

KATIE'S LOVER:

A TALE OF ABERDEEN IN THE OLDEN TIME.

CHAPTER I.

THE BAILLIE'S HOUSEHOLD.

The month was June—the year of grace, 1639. The little town which then clustered upon its four hills above the estuary of the Dee was strangely unlike the "silver city" which today stretches in lines of stately edifice from river to river. Then, a few winding streets, unpaved and narrow, climbed the steep heights and dived into miry hollows between close-set rows of lowly houses, timber-built for the most part, and roofed with thatch; which, with their projecting fore-stairs and galleries, encroached upon the already too limited road space. Here and there the stone-built dwelling of some opulent burgher reared its head above its lowlier fellows; and of these the good town boasted none more comfortable and substantial than the house of Bailie Andrew Nicolson, on the Denburn Haugh, a stonecast from the Bow Brig.

The Bailie was a man of reputed wealth and standing in the city, and his two pretty motherless daughters ought, according to modern ideas, to have passed their lives in a round of pleasure and elegant idleness. But they judged differently two hundred and fifty years ago. On the summer day on which our story opens, golden-haired Agnes Nicolson sat knitting a stocking near the open kitchen door, through which came the scent of the budding hawthorns and the pleasant ripple and plash of the stream; while her elder sister Kate bent over the peat-fire watching the toasting of the bannocks which Auntie Meg, the guiding spirit of the household, kneaded at the snow-white dresser.

A bright-eyed, rosy-cheeked brunette was Katie, with pearly teeth, and a most bewitching dimple that came and went as she spoke or smiled. As she bent over the fire she was humming a scrap of an old song—

Are ye ever gaun to wed, bonny May, bonny May,
For your youth is fleecin' fast, and your beauty will decay;
Wi' the grey hairs ower your broo, your lovers will be
few;

Oh! it's time that ye were wed, bonny May.

"That minds me, Nancy lass, that ye've tint ane o' your joss. Lang Sandy Burnett's gaun to be mairriet on Jeanie Paterson."

"He'll please Jeanie weel," replied Agnes, looking up with a twinkle of fun in her blue eyes; "she was aye fond o' a muckle-bookit pennyworth."

"Oh aye! But what's to come o' you gin ye lat a' your lads gang by you that gait? There's young Ritchie Coupland, the cordwainer, too. I hear he has an e'e after Eppie Elshender."

"Yea?" queried Agnes with an air of deep interest.

"An' did ye happen, sister, to hear which e'e?"

Kate bit her lip and strove to assume an aspect of stern rebuke at this flippant allusion to the

optics of the worthy cordwainer, which were of the kind popularly said to look two ways for Sunday, but, failing in the attempt, she broke into a merry peal of laughter, which roused deaf Auntie Meg to inquire the cause of her mirth.

"Ye maunna licht ie the lad for his looks, dawties," said the old woman, when an explanation had been shouted into her ear; "if he's gley'd he's just as his Maker made him. But young Johnny Littlejohn, an' naither, is the man that will wed wi' Nancy; an' that's what will be seen yet. I've dreamed a dream about them that I never saw to fail yet."

"I wish ye would dream about me some nicht, auntie," cried Kate, "for unless it be that shoehlin' weeda mannie that sells almanacs at the Cross, there's ne'er ane seems likely to speir my price."

"An' so Johnny Littlejohn's to be your fate," she continued, in a lower tone, addressing her sister. "Weel he's a fine laddie, an' lees the vera grund ye tread upon."

"But he's only a laddie," objected Agnes, with a conscious blush, which she turned her head to conceal.

"An' ye're but a lassie, my dainty doc."

"The mair reason then that I should bide content under our father's roof," retorted Agnes.

"I'm nae sae sure about that," replied Katie, gravely. "We're livin' in a stormy time whn a woman needs a man's strong arm to protect her; an' our father's failin' fast, though he likes ill to hear sic a thing hinted. It's nae lang that his arm will keep his ain heid ferbye ours."

"That's true enough," said Agnes, thoughtfully. Then, after a pause—"An' ye be sae keen to see me wed, sister, what think ye o' our neighbour's son, Hugh Findlater, for a mate? He is a handsome lad and serious-minded, and—I think a lot o' him."

Katie caught her breath with a little gasp, and her cheek grew a shade paler as she gazed doubtfully at her sister, whose head was now bent closely over her knitting.

"I think—he's a good lad," she said slowly and after a long pause. Then Agnes raised her eyes, brimming with laughter, and, jumping up, threw both arms round her sister's waist.

"Oh, Tittie, Tittie!" she exclaimed, "you might hae kenned I was jokin'! You would fain pick out a' my bits o' secrets an' hide your ain. But I ken weel enough wha ye meet by the bonny weel o' St. John. Hugh Findlater is, as ye say, a good lad; an' wi' a' my heart I wish him speed in his wooing."

Kate bestowed on her sister an affectionate hug but at the same time she shook her head despondingly.

"I doubt there's nae luck will ever attend Hugh an' me," she said, sighing. "You see, my father an' him caana gree about this Kirk an' Covenant business. Hugh is a' for the Covenant an' purity o' worship, an' my father's set for uphauadin' o' the Bishops an' the King's Majesty; an' which ever side may win I'll be aye the loser."

"Sorra tak them that set peaceable folk by the lugs wi' their controversies," said Agnes. "We kenned the way to heaven, I trow, before this po'her began, an' we'll ken nae mair when it's end'd."

"Aye," said Kate, thoughtfully, "but I think the preachers o' the Covenant hae a power o' persuadin' folk to gang the richt gait that our ain auld ministers haena. But a' the same our father canna ab de them."

"He'll maybe come to think different through time."

"Sma' chance o' that—they've straike't him ower sair against the hair already. When the Lords o' the Covenant cam here in spring an' refused to brak breid wi' the Town's Council unless they would first sign the Covenant, an' my father banged out o' the Council Chaumer, an' cried to gie the braw banquet to the poor men i' the bede-houses, his side was ta'en for ever an' aye; an angel wadna persuade him now."

