VOL XVI

SANSKRIT AND CHRISTIANISATION AND ELLIS ON HINDU LAW

Compiled by
Dharampal

Ashram Pratishtan, Sevagram - 442102
May 2000

TABLE OF CONTENTS

1. THE BEARING OF SANSKRIT STUDIES ON THE SPREAD OF CHRISTIANITY IN INDIA

Owen, S.J. (Oxford,Bombay), Occasional notes on British Indian Subjects (Private Oxford 1868) pp. 115-129 (written Jan 1861)

In order to clear up some important and very prevalent misconceptions as to the prospects of Christianity in India, and the office of Sanskrit Studies with reference to them, we must assume a more comprehensive point of view than that in which the subject is commonly surveyed, especially by excited and impatient religionists.

That India, starkly standing out in her intellectual, moral, social, religious deformity, should ever by the in strumentality of man, or otherwise than by the immediate and exclusive potency of the Divine Arm, be induced to bow her stiff and crooked neck to the blessed yoke of the Gospel - is often deemed by many who have been brought into the most prolonged, if not the most intimate contact with native character, an entire and (according to the temper of the critic) either a melancholy or a ludicrous delusion. With all deference to such experienced and confident judges, we by no means share their opinion.

(p.116) On the contrary; we have a firm and cheerful hope that, despite the little real progress which Christianity has yet made in the country, or has ever made in the East generally, despite our Saviour's awful query, "When the Son of Man cometh, shall He find faith on the earth?" despite the peculiar, and to the eye of reason, at first sight, almost insurmountable difficulties to be encountered in the progress of the task; not only will India be evangelised, and the Gospel become the predominant religion of the people; but that this, like other great social consummations, will be effected by God's blessing crowning human endeavors, and bringing spiritual results out of labors often very far removed from the directly spiritual sphere.

But we feel equally convinced, that the peculiarity and complexity of the case require a no less peculiar and complex treatment; that the inveteracy of the evil must prepare us to attend a tardy remedy; that as a baleful and portentous superstition is not only prepared to dispute the progress of the Christian Faith; but to stand its ground with the obstinacy of a system, which has for ages acted upon, warped, exercised the most minute and all penetrative tyranny over the whole nature and life of the people; and blocked up almost every avenue of approach to their mind and heart; so we must not expect that the country will be evacuated by the enemy, and the strongholds of Unbelief be surrendered, simply by our displaying aloft the Banner of the Cross; vindicating in argument the rightfulness of our Great Captain's and Sovereign's claim to the allegiance of His alienated subjects; and then imagining, either with the religious enthusiast, or with the despondent sociologist, that "our strength is to sit still" and "see the salvation of (p.117) the Lord;" that our part of the warfare is accomplished; and that He whom we serve will finish the campaign, and secure the triumph, without our further cooperation in the details of the strife.

In short, we believe that India has been providentially committed to our management, not in order that we may evangelise the country by the mere proclamation even of the purest and most enlightened form of Christianity; much less, by what is often too literally described as

"the foolishness of preaching" on the part of the missionaries; but that we may be various means, by agents often working independently of any such direct end, and by slow degrees, unwind that tangled skein of native life and character, which originally gathering round and connected by the central thread of heathenism, now imparts to that thread an altogether factitious and disproportioned power of cohesion. When this has been done, Christianity will, for the first time, come fairly face to face with Hindoo superstition: and if the latter have not in the interval evaporated of itself, the victory of the former, when rightly asserted, cannot then (in our opinion) be long doubtful.

In fact, we must both strive to disseminate enlightened and genuine, not sectarian and more or less spurious Christianity; and also we must civilize, before we can hope generally, or even extensively, to Christianise: or rather, the two processes will and must proceed, are proceeding, *paripassu*; in as much as every real advance in civilization is *protanto* and *ipso facto* an advance towards that state of things, when pure Christianity, no longer put aside, stultified, and deprived of its natural force by social obstructions of the most formidable character; by wrong and ignorant methods of (p.118) procedure on our part; by practical hopelessness of attaining our end from experienced inefficiency in sympathising with and impressing the native mind and heart; by prejudices, suspicions, aversion, contempt, intellectual torpor and inconsequence, on the part of the Hindoos; shall speak home to them "as a man speaketh to a friend," and obtain, for the first time, a really fair and friendly hearing.

Our duty is to facilitate the dissemination of the Gospel in India. The duty of the natives is to prepare themselves for its reception. But *we* are blindly striving to take a short cut to the discharge of our duty. *They* are blindly striving to evade a duty, of which they do not yet discern the true nature; nor its beneficent import, to their temporal not less than to their eternal interests.

Ignorance, the want of philosophical insight on the part of both peoples, at present occasions or perpetuates serious and (humanly speaking) insurmountable impediments to the progress of the good work.

We imperfectly understand, and still more inadequately allow for the obstructive effect of social circumstances and institutions; which lend (as it were) material force, solidarity, and tenacity to the argumentatively untenable cause of Heathenism. Consequently, we do not sufficiently appreciate the necessity of removing these (so to speak) secular outworks of superstition; before we can get within effective range of the superstition itself. Nor do we yet sufficiently understand, how under the unique circumstances of the case, these outworks can be most easily, skilfully, and successful ly carried.

In spite of our long connexion with the country, this strange "upside-down" people is an (p.119) enigma to us, as the Egyptians of old were to the Greeks. We know not "where to have them," nor how to deal with them.

They have, like the same Egyptians, become petrified into forms of life and character so remote from our own, that community of nature seems almost destroyed; intelligent and calculable action upon them almost impossible.

Like mummies, they appear to us neither healthily alive, nor wholesomely buried beneath the ground which they have so long cumbered in vain: alive no longer to the impulses, rallying cries, principles which have most uniformly and powerfully affected ourselves; yet invested with a weird and charmed semblance of vitality; clinging to a hidden world of thought and feeling into which we cannot enter; swathed from of old, and capable of long outlasting the perhaps brief span of our historic existence in the future, under their antique cerements of hieroglyphic and monstrous pattern.

Our knowledge of them is perpetually turning out to be but surface knowledge; our very experience of them is for ever deceiving us; so that many who have known them long, and studied them most carefully have almost given up in despair the attempt to comprehend them; have concluded that either, like Pope's women, they "have no character at all;" that being "double-minded," they are "unstable in all their ways;" "unstable as water," and like it take, alternately, every impress which the gusts of circumstance trace for a moment on their mobile surface; that, in fact, the ever-shifting curtain of their phenomenal nature *is* the picture, and that there is nothing beyond; or, on the other hand, that curtain, however much and often it wave to and fro obedient to external gales, is still ever- (p.120) more a dark, impenetrable, unlifted veil, shrouding from our ken the mysterious, incomprehensible, uncanny *real* nature, that lurks and works within.

We have no hesitation in saying, that after all our professed anatomisations and simple resolutions of native peculiarities, the master-key to the native character remains yet to be discovered, or at least disclosed to the world at large; the chasm between that character and our own is not yet bridged over; few Englishmen, even in India, have much deep and steady insight into it: the mass of the "home public" have advanced little beyond the stage of simple, uncritical wonder; while the self-styled "religious world" is involved in a hopeless abyss of self-complacent, fanatical, and pampered delusion on the subject of Hindoo idiosyncracy, - as on most others.

This great bewilderment makes our judgments on native traits and conduct essentially, though not intentionally, untrue: we can appreciate and compare aright with our own, neither their strong nor their weak points, neither their excellences nor their defects; for want of a more catholic standard than any to which we have yet attained.

The same cause makes our best attempts at legislation and social amelioration in an unusual degree provisional in their character, and hypothetical in their effects; it greatly increases the difficulty of conducting properly the commonest transactions of life, where we have to act with, against, or upon natives: it causes the European's tongue to falter, and his heart to ache, with the sickening consciousness that he is engaged in a perpetual skiomachy, that he is mixing with a world of Gnomes and Ghouls: it paralyses, to an indefinite extent, what would otherwise be effective secular teaching: it plies the honest and experienced missionary with infinite anxieties (p.121) in addition to those which must ever attend his anxious labors; suggesting doubts, not only as to the reality and probable permanence of conversions, but as to the very language in which he should address himself to those whom he has gone forth to proselytise.

Now why is it that so much uncertainty, perplexity, contradiction still prevail among us, as to the genuine idiosyncracy of the Hindoo; and as to the most appropriate, practicable, and effectual method of dealing with it? Why is it that we have theories without number, but most discordant; grouping of facts as discordant as the theories, and even more delusive, because making higher pretensions to veracity? Why is it that India, in this point of view, so well merits the name which the great crucial instance of the phenomenon extorted from the infallible *Times* - "The Land of Delusion ?"

The natural and inevitable difficulties of the subject are undoubtedly great. The immense and complete contrast subsisting between the two nationalities at present, between Imperial England and crouching Hindostan; and the indisposition, if not the absolute inability of the latter to shed much light upon our path of enquiry; as well as many other obvious circumstances, must be taken into account. But it certainly appears to us, that over and above all these circumstances, we must place two most serious obstacles of our own creation. The method and the object of our speculations have, too often, been alike faulty. We have been too hasty, too confident, too sweeping in our generalisations from partial facts, often from vague and inaccurate reports; and our aim has, too often, been to establish a foregone and *doctrinaire* conclusion, where there is least scope for the (p.122) *doctrinaire* spirit; or worse still, to serve the interests of party; to snatch at reputation; to attract attention; even to gratify our antipathy to the native by a wanton and cruel exposure of his moral nakedness; rather than simply to arrive at truth ourselves, and to convey it clearly to others.

The fragmentary and occasional way in which Indian experience and literature have accumulated; the very obscurity which overhangs the subject; and the strong temptations held out by various interests in England to the promulgation of crude but uncompromising opinions upon this true "Great Asian Mystery;" have aggravated these tendencies. In the promiscuous and blind *melee* the indifferent combatant may contrive to keep his seat, may even, by a lucky chance, attain a transitory success.

Thus have the Hindoos been, one while, extolled as far more really civilised than ourselves; and, again, denounced as essentially and incurably barbarous, as "brutal to the core;" others, again, have concluded that they are, in truth, neither barbarous nor civilised; while a fourth authority would persuade us that they have been civilised *into* chronic barbarism. We have not time to dwell on these statements: and can only assert, without stopping to prove, that practical contradictions underlie what to some may seem mere logomachies, turning upon the equivocal sense of the word civilized.

They may, however, serve as a specimen of the hasty and inconsistent lessons, which our instructors upon Indian sociology would impress upon us.

But assuredly, it is not thus that we shall ever arrive at a just and working estimate of the natives; and come to feel towards them as "men (p.123) and brethren," which we must do if we are to convert them to the Gospel.

"Pater Ipse colendi
Haud facilem esse viam voluit."

There is no royal road, no short cut, to this any more than to any other branch of knowledge . Less, indeed here, than in almost any other case, is it safe or practicable to proceed *per saltum*.

India, and the Indian mind, are a world apart; a world more or less fundamentally akin to our own; but through the powerful and continuous action of differencing circumstances in each case, wide as the poles asunder from it: a vast complex of most peculiar formation and organisation. No empirical methods, no *a priori* dogmatising, will suffice for its true analysis. In order here as else where to understand the present and operate upon the future aright, we must first resolve the past. We must pursue the historical method; which alone can enable us to retrace the course of the national existence; to stand, at length (as it were) at the fountain-head of the national life; and thence, casting the eye of insight once more down the long vista of centuries, to note the advent, the action, the out-growth of each constituent element of the national character. We must forget the present, not less of India than of England, live only in the past; live through it, and down it; until the mind's eye, long accustomed to the twilight of the ages, (the twilight that yet lingers on the land of the Lotus, that land where more than elsewhere on earth

"*All things always seem the same*,")

adjust itself to the surrounding medium; acquire an interpretative second-sight , which only such training can impart; until, in this new field, we reap (p.124) the mature fruits of NiebÛhrian acumen, and Groteian reconstructiveness; until, in fine, the philosophical study of the primeval speech and literature of the Hindoos, shall illustrate a thousand dark corners of the native mind; account for innumerable strange expressions, and stranger practices; restore many a missing link between humanity as we conceive of it, and humanity as we encounter it in India; and thus, at last, shall bring us once more into intelligent and sympathetic relations with our long estranged and much misunderstood brethren.

But the Hindoos, it will be objected, have practically no history. Though this is not quite true, yet the truth which it involves makes it all the more indispensable that we should prosecute our enquiries as far back as possible; to that remote period when a permanent form was, once for all, impressed on the native mind and life; a form which still remains substantially unaltered at least unsupplanted by any other: that we should go even further back still; to that yet more remote and pre-historic period, when the fossils of thought and feeling were deposited in the fluid strata of language; when institutions were yet unfixed; codes of law unthought of; philosophy unborn; mythology itself but in a chrysalis state, bursting into birth through the figures of speech naturally employed by an unsophisticated but highly imaginative people.

Comparative philology and comparative mythology have enabled us, for the first time, to penetrate the inner spirit of a period of human history, which had previously presented only an incongruous and unaccountable aspect; had seemed but a wild *Fata Morgana*, the offspring of a florid fancy, while man's reason was in abeyance. Their lessons are invaluable as aiding us to appreciate (p.125) the mental and moral structure of a people , among whom political history has been nought; mythology has continued dominant for ages; and has lent its sanction, and given its complexion to a sacerdotal system so intimately bound up with the whole genius of that people.

And as Geology, by disclosing the natural order of creation, and the normal distribution of strata, has helped us to a better understanding of the abnormal forms and confused congeries of rocks, with which we come into contact on the earth's crust at the present day; and has, moreover, enabled us to turn to all manner of practical and immediate uses the knowledge thus obtained; so the careful, profound, dispassionate, scientific analysis of the language, the religion, the theocratic institutes of India - *ab ovo*, may be expected to culminate not only in a far better and more exhaustive appreciation of that language, religion, theocratic system, than any which has as yet been possible; but in a consequent familiarity with the tone of mind and character, which were partly their cause, partly their effect; and which will be most serviceable to us as an initiation into the Oriental spirit; and as a guide in our intercourse with the natives, especially in relation to the *Prapartio Evangelica* - enlightening us as to the means whereby, the temper in which, the circumstances under which, we may best hope to undertake and prosecute with success, the complicated and solemn task.

