequent cases as one of the Vakeels engaged either on one side or the other.

I have only to add, Gentlemen, as regards my deceased colleague's private character, that it was only a fitting complement of his public character. His amiability, his generosity, and independence of character were known to every body, and that very quality which perhaps marred to some extent his completeness as a Judge, I mean the great earnestness and almost vehemence of his convictions, only added to the charm of his character in private life. He had that eagerness which proceeds from strong convictions joined with perfect frankness and fearlessness of character.

It is pleasing to know that more than one field of honorable ambition is open to able and deserving natives, and that this should be so, as long as men constituted like Dwarkanath Mitter can be found, is in every way to be desired."

In the absence of the Advocate-General Mr. Kennedy, Standing Counsel, spoke on behalf of the English Bar. He said :—

"I know enough personally, and I know still more from the general reputation in which Mr. Justice Mitter was held by the whole of the profession, to feel and express the loss which the Bench and the Bar have here sustained —a loss which I may almost call irreparable. Every word which has fallen from the learned Judge who has addressed us, meets with the fullest echo in the heart of every member of my profession. No Judge inspired us with more confidence for a high intellect, for none had we a higher respect, and there are few indeed, if any, who, we felt more certain, would take the most accurate, and at the same time, widest view of every question that was placed before him for decision. Of course there is one great advantage which he possessed in his knowledge of the language and habits of the people of this Peninsula, which other Judges could hardly possess. It is, I feel, a loss not only to the Bench, and not only to the suitors in this Court, but it is a loss to the community which, I fear, cannot be supplied."

Mr. R. T. Allan, the Senior Pleader of the Vakeel Bar addressed the Court on behalf of the Vakeels thus :—

"I understand, My Lords, that Babu Dwarkanath Mitter was educated at the Hooghly College, where he exhibited that great diligence and ability which served to advance him, afterwards so rapidly, in his career as an Advocate and Pleader of this Court. His qualifications as a Judge are well known to several of your Lordships, and have over and over again been eulogised by some of the learned Judges who have retired from the Court, and I especially might mention by the late Chief Justice, Sir Barnes Peacock. His qualifications shone with a

lustre as occasion required the display; and I think one and all will admit that the more difficult the case was, and the greater the legal difficulties which had to be encountered, the greater also were the efforts, industry, and talents which the late Judge displayed in the elucidation and determination of the case in question.

The learned Judge, Mr. Justice L. S. Jackson, has so graphically and feelingly referred to both his private and public virtues that very little indeed remains for me to say, but at the same time it would not become me, as speaking on behalf of the Appellate Bar, and I would not be doing justice to the feelings of those around me who were his intimate friends, if I omitted to make one or two allusions to his private character. That he was devoid of all pride, no one who was acquainted with him would fail to acknowledge, but in addition to that, it is not known how great was his philanthropy and his generosity to the poor. In his native village he established a dispensary, which he maintained at his own cost for a considerable period of time, and knowing the value and importance of education, he set apart a house of his own in which were lodged poor students, young men who had not the means of educating or supporting themselves, and he defrayed their expenses both of education and living out of his own pocket. These circumstances were not known up to his death except perhaps to his most intimate friends, and it was only from inquiry amongst those intimate friends that I became acquainted with the facts stated. But in addition to his public character as a Judge and an Advocate of the High Court, there is another aspect from which his life and character may be viewed, and which is familiar to many around me who were his intimate friends —I mean his geniality and sociality. His memory in

regard to these qualities will be remembered for long years to come.

I think I cannot conclude the few words I have expressed better than by referring to that which I think he would regard as a suitable description of his own career, for although generous, kind, and affable to Europeans as well as to his own countrymen, there is no doubt that his affections strongly tended, and naturally tended, to those of his own class; and I think the following lines would form a suitable epitaph, and such as he would himself have approved—

> Be my epitaph writ on my country's mind,
> "He served his country, and he loved his kind."

Report of the Public Meeting in Honor of the late Justice Dwarkanath Mitter.

AT a public meeting convened by the Sheriff of Calcutta at the Town Hall on Wednesday the 27th May 1874, to adopt measures for perpetuating the memory of the Honorable the late Justice Dwarka nath Mitter, Mr. Manickjee Rustomjee the Sheriff, in opening the meeting, read the following requisition and advertisement convening the meeting.

To

THE SHERIFF OF CALCUTTA.

SIR,

We the undersigned inhabitants of Calcutta and its subrubs, request that you will be so good as to convene a Public Meeting at the Town Hall on an early date, to take into consideration the measures to be adopted for perpetuating the memory of the late Hon'ble Dwarkanath Mitter.

We have the honor to be

Sir,

Your most obedient servants,

Ramanath Tagore.
Jotendro Mohun Tagore.
Degumber Mitter.
Komul Krishna.
Narendra Krishna.
Rajendra Narain Deb.
Grish Chunder Singh.
Jodo Lall Mullick.
Soobhul Dass Mullick.
Peary Chand Mitter.
Rajendro Mullick.
Debendro Mullick.
Obhoy Churn Goho.
Dwarka Nath Dutt.
Sree Nath Roy.
Ram Chund Seal.
Peary Mohun Banerjee.
Srees Chunder Dass.
Mohun Lall Mittra.
Peary Churn Sircar.
Issera Chundra Sharma.
Kristo Dass Paul.
Aushootosh Dhur.
G. C. Paul.

Kissen Mohun Mullick.
Heera Lall Seal.
Nogendra Chunder Ghose.
Sagore Dutt.
Damoodur Dass Burmano.
Madhub Chunder Sein.
Dwarkanath Mullick.
Prasanakumara Survadhikari.
Tariney Churn Banerjee.
R. T. Allan.
Unodaprosad Banerjee.
Mohendro Lall Sircar.
Jogesh Chunder Dutta.
Sambhu Chunder Mookhopadhya.
Moorally Dhur Sen.
J. Pitt Kennedy.
Charles Piffard.
H. A. Adkin.
W. M. Bourke.
W. M. Jackson.
Gasper Gregory.
W. C. Bonnerjee.
M. P. Gasper.
Ameer Ally.
G. S. Fagan.
James H. A. Branson.
F. J. Fergussion.
G. H. P. Evans.
M. Rustomjee.
C. M. Rustomjee.
H. M. Rustomjee.
Jugadanund Mookerjee and several others.

He then said :—

Gentlemen,—You will not like me to detain you with any observations of mine on the present occasion. The lamented deceased, though a Bengalee by birth, was one in whom all Indians took pride, and I feel a melancholy pleasure in having had an opportunity in convening this meeting to do honor to his memory. I will now declare the meeting open, and invite the Hon'ble Mr. Justice Kemp to take the chair.

The Hon'ble Justice Romesh Chunder Mitter seconded the proposition.