"Losh preserve us!" cried the shrill voice of Auntie Meg, breaking in upon their colloquy: "ye've looten that bannock burn to a vera shunner—as muckle gweed breid connacht as micht denner a peer man's family! What on earth are ye thinkin' about?"

Pretty Kate was, however, spared further rebuke for her heedlessness by the opportune appearance of a visitor, a tall, pleasant-faced youth, who entered unceremoniously at the open door.

"Ye're thrang the day," remark the new-comer; "arena ye comin' out to see the show? Lord Aboyne and his men are ridin' doon the Green—ye may hear the skirl o' the bagpipes e'en now."

"What's that ye say, Johnny Littlejohn?" cried the old woman, her hand at her ear.

"I'm t'elin' ye to come oot bye an' see the sodgers, Auntie."

"Sodgers!" grumbled the old woman, "the town's never clear o' sodgers nowadays. What wi' ae set reiv'n' an' spulziein, an' the tither set levyin' charges an' quarterin' men on us, we are ruined a'thegither. Whatna gang o' them is comin' up on us this time?"

"It's Lord Aboyne an' the Gordon men; an' they're ridin' doon to the Howe o' the Mearns to gie battle to Yerl Marischal for the safety o' the town an' the honour o' the King's Majesty."

"Weel a-weel, bairns; gang oot an' see them gin ye like—I sanna leave my bakin' to see a' the sodgers in braid Scotland. A curn reivin' tykes ane an' a' o' them! Gin they were a' doon Don in a boddomless boat, the town wad be little the waur, an' maybe a hantle the better."

(To be concluded.)

ON THE CODIFICATION AND IMPROVEMENT OF LAW IN INDIA.

By H. H. REMFERY, SOLICITOR, CALCUTTA.

(Concluded from page 69.)

It is also satisfactory to find that those entitled to trust funds etc. any portion of which happen to be in the presidency towns, can have their property placed in charge of the official trustee or the Administrator General—officers of Government and that in the interior of the country, called the *mofussil* the "Court of wards" often takes over charge of and superintends to the best advantage, the estates of infant landed proprietors or moneyed minors moreover a District Judge has power to nominate guardians of the property and persons of minors

and by the new Bengal Tenancy Act he is empowered to appoint a common manager when the co-owners cannot amicably agree to collect their rent jointly.

Useful land improvement acts also exist under which the Government makes advances to cultivators and others.

Except in regard to persons of whom a guardian has been appointed by a court the age of majority of persons of every race, domiciled here, is, attained throughout India at 18 instead of 21.

The civil law administered in India, in matters not provided for by native law or custom, is the broad and grand rule of "Justice, equity and good conscience." Personal laws are applied in matters of inheritance succession and adoption.

Throughout the country the procedure in suits is, as many of your readers are doubtless aware, regulated by a comprehensive Civil Procedure Code of 652 sections in substitution for eleven enactments containing over a thousand unrepealed sections—It is divided into ten parts, namely (1), Suits in general; (2), Incidental proceedings; (3), Suits in particular cases; (4), Provisional remedies; (5), Special proceedings; (6), Appeals; (7), Reference to and revision by the High Court; (8), Reviews of judgment; (9), Special rules relating to chartered High Courts; (10), Certain miscellaneous matters.

A defendant may be sued in any Court within whose jurisdiction the cause of action arose, or within which he resides or carries on business or works for gain. Now-a-days no person—be he prince or peasant—is exempted from the jurisdiction of one or other of the civil Courts. Even the Government may be sued in the ordinary way, instead of by petition of right, the Secretary of State for India being made the defendant.

The various steps in a suit in India are somewhat similar to those under the far-famed Judicature Acts. For instance, oral evidence may be supplemented and facts proved by affidavit by leave of the Court. In civil suits pending before foreign tribunals witnesses may be examined by interrogatories or *viva voce* under commission issued by or to any of the High (late "Supreme") Courts of Judicature at Calcutta, Bombay and Madras, &c. Interrogatories may be administered to elucidate facts preparatory to a hearing. In exceptional cases *Injunctions* are awarded even by *Mofussil* Courts. One of the High Court Judges lately severely criticised this power thus:—"A jurisdiction originally belonging only to a superior Court possessed of legal knowledge and experience is now imposed on a *Mofussil* Court which shares with its victims the cruelty of inflicting such powers."

Verified lists of documents are ordered and inspection granted to both sides after filing of written statement (answer and subpoenas to witnesses follow in due course.)*

In any suit for money in which the plaintiff is a woman the Court may at any stage make an order for security for costs if satisfied "that such plaintiff does not possess any sufficient *immoveable* property within British India independent of the property in suit." It need scarcely be added that any eulogy of India's laws does not extend to such a strangely worded section. Whatever may be its true construction any such power of smothering a just claim is rough on ladies, Europeans and natives alike. To counterbalance this in a measure no woman can be incarcerated for a debt. Even with regard to males imprisonment under civil process is practically abolished as regards honest debtors.

* Further information on Indian Procedure will be found in R. Belchambers's "Practice of the Civil Courts."

As regards witnesses all persons (including husband and wife) capable of understanding and giving rational answers to the questions put to them are competent to testify for themselves, or others in both civil and criminal proceedings.

Lawyers are aware that a person may however be competent without being compellable, but the rare instances in which the law will not permit a witness to testify, if he be willing, are in the Indian Evidence Act succinctly defined.

According to our Evidence Act the Judge is empowered in both civil and criminal proceedings, to enquire to the utmost into the truth, by putting any questions he pleases in any form to any witness or to the parties about any fact relevant, or irrelevant, to the matters before him, and he may, of his own motion, order the production of any document or thing.

India is a free country; it has a free press and its legal codes "secure to all Her Majesty's subjects without distinction of race or creed equality before the law." The natives of India, of whom Hindoos and Mohamedans &c., &c., form the bulk are extremely fond of litigating, and the legal barometer rises as the weather gets warm. Every native considers it the correct thing to have a law suit in full swing. In fact some think it unconstitutional that the *luxury* of litigation should be curtailed as is intentionally done by the Specific Relief Act which prevents a person suing in respect of any subject he has contracted to refer to arbitration. Fortunately however this is a plea which may be effectually waived as was (unintentionally of course) done in a late railway case in the old country.