Let us now consider the case of the natives. And we shall find, that they, too, eminently require the ministry of the same philosophical spirit to dispel the ignorance which as yet prevails among them as to our character and views; their own past history and relative place at present among the nations; the origin, develop- (p.126) ment, tendencies of their religion, and theocratic social system; the obligations implied in the strong yearnings of the more advanced and enlightened portion of them after progression, wisdom, and improvement in life.

They have mostly regarded us as animated only by the fierce lust of empire, or the more sordid love of material enjoyments and of pelf; as reckless of their welfare; hardly caring to conceal our lively contempt for them, and the complacent consciousness of our immense and indefeasible superiority over them; as equally unable and unwilling to comprehend and sympathise with them; as evincing, even in our comparatively disinterested approaches to them, and attempts to convert them to our own faith, a preposterous and obstinate misapprehension of their real nature; denouncing them as "all evil"; denying the lingering traces of a moral sense, the law which they yet feel to be written by the Almighty in their hearts, however faintly traceable; yet, not very consistently, threatening them with penalties which they do not feel they have deserved, unless they straightway perform the *duty* of adopting a course, for which they are not as a *people* (humanly speaking) ripe; and which, to adopt as *individuals*, seems to their tribal and gregarious instincts unnatural and monstrous.

And, accordingly, there is too much reason to fear, that they shrink from us and our plans for their improvement, with a mixture of suspicion, terror, aversion, astonishment, and reciprocal contempt. In such a frame of mind, sympathy with the *Sahib*, even the missionary *Sahib*,is out of the question; though such a frame of mind is, happily, not by any means universal. But we are speaking of general impressions.

Now the spectacle of a European steadily and (p.127) enthusiastically devoting himself to the study of their language, literature, antiquities, whole mind as revealed in the past, for their own sake; delivering a temperate judgment upon them; "neither aught extenuating. nor setting down aught in malice;" sympathising, with them, and proving that he understands native affairs better than native authorities themselves do; could not but exercise a most beneficial and kindly influence upon the native mind; could not, in the long run, but dispose it

to make some advances towards sympathy in return, to give us credit for being better and purer than it formerly thought us, to give more heed to our religious pleadings than it had hitherto done, to distinguish between fanatical and temperate advocacy of Christianity, to put more faith both in our professions, and in our prescriptions for the confessedly distempered state of the people; in short, could not but prepossess the native mind in favor of, instead of exciting its every fibre against the religion which we profess, rather than practise in India.

But this is not all. Such profound, critical, and genial researches into Sanskrit literature and antiquities will reveal to the educated natives the *ethnological* fact, that they are indeed our ancestral brethren, though long parted and much estranged; the *historical* fact, that when time was younger they were not so much unlike ourselves, and had a freer range of thought and action than their rigid tradition now allows them: the *philological* fact, that much of their mythology originated in language, figures of speech gradually hardening into accredited legends; the *literary* fact, that their cumbrous religious swaddling clothes were gradually devised for and accumulated upon them by man, acting apart from and destitute of Divine authority; that therein they have shared the fate (p.128) of other nations, whom similar human devices have hoodwinked for a time; but that, whereas they persist in still wearing those worn out rags of superstition, after they have served the turn which Providence designed for them in the infancy of society, they are behind the age of their own, as well as of the general world; and must go forward, if they would not go backward into irreclaimable childishness and simple dotage; the *moral* fact, that, nevertheless, certain true sentiments and ideas originally lay at the root of these humanly devised systems; and for a time gave them vitality, and a certain measure even of beneficial influence; the *social* fact, that their present life is marred, corrupted, honey-combed, by the continued subsistence of the outdated system, and the institutions and practices in which it is enshrined; and that, whereas their better men long for enlightenment of mind, energy of will, general elevation of character-individually; for social amelioration and political renascence; only by the revivifying influence of such a system as Christianity can they hope effectually to aim at, and largely to enjoy those blessings.

Whence the transition to the *religious* fact will be easy; which it will then fall to the lot of the missionary to impart to ears and hearts very differently disposed from those to which he now mostly appeals. The religious fact (we mean) that Christianity, and that alone, is adequate to gratify fully the sentiments, to realise the ideas, which lie at the root even of their present corrupt religions; that the times of past ignorance God winked at, but now calls them everywhere to repentance; even the Unknown God whom they have been feeling after, grossly attempting to propitiate, in one perverted way or other, for ages; but who is now openly declared to them in His (p.129) simple Majesty as the true Avatar; the single God-Man who has ever visited the earth; whose way was made plain of old among the Gentiles by the instrumentality of Greek Philosophy, and Roman Government and Legislation; whose access to themselves has been correspondingly prepared by European thought, and the British *Raj*.

2. AN HISTORICAL SKETCH OF SANCRIT LITERATURE, EXTEND 1832 - ADELUNG Fredrick Von (XVII.234)

Preface:

...(p.xiv) to pardon an occasional error or two in the orthography, and not be surprised should he even find the same word differently written in different places. In the titles of books and quotations, the original orthography has been adopted where it could be ascertained,[1] in other cases uniformity has been aimed at, but it is feared with but moderate success.

The usefulness of the present publication must of course chiefly depend upon the importance of the subject of which it treats- a question that seems sufficiently decided by the foundation and intention of the Boden professorship[2] and the new impulse which this has given to the culture of Sanscrit literature. The very fact, indeed, of a gentleman's bequeathing an immense property for promotion of this object, from a conviction, resulting from his own experience, of its being the best means of extending the knowledge of Christianity to a hundred million of our fellow-creatures, should, and must engage in its interest every one who feels the value of this blessing; while its recommend- (p.xv) ations of a more worldly nature, though but a feather when weighed against this paramount one, are still otherwise of a high and powerful character. Both, no doubt, have operated in producing the rapid and accelerated motion with which the cultivation of Sanscrit literature has advanced within these very few years in Europe; and it appears a striking argument in its favour, that the interest taken in it has increased in proportion to the information obtained respecting it, and that each step has been regarded but as a new position from which to make a farther advance. [3] Some of its warmest admirers have, indeed, gone so far, as to predict that it would exercise the same influence upon the learning and general tone of European society, as the introduction of Greek did in the fifteenth century; and, though few readers may go so far as these enthusiasts, it must, at least, be admitted, that the curious structure of the language, its close analogy with those already familiar to scholars[4], its great antiquity, and its presumed connection with the religion, the arts, and the sciences of Greece and Rome, are all well calculated to excite a

[1] This has in some instances led to mistakes; as for example at p.96, etc., where Damayanti has been improperly spelt Damajanti, in consequence of the compiler trusting to the correctness of the Quarterly Reviewer.

[2] The late Joseph Boden, esq., Colonel to the Honourable the East India Company's service, bequeathed the whole of his property to the University of Oxford for the foundation of a Sanscrit professorship, and the encouragement of Sancrit learning; being of opinion "that more general and critical knowledge of the Sanscrit language will be a means of enabling his countrymen to proceed in the conversion of the natives of India to the Christian religion, by disseminating a knowledge of the sacred scriptures amongst them, more effectually than all other means whatsoever, "Oxford Calendar, 1832, p. 48. Horace Hayman Wilson, esq., perhaps the first Sancrit scholar of the present age, and highly distinguished for his taste and learning in general literature, was elected to this chair in the present year.

[3] Adelung, in his preface, mentions it as a matter of surprise, and as proving a great predilection for this language, that in the short space of thirty years seven hundred works should have been published relating to it, while not above a hundred persons in all Europe have applied themselves to its study, and of these there certainly are not fifty who know it accurately.

[4] See below

fond and anxious research into its literary remains - remains equally wonderful for their extent and the harmonious language in which they are composed,[5] (p.xvi) and containing treatises, written at various periods from a hundred to three thousand years ago, on philosophy, metaphysics, grammar, theology, astronomy, mathematics, jurisprudence, ethics, poetry, rhetoric, music, and other sciences cultivated among the Hindoos, at a time when Europe lay buried in the deepest shades of ignorance.[6]

To those who study the history of man, Sanscrit literature offers a surprising mass of novel information, and opens an unbounded field for speculation and research. A language, (and such a language!) which, upon the most moderate computation dates its origin beyond the earliest records of profane history, and contains monuments of theology, poetry, and science, and philosophy, which have influenced perhaps a hundred millions of human beings through a hundred generations, is a phenomenon in the annals of the human race which cannot fail to command attention. Common sense and experience suggest that these facts only require to be known to excite a more general interest in this new department of literature. The following (p.xvii) pages show that it has afforded subjects of sufficient interest to exercise the talents of writers of the highest reputation for taste and genius; and that Sanscrit literature still contains inexhaustible mines of wealth for those who have the industry to work them.

Compilers and translators have been somewhere designated as the pioneers of literature; and it will afford the compiler and translator of the following pages much satisfaction if they should clear the road, or lesson the toil of any more deeply engaged in the study of Sanscrit literature. The very liberal indulgence with which his translation of Heeren's Researches has been received, emboldens him to hope for the same favour for the present attempt, which, as Mr. Adelung observes, will at least fill up a gap in bibliography , and abridge the labour of any one who may attempt a more complete work on the subject.

D . A . T

Oxford , June, 1832.

... (p.24) matici. A manuscript in the royal library at Copenhagen. See Dansk Litter. Tidende for 1819, p. 122.

---

[5] Professor Wilson says, "The music of Sanscrit composition must ever be inadequately represented by any other tongue." M.Chezy, in his opening discourse, calls it the celebrated dialect, perhaps spoken by the gods of Homer, and if not, worthy to be so. The praise indeed which Sanscrit scholars bestow on this language is not at all inferior to what Gibbon says of the Greek: "In their lowest servitude and depression, the subjects of the Byzan tine throne were still possessed of a golden key that could unlock the treasures of antiquity; of a musical and prolific language, that given a soul to the objects of sense, and a body to the abstractions of philosophy." Gibbon's Rome, vol viii,p. 162, Oxford edit.

[6] The number of Sanscrit works described in the work of Mr. Adelung, amount to upwards of three hundred and fifty; many others have been added in the following pages. The reader may perhaps from a more adequate notion by being informed, that Col. Kirkpatrick, in his account of Nepaul, quotes an instance of a single private library at Blatgong, the Benares of the Ghoorkali territory, amounting (according to his information) to fifteen thousand volumes. See also Col.Tod's preface to his splendid work on the Annals of Rajasthan, passim.

Another grammar much esteemed is the, **Saraswata**, together with its commentary, named **Chandrica**. It seems to have been formed on one of the Caumudis, by translating Panini's rules, into language that is intelligible.[7] There is also the **Nama Parayana**, etc. The Ancient Hindoo literature contains altogether one hundred and twenty-six works upon Sanscrit grammar, ninety-six of which treat only of separate portions of it.

2. Modern Grammars.

Sidharubam, seu Grammatica Samscrdamica, cui accedit dissertatio historico-critica in linguam Samscrdamicam, vulgo **Samscret**, dictam, in qua hujus lingua existentia, origo, praestantia, antiquitas, extensio, maternitas ostenditur, libri aliqui in ea exarata recensentur, et simul aliquae antiquissimae gentilium orationes liturgicae p paucis attin guntur et explicantur, auctore Fr.Paulino a S.Bartholomaeo, Romae, 1790, 4to; in Typogr. congreg. de propag. fide. See Gotting. gel.Anz 1796, p. 1658-1664; Nouv. Melanges Asiat. par M.Abel. Remusat, vol. ii. p. 306.

Vyacarana, seu locupletissima Samscrdamicae linguae institution, in usum fidei praeconu in India orientali, et virorum litteratorum in Europa adornata, a Paulino a S.Bar tholomaeo, Carnmelita discalceato, **Romoe**, 1804, 4to. In Typogr. congreg. de propag. fide.

The author of these two grammars was a German, whose proper name is said to have been , **Wesdin**. He resided as a missionary on the Malabar coast of India, from 1776 till 1789, and died at Rome in 1805. Anquetil du Perron, in the French translation of the Travels of Fra Paolini, and professor Chezy, in the (p.25) Moniteur, 1810, No. exlvi, both question his knowledge of the Sanscrit; and Dr.Leyden calls his manner coarse, acrimonious, and offensive, and adds, that the publication of his Vyacarana has given a deathblow to his vaunted pretensions to profound oriental learning, and shown that he was incapable of accurately distinguishing Sanscrit from the vernacular languages of India.[8]

It is proper, on the other hand, to state that Paolini himself thankfully acknowledges, in many passages of his Systema Brahmanicum, the great assistance he had received in his labours from P. Hanxleden. But, at all events, it would be a waste of time to study these three grammar now, when they have been so entirely superseded by the more modern and well established works of English and German scholars; though they are still curious for the undisguised spite and hostility which the author takes every occasion of exhibiting towards the opinions of English Sanscrit scholars, and particularly the learned contributors to the Asiatic Researches. The particular character in which he has chosen to write Sanscrit is a remarkable proof of his obstinate prejudice; as are also the dogmatic, yet groundless assertions, with which he has attempted to support his choice.

---

[7] Colebrooke

[8] See Asiat. Researches, vol.x,p.278, where proofs are given of his ignorance of Sanscrit; and Edin. Review, vol.i,p.30, in which the same opinion had been already published. Paolino's work is also reviewed and criticised in professor Wilson's preface to his Dictionary , in the Gotting. gel. Anz.1805, No. exlv; in the Moniteur, 1810, No.exlvi; and in Schlegel's Indischer Bibl. i, p.9.

A Grammar of the Sungskrit Language, composed from the works of the most esteemed grammarians; to which are added examples for the exercise of the students, and a complete list of the **dhatoos**, or roots, by William Carey, teacher of the Sungscrit, Bengalee,...