The Hon'ble Mr. Justice Kemp said :—

Gentlemen,—I have been requested, as the Senior Puisne Judge of the High Court, to preside over this meeting. I regret to observe that the meeting is not so numerously attended as I should have expected. I see that the Native Bar is very well represented here, but I miss many faces that I expected to see in an assembly that has met together to do honor to the memory of my late

lamented colleague. Two letters have been placed in my hands from gentlemen, who being unable to attend, have excused their absence. One is addressed to the Sheriff of Calcutta, by the Rajah Romanath Tagore, and it runs as follows :—

"Calcutta, 27th May, 1874.

"My Dear Manickjee,—In consequence of the weather, I am sorry, that I am unable to attend the meeting you have convened in honor of the late Justice Dwarkanath Mitter. I heartily sympathize with the object of the meeting, and if my health had permitted, I would have gladly attended and taken a part in it. I shall thank you if you will kindly announce this to the meeting.

Possessed of rare intellectual gifts, generous instinct, and high character, Dwarkanath was one of whom all classes of the native community were equally proud, and in honoring his memory, we are discharging a public duty.

Yours &c.,

Romanath Tagore.

To Manickjee Rustomjee, Esq.

Sheriff of Calcutta."

The other letter is from the Hon'ble Mr. Justice Louis Jackson; who excuses his absence on account of indisposition, but who states that the movement has his entire sympathy, and accords his consent to his name being placed on the committee.

Gentlemen,—You will be addressed to-day by several gentlemen, who were more intimate with our late lamented friend than I can boast of having been. They will inform you for what purpose we have met to-day. Three propositions will be submitted to your consideration. (The Hon'ble President here read out the three resolutions.) I am indebted to Baboo Annoda Prosad Banerjee for a

few particulars of the early life and education of our lamented friend. Dwarkanath Mitter was the son of Baboo Hurro Chunder Mitter, resident of a small town in the district of Hoogly. In his earlier years he was educated in the Hoogly Branch School, leaving which, after a few years, he went up to the Hoogly College, and there obtained the senior scholarship. He held the senior scholarship for six years, and having attended the law lectures, in 1856 he successfully passed as a Pleader. He entered the Bar of the late Sudder Court, where he distinguished himself as an Advocate of great ability, and soon came to be at the head of his profession. Not long after, on the death of the Hon'ble Shumbhoonauth Pundit, he succeeded him as Judge of the High Court, which position, however, he enjoyed for a very short time, and died on the 25th February 1874, at the early age of 39 years.

Our beloved colleague did not enjoy long life; his was not an honored old age; his was not a peaceful death; he passed away from this world after suffering much agony—and I trust that his memory remains embalmed in the affecticns of his countrymen. (Cheers). Dwarka nath Mitter was a man who owed nothing to adventitious circumstances of birth. He was a self-made man. His father, I believe, was a poor man. He had to trust to his own exertions, and how he rose in life, all of you know. He rose step by step, to positions of trust, of respect, and power; and in the midst of all this he bore a simple and unsophisticated heart. Gentlemen, as an Advocate the late Hon'ble Dwarkanath Mitter ranks the first amongst the Native Bar. In my opinion he was superior as an Advocate, than as a Judge. As an Advocate he was fearless, independent and always ready to support the cause of the poor—many times, I know, from my own experience

without a fee. (Cheers). As a Judge—and I speak with affection and respect to his memory—his only fault (and who amongst us is without faults) was, that he was too impulsive. He lacked what I consider a great gift in a Judge, and that is, impassiveness on the Bench. He was somewhat apt to take a case prematurely into his own hands; but when we consider the learned judgments he delivered from time to time—when we call to recollection that so great a lawyer as Sir Barnes Peacock differed from him with diffidence—when we remember that his judgments in the High Court on points of Hindu Law were accepted as remarkably correct—the little errors which arose from impulsiveness, and which I can only attribute to his being so long an Advocate, will be forgotten, and every body will remember what an eminent, and just, and great Judge he was. I now leave to other gentlemen the duty of proposing the different resolutions. I only wish to add that I hope that the form, that the subscription will take, will be such that the whole people of the country will contribute; that it will not be only that a few Rajahs and wealthy natives will put down a few thousand rupees; but that the poor will also put down their mite. If this is done, it will be grateful to his family; and I have no doubt it will be gratifying to yourselves to have a subscription in which all can join, to have, as it were a national subscription. (Cheers).

Mr. Montriou said that he had been entrusted with the first resolution, which was "That this meeting deeply laments the untimely death of the Honorable the late Justice Dwarkanath Mitter, in whom the country has lost an able, upright, and independent Judge, a man of high intellectual eminence, and a generous and benevolent member of society." He said that the friend and fellow-citizen whose

loss they deplored, and whose memory they had met to reverence and perpetuate, had, in the short compass of a very brief life, by his acts, by his charcter, by his attainments, by his goodness, and by the greatness of his life earned the gratitude and admiration of all,—not only of all now present, but also of thousands of his countrymen. He had not died in the fulness of his years, but was snatched away in the prime of manhood. He was in the heyday of ambition and hope; his friends and all who knew him, looked forward to a splendid future for such a life as his. But he was cut off in the midst of his career; and it was only the other day he (Mr. Montriou) learnt that the dire disease which struck him down had been lurking in his system for long years. Little did they think when they listened to his voice from the Bench, and even probably before, when they heard it at the Bar, that even then "there was a little rift within the lute that by and by would make its music mute, and ever widening, slowly silence all."

His personal knowledge of Dwarkanath Mitter was little else than was furnished by the opportunities of their common profession. Well did he (Mr. Montriou) recollect the period when he joined the Sudder Bar—well did he recollect the admiration expressed in private by Judges of his abilities; and he especially recalled the remarks of Mr. Abercrombie Dick respecting the accuracy and force of his logic. When engaged in the forensic arena, whether Dwarkanath was with him or against him, the speaker well remembered, how his zeal, his conspicuous ability, and honest pleading challenged the admiration of all and especially his own admiration. (Cheers). Those years of advocacy were his initiation to the position which he at last attained. He was then on the threshold of that eminence to which he was born, and

which was to come,—that position in which eventually he had passed through a short but brilliant career. With all deference to what they had heard from their Chairman respecting Dwarkanath's qualities as a Judge, he would say that the position of Judge was that which best became him, and few, indeed, who had opportunities of seeing him on the Bench but would bear witness to that fact. He could not dwell long on the days of Dwarkanath's boyhood—on the struggles or the triumphs of his youth—on his private acts of benevolence—on those rare intellectual tastes which occupied his leisure hours. The speaker would be followed by those who could speak of all this from personal knowledge and private intimacy. He shed brightness and comfort wherever he went, and earnestly laboured to diffuse the blessings of education and of health. He would make one observation as an Englishman and an alien—for Englishmen were aliens, and it was useless to pretend they were not,—Dwarkanath Mitter possessed all the characteristic virtues of an Englishman, not of an Englishman merely, but also of a Christian. It was an Englishman's boast to possess candour, courage and generosity. Such were indeed, the leading traits of Dwarka nath Mitter's character. Who could say that he was not open, candid, and sincere? His moral courage in the path of duty had already been alluded to by the Chairman. He was generous to a fault, that was why he had not died a rich man. In short, he displayed the virtues of a Christian gentleman, and although not of that creed of which he (Mr. Montriou) was an unworthy professor, he practised that good-will and benevolence which was taught by it—he was therefore in an exceptional degree worthy of being admired by all Englishmen. When he (Mr. Montriou) spoke of his qualities as a Judge, he felt he had