The statute of limitations has not as yet been touched on. Under this head it may be observed that various Acts prescribing the time within which actions can be brought, applications made, and appeals filed, are focussed by Act XV. of 1879. For the convenience of Ceylon readers the Indian Limitation Act may thus be summarised.

One year is allowed for actions of tort.

Three years for actions on contracts simple or otherwise (unregistered) including suits for rent. A customer need therefore only preserve receipted bills for 3 years instead of, as at home, for double that time. On registered documents, as also on foreign judgments, a six years limitation is given.

All suits for the recovery of immoveable &c. property are in time if instituted within 12 years, and to redeem a mortgage of immoveable property sixty years is allowed.

It is noteworthy that the periods prescribed by this Act suffice to *extinguish* all remedy by suit save (a) in cases of trusts or fraud, (b) where an acknowledgment has been obtained in writing, recognising the claim *as of right* before expiration of prescribed period, or (c) where the defendant has been for any part of the time absent from India. Lastly, decrees of the High Courts can be executed any time within 12 years, but decrees of other Courts not after 3 years, unless kept alive by execution or notice through the Court.

Incidentally it may be remarked that a hard and fast rule prevails by which all Courts in India are bound to take cognizance of limitation questions whether raised by the defendant or not.

Appeals lie to the District Judge, and from thence to the High Courts, and in cases involving over £1,000 across seas to Her Majesty in Council.

Nor has the commercial community been forgotten, seeing that our statute book also includes Acts regulating Joint Stock companies generally and Railways, Factories, Tramways, Telegraphs, Telephones, Shipping and Inland Navigation in particular.

The United Kingdom standard yard has now become our legal standard measure of length in

furtherance of the desire for uniformity of weights and measures, and a Merchandise Marks Act has lately been passed.

India has in addition the benefit of a law regulating *Literary and Scientific Societies*, modelled on the lines of the English Statute. Authors and Inventors are also recognised, for we have a *Copyright Act* practically extending English law into the interior. And one of the latest additions to our legal portfolio is an *Inventions and Designs Act* regarding the working of which see my handbook on Patents, Trade Marks &c. in India, Ceylon, China, etc.*

A "Code of Torts" is also on the legislative anvil.

Time will not suffice at present to dwell on our "Evidence Act" and "Transfer of Property Act" or on various other useful enactments, but we may fairly congratulate ourselves on possessing as fine a body of carefully codified civil law as any country under the sun.

II.

Now to turn to the *Criminal laws* of British India. These have been consolidated, as witness our *Penal and Criminal Procedure Codes*, both monuments of legal lore.

It would take far more space than is available to enumerate the various amendments introduced by these Codes in Indian criminal law and procedure, nor is it necessary that I should do so, as the substantive and adjective laws of India will, I understand, be found carefully collected in two volumes called the "Anglo-Indian Codes" edited by Mr. Whitley Stokes, D. C. L., and lately published at the Clarendon Press, price £3 5s.

Is it not strange that in the British Isles a breach of the 7th commandment can only be redressed by a civil suit? Why call it *crim. con.*? Here in India this violation of the Decalogue is treated in a far severer fashion. By the Penal Code it is declared to be a heinous offence punishable with five years' rigorous imprisonment. In that respect also the West can be taught a lesson by the East. There are however not wanting so-called social reformers who utterly fail to appreciate the imperial proportions of our magnificent legal *Taj*. Scarcely has the scaffolding been removed from our splendid edifice when they cut with their penknives and begin to extract a precious inlaid stone, and to compare it, unfairly, with one taken from that well-built structure the English Law Amendment Act. Such people need only be reminded of their unveiled zenana customs and those sacred usages which render exact accord between English and Indian laws impossible. But I am travelling beyond our codes.

To return: not only in the Presidency towns, but throughout the Mofussil there are Government officials (Solicitors or Pleaders) who act as public prosecutors.

In all civil cases, the Judge alone has to decide questions involving both law and fact, whereas in criminal trials he is assisted either by a jury or assessors who decide, or express their opinions on, questions of fact including the meaning of technical terms. This difference in the mode of trial between civil and criminal proceedings is, it will be seen, very marked. It avoids the travesty of justice portrayed by Dickens in *Bardell vs. Pickwick* †.

An accused person is not to be induced by threat or otherwise to make disclosures, and is not to be subjected to cross-examination. Power is given the Court to put questions to him, without

* India, China, Straits Settlements and Ceylon, by H. H. Ramfry, Calcutta, 1888.

† The *Pickwick Papers*, 1836.

previous warning, and at any stage of an enquiry or trial, with a view to explaining any circumstances bearing on the evidence against him. No oath is administered to the accused, and he is not bound to answer. The Court and the Jury (if any) may nevertheless draw such inferences from his answers or refusal as they think just.

In order to prevent technical objections and the splitting of split hairs, the Court may alter the charge at any time before the verdict of the jury is returned or the opinions of the assessors are expressed. Amendments must of course be explained to the accused, and the trial may thereupon be proceeded with if not likely to prejudice either side.

As indicating some of the difficulties Indian Magistrates often encounter, I may in passing refer to a criminal case I was engaged in a few years ago near Calcutta. A Hindu was maliciously charged with the murder of his daughter Kaminee. The *corpus delicti* was not forthcoming. Equal however to any emergency a native policeman produced "some poor fellow's skull" as that of the murdered girl. Another member of the same fraternity, animated by a laudable spirit of rivalry, brought forward a second and smaller skull. It was seriously argued that the girl's skull must be either the one skull or the other. Fortunately for the father the girl herself arrived in the Magistrate's Court at this critical juncture. On being questioned she told a pensive tale to the effect that she had been wooed by a *paravala**. Her father, finding her father obdurate had one night secretly sent her up the country by rail promising to follow. In answer to further questions the girl declared that neither of the two skulls on the bench was *her* skull. Tableau! The father was of course honourably acquitted and the wicked swain properly punished.