3. A COMPARATIVE DICTIONARY OF THE LANGUAGES OF INDIA AND HIGH ASIA WITH A DISSERTATION BASED ON THE HODGSON LISTS, OFFICIAL RECORDS, AND MSS BY W.W. HUNTER, B.A., M.R.A.S., HON. FEL. ETHNOL SOC. OF HER MAJESTY'S BENGAL CIVIL SERVICE, LONDON : TRUBNER AND CO., 1868

DISSERTATION

1. POLITICAL

At the close of each year the British Governors of India deliver an account of the provinces entrusted to their care. Their reports are mainly occupied with internal measures, and form monuments of sagacious humanity and the national genius for rule, which no Englishman can contemplate without patriotic pride. But from amid these records of the consolidation of long hostile races into a harmonious empire, one chapter stands out in painful contrast. It is the section which refers to the hill and forest peoples who surround the frontier and inhabit the interior table-lands and mountain ranges of India. No sooner does the narrative enter on this topic, than its whole spirit changes. The deliberate civil strength and calm knowledge which regulate the action of English Governors towards the population of the plains, give place to fitful and violent exertion of armed force. Calculations from ascertained social causes and effects are seldom attempted; the issues of any measure can never be foretold: the only policy discernible is a policy of emergencies; and in place of the sedate forbearance towards the prejudices and weaknesses of the people, little appears save mutual indignation, outrages, reprisals and a perpetual probability that each cold season will have its highland rising or frontier war.

General statements are feeble when particular illustrations abound. It matters little which province is cited. No population ever made more rapid progress in all that renders life secure, and in all that renders life worth having, than the people of Lower Bengal between 1860 and 1865; and the frontier history of this part of India is certainly not more unsatisfactory than that of its neighbours. The Administration Report for 1860-61 records our dealings with four hills races, two of them situated far within the British boundary. The narrative opens with `outrages perpetrated on British subjects by the people of Sikhim;' the second section is devoted to military operations against the Kukis; the third to military operations against the Garrows; the fourth relates the sequel of the previous season's military operations against the Cossyahs and Jynteahs. These form the entire record of our intercourse with the hill tribes during the year. But indeed the bare titles of the chapters - titles given, it must be remembered, by an official pen- speak with sufficient clearness as to the character of our administration of the (p.2) highland races. The report for 1861-62 contains six short chapters. The first is headed `The Cossyah Rebellion;' the second, `Riot in Nowgong;' the third, `Excitement in the Sonthal Districts;' the fourth, `Disturbances in Sumbulpore;' the fifth, `Disturbances in Boad;' the sixth, `Booteah Aggressions.' The report for 1862-63 again leads off with `The Cossyah Rebellion,' and is occupied by the invariable record of outrages and armed pacifications. Next year a lull occurred, but the British power received insults which could be wiped out only by a costly and sanguinary war. The report of 1864-65 accordingly opens with the Bhutan expedition, - an expedition memorable for its disasters not less than for its ultimate triumph; the next section relates a raid into British territory by Tibetans; the third is

taken up with a narrative of murder and abduction in British territory by Nepalese; the fourth, with disturbances in Munipur; the fifth is headed `Naga Raids;' the sixth, `Garrow Outrages'.

Similar scenes repeat themselves with more or less frequency in every mountainous region of India. The wisdom of British administrators in managing the Hindus and Musssalmans of the plains, seems everywhere turned into folly when deal ing with the hill and forest tribes. These tribes approach or exceed two hundred in number; but an impartial historian could not review our intercourse with more than one of them with unmixed pride. It was once customary to lay the blame of our failure on the races themselves; and, without doubt, tribes so far removed from us in their social neccessities, habits of thought, and motives of action, are more difficult to deal with than a population which has so much common with ourselves as the Hindus. Many of the hill races have approved themselves faithful allies, brave soldiers, and peaceful subjects under British rule; and the administrators who know them most intimately, speak most enthusiastically of their manliness and love of truth. But in their political dealings with us, the element of certainty is always wanting. Individual officers can safely rely on them, but the government cannot; and no length of contented industry or loyal service furnishes a guarantee against sudden risings which cover whole districts with flames.

Indian administrators have accordingly become accustomed to accept the hill races as mysteries, and to look upon their movements, necessities, and animosities, as things beyond the range of political knowledge. But the essence of mystery consists in presenting the effect and concealing the cause. In dealing with the highland tribes, the English have constantly to witness startling results, whose reasons they are unable to perceive. The power of observing and interpreting social indications, by which officers rise to places of trust on the plains, finds no material to act upon among the mountaineers; and frontier administrators are selected less for the qualities which anticipate and avert danger, than for the ready intrepidity which disarms it. The truth is, the English have studied and understand the lowland population as no conquerors ever studied or understood a subject race. (p.3) Their history, their habits, their requirements, their very weaknesses and prejudices are known, and furnish a basis for those political inductions, which, under the titles of administrative foresight and timely reform, meet popular movements halfway. The East India Company grudged neither honours nor solid rewards to any meritorious effort to illustrate the people whom it ruled. Such efforts led to a series of discoveries which have rolled back the horizon of human knowledge, and brought out in clear relief the ethnical revolutions of a prehistoric world. They have proved that the population of India mainly consists of that Aryan or noble stock which had radiated from Persia to America and Australasia, and is now nearly c0-extensive with civilised mankind. At an early period, it became known that another element had entered in to the composition of the Indian people; but an ignoble element, destitute of letters, of historical relationship, of religious conceptions, of all that renders the study of a race attractive, and for the most part buried away in forests fatal to European life. The very lustre of Aryan discoveries threw the non-Aryan peoples of India into a deeper shade. Practical usefulness and the gloss of fashion were for once on the same side; and European scholars crowded into a field in which every honest seeker might hope to find some ore, and kept aloof from pursuits in which they could look for little sympathy, and from which they expected no results. While a new science was being erected on the basis furnished by Sanskrit speech, the languages and the very names of the non-Aryan races remained unknown, and Government very properly kept its liberality for those studies which promised more fruit. Every year saw some research into Indo-Aryan

history or speech munificently assisted; but during the whole history of the East India Company, it is impossible to adduce a single effort to illustrate the non-Aryan tribes which received efficient support. Until very lately, and perhaps even still, before a man devotes himself to these races, he must make up his mind not merely to dedicate his private fortune to researches which yield no fame, but also to separate himself from the great sympathetic stream of European scholarship.

The practical result now appears. English administrators understand the Aryan, and are almost totally ignorant of the non-Aryan, population of India. They know with remarkable precision how a measure will be received by the higher or purely Aryan ranks of the community; they can foresee with less certainty its effect upon the lower or semi-Aryan classes; but they neither know nor venture to predict the results of any line of action among the non-Aryan tribes. Political calculations are impossible without a knowledge of the people.

But the evil does not stop here. In the void left by ignorance, prejudice has taken up its seat; and the calamity of the non-Aryan races is not merely that they are not understood, but that they are misrepresented. We have gathered our notions concerning them from their immemorial enemies. Nothing can be conceived in a (p.4) more malignant spirit, than the epithets which ancient Sanskrit writers apply to them. The Brahminical religion has ever treated them as outcasts, hateful to gods and men; and this traditional and superstitious abhorrence is kept in a glow by the actual necessities of the superior race. The Hindus are an increasing, and consequently an encroaching people. Their advances have to be made at the expense of the hill and forest tribes; and Aryan aggressiveness, mercantile or territorial, has been found to lie at bottom of almost every non-Aryan rising whose causes have been carefully ascertained. Indian history, indeed is one long monotonous recital of how the children of the soil have been driven deeper and deeper into the wilds. On the one side is contemptuous detestation, on the other sullen fury; yet frontier investigators have constantly to accept the slanders of the wrong-doers as their sole evidence touching the motives and character of the wronged. What sort of a notion should we arrive at of the Hindus, if our only data had to be gathered among the aborigines? Of most of these unhappy tribes we have not a single portraiture by an impartial hand. The Indian newspapers catch and spread the infection. On more than one occasion, English journalists have so far forgotten their characteristic tenderness to the fallen, as to insult the despairing bravery of hill tribes, to speak of a peasantry fighting for its homesteads as `adult tigers' and to propose, as a cure for well-grounded disaffection, the deportation across the seas of a whole race. Within the last fourteen years, Christian gentlemen have penned articles breathing a spirit scarcely less tolerant than that in which the early Sanskrit singers depicted the forest tribes as black, noseless demons, of squat stature, and inarticulate speech.

The strongest proofs of our ignorance of the non-Aryan races, however, are to be found in the works of non-Aryan scholars. I shall cite two writers of unquestionable ability, with regard to whom my remarks cannot be misconstrued into hostile criticism. An admirable lecture, delivered in 1852 before the Royal Asiatic Society of Great Britain and Ireland, stated that a survey officer had `lately discovered another tribe called Sonthals.' This newly found tribe, it should be observed, had occupied over thirty thousand square miles of British territory during more than half a century, numbered about two million people, had given new land-tenures to adjoining districts, and sent forth colonies to the north and to the east, one of which paid £

6803 in the single item of rent, to the British treasury in 1854, and contained at the period of their `discovery' 82,795 souls. Yet the lecturer was perfectly accurate in speaking of this race - a race equal to the whole rural population of Scotland- as having just been brought to light. Four years later, this unknown race, goaded by wrongs which their English rulers had long failed to understand, and therefore neglected to redress, burst down upon the plains, and during five memorable months devastated the western districts with fire and sword. As soon as order was restored, their complaints were inquired into, and (p.5) found to be just. A new system was inaugurated, and they have ever since been the most contented of British subjects. A year ago, the sister society in Bengal put forth an elaborate volume, which endeavoured to bring together all that is known about the non-Aryan peoples. With regard to many of them, scarcely anything appears but their names. Of one important tribe-the Gonds of Bustar and the adjoining countries- the conscientious writer says : `We know very little except that they are extreme savages-black, ugly, barbarous, and dangerous.' Another - the Kherrias, whose very name, as will subsequently appear, is pregnant with information- are declared to be `a mystery even to Colonel Dalton,' the most laborious investigator which that section of the aborigines has had.

But while learned men admit and deplore the absence of information, there is a class of writers who are not content to plead ignorance. If Government orders a report on the causes of a frontier raid, a report must be compiled. British officers, however, are scarcely ever able to converse with the offending tribes: no dictionary of their languages has been published, and all that can be found out about them comes through their natural enemies, the Aryan borderers. Extravagant calumnies thus attain to the dignity of State Papers, and are copied from one report into another. The more malignant and striking the caricature, the surer it is of a wide circulation, till gradually gaining probability by unquestioned iteration, it becomes the materials by which our official dealings are regulated, and on which our political estimate is formed. When it is possible to place such reports side by side by the truth, the result is merely ludicrous; but it is not always possible to do so. And for one calumny that can thus be rendered harmless, a hundred wander forth unrefuted, poisoning public opinion, drying up our natural charity, and, it is to be feared, warping the British policy towards whole races.

It is an invidious, although unfortunately easy, task to select particular instances. In 1854 a long series of misunderstandings and more or less mutual grievances culminated in a war with Bhutan. Here is the official account of the unfortunate race whom it was then found necessary to encounter, and whose untrained valour repelled for a time the resources of civilised war. The description is a sufficiently striking one, and had been transcribed from one Report into another three times before it reached the State Paper from which I excerpt it. The interjections are its own. It sets out by stigmatizing the Bhuteas as `very quarrelsome and unsociable, *as will be seen from their huts being isolated*,' forgetting that the barrenness of the hills and the necessities of hunting-tribes render large villages on the Hindu plan impracticable. `They are a very revengeful and sly race, seldom forgetting a wrong done them: the greatest cheats and the most barefaced liars, I may safely say, in India! Morality is not named among them: men and women occupy the same apartment; after a day's work they assemble around one fire, with a large basin full of *murwa* (a spirituous (p.6) liquor made form the grain of the same name), which they suck up through narrow bamboo tubes, and eventually all fall about drunk, from the child to the grandsire, unable to rise till the following morning. The women seldom remain true to their husbands. They generally go from one to

another, leaving the children, if there are any, with the father!' For this extraordinary picture the colours were mixed, we may be sure, by a lowlander's hand.

It happens that this race is one of those on whom the light of Mr.Brian Hodgson's scholarship has glanced. He discriminates between two branches of the same family; the one considerably advanced in civilisation, the other still rude. With regard to the latter he thus sums up: `They are, in fact, not noxious, but helpless: not vicious, but aimless, both morally and intellectually; so that one cannot without distress behold their careless, unconscious inaptitude.' Let the reader contrast this touching portraiture of the wildest of the unreclaimed tribes, with the above uncritical denunciation of the whole Bhutea stock; and from its successful calumnies on a people who have formed an object of anxious scrutiny during many years, let him judge of the bold fights of malignancy that are safely ventured upon in delineations of less known races.