very difficult ground to tread upon. But he should not be doing his duty were he to be silent. No Government or Administration or Representative Power resembled the office of a Judge. A Judge represented an ideal, an unattainable one,—they could never hope to have a perfect judge. He would remark, that the best judges of Judges were not co-judges seated side by side—but the public were. The suitors could say candidly and well, why they valued a particular Judge, and what were their objections to another. Few, indeed, if any, were the objections raised against Justice Dwarkanath Mitter. He saw around him Advocates, English and Native, and he would ask them if they ever heard the slightest objections to a case being brought before Justice Dwarkanath Mitter. Was ever any one dissatisfied with Dwarkanath's decisions? Was ever any one disappointed in him? He thought not. That being so, there was something remarkable and worthy of admiration in him as a Judge. He was possessed of high intellectual gifts, but he was honored not for those alone, but for that unswerving rectitude of character which was a natural endowment, and which marked him for that peculiar office, to the standard of which he certainly came up as ever mortal being could. He (Mr. Montriou) would not detain the meeting with further remark but would move the resolution which stood in his name. (Applause).

Moharajah Sir Jotendro Mohun Tagore, K.C.S.I., in seconding the resolution, said:—

Gentlemen,—I have been requested to second the resolution which has been just now so ably moved by the learned speaker. Although I feel considerable diffidence in addressing a public assembly, I have readily complied with the request—and what Bengalee could have heart to decline taking a part in this day's proceedings; for we

are met here to honor the memory of one, in whom every Bengalee feels an honest pride, and whose loss every Bengalee sincerely mourns. Gifted with rare mental faculties, Dwarkanath used his opportunities to develope those faculties in a high degree; indeed, he was a bright specimen of what English education could do for a Bengalee mind, to which nature had been kind and bountiful. Dwarkanath did not lay claim to an aristocratic pedigree, but this was the intellectual wealth which had raised him to a pre-eminent position,—a position which no material wealth or adventitious rank could give. He was emphatically a *self-made* man; not the favored child of fortune, but the favored child of nature. Whether at the Bar, or at the Bench, we all know how he had distinguished himself by his independence, ability, and judicial acumen; but I need not detain you by repeating what has been so eloquently said by the learned speaker who preceded me. To his high abilities, Dwarkanath joined the Hindu characteristics of hospitality and charity; and withal he had a simplicity of manner which won for him the love of all who knew him, and made him the ornament of the community to which he belonged. Unfortunately for Bengal, she has not many such sons whom she can fondly look up to, and it is therefore the more deeply to be deplored that Dwarkanath has been cut off by the cruel hand of death in the heyday of his youth and vigor, and in the very midst of his brilliant career. When History's Muse will record the memorial of this ill-fated country, she will tenderly dwell on Dwarkanath's name, and with a smile and a tear, will she note that a life so bright was yet so brief!

Baboo Kali Mohan Das had great pleasure in supporting the Resolution. He had been acquainted with the

deceased Judge since 1860, and the result of his experience warranted him in saying that Dwarkanath Mitter was one of the best gifts of Providence to this world. He was born in humble position and had to complete his education amongst many difficulties, and he (the speaker) did not know of any other man who had risen to such a position by means of his own intellect. To the natives, the loss of Dwarkanath Mitter was not only the loss of an able Judge, but the loss of a man who had established their claim to that position which he so worthily filled. His private generosity was shown in the establishment of a school and a dispensary, both of which were supported entirely by him. As a Judge his qualities might be judged when so great a lawyer as Sir Barnes Peacock declared that he changed his views of a subject after hearing what fell from the lips of Dwarkanath Mitter. On another occasion his judgment on a point of Hindu Law anticipated that of the Privy Council. He had been a Judge for a few years only, and during that time he had been the admiration of all.

The Resolution was then put and carried.

Mr. Pitt-Kennedy said that he had been privileged to move the second Resolution which was "that in the opinion of this Meeting it is desirable that a suitable memorial be raised to the memory and honor of the late Justice Dwarkanath Mitter." It afforded him an opportunity of expressing that feeling of respect—he might almost say of veneration, which he entertained for Honorable Justice Dwarkanath Mitter. It had been his (Mr. Kennedy's) misfortune that he had not had the same opportunities as the previous speakers had of becoming acquainted with the private character of the deceased Judge. He knew him only in his public capacity as a Judge, and had

occasionally met him in society. But he had always been impressed with the great talents, and the high moral characteristics of Dwarkanath Mitter, and he would now ask them whether they did not think it necessary to raise a memorial to him. Their presence there was sufficient to prove the anxiety of his fellow-citizens to do honor to his memory. They were not to say just now what the memorial would be; for that would be decided afterwards by the committee. Whilst those present there lived, the memory of Dwarkanath Mitter was not likely to perish, but would it not be bright for the coming generation to have a memorial of him? Would it not be a beacon in the path of poor and struggling youths if there was amongst them something to point and say—"here was a poor struggling boy who was like yourself, and who raised himself to the highest position in the land, and at whose death all his fellow-citizens came to do him honor?" (Applause.)

Rajah Narendra Krishna, in seconding the Resolution, said:—

Mr. Chairman and Gentlemen,—In seconding the Resolution which has just been moved by the learned gentleman, I have scarcely anything to add to what has been said by the able speakers who preceded me. As a personal friend of the lamented deceased, I feel a melancholy pleasure in recommending for your adoption a suitable memorial in his honor to mark our appreciation of those high qualities which made him such an excellent Judge of the High Court. It is but too well known that though he had none of the advantages of birth and fortune, he attained that eminent position by sheer force of intellect and rare natural parts. During the few years that he occupied the Bench, his career was marked by

such intense love of Justice, unswerving integrity, and fearless independence of character, as to call forth warm eulogiums of his learned colleagues. It was no small praise to the late Justice Dwarkanath Mitter that his legal attainments, and his thorough logical powers were duly appreciated by that eminent lawyer Sir Barnes Peacock, and I presume our present worthy Chief Justice entertained the same opinion of him. Indeed the public had ample opportunities for judging of his unrivalled power of disentangling knotty points of law in many important cases. It was rightly said of him that greater the legal difficulties he had to contend with the greater were his efforts to overcome them. His talents and his acquirements were, I should say, of a superior order, but it is not for them alone that his memory is so dear to his countrymen. If it were necessary for me to allude to his private virtues, his geniality, his sympathy for the poor, and his innate goodness of heart, I could have dwelt at large on the possession of these good qualities by him. But his services to his country were of a public nature, and I am rejoiced to see that they are recognised in a suitable public manner, and they must thus be publicly recognised by us. In honoring the memory of such a man, I can only say that we are honoring ourselves.