In the High Court "special" or "common" juries of 9 persons,—chosen from the community at large, assist at every criminal sessions. Trials before the Court of Sessions at the head station of each district take place periodically either with a jury consisting of an uneven number of men not being less than 3 or more than 9, or by aid of assessors.

Challenges without grounds are allowed in the High Court as to 8 jurors on the part of the Crown and to a like number by the person charged. Besides this, in all sessions cases, objections, are allowable 'for cause' on various grounds, such as that the juror is under 21 or over 60 years of age; presumed partiality; holding office in or under the Court; being entrusted with police duties or any other circumstance assigned which in the opinion of the Court renders him improper as a juror.

In criminal trials the presiding judge at the close of the evidence after both sides' pleaders have been heard sums up to the jury the principal points in evidence explaining how they bear for or against the accused, and, and without expressing any opinion, renders them every assistance in coming to a right conclusion.

Nowhere in India is *unanimity* of the jury required. On the contrary in Presidency towns if 6 out of 9 jurors agree and the judge concurs he delivers judgment in accordance with such opinion. In the Court of Session the verdict of the majority of the jury prevails when the judge agrees, but if he disagrees with the jury or the majority of them power is given him to refer the whole case to the High Court, which possesses large powers of revision. Such a reference renders country cliques and combinations harmless. The revising Court will not set aside the verdict of a jury unless pa-

* Village policeman.

ently wrong and perverse, or induced by error in the summing-up. On an appeal the High Court may instead of quashing or reducing a sentence enhance it! Our High Court judges although arrayed in robes during the criminal sessions never wear wigs; nor do counsel, and why? A barrister friend suggests that Indian judges don't wear wigs, simply because a seat on the bench during the hot season would prove to be too trying a situation.

From a return as to the working of the Jury system in the Madras Presidency, it appears that the judge on an average differs in opinion from the jury in three cases out of the hundred, and that half of his proposed convictions or acquittals are approved of by the High Court. It follows that the findings of the jury stand in no less than 98 or 99 per cent of all criminal trials. One would have thought that satisfactory indeed. We are however told in the *Englishman* of the 11th inst. that a difference has arisen between the Madras Government and the High Court at Madras on this point,* and the former has called for a further examination of statistics. Such a lofty ideal would surprise brother Jonathan. And why? Because the last 50 volumes of Reports of Criminal trials in the Supreme Courts of Georgia and Missouri (*i.e.* reports for over a dozen years) show that 35 to 50 per cent of the findings of American juries are set aside. How much better our Indian jury returns of 1½ per cent *supposed* miscarriages of justice are, I'll leave your readers to judge. No one expects juries to be infallible, although the *law* may be certain the *facts* often prove uncertain.

But this discourse must be trying your readers' patience. Feeling exhausted some one may exclaim, as did an Indian District Judge one sultry day in June: "I feel faint: give me another *authority*."

The subject of the codification improvement of laws in India is naturally far too extensive to admit of exhaustive treatment in your columns, but those of your readers who have studied other legal systems will see that in the domain of well-considered law reform India is abreast with if not ahead of Britain and countries following directly in her wake.

In conclusion, if it be true that "it is upon the law and government that the prosperity and morality, the power and intelligence of a nation depend," British India may be congratulated on its legislative system. Although her laws are not faultless, her legal machinery works smoothly, and may in the near future furnish food for aspiring jurists in other progressive countries.

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VOYAGE OF THE "INVESTIGATOR."

THE COCOS ISLANDS.

"And ever gently breathing gales of Zephyr
Oceanus sends up to gladden man."

In my last letter I related the arrival of the ship at the Cocos on December 1, and for the next week these fortunate islands were the abode of the *Hercules* of the "Investigator." Here, while the earth fulfilled seven rotations, did the swift-footed Aucupor, subdued with his long shadowing spear the populations of the shores of the far-resounding sea, while Autarchus,

* On the principle, I suppose, that "my wound is great because it is so small!"

ru'ler of men caused the forest to resound with pæans. In other words, while the ship was engaged in delimiting the coasts of the group, a naturalist's party furnished themselves with fresh land, and encamped on the Great Coco, resolved to devote itself entirely to observing and collecting the zoological and botanical products of the island. A camp was pitched on the crown of a partly cleared hill at the north-east corner of the island, having on three sides the *melan hudor*, and at its landward base a picturesque pond of fresh water fringed with water-gentian and covered with red lotus. A herd of wild cattle (descendants of imported domestic stock) was known to frequent this hill and pond, and it was hoped that they might furnish steaks and sirloin (not to mention marrow-bone and oxtail soup) for the party; but this they declined to do, retreating instead to the remotest recesses of the island, so that the party had to fall back on Messrs. Crosse and Blackwell, the pasturers of the people. The Great Coco is a long narrow island, about eight miles in extent from north to south, and about a mile and a half across; it is formed by a series of steep ridges of hard sandstone and grit-stone rock, none of them being of any great height, running nearly north and south, fairly parallel with one another, and somewhat in echelon. The coast of the southern half of the island is eroded, rocky, and forbidding, but in the northern half it is thrown into wide shallow bays, wherein are accumulated much of the detritus of the southern part of the island and the wave-worn debris of the coral reefs which fringe the group. In these bays at low tide the profusion and variety of marine life is inconceivable. Just above high-water line all round the island is a belt of palms (chiefly coconuts), with many cycads, papayas, and screw-pines; and inside this, except where a winding creek carries a line of mangroves inland, the island is choked by a dense growth of huge forest trees matted together by a tangle of creeping and climbing thorns: of these the caper and calamus—calamus which affords to plague schoolmasters the fearful implement of correction for naughty boys—are by far the most terrible.

So dense is the jungle that one has to steer a course by the compass and then cut one's way blindly through step by step, while myriads of famished mosquitoes make the utmost of an unheeded-for opportunity. In Sir Edwin Arnold's poem it is related how, in a pious previous existence, the Lord Buddha, filled with pity at the sight of a tigress starving with her helpless young did (with somewhat unreflecting devotion one would nowadays say) throw himself to the ravening creature, who forthwith made a meal of him. And one longs for the sustaining influence of a similar generous emotion when pioneering in a tropical jungle, where one is at the absolute mercy of millions of predaceous insects, of which in all probability not one has ever tasted blood, and not one in ten thousand could look forward in the ordinary course of events to satisfying its hunger once during its transitory existence.