Thus ignorance begets misrepresentation, and misrepresentation brings forth bitter political fruits. The non-Aryan element, moreover, is not confined to the hills and forests; it enters largely into the composition of the people of the plains, in some places preponderating over the Aryan, and everywhere forming a thick solid substratum on which the Hindu population rests. Of the lowland aborigines, where they have preserved their nationality, praedial slavery until recently formed the almost universal fate. In some parts of Southern India the intolerant provisions of Manu receive effect at the present day; and the aboriginal castes continue to live apart with their dogs and asses on the outskirts of the village, forbidden to pollute its streets with their processions or their dwellings, or to build any habitation less humble than a thatched mud hut. But in general the non-Aryans of the plains have merged in the composite community; and in my *Annals of Rural Bengal* I have endeavoured, at considerable length, to exhibit the ethnical compromises to which the Aryan element has had to submit, and to illustrate the permanent influence of the aboriginal races on the speech, the religion, the social institutions, and the political destinies of the modern Hindus. It has been my fortune to be brought in several capacities into unusually close contact with both the pure and the mixed non-Aryan population. As an officer for several years upon an ethnical frontier, I was deeply impressed with the almost imperceptible gradations by which the acknowledged non-Aryans of the highlands slid into the low-caste Hindus of the plain. When in charge of the treasury, I had means of learning that the hill races have affected the relation of landlord and tenant in the lowlands to an extent that has not even been conjectured; and that non-Aryan (p.7) ideas of property, never recognised by the rulers, but immoveably rooted in the masses of Lower Bengal, had seethed and agitated, and irresistibly worked their way upwards, till they impressed themselves on our most conspicuous piece of rural legislation. As a magistrate, I came in contact with prejudices and traditional convictions, which, however unfounded they may seem to us, nevertheless amount to a sense of duty, and supply motives of action to millions of British subjects; prejudices and convictions for which English criminal justice makes no allowance, yet which, as I shall show, sometimes affect English officers with a sense almost of sickness in administering the law. But it was when in charge of a jail on the ethnical frontier that I really learned of what the Bengali people is made up. In that little captive community each class found itself amply represented. Of four hundred prisoners, one-fourth came from the adjacent highlands, and brought with them the customs, superstitions, and speech of an aboriginal race. The main body consisted of the mixed semi-Aryan Hindus, from the low-caste which eats offal, to the husbandman who in meats and drinks walks after the pattern of the

straitest Pundit. Brahmans formed the residue, and illustrated the various gradations in even the purely Aryan element. Men's characters come out in jail as they do on a long voyage; and the not unkindly relations between the prisoners and their non-resident head who sometimes shields them from the harshness of subordinates, whose tempers are tried and whose humanity is impaired by the details of prison discipline, brought me into contact with a hidden world of thought, feeling, and motive, which the ordinary intercourse of life would never have enabled me to reach. Subsequently, in a distant part of the province, it was my office to watch over the emigrants to the tea districts. Every week, bands of hill-men, driven by hunger from the western frontier, embarked for plantations in the extreme north-east. They represented the overflowings of many races, and brought with them tales of disease and chronic starvation, to which their faces and bodies bore touching proof. Still later, when superintending Public Instruction in the south-western division of Bengal, I found that our efforts obtained an adequate success only in the lowland districts. I have had an opportunity of comparing these efforts with the working of State Education in France and Prussia; and I am convinced that the Indian scheme is inferior, neither in its organization nor in its fruits, to the model systems of Europe, while it possesses a single-mindedness and an elasticity all its own. It performs as a solemn obligation a function that has never entered into the ideas or touched the conscience of any other conquering race. It sacrifices nothing of its educational efficiency to political purposes; it is looked upon by neither the rulers nor the people as an engine of government, but keeps itself with cold dignity to its own proper work, and is at this moment increasing by one-third the civilised world. In the Hindu districts, every important village or considerable collection of homesteads has, or will soon (p.8) have, an aided school. But within half a day's march beyond the ethnical frontier the scene changes: Government schools can hardly be planted, except in the local capitals, where colonies of Hindus officials and traders have sprung up; and unpaid missionary zeal forms the only educational channel by which the State has found it possible to reach the aboriginal masses. In short, the population of India everywhere divides itself into classes: the preponderating Hinduized section including the whole upper and middle ranks in lowland provinces, with whose languages, habits, and necessities we are perfectly familiar, and to whom British rule is an unmixed blessing; and the aboriginal or semi-aboriginal residue, who form a dense unpenetrated substratum among the population of the plains and the sole inhabitants of mountainous or forest regions, - a residue of whose speech, feelings, and wants we know nothing, whom the English imagination has not yet reached, and for whom the security and prosperity of British rule have, by removing the previous checks on population, only intensified the struggle for life.

Yet these unrealized races have capabilities, both for good and for evil, which it is impossible to overlook. For ages they have formed a difficulty which each succeeding Government of India has been forced to face, and which no Government has been able to get rid of. The Mussalmans dealt with them as with wild beasts, but they have a tenacity to existence which wild beasts do not possess; and the one sorrowful lesson of their history is, that they cannot be exterminated. The most that the Company hoped for, was to keep them quiet; with what success, let the narrative of our dealings with any one among their races, or the events of any single year, attest. The problem which the Queen's Government in India is now called upon to solve, is to utilize them. From time to time, isolated administrators, touched by their miseries and rude virtues, have laboured to acquire their languages and to understand their wants; but such knowledge has hitherto been the property of individuals, and has too often died with its possessors. Even when committed to paper, their researches remain buried in the

Government archives, or form scattered and scarcely accessible monographs in the proceedings of learned societies. This book endeavours to render these perishable heards of individuals the permanent property of the Government, and to place what have hitherto been matters of recondite scholarship, at the disposal of every Indian missionary or administrator who wishes honestly to do his work.

Although we are chiefly acquainted with the non-Aryan peoples as frontier marauders and rebels, their capabilities for good are not unascertained. During the struggle between the worn-out Sanskrit civilisation and the impetuous prime of Islam, the Hindus discovered the value of the aboriginal races. Many chiefs of noble Aryan blood maintained their independence by such alliances; others founded new kingdoms among the forest peoples. To this day some of the tribes exhibit a black original section living side by side with a fair-skinned composite kindred sprung (p.9) from the refugees; and the most exalted Hindu princes have to submit to a curious aboriginal rite on their accession to the throne. It was stated before the Royal Asiatic Society in 1852, that the investiture of the Rajput Rajah of Nerwar is not complete, till one of his purely aboriginal subjects, a Mina, paints a round soot on his forehead with blood freshly drawn from the toe of another Mina. Without this formal recognition, his non-Aryan subjects could not be depended upon; when once it has been performed, their fidelity has never been known to waver. They form the treasury and place guards, hold the personal safety of the prince entirely in their hands, and supply the sole escort to whom he entrusts the honour of his daughters when they go abroad. The Ranah of Udaypur, cited by General Briggs as the highest in rank of all the Hindu sovereigns in India, renders the same homage, however ill it may comport with his caste and personal dignity, to the traditions of his aboriginal subjects. Before he ascends the throne, his forehead must first be marked with the blood of a Bhil. The Hinduized chieftains of Central India receive investiture by the blood of a pure Kol; and so strong a hold has this ceremony on the minds of the people, that among the Cheris - once a great tribe, who defended themselves with honour against Shere Shah and the Imperial army, now reduced to five or six families- the head of the little community is still installed under the title of Rajah, with the token of the round spot of warm aboriginal blood.

But it is not the Hindus alone that have proved the loyalty of these neglected races. Scarcely a single administrator has ruled over them for any length of time, without finding his prejudices conquered, and his heart softened, and leaving on record his sorrow for their present condition, and his belief in their capabilities for good. But lest the traditional tenderness of the Indian Civil Service to the people should weaken the testimony of such witnesses, I shall quote only the words of soldiers - words publicly uttered and printed by veteran servants of the Company or Crown, and never contradicted or impugned. `They are faithful, truthful, and attached to their superiors', writes General Briggs; `ready at all times to lay down their lives for those they serve, and remarkable for their indomitable courage. These qualities have been always displayed in our Service. The aborigines of the Carnatic were the Sepoys of Clive and of Coote. A few companies of the same stock joined the former great captain from Bombay, and fought the battle of Plassey in Bengal, which laid the foundation of our Indian empire. They have since distinguished themselves in the corps of pioneers and engineers, not only in India, but in Ava, in Afghanistan, and in the celebrated defence of Jelalabad. An unjust prejudice against them has grown up in the armies of Madras and Bombay, where they have done best service, produced by the feelings of contempt for

them existing among the Hindu and Mahomedan troops. They have no prejudices themselves, are always ready to serve abroad and embark on board ship; and I (p.10) believe no instance of mutiny has ever occurred among them.' Colonel Dixon's report, published by the Court of Directors, portrays their character with admirable minuteness. He dilates on their `fidelity, truth, and honesty,' their determined valour, their simple loyalty, and an extreme and almost touching devotion when put upon their honour. Strong as is the bond of kindred among the Mirs, he vouches for their fidelity in guarding even their own relatives as prisoners when formally entrusted to their care. For centuries they had been known only as exterminators; but beneath the considerate handling of one Englishman who honestly set about understanding them, they became peaceful subjects and well disciplined soldiers. To the honour of British administrators be it said, the same transformation has taken place in many a remote forest of India; and I fear that, in pleading for the universal and systematic adoption of the policy which has produced such brilliant isolated results, I may have too sparingly acknowledged many noble individual efforts. Every military man who has had anything to do with the aboriginal races, admits that once they admit a claim on their allegiance, nothing tempts them to a treacherous or disloyal act. `The fidelity to their acknowledged chief,' writes Captain Hunter, `is very remarkable; and so strong is their attachment, that in no situation or condition, however desperate, can they be induced to betray him. If old and decrepid, they will carry him form place to place, to save him from his enemies.' Their obedience to recognised authority is absolute; and Colonel Tod relates how the wife of an absent chieftain procured for a British messenger safe-conduct and hospitality through the densest forests, by giving him one of her husband's arrows as a token. The very officers who have had to act most sharply against them, speak most strongly, and often not without a noble regret and self-reproach, in their favour. `It was not war', Major Vincent Jervis thus writes to me of the operations against the race with which I am best acquainted, `they did not understand yielding; as long as their national drums beat, the whole party would stand, and allow themselves to be shot down..... There was not a Sepoy in the war who did not feel ashamed of himself. The prisoners were for the most part wounded men. They upbraided us with fighting against them; they always said it was with the Bengalis they were at war, not with the English. If a single Englishman had been sent to them who understood their wrongs, and would have redressed them, they declared there would have been no war. It is not true that they used poisoned arrows. They were the most truthful set of men I ever met'.

But why heap up evidence of experts touching a race whose virtues, like their defects, lie on the surface, and are noted in the diaries and itineraries of every passer-by. Bishop Heber knew nothing of their language or their history; but their martial openness, their manliness, their skill as archers, and their habitual bearing of arms, could not escape him; and his imagination, hitting the political truth (p.11) of their position nearer than the scholarship of that day divined, carried him back to Robin Hood and the forest communities who stood out against alien encroachments in the oaken fastnesses of England.

The solution of the problem has ceased to be optional. The order and security which the Queen's Government in India has now imperiously imposed, have done away with those cruel checks upon population which seem to be natural and necessary among rude nations. A lowland raid used to be an event which came as punctually as the December harvest; the whole lived at the expense of their neighbours during the cold weather, and the loss of life incident

to the annual holiday rendered their own scanty crops sufficient for the survivors during the rest of the year. But all this has now come to an end. Raids, although frequent, have ceased to be either a means of regular profit, or a drain upon the population steady enough to be depended upon. The people, therefore, are increasing, while their former means of subsistence have diminished; and the question of some systematic scheme of dealing with the aboriginal races has been removed from the languid domain of speculation, into the reddened arena in which political necessity and the promptings of self-preservation do their pitiless work.

The remedies are two-fold. The first consists in supplying the place of the old sources of subsistence by new ones; the second, in enabling the people themselves to augment the productiveness of such of the old means of subsistence as remain to them.

I believe that, in attempting to apply the first remedy, the British are yet destined to find a solution for the two great difficulties of their position in India. Their first difficulty is a military one. A vast native army has to be maintained, and this army must be watched by another army with different interests and of a distinct race. The whole burden of supplying the surveillance at present rests upon the population of the British islands,- a population scarcely one-eighth of the Indian people, separated from India by the width of the globe, and by the repugnance which a northern nation has to exile in the tropics; above all, a population who have so much assured comfort and so many avenues to distinction in civil life, as to render military service distasteful. The difficulty will increase to a yet unsuspected intensity, as the effects of co-operation among the lower classes, and of the present tendency of public opinion to a more democratic tone of government, begin to tell. Englishmen will never be wanting in the hour of England's need; but the dull work of holding India will continue, in spite of improvements in the condition of the soldier, to render the army more and more unpopular with working men. From this difficulty the aboriginal tribes of India hold out a means of relief. In interest, in race, in religion in habits of life, they are cut off from the Hindus and (p.12) Mussalmans by a gulf of whose breadth the people of Christian States can form no idea; and their ethnical repugnance is kept in a constant glow by the remembrance of ancient wars and recent wrongs. Sooner would the panther of their native forests herd with the fox of the lowlands, than the hill-men join with the Mussalmans or Hindus. Of the valour of many of their tribes, and that unquestioning fidelity and capacity for discipline which are the raw materials of soldiership, their is no question. It is not needful to add other testimonies to the opinions of the distinguished officers already cited; for the part played by the aboriginal troops during the mutiny is fresh in every Indian stateman's memory. The brilliant actions of Cleveland's Hill Rangers, until enervated by disuse and want of discipline, are matters of history. One of their races, the Bangis, long claimed the honour of leading the forlorn hope in Mussalman sieges. As a military police, they are said to have proved invaluable in Mirwar, Candeish, and wherever they have been employed; and any magistrate in Bengal could rather meet a jail outbreak with a company of Mongolian-cheeked, squat Goorkas, than with a regiment of the tallest and highest caste Sepoys.

It is not as if the experiment had not been tried. It has been tried again and again, and has always succeeded; but routine and our ignorance of the aboriginal races have stood in the way of its systematic application. By extensively employing these tribes as a military police and as soldiers, we should not only relieve the English population of a burden greater than it can permanently bear, but we should offer a livelihood to brave predatory peoples, whom the stern

order of British rule has deprived of an important source of subsistence. Their position presents a striking analogy to that of the Scottish Highlanders at the Revolution. A vast reservoir of warlike energy is constantly overflowing on a peaceful low-land people; energy which must find vent in some shape, and which has either to be directed against the Government or utilized by it. During three hundred years, says Hill Burton, the philosophical historian of Scotland, the Stuarts had waged a war of extermination against the mountaineeers in vain; to the present dynasty belongs the glory of converting bands of marauders into those disciplined battalions which have reaped honour on every English battle-field during nearly two centuries. The same problem has to be solved for the aboriginal races of India. Their military capacity and energy are undisputed: the only question is, whether this capacity and energy are to be to England a source of weakness or of strength.