Dr. Mahendro Lall Sircar, in supporting this Resolution, said :—

Mr. Chairman and Gentlemen,—If I had minded my own physical comfort I could not have been here this evening. Suffering for some time from an illness which requires absolute rest, and rest above all of the respiratory organs, I find it difficult even to breathe in the suffocated atmosphere of this crowded hall. Gentlemen, I cannot say I have come to this meeting—I have been drawn

into it out of pure respect for departed worth, out of sincere regard for a friendship, the warmest and the purest it was my lot to have enjoyed, but which alas! or the like of which alas! it will never more be my privilege to enjoy here on earth.

Gentlemen, I was going to plead my ill-health as my apology for being brief. But I have higher grounds for that. Even if I had been in perfect health, and even if I had the mastery of the exhaustive eloquence of my late lamented friend, I could not have expatiated on the many and sterling qualities of his mind and heart.

Neither do I think this to be necessary on my part, after what you have heard from the very able and eloquent speakers who have preceded me—speakers, all of whom are infinitely better judges of human worth and human greatness, and most of whom having had intimate professional connection with Dwarkanath are infinitely better qualified to measure his professional capacities than I could ever pretend to be. I hope however, Gentlemen, you do not understand me to mean that Dwarkanath's high qualities could only be understood by a long and profound study. Those qualities were too high to need that. Dwarkanath was too great to need a searching analysis to reveal his greatness. One could not come in contact with him even for a short time without at once coming to know and feel what he was. He had no inside and outside. His head and heart were clear, transparent, I had almost said, self-luminous, so that you could see without effort to their profoundest depths.

Gentlemen, Dwarkanath's true greatness consisted not in the greatness of his head alone, nor in the largeness of his heart alone, but in the fact that great as was his head, his heart was far greater, and that he always

subordinated his head to his heart. This was in my humble opinion the key to his astonishingly remarkable success as a Judge. This was the key to what has been called his impulsiveness on the Bench, which was more apparent than real, for in his capacity as a Judge he was always straight-forwardly right, though perhaps not always technically just. This was in fact, the key to his whole character, a character which, by reason of its excellences, ought to stand out as a model for all of us and for future generations to imitate. Was there no flaw, no fault in that character? I can recall to mind but one, and it was this that he was uncompromisingly hard upon the hard-hearted and the heartless. Would to God that were the fault in the character of all the children of men.

Mr. Allan proposed the third Resolution in the absence of the Revd. K. M. Banerjee. He stated that after what had been already said by the gentlemen who had preceded him, with regard to the many excellent qualities of Dwarkanath Mitter, it would be almost improper for him to occupy the time of the meeting any longer with any remarks of his own. It now devolved on him the pleasing duty of asking them to contribute to a fund with a view to perpetuate his memory. In this assembly he (the speaker) saw Judges, Rajas, Advocates and others, and he hoped he would not appeal to them in vain. As was stated by the Chairman the fund was not open to the great and distinguished alone, but all classes rich and poor, were invited to contribute to a memorial to the late lamented Judge. He would now propose :—

"That with a view to carry out the object of the above Resolution, a Committee consisting of the following gentlemen, with power to add to their number, be appointed for the purpose of raising a fund by public subscription,

and that the said Committee be empowered to choose and determine the form of the memorial: Hon'ble Justice F. B. Kemp, Hon'ble Justice Louis S. Jackson, Hon'ble Justice W. Markby, Raja Jotendro Mohun Tagore Bahadur, Mr. W. A. Montriou, Mr. Manickjee Rustomjee, Hon'ble Justice Romesh Chunder Mitter, Moulovie Abdul Luteef Khan Bahadur, Babus Annoda Prosad Banerjee, Mohesh Chunder Chowdhry, Sree Nauth Dass, Kristodas Pal, Hem Chunder Banerjee, Chunder Madhub Ghose, Kalimohun Dass, Pundit Iswar Chandra Vidyasagar, Babus Shama Churn Dey, Mohendro Nath Bose Roy Bahadur, Mr. W. C. Bonnerjee, Mr. M. Ghose, Munshi Muhummud Yusuff, Mr. R. E. Twidale, Babus Rajendro Missry, Digambur Mitter, Durga Mohun Dass—members; Baboo Bhairab Chunder Banurjea, and Mr. M. L. Sandel—members and Honorary Secretaries.

Munshi Amir Ali, Khan Bahadur, in seconding the Resolution, addressed the Meeting in Urdu to the following effect:—I lament the death of the Hon'ble Justice Dwarka nath, and briefly desire to say that he was a man of abilities, and a most wise and thorough gentleman. During his *vakalut* all his clients had confidence in him, and during his Judgeship all parties were satisfied with his uprightness. His premature death is much to be regretted. The death of so worthy a man in the prime of life is much to be lamented. He is most deserving of a Memorial, and I should be glad to see a fund raised by public subscription for a Memorial to his memory.

Baboo Ashotosh Dhur, in supporting the Resolution, said:—

Gentlemen,—I have great pleasure in supporting the Resolution proposed by Mr. Allan and seconded by Moonshee Ameer Ali. I say, I have great pleasure, in as

much as my connection with the late Hon'ble Dwarkanath Mitter, which dates so far back as nearly twenty years, from the time he joined the Hoogly College, has enabled me to bear testimony to his extraordinary abilities and guileless character. Since his transfer from the Hoogly to the Hindoo College, I had the pleasure of his acquaintance. For a time he was a fellow-student with me in the same class, and I was often struck with the surprising quickness with which he mastered any subject. In the college he spent the greater part of his time in playing, or idle *gups*; still we found him first in the class, and quite up to his studies. He had a wonderfully retentive memory, and if I remember rightly, he completed the study of Alison's Modern Europe within the short space of a week or ten days, and successfully acquitted himself in an examination on it. His scholastic productions show that at an early sge he acquired great proficiency in the English language. Dwarkanath Mitter had no pretensions of high parentage. Born in an humble position, he was soon compelled to enter the world for his livelihood. After completing his scholastic education which in those days ended with the senior schoarship, he began life by accepting the post of an interpreter in the Police Court at a small salary. Little did he then know of the high honors which awaited him in his after-life, and which he deservedly won by the sheer dint of his own exertions. Dwarkanath Mitter's insatiable desire for learning prompted him to study the law, and he soon availed himself of the Committee examination, to pass as a pleader. After he had qualified himself as a pleader, the late Justice Sumbhoo Nauth Pundit, then the Junior Government pleader, whose acute sagacity at once discerned in Dwarka nath Mitter his sterling merit, induced him to give up the

certain income of the post of interpretership, and to enter the new arena of his life where he so successfully signalised himself. It may be said with truth that had it not been for Sumbhoonauth's inducement and promise to help Dwarkanath Mitter in his new sphere of action, we would not have heard the name of Dwarkanath Mitter at all. Thus one of India's brightest genius, whose memory to commemorate we have met here, would have died unknown and unheard of.