In our first attempt to penetrate the jungle through to the highest ridge in the centre of the island we succeeded in rather over five hours in marching about five hundred yards at the point of the kukri; and though in our progress we obtained many valuable botanical specimens, we did not see much animal life—except mosquitoes, who positively did not leave one square centimetre of the surface of our bodies unpunctured. The only common birds were the keel and the great crested fruit-eating pigeon. Lizards were numerous; and so was a big land-crab (*cardioma*), which appears to live indifferently either in deep burrows or among the roots of trees, and a large land hermit-crab. Asleep on a dead branch, its colour so perfectly assimilated to the colour of the bark that the deadly beast could hardly be detected, we discovered—and put to the sword and the spirit jar—a pit-viper of a species apparently not yet described. The creature had fangs just over half an inch long, and its hideous mortal convulsions and impotent wrath as in inability to reach the object of its revenge it plunged its fangs into its own

made a picture of horror, in that still, dark jungle, not easily to be forgotten.

But if in the jungle animals were few, in the bays and on the reefs they were bewilderingly abundant. The dry sand above high-water mark and for a considerable distance inland was literally alive with small hermit-crabs of a species modified for an exclusively terrestrial life (terrestrial as opposed to aquatic, in its restricted sense). These little hermits swarm on all the islands and islets of the Andaman-Nicobar chain, and from various observations it appears to me that to a considerable extent they perform the functions of insects in the natural economy of these isolated regions. For instance, on the Great Coco the hermits among other things appear to do all the petty scavenging work which in the ordinary course largely falls to beetles and ants, where these insects are numerous. Again, there is evidence that these hermits climb low coconut-palms, and crawl about the flowering spathe, probably to feed on the pollen; in which case we may except to discover that they assist in operations more important even than scavenging. And, indeed, a naturalist visiting the islets of the Andaman Archipelago noticing the comparative poverty of insect life and the swarms of busy land-crabs and land-hermits can hardly avoid giving rein to his speculative instincts. In the pools among the rocks and reefs gorgeous reef-haunting fishes were so numerous and so little alert that one could catch them with the hand, or cut them over with the kukri almost without an effort. One of the commonest fishes was a sea-perch—*Serranus hexagonatus*—which, when disturbed simply retired beneath the nearest rock and waited there until it was caught: one specimen taken in this way must have weighed between two and three pounds.

Several new fishes were discovered, among them a new species of predaceous shark, whose colours displayed a beautiful adaptation to its habitat.

Crustaceans rivalled the fishes in numbers and beauty, and excelled them in variety. Among them we were fortunate enough to find several specimens of the excessively rare Callinidea, a long-tailed, rather soft-bodied, form allied to the lobsters; but unlike them in habit, as it burrows deeply in the sand. These alone would have amply rewarded a week's search.

The Mollusks, though not particularly valuable, would have captivated the casual collector. Cowries of large size and rich colour were to be found crawling under every rock, and wedged in crevices were Tridacnas, some of which were more than eighteen inches long, and in weight almost a load for a man.

But alas! what boots it with incessant care to tend the homely, slighted (in Bombay) naturalist's trade.

On the second night of our stay we were surprised by a visit from an aged pig dog. Whether by sad accident or unmerciful design, she must have been left behind by natives who had visited the island. She was overjoyed to renew her submission to human beings, and quite casting out the instinctive distrust and antipathy of her race for the white man—an antipathy only too cordially reciprocated—she took up a corner of our tent and remained with us to the end. The next day a hungry pack of her relatives smelt our camp out, but with true canine snobishness she turned on them and drove them off, nor did she suffer them to come begging for our favour again—a service for which we were duly grateful.

It is difficult to imagine how these creatures maintain their existence, and interesting to speculate on their future. Deer and pigs are said to inhabit the island, and there is a herd of run-wild cattle; and unless the race of dogs develop the cunning and speed to catch the first, or the courage and social cohesion to overpower the last, it can hardly escape extinction.

Our week came to an end all too soon, and though our collecting boxes and bundles were full, we struck our camp with much regret; for we had done little more than scratch the surface at one small corner of the island. Like the ancient Lawgiver of the exodus, we had seen the glories of a land of fair pro-

mise which we had longed to possess—but in vain. Notwithstanding the impenetrable jungles and the thorns, the mosquitoes and the sand-flies, the rough life and the coarse fare, there are few more delightful ways of spending one's time than in observing and recording the works of nature—even *sub fove fervido*—on the shores and in the jungles of an unknown tropical island. The solitude, the dark unbroken forest, the boundless expanse of sea, and the universal lush combine their influences to subdue and pacify the mind, at the same time that the anticipation of impending discoveries produces an indescribable quiet exhilaration.

In such a paradise the zoologist rises at daybreak full of pleasing anxiety and suspense; all through the day overturning rocks and wading and swimming about the reefs, he works every muscle and keeps every sense alert in an atmosphere of ideal purity and in an intellectual medium of the most stimulating nature, and at sundown he goes back to camp utterly fatigued but undistressed, aching but joyful, as ragged as a beggar, but with possessions that will yield interest more than many rupees. This is health and happiness, and something to reflect upon with a pipe under the stars.

On the evening of the 18th December we rejoined the ship, and the next morning the "Investigator" was ploughing her way across the Bay to continue the survey of the Madras Coast. I concluded my last letter with a quotation from the book of Indian travels of Ludovico di Varthema, which catalogued the "ten utilities" of the coconut-palm. I may now add that an eleventh use has been discovered since the sixteenth century—a use which we put to the proof on Great Coco and found to withstand all criticism. To the insipid water from a young coconut add an ounce or so of gin (whiskey will do, but not so well), and you will obtain a lipid mixture, which is, in the language of Ludovico, "a most excellent thing to drink."—*Times of India*.