The second difficulty of our position in India is a mercantile one. The division of the population into labourers and employers has not taken the trenchant and uncompromising form that it has in England. Sparsely inhabited frontier provinces cannot be peopled from the lowland population, nor can public works of great size be accomplished by them. The aboriginal races supply the want of a (p.13) large labouring class among the Hindus. It is they who have constructed our railways, and who are at this moment creating, in tea cultivation, a new source of wealth to India, and a new field for English capital, whose magnitude it is impossible even yet to foresee.

The other means of ameliorating the condition of the non-Aryan tribes, consists in enabling them to augment the legitimate sources of subsistence which remain to them; in one word, to CIVILISE them. For ages they have been unsettled predatory peoples, despising peaceful industry among themselves, and living as much as possible on the peaceful industry of their neighbours. The opportunities for depredation have ceased, but the contempt for steady industry remains. I do not permit myself even to glance at those noble and touching arguments which humanity and the Christian faith suggest for the reclamation of lapsed races. But looking upon the question as one of purely political utility, it seems that in the aboriginal peoples it is possible to find a counterpoise for the great Indian races to whom British rule is at best alien sway. The Hindus regard our accession but as a change of masters; the Mussalmans hate us as conquerors, if not as tyrants. To the aboriginal races alone can we appear in the light of friends and deliverers. They have yet to start on the path of progress. It remains for us to decide whether that path is to lead them to Hinduism, or to the purer faith and civilisation which we represent. Even in their superstitions their is special ground for hope. Anything like conversion *per saltum*, or on a large scale, need not be looked for among races possessed of religious systems so venerable and so nicely adjusted to human instincts as Hinduism and Islam are to the Aryans and Mussalmans of India. We cannot reasonably hope to be the *deus ex machina* to peoples with such august supernal contrivances of their own. But the hill tribes are still in want of every thing. Before the conservative inertia of Hinduism, the life of the most earnest Englishmen is neither more nor less than a single wave that breaks upon the shore. But from the days of Cleveland downwards, every frontier of India can show some tribe whose destiny has been changed by the energy of individual British administrators. New crops, new villages, new habits, a new mode of life, and bloody rites exchanged for harmless social gatherings, - these are the memorials that any zealous Englishman may hope to leave of his labours among a forest people; and if we glance for a moment at that more solemn side of the human destiny which Indian administrators wisely

regard beyond their province, there are instances of little aboriginal communities accepting Christianity in a body, as a protection against witchcraft and those implacable demons whom their fathers had for ages endeavoured to appease with human life.

Our present ignorance of their notions and necessities, and their corresponding inability to understand our system of justice, lead to scenes which no Englishman can contemplate without sorrow. I cite only one instance. The same dread of (p.14) witchcraft which in skilful hands makes converts of whole villages, leads to the most appalling outrages. In 1857 the Ho tribes determined to purge themselves of the witches and sorcerers who had grown numerous under our rule. `The destruction of human life that ensued', says the official report, `is too terrible to contemplate. Whole families were put an end to. In some instances, the destroyers, issuing forth in the dusk, and commencing with the denounced wizard and his household, went from house to house, until before the morning dawn they had succeeded in extinguishing, as they though, the whole race.' For a massacre like this, perpetrated in a settled British district, scarcely a hundred and fifty miles from calcutta, our system of justice could admit no palliative please; but the evident good faith and pitiable ignorance of the criminals almost unnerved the officers of the law. `The work of retribution was a sad task,' wrote Mr. Justice Campbell eight years later, `but it was rigorously carried out. It was melancholy to have to condemn men who themselves artlessly detailed every incident of the crime with which they were charged.'

But if our criminal system is sometimes harsh to the aboriginal races, our law of property seems to many of them wholly inexplicable. It is the characteristic of all their tribes, says General Briggs, to consider themselves the rightful owners their ancient territory. If forcibly driven out, no length of illegal dispossession can bar their claim; their title to plunder the ousters and to appropriate the crops is a precious heirloom that often forms the sole inheritance which one generation has to bequeath to its successor; and this title the lowland borderers in many instances practically acknowledged by the regular payment of blackmail. The English, on the other hand, have been compelled to accept possession as a test of proprietary right in India to a degree unknown to the long settled jurisprudence of Europe. Obsolete claims of ownership have had but small effect in Indian courts, even when eloquently set forth; and the almost sole answer which the aboriginal races have received to their inarticulate pleadings and forcible exertions of fancied rights, consists in burning a few of their villages, or in placing them under a ban, as the Angami Nagas were not many years ago, forbidding them to trade or hold any humanizing intercourse with the plains.

If, instead of seeking refuge in the forests, these unhappy people submitted to the other alternative, and became serfs of the Aryan invaders on the land once their own, they nevertheless do not altogether lose their instinct of *dominium* in the soil. Their Hindu superior may load them with burdens, but under a native government he never ousts them from their hereditary fields. The only way he can get rid of them is by heaping demands and oppressions on them, till they fly to the mountains or forests; and as native government keeps population so low as to render cultivators things to be sought after rather than to be driven away, the hardships of their position are theoretical rather than real, and one generation (p.15) after another contentedly repeats the rhythmical proverb, `Bhagra dhani Raj ho, Bhumra dhani majoh;' `The Rajah or Hindu landholder is the owner of his share, but I am the owner of the soil.' The prosperity of British rule has transposed the relation of labour to land. Instead of

there being more land than can be cultivated, there are more cultivators than can obtain land. Farms, therefore, have become a subject of keen competition; and, practically, rents can be raised till the poor hereditary tenant, with his rude notions of tillage, is forced off the soil. The theoretical position of the semi-aboriginal or low-caste substratum of the people threatened to become their actual one; and it was not till agrarian agitation had shaken the whole rural economy of Bengal, that a remedy was found in the Land Law of 1859. The historian who calmly reviews that crisis, will acknowledge that the opponents of the measure, with the English press as their mouthpiece, had the better of the argument, but that the measure itself was both salutary and just. The truth is, that its necessity was visible to every administrator in rural Bengal; but our ignorance of the aboriginal substratum of the population rendered it impossible to get at the fundamental causes. The aboriginal Celts of Western Scotland afford an analogy to the indigenous element in the Indian population, scarcely less striking in their territorial notions than in their military position; and I believe that the difficulty will only be solved by a compromise, not dissimilar in spirit to that which, under William and Mary, clan usages and the undefined patriarchal instinct, wrung from the iron feudalities of the Edinburgh College of Justice.

It may seem that, in speaking so openly of a defect in the British administration, I have forgotten that this book will travel out of England. But the English in India can well afford to have the whole truth told. Their difficulties are the difficulties incident to progress and good government, and could never have arisen under the domination of any other conquering race. I do not cite the French in Algiers, or the Russians in Western Asia; for the exigencies of military nations in such position are necessarily more cruel than those of a people to whom God has given the English instinct for colonial rule. Nor is more than a passing allusion required to the Dutch in Java, who have lately so far mistaken their interest and their honour, as to suppress a book by one of their own servants, setting forth specific defects in their Eastern policy. But let England's dealings with the Indian races be compared with the same country's conduct towards the aborigines of the New World. I have beside me the whole series of charters granted to the American colonists. I find there the well-set phrases of *habendum, tenendum, et reddendum*, elaborate mention of mines, forests, fisheries, law martial, oaths, wills and domicile, ample securities for the liberties of the settlers, and exhaustive saving-clauses of the claims of the English Crown; but I look in vain for any efficient provision for the rights of the people of the (p.16) land. Our children in America have inherited our policy; and the two systems have borne their fruits, in that sympathy with native feelings and sensitiveness in the discharge of self-imposed duties, which form at once the difficulty and the glory of the British administration of India, and in that tale of oppression and blood recently told by the United States Mixed Commission, whose official language no white man can read without a flush of personal remorse and shame.

The aboriginal peoples of India have only to be realized by the British Government, to obtain justice at its hands. In a former work I endeavoured strongly to individualize a single one of their tribes, and to place in bold relief its ethnical peculiarities, its social necessities, and political capabilities for evil or for good. In this book I have hastily and imperfectly brought together materials out of which a comprehensive view of the whole may be constructed. Abler hands than mine will build the edifice; for the whole may be constructed. Abler hands than mine will build the edifice; for to the Indian official, scholarship and literary graces are as nothing, excepting in so far as they enable him to understand and to interpret the

people. In the Grammar now in progress, I hope to supply a more accurate basis upon which European philology may work; but these vocabularies, notwithstanding their defects, will henceforth enable every frontier administrator to hold direct communication with the races committed to his charge.

If any such Englishman has lost heart amid the daily vexations of dealing with a lapsed people, and takes the Sanskrit view of the incapability of the so called Serpent Races for better things, let him ponder for a moment on the destiny that awaited the naked, tattooed savages whom Roman mariners found burrowing in the earth, and offering human sacrifices to unknown demons, in Cornwall, - a part of whose island, as Procopius had heard, was peopled with snakes, and sent up poisoned vapours which no man could breathe and live. Or, resting his eye upon a more historic time, let him remember how, not two hundred years ago, Lauzun officially described Ireland to the French Court as a chaos such as he had read of in the book of Genesis; and the keen eyes of Desgrigny could detect in the progenitors of the brilliant Irish nation, only a people hopelessly stupid and brutal, - a race of a noble physical type indeed, but insensible alike to praise or blame, and devoid of the common characteristics of human beings. `Sibestes qu'ils n'ont presque point d'humanitè'. Rien ne les emeut. Les menaces ne les estonnent point. L'interest mème ne les peut enguag er au travail.'

II - LINGUISTIC

But while the original purpose of these researches was a purely practical and administrative one, I am not without a hope that they may yield some philological fruit. I am aware that, for scientific purposes, the roots of speech afford a less (p.17) trustworthy basis than its structure; and I am but too painfully conscious of the defects in the materials which I now submit. Some of these defects were inevitable: for in any attempt to set forth the multitudinous and widely separated tongues of India and High Asia, the labour must be done by many hands, and with many different shades of competency; nor can the editor at the centre hope, except in a few languages, to have the means of checking the work. But many of the blemishes of this book cannot plead this excuse, and are due to my own want of time and limited knowledge. A few months ago, I had no present expectation of putting forth these vocabularies; but on the eve of departing for the East, several scholars urged the inexpediency of again subjecting my collection to the chances of Indian service: and the Royal Asiatic Society of Great Britain and Ireland was pleased to solicit Government to retain me in this country, to bring our the work. Special leave of four months was allowed for moulding the materials into their final shape, passing the book through the press, and return ing to India. Had the work been done more slowly, it would have been done better; but the nature of the materials forbade hopes of a high degree of perfection; and, on the whole, it seemed better to do it as best I could, than to risk the chance of never having an opportunity of doing it all.

No available means have been left untried, however, to secure the maximum of accuracy that my opportunities permitted; and the zealous co-operation of the scholars whose kindness I shall afterwards acknowledge in detail, has resulted in a degree of completeness far beyond what I had dared to hope for. In the case of a few of the languages, dictionaries have already been published in an independent form, and I have not always been able to test my lists by comparison with them. But in many instances several lists of the same language were in my possession, and the vocabulary as now printed has been arrived at after careful examination of

them all. Some of the vocabularies, indeed, represent several dialects of the same tongue: thus the Gondi is pieced together from three separate lists; the Sgaukaren, as given by the Secretary to the Mission to Ava, includes the results arrived at by four different collectors; and although in the Tibetan I have not been able to copy direct from the original source, the list as now given has been educed from five of Mr. Hodgson's vocabularies, based, I believe, either wholly or chiefly on the researches of De Koros. In two instances, on the other hand, separate lists represent either the same language, or varieties so close as to seem scarcely deserving of separate places. the first is the Toduva and Todu; the second the Malabar. But after weighing Mr. Caldwell's statements in his *Dravidian Grammar*, and the considerations which Dr. Rost kindly urged in correspondence, I thought it better to give Malabar a distinct place, as the vocabulary which passes under that name was collected at a period sufficiently remote to allow of dialectic changes between it and the language as now spoken. In this view, it is proper...

(p.30)...oars or ancient Santals, and the wild `mysterious' Kher-iahs of Central India, still have. The same may be said of the Chura serfs of the Punjab, the direct descendants of the Chauras or military outcasts of the Mahabharata; of the Coolies (Kulis), hewers of wood and drawers of water through the length and breadth of India; and Hindu speech has enriched itself with a whole vocabulary of abuse from the names of these races. Take, as a single example, the Hadis, a helot caste spread over all Bengal, and called by the bare aboriginal word for man, *had*, and who have supplied such terms as *hadd*, base, low-born; *hadduk*, a sweeper; *hunda*, hog, blockhead, imp; *hudukka*, a drunken sot, etc. One word in this series tells a peculiarly sad tale of its own. *Hadi*, in low Bengali *Hadikath*, is the name of a sort of rude fetter or stocks by which the landholder used to confine his serfs until they agreed to his extortions, - a practice within the memory of Indian magistrates still living, and means literally `the helot's -log.' It was also used for fastening the head of the victim in the bloody oblations which the Aryan religion adopted from the aboriginal races, especially in the human sacrifices to Kali, to which the low-castes even now resort in times of special need. Indeed, so intimately connected is the term with the worship of this ferocious deity, that in the account of the last human offerings, during the famine of 1866- an account given by an English journalist who knew nothing of the aborigines-the word comes to the surface, and we are told that the bleeding head was found fixed in the `har-cat.' i.e. helot's-log.

III. GENERAL CONCLUSIONS.

The points which I have endeavoured to establish are -

1st, That India is partly peopled by races distinct from the Aryan population, -- races whom we have scarcely studied, and whom we do not understand.

2d, That while some of these races have preserved their ethnical identity in sequestered wilds, others have merged as helots or low-castes into the lowland Hindus.

3d, That our ignorance of the first section brings forth incessant risings and frontier wars, and that our imperfect acquaintance with the second forms a serious blot in our internal administration.

4th, That these races are capable of being politically utilized, and by proper measures may be converted from a source of weakness to a source of strength.

5th, That they are also, capable of being scientifically investigated, and of furnishing trustworthy materials to European philology.