About the year 1856, Dwarkanath Mitter was enrolled as a pleader of the late Sudder Dewanny Adawlut. In those days, addressing the Court in English had but little advanced. With the exception of a few, most of the pleaders were ignorant of the English language, and Dwarkanath Mitter's accession to the Bar, was looked with great jealousy by his fellow-pleaders; but how long could such opposition last? Merit will always have its reward. The masterly way in which Dwarkanath Mitter handled his cases, and the eloquence and learning displayed by him in his addresses to the Court soon attracted the notice of the Judges, and he was singled out with unanimous voice, though there were many senior to him in practice, as pre-eminently qualified by his rare general and extraordinary talent to become a Judge of Her Majesty's High Court. The anticipations both of the Government and the learned Judges who selected him, were more than realised. Justice Dwarkanath Mitter's career as a Judge cannot be eulogised in more becoming language than has been done by his Lordship, Justice Louis S. Jackson, when expressing the sentiments of the Bench on the lamentable occasion of deploring the untimely death of Justice Dwarkanath Mitter. Justice Louis S. Jackson's opinion of Justice Mitter as to his judicial ability is entitled

to the greatest weight, as he is the only Judge now presiding in our High Court who was a colleague of Justice Mitter for a longer time than any other Judge, and who also heard him when he was a pleader, and therefore he had the opportunity both of hearing his addresses, and advising and consulting with him, whilst he was on the Bench. I would therefore prefer quoting here the opinion of his Lordship rather than give my own. His Lordship said—

"Baboo Dwarkanath Mitter's career and conduct as a Judge, if I may venture to say, amply justifies the choice of Her Majesty's Government and the expectation entertained of him. His acquirements, varied learning, and rapid perception, his keen discrimination, his retentive memory, his clear good sense, and his instinctive love of justice—all made him a most valuable colleague, and one with whom it was a great pleasure to share the labors of the Bench."

There is great policy and wisdom of Her Majesty in associating natives of this country in the responsible duties of the admistration of justic to a nation whose manners, habits and customs are peculiar to themselves, and so very different from those of the western nations. Some of the judgments of Mr. Justic Dwarkanath Mitter show what advantage he possessed over the other Judges by his intimate acquaintance with the Hindoo and Maho medan law and local usages. The Mahomedan law of pre-emption, regarding the rights of pre-emption as against a Hindoo purchaser from a Mahomedan vendor, being in a very unsettled state, and three divisional Benches being unable to decide the qusetion, owing to conflicting rulings the vexed question was referred to a Full Bench of five Judges in which the Chief Justice, Sir B. Peacock, presided, and Justice Mitter was one of the Judges forming the Full Bench. The judgment of the Court was delivered by

Mr. Justice Mitter; and the Chief Justice, Sir B. Peacock, in expressing his concurrence with his judgment said,—

"I concur in the view which has been so forcibly and clearly expressed by Mr. Justice Mitter, and I am of opinion that the question must be answered in the negative. I must confess that when I came into court before the cause was argued, and even after I had left the court, my opinion inclined in favour of answering the question in the affirmative. I then considered that the right which is claimed by the plaintiff depended on a defect of title on the part of the co-parcener to sell his share of the property, except subject to the right of the plaintiff to purchase it, *i.e.*, his right of pre-emption. But I am now satisfied that the right claimed by the plaintiff does not depend on any defect on the part of his co-partner to sell, but upon a particular rule of Mahomedan law, by which neither the defendant nor the Court is bound."

Thus showing the complete mastery of Justice Mitter of the Mahomedan law, and how he convinced the ablest and most learned Judge who ever sat in the High Court of his errors.

Justice Mitter's knowledge of the Hindoo Law was equally extensive. When the question arose whether the enumeration in the Dáyabhága was exhaustive or not, a paternal uncle's daughter's son can succeed or not, it was referred to a Full Bench of five Judges, Sir B. Peacock presiding, and it was Justice Mitter who gave the judgment of the Court with an elaborate and lucid exposition of the Hindoo law. Although Justice Mitter was in the minority in the Full Bench case as to the forfeiture of the rights of a Hindoo widow if she became unchaste after her husband's death, nevertheless his judgment is, I understand, in accordance with the view of orthodox

Hindoos, and one which very forcibly conveys the Hindoo idea on this point.

Justice Mitter's knowledge of the local laws was equally great, and his exposition of them equally lucid. In a case which was referred to a Full Bench to determine whether the Collector had the power to decide the question as to what was the true length of the standard pole of measurement, and whether there was any appeal from the Collector's decision under the provision of Act VIII. of 1869 (B. C.), Justice Phear, in delivering his judgment, said :—

"Mr. Justice Mitter has so clearly and forcibly expressed the view which I hold in this matter that I would not have prepared a separate judgment had I previously had the advantage of reading the judgment which he has just delivered."

Gentlemen, I need not multiply instances to satisfy you that Justice Mitter had an extraordinary and rare talent. In him our country has lost one of its ablest and best Judges. The Government of India in deploring his loss, said, "*Justice Mitter was a most learned, upright, and independent Judge.*"

Justice Mitter naturally characterised himself as a Judge and won the golden opinions of his countrymen by his unflinching rectitude and independence, but he had at all times at heart the welfare and good of his countrymen. In his private life, Justice Mitter was equally commendable. He was very meek and sincere to his friends. We failed to find in him any vanity or pride when he was elevated to the Bench. He was the same Dwarkanath as he was at the school. There was no change in him. He was unostentatious in his manners, and was of a very liberal disposition. He lived decently, and spent a great portion

of his income in maintaining and educating poor boys of his country. He also tried to improve the condition of his native village by establishing a dispensary and a school.

Justice Mitter, after his elevation to the Bench, improved himself much by private studies. He learned French and Latin and partly Sanskrit, and his knowlege was of a varied character. We deeply lament the death of Justice Dwarkanath Mitter. In him we have lost one of our brilliant geniuses, a thoroughly conscientious and most able Judge, who never allowed fear or favour to weigh for a moment against what he thought was right or wrong. We have now met here to testify our our warm admiration and affectionate respect for him who has gone from us, but whose name will for ever remain dear to us; and as an appreciation by us of his high merit to commemorate his career in life who was an honour to our country, in such a way as his name may descend to our posterity, and be henceforth an example to future generations. I would, therefore, support the Resolution just now read to you, and sincerely hope that the subscriptions to be raised will be sufficient to enable the Committee to mark our sense of respect for the deceased in a substantial and suitable manner, and I trust all our countrymen will heartily give their support to carry out this Resolution.

The Hon'ble Moulovie Abdool Luteef, Khan Bahadur, proposed a vote of thanks to the Chair, and in doing so, took the opportunity of making a few remarks—expressive not only of his admiration, but of that of all communities, of the late learned Judge.

The meeting then separated.

BHYRUB CHUNDER BANERJEA,
M. L. SANDEL,
Members and Honorary Secretaries.

APPENDIX II.

THE ANALYTICAL GEOMETRY OF TWO DIMENSIONS.

Translated from the French of Auguste Comte.

By the Hon'ble Dwarkanath Mitter.