CEYLON IN 1815-16.

(From the "Asiatic Journal," vol. I, Jan.-June 1816.)

(Continued from page 72.)

CEYLON.

Columbo, Aug. 8.—An express reached Columbo yesterday, from Calpentyu, the 29th instant, with a letter from Lieut. Fenton, of the 17th Regiment, dated on that day, notifying his having the preceding day landed from the Arab ship Shaw Allum, at anchor off Caridivoe island, and forwarding a dispatch from Major Fluker, of the Bourbon regiment, commanding detachments of the 22nd and 87th regiments, embarked on board that vessel. The Major reports the Shaw Allum to be one of eight transports which sailed from the Isle of France, on the 21st of June last, bound to Calcutta, that by the ignorance and mismanagement of the Captain (an Arab), they made the western side of Ceylon, in lat. 8. 2. N. when they expected they were on the eastern side: that when they found themselves in the Gulph of Manar, every exertion was made to remedy the mistake, but from the vessel being very badly found, and sailing ill, they were driven towards the shore, and had been obliged to come to anchor in ten fathoms water, surrounded by breakers and rocks off the island of Caridivoe, with a heavy sea rolling in upon them, which rendered it doubtful whether, if the wind increased, the cable would not part and the vessel be wrecked. Major Fluker's dispatch is dated the 27th, and says, that he has permitted Lieutenant Fenton to attempt reaching the shore through a dangerous sea and heavy surf, in the only small boat which they had with them. In addition to this distressing intelligence, Lieut. Fenton reports, that while ashore at Calpentyu two vessels under jury-masts were seen proceeding up the Gulph, which he feared were two other of the eight transports. On this news reaching Chilaw, Mr. Walbeoff, the Collector of the district immediately set off to render every assistance in his

power, that we trust the troops, about 250 in number, are now safe on shore, and have every accommodation, the thinly populated part of the island on which they have been thrown will afford. His Majesty's armed brig Kangaroo, belonging to New South Wales, now here, with one of the vessels of this government, has been dispatched from Columbo, with provisions for the troops, and for the purpose of aiding the Shaw Allum, and bringing the detachments on board her to Columbo; and another government vessel immediately follows, as, from the reported state of the other transports, it is supposed they will have been obliged to come to an anchor off Condaty.

Aug. 9.—The vessels which were sent to the aid of the Arab transport, Shaw Allum, were, owing to the weather, obliged to return without effecting the object for which they were dispatched, it not being safe to approach the coast sufficiently near to reach the Shaw Allum. We are happy, however, to announce the safe arrival of all the troops. Mr. Walbeoff, with several large boats from Calpentyu, have succeeded in reaching the Shaw Allum on the evening of the 2nd, and, by the 5th, the detachments of the 22nd and 87th on board, were safely disembarked at Calpentyu and are now on their march to Columbo.

The cutter of the Kangaroo brig, in crossing the bar, upset from the violence of the surf; fortunately all in it but the Captain's clerk were good swimmers, and reached the shore in safety. The latter buffeted with the waves for some time, but at last, overpowered by their force, twice sunk, and was in imminent danger of drowning, when some lascars of a brig in the inner harbour, and two grenadiers of the 73rd regiment, swam off to his assistance, and succeeded in bringing him on shore, though totally insensible, and apparently lifeless. The skill, however of Dr. Carter, of the 73rd regiment, was successfully exerted, and respiration shortly restored to the young man.

(To be continued.)

THE MAHAVELIGANGA EXPLORED FROM TRINCOMALEE IN 1832.

EXTRACTS FROM THE JOURNAL OF AN EXCURSION TO EXPLORE THE MAHAVILLAGANGA, UNDERTAKEN UNDER INSTRUCTIONS FROM GOVERNMENT, BY R. BROOKE, ESQ., MASTER ATTENDANT OF TRINCOMALEE: BY DIRECTION OF GOVERNOR SIR R. W. HORTON, BART.

(From the "Colombo Journal," Feb. 13, 1833.)

On tracing the Mahavillaganga on the present Maps of the Island, it will be perceived that its stream divides itself near the sea into two branches. The smaller branch called the Virgel, falls into the sea 22 miles south to Trincomalee. The larger runs into the great bay of Trincomalee, and retains the name of the river. It would be imagined from this circumstance, that this branch was the principal outlet, but such is not the case: for by the Virgel alone does the river seek a passage to the sea, except in the month of January and during the freshes, when the other branch also affords an outlet to the parent stream. This is a remarkable fact, the cause of which I had never been able to discover: for no dependence can be placed on the contradictory statements of the people of Trincomalee, who evince remarkable ignorance on this subject.

The river from its mouth to Goorookelganga, a distance about 20 miles, is well known. I therefore resolved to commence from this place, and having despatched two canoes thither, I set out by land and arrived at Goorookelganga on the 29th of February, 1832. I found that my people had frequently been obliged to drag the canoes a considerable distance over the bed of the river, the water being, in several parts, but a few inches in depth. Five hundred yards above Goorookelganga, the river is perfectly dry, and continues so as far as Kooranjemoory, a distance of 10 miles, where it unites with the Virgel. To Kooranjemoory the breadth of the river varies from 120 to

140 yards. The banks are in excellent condition, and the bed consists of deep sand which rises higher and higher as you approach Kooranjemony, until it becomes in some places level with the banks, and evidently continues to increase.