6th, That indications are not wanting that these now fragmentary peoples from the *debris* of a widely-spread primitive race; and that from the northern shores of the Indian Ocean and the Chinese Sea, traces are here exhumed of (p.31) ethnical evolutions and the ebb and flow of human speech, far more ancient, and on a grander scale, than the prehistoric migrations of the Indo-Germanic stock.

IV. ACKNOWLEDGEMENTS.

The construction of a dictionary such as I now submit is a work of compilation rather than of authorship. The main body of the vocabularies are taken from lists printed in the Journals or Proceedings of the Asiatic Societies in Bengal and in England, in the Records of the Government of Bengal, all drawn up by or under the direction of Mr. B.H. Hodgson, late of the Bengal Civil Service, Chevalier of the Legion of Honour, etc. Mr. Hodgson also kindly placed at my disposal two large trunks of manuscripts, amassed during his long and honoured service in the East, and subsequently made over for safe keeping to the India Office. In some respects, there fore, I look upon myself as the editor of materials collected by him rather than as the author of an original work. To the nucleus thus furnished I have added everything that could be obtained from the Government archives, such as the group left by the Rev.Stephen Hislop of Nagpore, and edited with additions by Sir Richard Temple, of the Bengal Civil Service.

I cannot mention Mr. Hislop's name without acknowledging the zealous co-operation which I have received throughout from missionaries of all denominations, both in India and at home. It was to these noble and devoted men that I owed my first materials, and from them I learned that missionary enterprise means not only the propagation of the Christian faith, but also the civilisation of whole races, and the winning back of long lapsed peoples to a new life. No history of the British occupation of India will be complete without the mention of such names as those of Mr. Williamson of Beerbhoom; Mr. Puxley of Rajmahal; the two Phillips, father and son, of Orissa; Dr. Batchelor, who worked the first Santali press at Midnapore; and many others, whose scholarship is warmed from the holy flame of Christian zeal. Some who started with me in these researched have not been permitted to see their fruits; and in my venerable friend Mr. Williamson, who died at Beerbhoom in 1867, after nearly fifty years of missionary service, the world lost one of those lives of calm usefulness which seldom find a biographer here, but which are assuredly written above. In this country I have to thank the London Missionary and Church Missionary Societies in their corporate capacities; the Rev. Dr. Legge for MS. vocabularies of the Nankin, Pekin, and Canton dialects; the Rev. Mr. Muirhead for the Shanghai; and the Rev W.K. Lea for the Amoy.

To Prince Lucien Bonaparte I am indebted for a MS. Bask vocabulary drawn up by His Highness, and for materials furnished in letters; to the Royal Asiatic Society and its president Viscount Strangford, for obtaining the additional (p.32) leave which enabled me to bring out the work, and for a valuable materials from the Society's library; to Mr. Hyde Clarke, who long held a responsible office under the Ottoman Government, for MS. lists of Turkish, Magyar, Circassian, and Georgian; to the Rev. Charles Malan of Broad Windsor, and Mr.

S.Halkett of the Advocates' Library, Edinburgh, for the Mongolian and Mantshu; to Dr. Hohn Muir, late of the Bengal Civil Service, for portion of the Sanskrit list which I could not myself overtake, and for many valuable suggestions; to the Right Hon. E. Hammond of the Foreign Office for procuring, and to Mr. Von Siebold of the of the Japanese Mission for drawing up, the Japanese list; to Mr. Von Cull for the Finnic; to Mr.John Hutcheson, formerly of Beyroot, for the Arabic; to Mr. W. Ralston of the British Museum for the Russian, and for another Russian list to Mr. Fiske, the American Consul at Leith; to Mr. J. Purves, Fellow and Lecturer of Balliol, and to Monsieur Gustave Masson of Harrow, eminent as a French *litterateur* and honourably known as an English writer, for the Latin and French prefaces; to Sir Henry Rawlinson, and to Mr Watts of the British Museum, for the suggestion of sporadic affinities which led me to give the three series of Inflecting, Compounding, and Isolating types; to Sir Bartle Frere, for access to his admirable collection of the Bombay Records; to Professor Max Muller, and to General Briggs, for valuable suggestion; to Sir Erskine Perry, for many acts of kindness during the compilation. My obligations to Dr. Rost., the Secretary, and for revising the proofs, demand separate mention. But for his generous help, the work could not have been brought out within the time allowed. To my secretary and salaried assistant I have to make my acknowledgements for their fidelity and general accuracy. Many things which ought to have been done by myself had to be entrusted to others; and this list would be incomplete without an acknowledgement of the affectionate industry with which my Wife has corrected proof-sheets and manuscript, of which each page contained five handwritings, and indeed done entire parts of the work, such as the polyglot indices. The Dissertation itself has gone to press without being read over; but I felt that, having once taken in hand to bring out my research within the four months, it would have been mere cowardice to keep back, through fear of a few verbal slips, ideas that have long been working in my mind, and which I believe capable of doing good for millions of men. If I am right in this belief, I can well afford to let the book go forth with all its faults.

4. HINDU LAW c.1800

From Lecture on Hindu Law by *Francis.W.Ellis Esq*.
IOR:MSS European D 31: Indian Jurisprudence and Revenue:

(1) Preliminary Observations

One of the greatest, but not the most obvious defect of human reason, is (to speak figuratively) the incapacity of regarding things in more than one point of view. Enlightened as the European now is, severe as is his reasoning, accurate generally as is his judgment, this is a defect which strongly marks his character, and may even be attributed, perhaps, to that which ought to have corrected it, the extent of his acquirements; for, knowing the value of these, he is well content not to look beyond them, and holds others in contempt, because he has never taken pains duly to appreciate their qualities, and cannot, therefore, he acquainted with the motives which actuate them. In the eyes of those who are the objects of this contumely, and who are not unfrequently actuated by a similar spirit, it has the appearance of envy, a wish to depreciate from despair of excelling; this however is an inaccurate judgment of it, for it certainly proceeds, with respect to the European, simply from that confidence in himself and his attainments which, in great actions, is often overweening, and sometimes degenerates to arrogance and even to insolence. The supercilious spirit proceedings from this mental imperfection led the egoistic Greek to the use of the word Barbarians (?) which they liberally bestowed on all nations but their own. In this, little worthy of praise as it is, we have not (2) been backward imitating them, and we now constantly apply the term barbarian to all usage differing from our own, seldom deigning to enquire, provided they are strange, whether they are founded in right reason or not. A striking instance of this blot in the escutcheen of our race, nobly emblazened as it is, is afforded by a recent work which had I then seen it I should have particularly noticed at the commencement of these readings. I allude to Mill's "History of British India". Endowed with great powers of reasoning, and, to judge from the information he has accumulated from a variety of sources with great assiduity of research, the abilities and the usefulness of this writer are neutralised by the supercilious contempt he invariably manifests towards everything for which he cannot find a criterion in his own mind, or which he cannot reconcile to some customary standard of thought.

He has subjected the Hindu system to a comparison with an abstract standard of his own erection, and, as might have been expected, has condemned it as being found wanting. It is possible that his ideas of perfection are not the most correct, but admitting them to be so such, comparison is not fair. No work of man can be or is expected to be absolutely, though it may be relatively perfect; and this process therefore is more tyrannical than the bed of Procrustes. But let the legal system of the Hindu be compared, as we have compared some parts of it, and as in justice it ought to be, not with the (3) theories or it may be with the reveries of ultra-perfectionists, but with the practical codes of other nations, and it will not be found wanting. It is to this comparison I should challenge Mr.Mill, and sound reason would adjudge his recreant if he refused to answer it. There are no doubt many points in the Hindu law which, to the preconception of a European, appear exceptionable; many there are also, for its authors were men, that are really so, and for which better provisions have been made by other legislators ancient and modern, but where is the code to which similar imperfection may not be imputed. To our own we are attached from habit, and prepossession therefore makes us

overlook many that perhaps exist, and we endure many that are apparent for the sake of the whole. Mr Mill's mycroscopic eye, however overlooks none of them, for he seems to entertain atleast as bad an opinion of the English as of the Hindu Law.

It is not my intention to enter into a very particular examination of this work though I shall probably have occasion to refer to it mere than once in the course of these readings; at present I shall merely deduce from it a few instances of that short-sightedness of the mind I have here noticed, and of the wide distance nature has interposed between fact and speculation.

> First Instance:
> "Such are the principal branches (4) of the duty of the sovereign, and in these various institutes may be contemplated an image of the Hindu government. It is worthy of a short analysis. As the powers of government consist (ie according to European notions) of three great branches, the legislature, the judiciary and the administrative, it is requisite to enquire in what hands these several powers are deposited, and by what circumstances their exercise is controlled and modified. As the Hindu believes that a complete and perfect system of instruction which admits of no addition or change, was conveyed to him from the beginning by the divine being for the regulation of his public as well as private affairs, he acknowledges no laws but those which are contained in the sacred books. From this it is evident that the only scope which remains for legislation is confined within the limits of the interpretations which may be given to the holy text. The Brahmens however enjoy the undisputed prerogative of interpreting the divine oracles, for though it is allowed to the two classes in degree to give advice to the king in the administration of justice, they must, in no case, presume to depart from the sense which it has pleased the Brahmens to impart upon the sacred text. **The power of legislation therefore exclusively belongs to the priesthood. The exclusive right also of interpreting the laws necessarily confers upon them in the same unlimited manner the judicial powers of government**. The king, though ostensibly supreme judge, is commanded always to employ Brahmens as councillers and assistants in the administration of justice, and whatever construction they put upon the law, to that his sentence must conform. A decision of the king contrary to the opinion of the Brahmens would be absolutely void; the members of his own family would refuse it obedience. Whenever the king in person discharges not the office of judge, it is a Brahmen, if possible who must occupy his place; the king therefore is no far from possessing the judicative power, that he is rather the executive officer by whom the decisions of the Brahmens are carried into effect. (see the book to the end of the chapter)

5. The whole of this passage is founded on misconception. We had occasion to observe at the close of the last lecture the misapprehension which prevailed with respect to the exemption of Brahmens from capital punishment; this is one of the innumerable misconceptions of their situations Hindu society which has obtained among foreign nations from the earliest times. Not the least gross of these is that which ascribes to the whole body a sacredotal character, and which Sir William Jones has unaccountably countenanced by translating in the institutes of Menu the words used to designate an individual of the fist caste Brahmanah and Viprah, priest, and the feminine of them Brahmin and Vipra, priestess; the latter mistake is particularly remarkable, as the wives of Brahmans, though they assist in the private devotion of their family, not only never officiate as priestesses, but have no part in the public ceremonies of religion, except as spectators, The truth is, the first caste of Hindus, though from their birth eligible to the priesthood, are not priests *ipso facto*; the conduct of religious ceremonies, though the first, is only one of their many duties; they are also professionally, the *savants* or men of letters, to whom the (6) interests of science and literature is committed in all its branches; the hereditary teachers of the other classes, both in sacred and profane learning, and especially, the lawyers. To these different occupations and their subordinate divisions they applied themselves as to so many distinct professions the respective members of which never interfered with each other, any more than our divines do with our physicians, or either of them with our jurists. And hence has proceeded the several distinctions actually obtaining among the Brahmans in southern India: there are first *Vaidica* Brahmana sub-divided into *Sastrias*, men of science; *Acharya*, teachers; and *Pujarie*, priests; the two former of these may perform the higher offices of religion in the solemn sacrifices &c. or act as *Purohita*, domestic chaplains &c. but the last only conduct the public worship in the temples, and are considered an inferior class. Secondly *Lougica* or *Niyogi* Brahmana, secular Brahmanas, who gain their livelihood by the several worldly occupations permitted to the caste. These distinctions are now become hereditary, but as this if founded solely on custom, and not on law, the restriction is more nominal than real as any Niyogi family may become Vaidica, if the head of it qualifies himself by the study of the sciences, and *vice Versa* any Vaidica may betake himself to worldly pursuits, sinking thereby perhaps in the estimation of his fellows, but not forfeiting his privileges and distinctions as a Brahman.

The various courts provided for the administration of justice by the laws of India, the respective jurisdiction of these courts and the (7) precision with which the powers of the king or presiding magistrate and the assessors or judges are distinguished, have been already stated; with this in your remembrance, let us request your attention to another passage in Mr.Mill's work.

Second Instance:

> "After the care of protecting the nations from foreign aggression or from internal tumult, the distribution of justice was the next duty of the king. In the first stage of society. the leader in war is also the judge in peace; and the legal and judicial functions are united in the same person. Various circumstances tend to produce this arrangement. In the first place there are hardly any laws; and he alone is entitled to judge who is entitled to legislate, since he must make a law for every occasion; in the next place, a rude people, unused to obedience would hardly respect inferior authority. In the third place, the business of judicature is

so badly performed as to interrupt but little the business or pleasures of the king, and a decision is rather an exercise of arbitrary will and power, than the result of an accurate investigation. In the fourth place the people are so much accustomed to terminate their own disputes, by their own cunning or force, that the number of applications for judicature is comparatively small. As society advances, a set of circumstances, opposite to them, are gradually introduced; laws are made which the judge has nothing to do but apply, the people learn the advantage of submitting to inferior authority, a more accurate administration of justice is demanded, and cannot be performed without a great application both of attention and of time; the people learn that it is for the good of the community that they should not terminate, and that they should not be allowed to terminate either by force or fraud, their own disputes. The administration of justice becomes then too laborious to be either agreeable to the king or consistent with the other services which he is expected to render and the exercise of judicature becomes a separate employment, the exclusive function of a particular order of men.

"To this pitch of civilisation the Hindu had not attained. The administration of justice by the King in person stands in the sacred books as a leading principle of their jurisprudence, and the revolution of ages has introduced no change in the primeval process." (see the following chapter)

That the assertion contained in the concluding paragraph is directly opposed by the observations made in the last lecture on the text of Brihaspati, as quoted in the Madhavaviyam, respecting the four superior courts, the authorities there cited relative to the fifteen inferior courts of the Hindus.