PART I.

General Introduction.

CHAPTER I.

FUNDAMENTAL NOTIONS.

Analytical Geometry, as founded by Descartes, is essentially destined to generalize, to the utmost possible degree, the various geometrical theories, according to their intimate subordination to certain analytical conceptions, by subjecting the different questions to as many uniform methods, necessarily applicable to all figures, suitably defined; whether we confine ourselves to Plane Geometry, which must constitute here our first and principal study, or to the Geometry of Surfaces, of which we shall treat afterwards. In order to appreciate better this characteristic destination, it is necessary, first of all, to recognise that the greater part of our geometrical researches, and specially those which are the most important, though they were most often limited, primitively, to certain special figures, are, by their nature, equally suited to all imaginable forms of line and surface. Such is evidently, for example, the determination of tangents, equally important in regard to all curves, as serving for the basis of their comparison with a suitable system of straight lines.

The same remark is certainly applicable to all questions directly relating to the measurement of extension, the final object of all geometrical speculations. Whether we seek to estimate the length of a curve, or the area which it encloses, or the volume which is generated by its rotation, &c., there is not a single figure which does not give rise to a similar research. Those questions which are truly limited to certain special figures, and which do not, therefore, admit of any real generalization, can rarely offer any but a very secondary interest, unless they con stitute, as it often happens, some simple and particular modifications of a fully general consideration. This spontaneous generality of the principial geometrcal researches being thus clearly recognised, we are naturally led to desire for an equivalent generality in the corresponding methods. Now, it is in this specially in which lies the immense superiority of modern geometry, raised to the analytical state by the fundamental conception of Descartes. Before that decisive renovation, geometrical questions, geometrical questions could not, in fact, admit of any but some special solutions, in which the same problem had to be resolved *de novo* in all the known cases, without our being able, for want of a direct and abstract appreciation, to utilize, in any manner, that which was necessarily common to them all. For example, the methods employed by the ancient geometers to draw tangents to the Conic Sections, could not serve, in any manner, except as a mere logical exercise, to facilitate the same enquiry in the case of the Cissoid, the Spiral, the Cycloid, &c., each of which had ulteriorly to require, for that purpose, some new efforts, always particular, until the Cartesian analysis raised at last the whole system of geometrical speculations to its truly philosophical state, by institu-

ting a permanent harmony between the extent of the methods and that of the questions.

This grand conception, having hitherto penetrated, but very little, into ordinary instruction, Analytical Geometry is not commonly appreciated except as a mode of studying the Conic Sections under a new form ; in which view, its real superiority, thus limited, would assuredly be very contestable. But, notwithstanding the vicious character of this exposition in which geometrical methods adhere too narrowly to the particular cases which alone are exclusively in view, it cannot alter the entire generality which spontaneously characterises all analytical theories, and which I shall endeavour to bring out directly, as constituting their principal value, both logical and scientific. In the ancient geometry, no question could ever be truly exhausted, since there always remained an infinite number of new cases, often requiring some efforts as great as those necessary for the institution of a new order of researches. The Cartesian geometry, on the contrary, by instituting a better economy of our speculative forces, regards as truly important, only the creation of some new general methods, applicable to subjects yet untouched, and whose specialization in particular cases cannot offer any but some secondary difficulties.

2.—According to such an appreciation, this final system of geometrical science must be rationally designated by the name of General Geometry, as proposed by me a long time ago in the first volume of my "System of Positive Philosophy." But owing to the high importance which we should always attach, as much as possible, especially in elementary instruction, to all expressions consecrated by long usage, unless they are radically improper, I shall habitually employ the ordinary name of Analytical

Geometry, carefully rejecting, however, the designation, too imperfect and unfortunately too frequently used, of Application of Algebra to Geometry. By explaining suitably the true signification of the word, *analytical*, we shall find in it, in fact, a *resumé* of the whole of the attributes which characterize the new geometry, though the expression spontaneously suggests only the nature of the means employed, without recalling sufficiently the aim, which is not indicated by it, except in an indirect manner, and that only, owing to the intimate and necessary harmony existing between the aim and the means employed. Even the equivocation, naturally attaching to the word, *analysis*, and its various derivatives, according as we consider it, in its special mathematical acceptation, or in its universal logical signification, cannot deprive it of such a destination; for it is easy to recognize, in principle, as we shall see more and more, as we proceed with the science, that the methods proper to the final generalization of geometrical theories are eminently *analytical*, according to both the senses of the term.

If we take at first the special signification, which is applicable to the whole of abstract mathematics, it is certain that geometrical theories cannot be suitably generalized, except by the aid of analytical conceptions, since the abstract part of each question is, at bottom, the only one which is susceptible, by means of a judicious isolation, of a truly uniform solution, in as much as it alone is really common to all imaginable figures. Whether we consider the determination of tangents, or that of areas &c., we can easily recognize that, the results being necessarily different in the different curves, no other than an analytical view can sufficiently separte, and suitably treat, that which the subject offers as essentially uniform

in the midst of an inevitable diversity. This natural aptitude of analytical conceptions can be extended even so far as to indicate some precious connections between some general questions truly distinct; and this assuredly constitutes the highest possible generalization, which could not have been obtained in any other way. Geometers have thus discovered, for example, from the very origin of analytical geometry, as I shall explain in its proper place, the fundamental identity of the various researches relating to the measurement of extension, which can be henceforth transformed into one another, whether they refer to rectifications or to quadratures, or even to cubatures. It was only by means of a common analytical appreciation that they could seize those relations, so remarkable, and so well fitted for the mutual perfection of the different studies. Under this first fundamental aspect, therefore, general geometry is very justly qualified as analytical.

But it is highly necessary that we should not allow this usage, otherwise fully legitimate, to lead us, according to a tendency, very common, to mistake the form for the substance, by viciously incorporating with analytical geometry certain speculations which do not really belong to it, in as much as they do not offer that generality, which alone characterizes it essentially, however extensive and indispensable might be in them the employment of the algebraical calculus. It is thus that so many geometers have so vainly denied to Descartes the originality of his grand conception, under the pretext that, long before him, algebra had already furnished certain geometrical solutions. We see them also, owing to the same misapprehension, very often annex, even now, simple trigonometry to analytical geometry, in spite of the judicious example of Legendre, who, in conformity to a decisive

historical indication, treated it as a sequel to elementary, geometry, of which it evidently constitutes the inseparable complement, in as much as it similarly relates to a problem, purely special, though otherwise of capital importance. Such a confusion which seems to be dogmatically consecrated, even now, in consequence of a vicious scholastic distinction between problems determined and problems undetermined, (as if all geometrical questions, whether relating to the determination of a point or to that of a line or of a surface, were not, each according to its own nature, necessarily determinable,) is radically opposed to all rational appreciation of analytical geometry. Viewed in such a light, it would even be impossible to distinguish it from the geometry of the ancients, in which they employed, almost from the very first stages, the algebraical calculus, though its office in that geometry was ordinarily less extensive, and though it was applied specially, under certain less suitable forms, based upon the theory of proportion, which constituted, at that time, as a logical process, the equivalent, very imperfect, of our modern algebra. We shall have frequent occasion to recognize, contrary to this vulgar opinion, that some geometrical theories can be eminently *analytical*, notwithstanding that the calculus intervenes in them but very little, whilst others, in which it plays a very conspicuous part, in no way deserve that name.