There is not a village, nor, except at Goorookelganga, even a house on the banks, from the mouth of the river to this place. At Goorooke'ganga two ferry houses have been established, by which the commerce between the Interior and Trincomalie is carried on. When this branch of the river is navigable, the natives avail themselves of the opportunity of conveying their grain &c. to the neighbouring ports. At Kooranjemony, the Mahavilla turns off at a very acute angle, at the apex of which it pours its waters into Virgel. It is said that the Malabars, who possess a large Gen'oo temple near the mouth of the Virgel, were assembled, many years ago, by their priests, in order to widen and deepen this branch for the purpose of obtaining a greater supply of water to irrigate the paddy plains belonging to the temple. This was easily accomplished, the current being naturally directed into this channel. Since then it has been considerably enlarged. Still the breadth of the Virgel is much less than that of the Mahavilla; and from this circumstance, the current runs with great impetuosity. The natives raft considerable quantities of timber up the larger or Mahavilla branch, when it will allow of a passage, which, as I observed before, is only in January and during the rains: and when they arrive at the conjunction of the two branches, so great is the impetuosity with which the stream rushes into the Virgel, that it becomes exceedingly difficult, and even dangerous in attempting to gain the other branch; for, should the rafts come within the influence of the current, they are hurried down the Virgel to the sea, the people being obliged to abandon them, and swim to shore. In this way many rafts are lost annually, and, but a few years ago, five out of six unfortunate men lost their lives in endeavouring to pass the junction of the two streams. I myself narrowly escaped a similar fate in exploring the Virgel, my boat, by the violence of the current being nearly dashed to pieces against some large trees that were growing in the river.

I have already observed that the river at the junction turns off at an angle, and that the Virgel branches off from the apex—consequently, the current of the river is directed to the Virgel. Now, to turn the stream round this angle by damming up the Virgel, would be impossible, because the water at the entrance of the Virgel is, even when low, 10 feet deep, and the bed of the Mahavilla immediately below the junction, is 5 feet above the water. The river, during the rains, rises 10 or 12 feet, at which time the stream at the entrance of the Virgel is so strong and deep, as to render it impossible to throw a dam across it in order to force the water round the angle. But, about 700 yards above the junction, there is a channel 20 or 30 yards in width, which unites with the original bed again below. Were this channel enlarged, and the river immediately below its entrance dammed up, the stream would be forced through the channel towards Trincomalie. But the dam ought to be very firmly constructed, on account of the current during the freshes.

Another method of effecting this object would be, by turning the stream into the Dambanar, which branches off from the left side of the river, about 1,000 yards above Kooranjemony, and unites with it again 500 yards above Goorookelganga, from which place to the mouth, there is no fresh water. I examined this stream at its commencement and observed that its breadth, for 3 miles, varied from 40 to 70 yards; it then turns off at right angles and flows through a narrow rocky channel 12 yards broad and 60 long. The rocks consist only of sand-stone, and therefore may easily be removed. Still further up, the stream runs without interruption, until it branches off from the river above Kooranjemony, and thus cuts off both the angle at the junction and the dry bed of the river between Kooranjemony and Goorookelganga.

Sunday, March 5, 1832.—Proceeded up the river

with our canoe, containing, besides myself, eight people; six rowers, a steersman, and a look-out-man. Having no outrigger, the greatest attention was required to steer clear of the drifts, as an upset might have been attended with dangerous consequences, the river swarming with alligators. We were six hours in pulling up to Pooleadepoote, a small place situated on the left bank of the river. Here I pitched my tent for the night, on a dry sand-bank in the middle of the river, which I preferred to the shore, on account of the incredible numbers of musquitoes, elephants and chetahs were also numerous, the howlings of the latter being heard the whole night. The alligators, too, were splashing in every direction.

Monday, 6.—Pulled up in four hours to Oroone, 7 miles from Pooleadepoote. It is a village on the left side of the river, consisting of six or seven well-built houses, constructed of large tamarind, jack, and mango trees. But the place was deserted, in consequence of two men having died of fever. This is the usual practice of the natives in small villages. The houses were supported by piles in consequence of the inundations of the river at its rise during the December rains.

The vidahn of Trincomode, which is on the right side of the river, paid me a visit at this place, attended by about fifty well-dressed Moormen. He has under his jurisdiction several large villages on the right side of the river; the inhabitants of which cultivate paddy very extensively. Cattoo-amvella is a village about a mile from the opposite bank of the river. It contains thirty families and a Moorish temple.

Monday, p. m.—Proceeded up to Catoopelane, two miles from Oroone, and on the same side of the river. This village contains thirty families. It is under the jurisdiction of the vidahn of Davarella, a place in the interior, about eight miles from Catoopelane. The houses here also are built upon piles. Here, I was surrounded by at least 100 Moormen, who were assembled to celebrate their Christmas at their temple at Cattoo-amvella. All the villages in this part are populous; and the surrounding country abounds in grains.

Tuesday, March 7.—Was six hours in pulling up to Peereatory, a large village on the right of the river, ten miles from Catoopelane. Here it was that Capt. Anderson crossed the river with a party of troops on his march from Batticaloa to attack Bintenne, on February 14, 1815. It contains fifty Moorish families, who are neither under the jurisdiction of the Vedahs nor the Cingalese. Near this place two Modliars reside; the Peereatory Modliar who presides over eight villages and the Chinnetorry Modliar who superintends but three.

From Kooranjemony as far as 3 miles below Peereatory, a distance of 27 miles, the river varies in breadth from 90 to 140 yards, and from 4 to 7 feet in depth. It is very winding and was then very low. At Kooranjemony, it rises during the freshes from 10 to 12 feet; here it rises from 12 to 15 feet. In some places it overflows its banks 3 or 4 feet; but this inundation is of short duration, and takes place but twice in the year—January and August. At the sudden turns of the river, sand is collected in banks 3 or 4 feet above low water, but covered at the rise. These banks must be removed in order to admit the passage of boats. Most probably, were the impediments at Kooranjemony removed, the force of the stream would gradually destroy these banks. Besides this impediment, there is another which renders the navigation exceedingly difficult and dangerous—I mean dead trees, which have hung for many years in the river attached by their roots to the banks. But these may easily be removed by the natives of the neighbouring villages. Most likely this is one cause which prevents the sand from drifting down. The stream runs generally 2 miles an hour: but in the narrow parts of the river it is of course more rapid. Three miles below Peereatory, the features of the river are considerably altered. Here it suddenly becomes broad and shallow, and separates into two branches—the right, which I ascended is called the Peerear-ganga; the left, the Chenaganga, I crossed the latter

in two places: its breadth at the one was 110 yards; at the other 90. It unites with the Adambanar, and its bed is dry and consists of deep sand. It would be possible to turn the river into this channel, as, at its separation, it is very shallow. This is worthy of consideration. A little below Peereatory, the natives had thrown a dam obliquely across the river in order to turn the stream into a large canal.