I shall notice only one more passage of this work. It is that relative to legal definitions. These, as shown in the first lecture, are to be sought in the siddhanta of the Digests and commentators, where it is no exaggeration to say they are as perfect as human reason can make them. Mr Mill, ignorant of this, and careless as ignorant, ventures on this subject the following assertion.

Third instance:

"In respect to definitions, the Hindu Law is in a state which requires a few words of elucidation. Prior to the art of writing, laws can have little accuracy of definition; because, when words are not written, they are seldom exactly remembered; and a definition whose words are constantly varying is not, for the purpose of law, a definition at all. Not withstanding the necessity of writing to produce fixed and accurate definitions in law, the nations of modern Europe have allowed a great proportion of their laws to continue in the unwritten, that is, the traditionary state, the state in which they lay before the art of writing was known. Of these nations, none have kept in that barbarous condition so great a proportion of their law as the English. From the opinion of the Hindus that the Divine Being dictated all their laws, they acknowledge nothing as law but what is found in some one or other of their sacred books. In one sense, therefore, all

their laws are written. But as the passages which can be collected from these books leave many part of the field of law untouched, in these parts the defect must be supplied either by custom or the momentry will of the judges. Again, as the passages which are collected from these books, even where they touch upon parts of the field of law, do so in expressions to the highest degree vague and indeterminate, they commonly admit of any of several meanings, and very frequently are contradicted and opposed by one another. When the words in which laws are couched are, to a certain degree, imperfect, it makes but little difference whether they are written or not; adhering to the same words is without advantage, when these words secure no sameness in the things which they are made to signify. Further, in modern Europe, the uncertainty adhering to all unwritten laws, that is, laws the words of which have no certainty, is to some degree, though still a very imperfect one, circumscribed and limited, by the writing down of decisions. When, on any particular part of the field, a number of judges have all, with public approbation, decided in one way; and when these decisions are recorded and made known, the judge who comes after them has strong motives, both of fear and hope, not to depart from their example. The degree of certainty, arising from the regard for uniformity, which may thus be produced, is, from its very nature, infinitely inferior to that which is the necessary result of good definitions rendered unalterable by writing; but such as it is, the Hindus are entirely deprived of it. Among them, the strength of the human mind has never been sufficient to recommend effectually the preservation, by writing, of the memory of judicial decisions. It has never been sufficient to create such a public regard for uniformity, as to constitute a material motive to a judge; and as kings, and their great deputies, exercised the principal functions of judicature, they were too powerful to be restrained by a regard to what others had done before them. What judicature would pronounce was, therefore, almost always uncertain, almost always arbitrary."

In the course of the first lecture I stated in remarking on the Institutes of Menu, that, in the actual administration of Hindu jurisprudence, especially in latter times, it had never ranked higher than a mere text book, which the Indian jurists considered of little authority, unless accompanied by some commentary, or incorporated into some Digest and this position I illustrated and confirmed by the authority of the Indian jurists themselves, in the introduction to the last lecture.

The definitions of the Hindu Law are not to sought in the text books from which chiefly Mr.Mill would seem to have derived his notion of them, his references in this part of his work being confined to Menu and (11) "Halhead's Gentoo Code", which is scarcely any thing more than a collection of texts. These it may be conceded to him leave many parts of the field of law untouched, "which however, are neither supplied by customs nor the momentry will of the judge" but by the conclusions or decisions of a succession of writers, ancient and modern, belonging to various schools as deduced, not from the ordinances only, but the principles of the text books, by reasoning, and which varied by the tenets of their respective schools, have become the actual definitions of practical law, Further Mr.Mill prefers written definition to the concurrent authority of previous decisions, the degree of certainty with respect to them being, he says, infinitely inferior to that which is the necessary result of good

definition rendered unalterable by writing; and he adds, "but such as it is, the Hindus are entirely deprived of it. Among them the strength of the human mind has never been sufficient to recommend effectually the preservation by writing of the memory of judicial decisions". It is true the Hindus do not at present possess the advantage of the record of previous judicial decisions, nor is this to be wondered at, for, admitting it to be possible that the operation of the courts in Westminster Hall were suspended for two centuries what, notwithstanding all that has been written on the subject, would become of the nicer distinctions and minuter definitions, now well known and observed in practice, but which are to be found in the head of the sound lawyer, rather than in any written record? What would really become of them may be inferred from the doubts and difficulties that attended the proceedings when the obsolete mode of trial by judicial combat was lately about to be restored in the appeal of murder against Richard Ashton. (12) But though the Hindus have not now the advantage of recorded judicial decisions, they must, in a certain degree have had it when their courts were in full operation; and with them, as with us, it must in many respects have from its nature been oral rather than written; and they actually have that to which the author states this to be infinitely inferior, they have "good definitions rendered unalterable by writing" of which I have already and shall in the course of this and my future readings produce innumerable instances on all points to which my subject extends from the authorities I quoted.

Lecture the Third

On process pleadings and trial in the Hindu courts.....

5. MEMORANDUM RESPECTING THE PROPOSED TRANSLATION OF THE RJEE METACSHARA OR THE COMMENTARY OF VYNYANESWARA ON THE TEXT OF YAJNYAVATEYA.[9]

National Library of Scotland : Walker of Bowland Papers: (184c8) pp. 549-591: Ellis on Aspects of Hindu Law.

The body of Hindoo Law consists first of the Smrits, or Text Books, of which in the south of India there are reckoned eighteen, each in structure and most in doctrine the same as that of Menu, attributed to as many Menus or primeval sages.

Secondly, of glosses and commentaries, Vyachyana on these (550).

And lastly of digests, Arbandhana Gruntha, embracing either the whole system of jurisprudence or relating to particular titles of law. These are collected from all the Mula Smrtis or original text books, and from such commentaries as are considered of authority and are known under a variety of titles.

The only translation we yet possess from the great variety of Law books which exist in the Sanscrit are - the work of Halhed translated through the Persian, the orginal of which the Vivadarnava Situ should be ranked s a general (551) digest, the text book of Menu by Sir William Jones and the Digest of Jagannath Sercapanchanana comprehending, at most, but eight of the eighteen titles of law, by Mr. Colebrook.

With respect to the work translated by Halhed it is at the present day merely necessary to mention it; but imperfect as it is, it contains more of the practice of Hindoo Law, than any other we possess. The "Institutes of Menu" though exceptions might be made to many parts of it as a translation, is most valuable as a literary work; but in a practical view its (552) benefits are very circumscribed; it is in fact a mere text book, and in the actual administration of Hindoo jurisprudence, especially in latter times, has never ranked higher than would the simple text of Littleton with out the elucidations of Coke. With respect to the last, the extraordinary compilation of Sercapunchanana, besides confined in its object, it is manifestedly not the work of a Lawyer; the author is both a Grammarian and Rhetorician and, as his title implies, and acute logician, but what weight would that writer have in Westminster Hall, who instead of referring to (553) the year books and the reports should prefer adducing the authority of Milton or ransacking for illustrations the Dramas of Shakespeare, or the poems of Dryten? Throughout the south, the modern works are proverbial for pedantry, and consequently for obscurity. These qualities are sufficiently apparent in this Digest and it is not therefore, surprising that the Sastris of this part of India, should consider it rather as exhibiting individual acquirement, than as calculated for general information.

But in truth there exists an objection to this work of (554) much greater importance, it may be adopted as a guide by the European Judge, but it never can be recurred as Law by the Sastries

[9] The author of this crudite memorandum was, I believe, Mr.Ellis of the Madras Establishment who lost his life by a mistake in a native servant in administering to him a dose of medicine. He was a man of uncommon acquirements.

of Southern India; the Customs; the Religion, the Literature; but especially the Mimamsam of which Vivahara Law, is only a part, differ most materially in the two grand divisions of India, Gauda and Dravida. Sercapanchanana has followed so implicity the Gauda school that he has scarcely noticed any other: The Law therefore as laid down by him contradicts in numerous instances the established and known practice of the South of India (555).

Independently of these observations, however the fact that we possess no translation of a general and practical treatise of Hindoo Law is of itself sufficient to prove the usefulness and necessity of such a work. When acquainted with the whole system of Hindoo jurisprudence, which certainly we cannot be said to be at present, we may perhaps find that it is atleast equal in all its branches, to the foreign code we have partially introduced, the existence of which especially among the superior have been established at a very early period of the world; Ptolemy notices them all, and assigns them their relatives situations, (559) Pliny, also, and other ancient European writers, mention them, and with respect to the three former, there exist long lists of Kings, most of whom reigned before the commencement of the Christian Era.

The first event that appears to have disturbed this ancient arrangement, was the division of the Coast of Malabar among the officers of the King of Sheram; this took place, it is said, so early as the 311th year of the Salivahana Sacam, and finally, though at what period it not as yet ascertained, Sheram itself was reduce to the province (560) of the Bandeya Government. Shozam in the eighth century of this era extended her limits far beyond her ancimit bounds. Tondee Mandalam (the Subah of Arcot) she had previously reduced, and by the conquest of Calinga in one direction, and a considerable proportion of Carnataca in another, she advanced her northern boundary beyond the Godavary, and her western at least to the Vrshaba Parvatam (the hills of Nandidrug) forming the first powerful state which existed in the south of the Peninsula.

In the beginning of the 12th century of Salwahana, the Cacateya (561) family established themselves to the North of the Crishna. They built Amumi Conda, or Weerungala (Weerungala) and fixed there the seat of their empire, and about the year 1150 of the Sacam, Ganapati the fourth Prince of the line drove the Shazha Raja entirely out of Calinga, and would appear to have ultimately wrested from him the whole of his territories, except Shozam, and Tondee Mandalam. The dominion of Wur Lala, is therefore the second empire of the south; it included the whole of the territories now under Haidarabad, the northern circars, and a considerable proportion (562) of the Carnatic, properly so called; in general all the countries of which the Tellunga is now the Coloquial language.

The third empire of the south, considerably exceeded in estant those that preceded it, was Vedyanagara; this city was founded towards the end of the 13th century of Salivahana by the brothers Bucca and Karihara, immediately after the capture of Nurugeelu and its sovereign Prataparudra Divoi by the Paitous successive conquests, until Rama Raiyer was defeated by the Moslem Princes of the Deccan (Salivahana 1486) extended its dominion through (563) the Regions watered by the Narmada, the Godaveri, the Crishna, the Cavery, and the Tambraparna, embracing nearly the whole of the Peninsula. The defeat of this prince though it dismembered, did not anihilate the Vedyanagara Empire; the Rayers during their successive removals to Penna Conda and Chandragire, retained until the extinction of the Dynasty in 1568, a considerable territory in the countries which are now called the ceded

districts, the Maisur, and the Subah of Arcot, and they were to the last the nominal sovereigns of the Cartees of Maisur (564) Naier of Jeari, Madura and Tanjore.

Among the law books current in those parts of southern India successively under the dominion of these dynasties, and at present principally constituting the territory subject to the Presidency of Madras, the following are in more general use.

Those composed in Dravidam or the South West division of India, are -

Saraswati Vilasam, a general digest, attributed to the King Prataparudra Diva, but more probably composed under his direction (565).

Mad-haveyam, a commentary on the Para-sura Smrti composed by Vedyaramya, but named after his brother.

Smrti Chandrica, a general and excellent digest. The author was Devanna Bhutt.

Varadurajeyam Varadaraja, and Vaidyanatheyam by Veerdyanatha; these are both general digests the former by a native of the Subah of Arcot, the latter by a native of Tanjore. The date of either is scarcely anterior to the Mahratta and Mahomadan conquests.

Mitacshara, a commentary (566) in the Gautama Smrti, but citing authorities from all the Text books by Haradatta Atcharya, a native of Sozham, and famous for a variety of other compositions.

Vyavahara Mayacha a general Digest; it is one of the twelve Maychas, comprising the whole body of Mimansam, composed by Milacanthiswara.

Daladipaca, by Vyasacharya Datta Earcerusleetham, by Naoje Bhutt. Dattachandrica, by Gangadhara Vazbey; there are general Digests of the law of adoption, the last (567) was composed in Tanjore, since the Mahrattah conquest.

Those composed in the Gauda, or North East division of India are -

Rju Mitacshara, or as more commonly called Vynjaneswareyam, a commentary on the Text (Smrti) of Vajnyavaleya, by Vejnyaneswara.

I have given this work a place among the Gauda compositions, as it is so generally considered, and as the Title misra is frequently given to the author; I have reason however to believe it to have been written originally in Dravedam, though (568) this would appear to be an edition composed partly in Gauda.

Med, hate theyam, a commentary on the text of Menu by Midhatethe.

Dhareswareyam, a general digest by Dhareswara.

I am not sure that this also is not a Dravidam work, though if so, it differs much in doctrine from the rest.

Jemutava Haneijam, a general digest by Jemutava hana; this work would seem to have been the guide of Jagaunatha Sereapanchanana.

Datta Memansam, by Seladhara (569) Datta Cuthanam by Crishnamisra, Digests of the Law of adoption.

Among these the four exceeding the rest in authority and celebrity are the Rju metacshara, the Sara-Swate Velasam, the Madhaveyam, and the Smriti Chandrica.

The exact age of the Rju Nuctacshara or Vynaeswareyam, it would be now perhaps difficult to ascertain; it is said to have been composed in the North of India where it is still in high estimation, but it must have been brought at an early period to the South, as it is the standard (570) of Law throughout this part of India where if other Law Books differ from it, there authority is rejected, and was evidently the foundation on which the existing institutions of the Shozha dominions reared. In doctrine it differs very materially from what would appear to be the present tenets of the Gauda School, but with some exceptions evidently the innovations of latter times the general practice of Southern India is in conformity with it, an agreement which tends materially to prove that the modern Gaudas and not the Dravidas have de-parted from (571) primeval institutions.

The author to whom the Serswativitasam is attributed - Prataparudra Diva Maharajah, was one of the Princes of the Cacateya family; it is a general Digest and was the standard Law Book of the Wurungla dominions.