If we pass now to the second scientific acceptation of the word, *analysis*, and of its derivatives, conformably to universal usage and to the etymological signification of the term, an appreciation, still more misconceived, can enable us easily to perceive that, under this new aspect general geometry must be eminently analytical, in as much as it proceeds by *decomposition*. For the questions treated

by it, being almost always composed of a small number of uniform elements, whose effective combinations are, on the contrary, extremely numerous, no solution of a truly general character can be obtained, except by the abstract separation of the different elementary conditions, which alone are capable of being considered, each by itself, from a general point of view. On the other hand, the spirit of the ancient geometry was always essentially synthetical, for the various conditions of each problem had always to be considered in the aggregate, notwithstanding the accessary use of what was designated by the name of geometrical analysis. This analysis, however, ought to be considered, historically, as the first logical step towards the modern system, although the paucity of its algebraical conceptions, by which alone we can make the necessary separation and pursue the consequences thereof, had deprived it of its principal value among the geometers of ancient Greece. This two-fold appreciation enables us to see that the new geometrical method, instituted by Descartes, has, for it essential characteristic, the isolation of each condition of a problem, in order to subject it to a fully general solution, according to a suitable reduction of the concrete to the abstract. The word, *analytical*, has the special merit of re-calling, at least to the minds of those who are competent to form a correct idea of it, the fundamental spirit, which has been just now referred to, and which I shall hereafter endeavour to bring out more clearly on every suitable occasion.

3.—According to the preceding remarks, the radical revolution effected in geometrical studies by the advent of analytical geometry, must be considered as the most decisive step that has yet been taken towards the total development of that science, the philosophical constitution

founder had to do, was to generalize the spontaneous indications of the common reason of humanity,—a fact, which whilst it goes to shew what mighty results can be achieved by a single stroke of true genius, even from the humblest materials imaginable, affords a striking illustration of the remark, so often made by me, that true science is, after all, nothing but the development of the universal good sense of mankind.

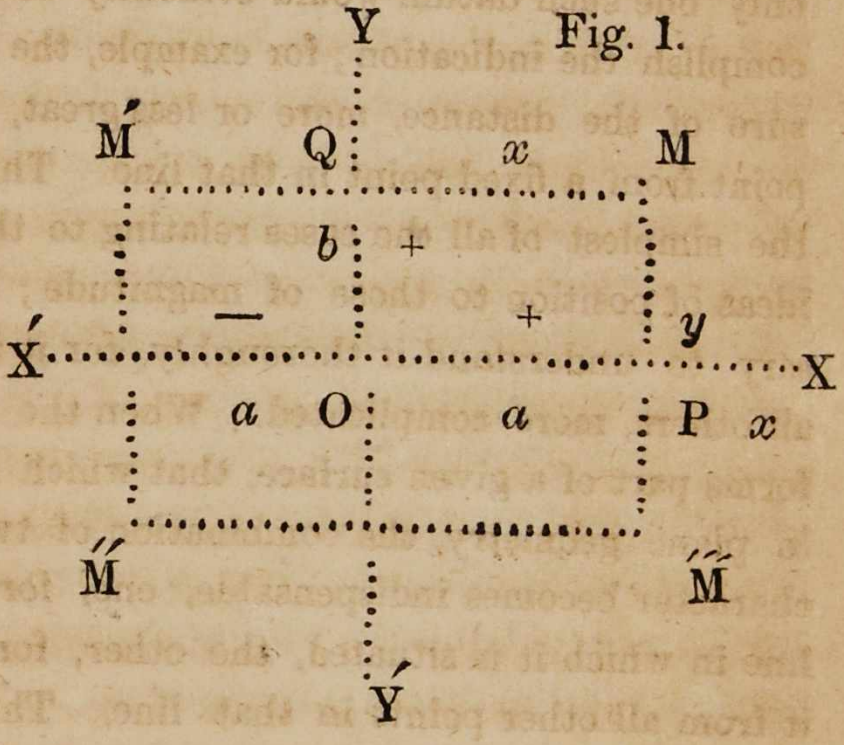
If we wish to define the position of a point, situated beyond the reach of our vision, we are necessarily obliged to fall back upon some numerical data. If the point proposed is situated in a line previously known to the two persons, between whom the communication is held, only one such datum would evidently be sufficient to accomplish the indication; for example, the numerical measure of the distance, more or less great, of the variable point from a fixed point in that line. This is necessarily the simplest of all the cases relating to the reduction of ideas of position to those of magnitude; but it is necessary to understand it thoroughly, for it is the basis of all others, more complicated. When the point required forms part of a given surface, that which always happens in plane geometry, the combination of two data of this character becomes indispensable, one, for indicating the line in which it is situated, the other, for distinguishing it from all other points in that line. The denomination of co-ordinates happily recalls the insufficiency of each of these two elements of determination, when considered singly, in as much as neither of them can be of any efficacy except when they are both taken together. Lastly, in the case, most extensive and difficult, when the point may be indifferently situated in any region of space, its situation cannot be characterized, except by combining

three such conditions of magnitude, as we shall specially recognize in the geometry of three dimensions

The couple of co-ordinates, employed for this purpose in plane geometry, can be drawn from a multitude of different constructions, of which it is important to understand the principal ones only. The one, which of all others, without being, under various aspects, the most natural, certainly deserves, upon the whole, the universal preference which it has empirically obtained from the very infancy of analytical geometry, consists in determining the position of a point by its distances from two fixed straight lines, very often at right angles to each other.

If the point M, (Fig. 1.), is situated in a plane at the given distances, a and b, from the two axes, O X, O Y, it will be evidently found at the single point where two straight lines, drawn parallel to those axes at those distances respectively, intersect one another, and each of these parallel lines will contain it indifferently, according to the isolated consideration of the corresponding condition. One of the co-ordinates, M P, which we can usefully suppose to be vertical, usually bears the name of the ord inate, while the

Fig. 1.



other, M Q, which we should, on that hypothesis, consider to be horizontal, is commonly called the abscissa, without there being, however, any special reason to warrant this diversity between these two homogeneous elements. We can very much facilitate the comparison of these distances, which vary according to the different positions of the proposed point, by measuring each of them by O Q, or O P, along the corresponding axis, always starting, however, from the fixed point of intersection O, justly called the common origin of the two co-ordinates. Lastly, in algebraical discourse, an usage, very convenient, constantly designates each of them by the small letters, corresponding to the capital letters which mark extremities of the axes, respectively called very often by the familiar names of the axis of X and the axis of Y, according to the variable co-ordinate measured along it. If, as it sometimes happens, the two fixed straight lines are not at right angles to each other, the two distances are always measured in directions parallel to them, and, therefore, under an obiliquity equal to their mutual inclination, without the operation requiring any other modification.