Wednesday, March 8.—I proceeded through a fine open country to a hill about 8 miles to the right of this place. It is mentioned by Capt. Anderson as having its top constantly veiled by the clouds. It is called Demballagalle by the natives, and the Gunner's Quoin by mariners. I should suppose it to be between 3 and 4,000 feet in height. The people of Peereatory declare that for ages no one has succeeded in gaining the summit; and that the Vedahs were the only persons who had made a partial ascent in search of honey. The day previous, I had despatched to the hill the Vidahn of the Vedahs, (many of whom live at the foot of the hill,) in order to procure guides for my intended ascent. But when I arrived, he informed me, that they were terrified at the idea of ascending and had fled. My followers declared that without them it was impossible to accomplish my object. But when I told them that I would make the attempt alone, they consented to accompany me. There is no path known to the natives; but, on approaching the top, we perceived an elephant path, and from the quantity of dung, I should suppose these animals to be numerous here: but how they succeed in making their way up, I cannot imagine. There certainly must be a path known only to them and to the Vedahs. We were three hours in gaining the summit. The ascent was very difficult: I was frequently obliged to creep up on my hands and knees, and had often to turn back in order to find a more accessible way. However, I was rewarded for all my toils by a most splendid and extensive view of the country. I could distinctly see Chapel-point at Trincomalee, behind which was Flag-staff-point, Batticaloa lake; the hills beyond Minery, and the Kandyan hills were also visible, the contrast between Tambankadewa, and the Vedah districts, as seen from hence, is very great: the one consisting of uncultivated plains, and abounding with marshes, the other having the appearance of an extensive park. There is no hill within 15 miles of Gunner's Quoin.

After taking bearings, I resolved to attempt the elephant path, but soon lost it, and had even greater difficulty in descending than in ascending. For we were frequently obliged to cling with our hands to the branches of trees and suffer ourselves to drop a height of 6 or 8 feet over loose overhanging stones whose balance very little weight would destroy. The Vedahs cultivate Indian corn, and other dry grain, and possess several small gardens.

I was informed that about 16 miles to the east of the hill, there is a hot spring which rises three or four feet above ground, and is surrounded by a cauldron 25 yards in diameter, consisting of very soft mud, from which issue both a warm and a cold stream.

Thursday, 9.—I proceeded this morning to the junction of the Ambanganga with this river, about five miles from Peereatory, and rested till afternoon, on the point formed by the two rivers. A mile above the junction and on the left side of the Ambanganga is the village of Dastotte.

In the afternoon I proceeded to Marrigototte, a village about five miles from the junction, situated on the left side of the Mahavilla, and containing ten Moorish families.

The country people began to make many objections to my proceeding further, particularly the Vidahn of Dastotte, a man of great influence in this part. He even threatened my guide who had accompanied me from Catoopelane, if he did not return. But when he found that I was fully determined to proceed, he altered his behaviour and became attentive. The Peereatory Modliar appeared to have very little influence here, so that his presence was of very little service. I could obtain no information respecting the river beyond Calinga.

Friday, March, 10.—Proceeded to Calinga, six miles from Marrigototte, and 24 from Peereatory. From the latter place to Calinga, the river varies in breadth from 250 to 500 yards, and in some places is not more than one foot deep. The banks are in good order, but are overflowed during the freshes, which I attribute to the Virgel not being a sufficient outlet.

The Headmen of Cottovilla, five miles from Calinga, waited on me here, and represented that my canoe could not go any further, in consequence of the rocks; nor would they furnish me with men to carry it. In fact, they made all the opposition in their power to my further progress; and, notwithstanding they had received specific orders to render me assistance, they refused, on the ground of their being under the jurisdiction of Matella, which I afterwards learned was untrue.

Cottovilla contains a population equal to that of the Tambankadewa district, and pays, I understand, no duties to Government, on account of its being a temple village.

The plains on each side of the Ambanganga are very extensive, and are irrigated by means of large water-courses, which are supplied by the superabundant water of the river which overflows its banks.

On my return from my excursion, I observed marks of the country having been formerly cultivated; and from the large population of Cottovilla, there is no doubt but that this part of the country must have been formerly in a very flourishing condition.

At Calinga, the river, for about a mile, is exceedingly rocky; reefs of rocks in some places running from bank to bank, forming water-falls over which the stream runs with great impetuosity. Some of these falls are 12 feet in height. I was informed that the river continues thus for many miles, which completely dispirited my crew. With these difficulties and the great opposition of the headmen, I began to hesitate about proceeding; but the anxiety I felt to solve the question as to the practicability of rendering the river navigable, induced me to persevere. I accordingly ordered the canoe to be hauled up on shore, and gave the headmen to understand, that I would remain till I received directions from Kandy. I therefore sent letters to Sir John Wilson, Commander of the Forces, and to the authorities in Kandy, explaining my situation. Soon after these letters had been despatched, the headmen became alarmed, and offered to give me every assistance; at the same time declaring that it was useless to attempt to proceed further, for that the river was very rocky and dangerous; but such was their either real or assumed ignorance respecting the river, that they had actually never heard of such a place as Himbarewe which I knew could not be far distant.

On examining the river immediately above Calinga, I found it rocky, but still it did not appear to me impossible for a canoe to proceed, and I therefore resolved to make the attempt. After having had the canoe carried a mile along the banks, I made preparations to re-embark; and, lest I should encounter a similar interruption, I proposed that forty men should accompany me along the banks; but so little authority had the headmen, that it was not until after a long and very noisy debate, that it was at length agreed that the Moors should act as pioneers to clear a road through the jungle; the Vedahs carry the baggage; and the Cingalese be ready to carry the canoe past any unnavigable part. Thus we advanced, in all about 200 people, and though there were forty and fifty people to carry the baggage, part of it was frequently left behind: a bundle however small being considered a sufficient burden for one man.

(To be concluded.)

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