In this the influence of modern opinions arising in past probably from the effect of the then recent Mahummedan conquests, and in part from its regal orgin, becomes very apparent; the will of the Prince is for the first time in India, considered as permanent to the right (571) of the subject, and that preposterous claim to the actual propreitory of the soil, on which the finance of modern India is founded, is herein advanced; the existing institutions of the Sircars and of the dominions of the Nizam derive in a great measure from this work.

Of the Madhaviyam, the suppositions test, as already stated is that of the Parasara Smrti. This Smrti is distinguished from all the ret, as having been written for and exclusively applying to the Calyugam. The second book, the Vevahara Candam, which ought to comprize (573) the legal institutes, consists in fact of only one stanza in which the Princes of the Earth are in this age merely enjoined to conform to the dictates of Justice. The Madhaveyam therefore is in fact though not in once the Minister and the Spiritical director of the first Rayers. Bucca and Karishara, was the actual founder of the Vidyanagara Empire, and this was the standard Law Book of the countries subject to it.

The Smrti Chandrica has not the sanction of the (574) two last ?, it was composed during the prevalence of the Vidya nagar dominion, but apparently not under the direction of the Government though in general authority it is at least equal to either the Saraswati Vilasam, or Madhaveyam; it is most valuable in a literary view from the complete information it

affords on the constitution of the several descriptions of judicial Tribunals, which existed in southern India at the time it was written, and in a practical view from it furnishing forms of proceedings, of Deeds, etc. and the clearness with which it discusses a (575) variety of legal cases. The value of this work may be estimated by the extent of its fame as of all the Dravida compositions, it is the only one mentioned by Mr. Colebrook as being knwon in the Northern India.

At the first view the selection of the Madhaveyam would appear the most appropriate, as it is founded on the Smrti, revealed for the guidance of the present age, and as the dominions of this Presidency are now nearly co-extensive with those of the Vidyanagara Empire and Madras itself is situated in those countries, which (576) until their final extinction remained under the actual Government of the Rayers, after their removal to Chandragire.

Further consideration however will show this not to be so adviseable as at first it appears; almost every successive Dynasty in India has at its commencement produced, as the rule of its conduct, a new commentary on the ancient text books, or a new Digest of them. Hence the great number of these works, which in bulk at least equal the labours of our English lawyers, now actually existing. The authority of these, however, have (577) all declined with the declining power of the dynasty with which they originated.

This is the case with the Madhaviyam; probably its authority never extended beyond the home dominions of the Canarese empire, and those provinces to the Northward of the Sennar (Pennar ?) and Eastward of the Ghauts retained the use of the Law Books which had prevailed during the former Governments. That this was actually the case there appears indeed no reason to doubt, as the Canarese Government did not interfere with the primitive institutions of the Tamil nations (578) and in these countries the commentary of Vynaneswara has always been held as of superior authority to any other Law book whatever, not excepting even the text of Menu, with which it generally coincides. Northward of the Pennar also, this commentary has now superceded the temporary authority of the Saraswati Vilasam, though many customs, the holding of land especially, be derived from this book. The translation of the Vrjnyaneswariyam is also greatly facilitated by the work of Visweswara Deeshata, which is a commentary on the commentary (579) of Vejnyaneswara; this is most useful in fixing the meaning of the original commentator and in elucidating his obscurities, but be received with circumspection, as it is a modern Gauda composition. These reasons, in addition to another of still greater force, which I shall immediately notice, determined me ultimately to select the commentary of Vynyaneswara, for translation and the superior excellence of the work has since strongly coroborated my choice. To give greater perfection to the work, (580) as a guide to the practice of Hindoo law, I propose, also, to form a Digest from the three other works of principal authority mentioned above on all disputed points; to select such parts from each as may be more clear or more particular than this commentary, and to add the result as an appendix to the translation.

The Bramans have ever in the Northern countries been the lawyers as well as the Priests; both these characters have however been disputed with them in Southern India, where they have never been able to (581) establish the same mental dominions as in those parts, where they would seem to have been orginally seated. The higher classes of the Sudras have here ever shared with them in Ecclesiastic and legal power, and in that education which has

enabled them to maintain their pretensions. Hence those works which in Northern India are considered so sacred as only to be perused by the select among the Bramans themselves, even the Vedas have been transfused into the Tamil, and have by a variety of writers been commented, disputed, and their authority (582)often rejected. Many Sudras, the Pandarams (those of the ecclesiastic order) especially, at the present day understand the Sanscrit better than the Bramans, in addition to their native Tamil, of which few Brmans have a competent knowledge.

A Pandaram of Madras named Peorier Valleyar, whose qualifications from an extensive knowledge of the two languages, eminently qualified him for the task, undertook a few years ago the translation of the commentary of Vymaneswara into Tamil, the greater part of which he lived to complete. (583) What he left unfinished and a general revisal of the whole has since been perfected, under the inspection of his Brother Sidambara Pandaram. This work is executed on the general plan of classical works in Tamil, the original texts of Yajnyavaleya, and all quotations from the other Mula Smrti, are as in the original, in verse, followed by a prosaic paraphrase; the commentary is in prose; the texts being in verse are necessarily in the high dialect, but every attention having been paid to perspicuity both of the authority and the revisors of the (584) work, they are with the assistance of the paraphrase readily intelligible to all of moderate education. The commentary which in fact as in all Indian works both in Sanscrit and Tamil, comprises the substance of the work, is given in the plainest stile, which proper attention to elegance of expression and Grammatical propriety would permit.

The importance of this work in those countries of which the Tamil is the current language, now that a system of regulated law has superceded the arbitrary proceedings, which since the (585) abolition of the Hindoo Governments had obtained, is too evident to require illustration; not the least of the benefits which will result from it, is its tendency to diminish the influence of the Bramans, by enabling the Sudras to obtain to a knowledge of Law independently of them, and without that gloss which their peculiar pretensions and prejudice ever incline them to give to the text; of this influence the people of Southern India have always been jealous, and though it is assuredly not the policy of our Government entirely to abrogate it, of the propriety of abating it, of being able, should it (586) be expedient, to act without the interference of this class, there can be no doubt.

The reasons for selecting the commentary of Vymsaneswara for translation have been already stated; but if these in themselves had not been conclusive, the work of Purier Vattegar must have determined the preference, as it enables the printing of the Tamil and the English translation in the same book, rendering thereby the provisions of Hindoo Law at once intelligible to the Judge and the Suitor. The accompanying sheets will show generally the mode in which (587) it is intended the two translations should be printed together.

The version in these sheets is from the Tamil, as a short specimen of the translation in that language, but the proposed English translation will for obvious reasons be made from the original Sanscrit. Besides the Tamil translations all texts whether of the author or quoted from the Smrti will be given in the Sanscrit, thus retaining the authority of the original language, and the reverence attached to[10]

[10] The original texts only, not the commentaries, are supposed to be inspired.

Laws supposed to (588) have been revealed by inspired men, while their provisions are rendered familiar by being explained in a living language.

Throughout the countries wherein the Tamil is spoken, the Grantham character is used for writing the Sanscrit, as is the case with all those applicable to this language; it would be both difficult and expensive to cut types for the Grantham character, every text therefore will be printed from distinct plates in the manner shown in the first and second pages of the accompanying specimen. It is not proposed (589) to engrave these plates, but to stamp them with steel punches cut for the component parts of the character, forming thus a new kind of steretype, better calculated to express the Grantham compounds and less liable to error, than moveable types.

As the two translations the Tamil and the English have no other necessary connexion with each other than as relating to the same subject, it is further proposed to print the former, now nearly completed separately, both for the use of the Courts, if Government should be pleased so to determine, and for (590) general circulation, should the observations made in this paper evince the importance and usefulness of this work. It is submitted therefore that the Pandits of the Suddradalet should be directed to examine and compare it with the original, and, in case of their report being favour able that the copy-right should be purchased from the present propreitor Sidambara Pandaram, the brother of the late Purier Vateyar, and the work published under the sanction of Government. This would give the translation an authority as a Law book, which it would not otherwise possess, and of course greatly increase (591) its utility.

6. SUMMARY OF THE LAW AND CUSTOM OF HINDOO CASTES

Within the Dekkun Provinces subject to the Presidency of Bombay: Civil suits 29-7-1826. (starts with a 29 page list of Sanskrit law books) list 75-33.

(Code of Mr. Halhead. William Jones) (Chiefly affecting civil suits)

Hastings

A very good account of castes, Queer grading of castes (p.85 -158) from No.1 to 148 according to Books and general estimation. Answers from the zamindars and inhabitants of Khandesh assembled at Dhulia.

pp.131 - Khandesh - There are no written rules (caste). The lumayit is guided by the usage of each caste. Before any new rule can be established, the elders of the caste, and learned Brahmins, must be consulted.

Sattara - There are no written (caste) rules but the Sastru-cases unprovided for are determined by an assembly of the caste, where decision becomes in future a precedent equal to law. Custom has sanctioned many things in opposition to the Sastru.

Answers from the castes resident in Poona.

Poona - The castes do not recognise the establishment of new customs.

Pages 132-4

II On the Constitution of Assemblies of caste for the decision of disputed point of custom, punishment of of fenders, exclusion and readmission.

1. Answers from the Castes of Poona

All persons capable of managing their own affairs, being entitled to caste privileges and inhabitants of the place, or (in points of importance) of adjacent places, meet to decide on disputed points of custom. The Mehitra, in castes where there is one (Malu, Maharatha Telie, Nhawe, Booroor, Kobe, Chambhar, Mhar, Mang &c) invites the assembly to meet.

The Swamee, in the lingaet castes, is accustomed, in cases of doubt, to associate with himself four residents in the neighborhood, as a panchayat. It is not the custom to appoint deputies or Wukas; occasionally a man sends his son or a Poorohit (Panchal sonar do) to the assembly to speak for him and the caste, if necessary, appointment a Wukaul to communicate with the Sirkar, or an absentee of great experience in matters of custom (Tylung Sarlu).

Ten castes (Gooruwu, Whysonar, Malu, M.Telu, Gondhulu, Koomphar, D.Gosavee, Nhawee, Kolea, Mhar, Maug) stated that a large majority is sufficient to decide a question - two that a seceding (tul) minority is not regarded (Aheer Sonar, Kantaree) - several, that all difference of opinion is terminated by successive meetings of the whole caste (Wunjaree, do many of the

replies to these queries were vague and irrelevant)

Answers from 1. Wasoodes Dadajee, Wyroharee Josecoopady ustadhikari of Poona. 2. Ragwacharreu, Principal of the College.

Under the Government of the Peshwa the judicial office was exercised by a Nyayudhish, and included Brahminical supremacy in disputes of cast custom. This office was held by Ramsastree, the justice of whose decision is much respected even at the present day, and at a later period by Barlsas tree, Sudasee Mankeshwar, Gokle and others. The Nyayudhish used to assemble such other Brahmins who were noted for their knowledge or integrity and with their concurrence pass decisions; after which any recusents were punishable by that officer with fine and the usual penance. At present it is usual in poona for the Brahmins to assemble on the requisition of any Brahmin of repute for his superior knowledge as a sastree (frequently of late Neelkunt Sastree) at the Toolsabagh, where they pass orders of expulsion from caste privileges, enjoin penance, fine etc. In a dispute among are set of Brahmins, all Brahmins are admissible, but to prevent confusion, several of the particular sect usually deice on points affecting their own customs and larger assemblies pass decrees affecting the whole caste.

It is not considered necessary that the decisions should be exactly according to the letter of the Sastru, though a conformity of the written law with the custom of the caste is thought preferable. Under the Nyayudish unanimity was of no practical consequence; at present those who assemble invite the absentees whose countenance and support they consider advisable, and on their declining to attend come to a decision without them. A wukeel is occasionally sent but a man of eminent authority is expected to attend himself or send a written opinion. Should there (as often happens) be a difference of opinion, the majority endeavor by prescribing penance to the recusents, to render their decision effective; but if the minority can by persuasion or bribery assemble another meeting, both parties will proclaim the justice of their own cause and the dispute remains, in effect, undecided. B.S.

From Khandesh

The castes deliberate in a body, and all persons who have arrived at years of discretion are entitled to vote. Should a deputation be assembled, the deputies are chosen from the elders and men of experience in each caste. No particular majority is necessary. Absentees are allowed to appoint a person to vote for them.

From Sattara

Women, children and idiots are excluded. The most respectable persons are appointed as a deputation of the caste. A majority carries a question - Absentees are not considered, unless they are parties concerned.

On Gosawees (by John Warden) (Appendix B. On the Custom of Gosawees papers 64-71)

9. The written laws by which Gosawees are professedly guided are the Dhurma and Munso Shastrus, all question however relating to internal administration and discipline of the order are decided by an assembly called the Dusname which should consist of the disciples of the

ten founders from whom they take their names, but as in some places members of each sect are not to be found, as many as there may happen to be are authorised to meet, their decisions being as irrevocable as those of a perfect assembly; from the dusname there is no appeal. In the event of a difference of opinion occurring among the members of the assembly, it is usual to convene a grand meeting of the residents in the surrounding country, whose opinion decides the point at issue, provided it has not in the meantime been settled, as it is very describe in all cases that it should be, by the original referees.

11. If any member of a muth be particularly distinguished in his acts of hospitality, veneration for his ancestors, and a life of morality he receives from the Dusname, the honorary title of Muhunt. This distinction is not to be purchased at any other price, neither, riches nor length of years giving any claim to it, if unaccompanied by the qualities mentioned. There can only be one mohunt in a muth and his authority does not extend beyond the limits of his own establishment. The dusname being absolute may at any time deprive the mohunt of his honorary degree if he shall appear to the assembly to have ceased to deserve it. It is generally conferred upon the Gooroos of muths who are the abbots of the Purrumpuragat muths or the monastries, and supreme members of the muths used as dwellings.

16. When a Gooroo is too old to continue his duties or from other causes becomes unfit for his situation, the most intelligent of his disciples is selected in his stead; should any discussion arise as to his successor, the point is decided by the Dusname.