In fact, in this first system of co-ordinates, ideas of magnitude do not seem at first fully sufficient to replace ideas of situation. For, if the point proposed is situated, as in the most ordinary cases, anywhere, upon the plane, in the four regions separated by the two axes, it can certainly occupy, with the same co-ordinates, besides the position, M, the three other symmetrical positions, M′, M″, and M‴ which would appear to be incapable of being numerically distinguished from it. But as one or the other of the two co-ordinates is, in these last mentioned cases measured in a direction contrary to the primordial one, this preliminary difficulty, which would have radically fettered

the development of analytical geometry, by obliging us for the sake of avoiding an inextricable confusion, to reject the most favorable system of co-ordinates, has been completely surmounted by the incomparable founder of the new geometrical constitution, by a happy general application of his grand discovery, in mathematical philosophy, regarding the spontaneous representation of the opposition of directions by that of the signs, + and −, in all relations between the concrete and the abstract and in the case of every magnitude, which measured in a fixed direction, admits of an inversion fully characterized. I shall hereafter have occasion to indicate expressly the true spirit of this fundamental notion, which has, almost always, been viciously understood. By restricting ourselves in this place to apply it suitably, it is easy to see that it immediately dissipates our elementary ambiguity. Provided that we always consider the sign + or −, of each co-ordinate, as well as its value, there will never be the least uncertainty regarding the region corresponding to the proposed point, which shall be thenceforth distinguished from the three others, by a proper combination of the two simultaneous signs.

The only other system of co-ordinates, which is sometimes used, in analytical geometry, instead of the preceding, is, perhaps, though much less suitable than it, the most natural of all, as presenting the simplest combination of the two primordial ideas of length and direction. It is this system which is usually designated as *polar*, in contrast with the first, which is commonly called *rectilinear*, though these two denominations are very vague in themselves. It consists in determining the position of a point in a plane by its distance from a fixed point and the angle which the direction of that distance makes with a

very different from one another, often introduce lines of the same description. There are, for example, an infinite number of systems which would deserve to be called *rectilinear*, if we give that name to all those in which the point proposed is determined by the intersection of two straight lines, in as much as that name indicates, among others, besides the ordinary rectilinear system described in the first place, the system, doubly angular, which terminates our summary enumeration. We should therefore carefully consider, in addition to the preceding appreciation, the mode of variation of each of the two elementary lines, and regard, as truly identical, those systems of co-ordinates only which, whilst employing the same kind of lines, also make them vary according to the same law, so that all the fixed conditions of determination might be exactly common to the two cases compared.

6.—This indispensable preamble, without which geometrical ideas would not be reducible to those of number, permits us now to proceed to the direct exposition of the fundamental conception, upon which Descartes has constituted Analytical Geometry, by establishing an intimate harmony between lines and equations. When a point is arbitrarily moved in a plane, its two co-ordinates change, independently of one another. But if, in its movement, it follows a trajectory rigorously defined, of any form whatever, these two variables would no longer be found to be independent of each other. One of them, in fact, would in such a case, be sufficient to determine the point, by the aid of which the proposed trajectory would arise from the other variable which corresponds to the other co-ordinate. This last co-ordinate can then have, in such a case, only some values dependent upon those of the first, of which it would thus

become analytically, according to the language of geometers, a true function, assignable or unassignable, but characterized by a suitable equation between these two variables. Now as this equation represents exactly the condition of such a trajectory, it is justly called the equation to the corresponding line, since it constitutes a rigorous analytical definition of that line in no way suited to any other figure, in which the same value of the abscissa, giving a different value to the ordinate, the relation between them must also necessarily change. This inevitable correspondence between the line and the equation is even in certain respects too intimate, in as much as it is affected by the situation as well as by the figure; for, according to the principle stated above, the equation must evidently undergo some change, when the line is simply displaced, without undergoing any change either in figure or in magnitude, and hence the necessity of certain analytical rules, expressly destined to dissipate such a confusion, necessarily arising from the circumstance that ideas of position alone are directly susceptible of an algebraical expression. Thus, the equation to a line, in every system, is nothing but the constant relation which necessarily exists between the variable co-ordinates of the point by which the line is described, for the simple reason that the line is rigorously defined by a property common to all its points.

The general principle of such a correspondence cannot be suitably appreciated, if we do not consider the ideas of equation and of function in the most extensive manner, and if we do not carefully abstain from the confusion, always possible, of the conception of each equation with that of its effective formation, which is often very difficult and sometimes impossible. There exists, under this

last aspect, a very great difference between the various definitions of which the same line is susceptible. For example, the elementary definition of the circle, as the locus of a mobile point, which is always equidistant from a fixed point, immediately gives, from the simple theorem of Pythogoras, the equation, $y2 + x2 = r2$, between the rectilinear co-ordinates of any one of the points, with reference to two rectangular axes drawn through its centre. On the contrary, the transcendental definition of the same curve as a figure which, within the same contour contains the greatest area, requires the intervention of the highest analysis for the formation of the equation. The whole of our modern geometry presents, even now, many examples of curves, whose equations, properly so called, have not yet been formed and in regard to which we can moreover sometimes affirm with confidence that their formation would necessarily require the introduction of some new analytical functions. It is important to remark that this fundamental correspondence between lines and equations cannot, by its nature, offer any absolute character which would exclusively connect, in all cases, certain analytical relations with certain gemotrical figures. For, such a harmony is evidently dependent upon the system of co-ordinates selected. If then an inveterate habit leads us, for example, to connect intimately the ideas of a straight line and of an equation of the first degree or those of a conic section and of an equation of the second degree, it is entirely owing to the too exclusive use of the rectilinear system of co-ordinates to which those relations belong. In every other system of co-ordinates, the same lines would evidently have some new equations, whose analytical composition would often seem to be deprived of all analogy with those first mentioned, though,

in consequence of their common geometrical source, there must exist between them, in spite of all possible variations, a certain algebraical affinity, more or less difficult to be discerned.

Lastly, we must carefully point out here, as a matter of principle, the essential property of this correspondence between the line and the equation in each system of co-ordinates, namely, that the equation is necessarily independent of the various definitions of which the same figure is susceptible. Though the equation arises inevitably from the definition, it would not, however, vary with it, if the line does not undergo any real change, since the same abscissas must always correspond to the same ordinates, so long as the succession of the points is not effectively changed, under whatever new aspect it may be considered. Nothing is more proper, than this remarkable property, to shew how profoundly the equation characterizes the true invariable nature of the corresponding line, in the midst of the variety, almost infinite, of its geometrical attributes. At the same time, this necessary identity of the equation, from whatever definition it proceeds, must present, in analytical geometry an important habitual destination, by enabling us thereby to recognize, in a manner sure and uniform, the real equivalence of those definitions which lead to the same equation, and which, without this happy intermediary, would have often presented many obstacles to their decisive connection. (As a specimen this much may suffice.)