

of my own hazy imagination; for when the moon breaks forth, and lights up Charles II in the garden, and silvers the front of Carlisle House, I look round and see nothing: the shadows have all slunk off to dark corners, dreading the moon's dazzle and hating the light, and all I see is over one door the name of D'Almaine,* and on another the word "pickles," brought into prominent relief. We forget Mary Cromwell, as a late cab dashes up Greek Street, and the measured sentinel tramp of a policeman's heavy feet drives away our last glimpse of ghosts as we leave regretfully Soho Square.

THE MOFUSSIL MAGISTRATE.

THE rural districts of British India are comprised in the general term "The Mofussil." We believe the word is derived from the Persian, but are not sufficiently learned in oriental lore to describe exactly how. We only know that directly you set foot beyond the precincts of either of the three presidency cities of India, you were in the *Mofussil*, and, comparatively speaking, without the pale of civilization.

We write of the time when India was ruled by the East India Company, when the presidency cities themselves were subject to the laws of England, administered by judges of the crown, and while the rest of the country submitted to the judicial system of "Honorable John," as the council of Leadenhall Street was facetiously called. There was a vast deal of difference in the way in which justice was dispensed within the jurisdictions of her Majesty's supreme courts of judicature, and that by which natives had to seek it in the courts which acknowledged the control of the Sudder Dewanny and Nizamut Adaulut, which those who had the opportunity of distinguishing between the operations of the several systems could not fail to appreciate. Baboo Chatterjee and Curreem Bux, as peaceably disposed, intelligent, and wealthy subjects, if called on for an opinion as to where person and property were best protected by the laws, would have had little difficulty in electing between Calcutta and the Twenty-four Pergunnahs.

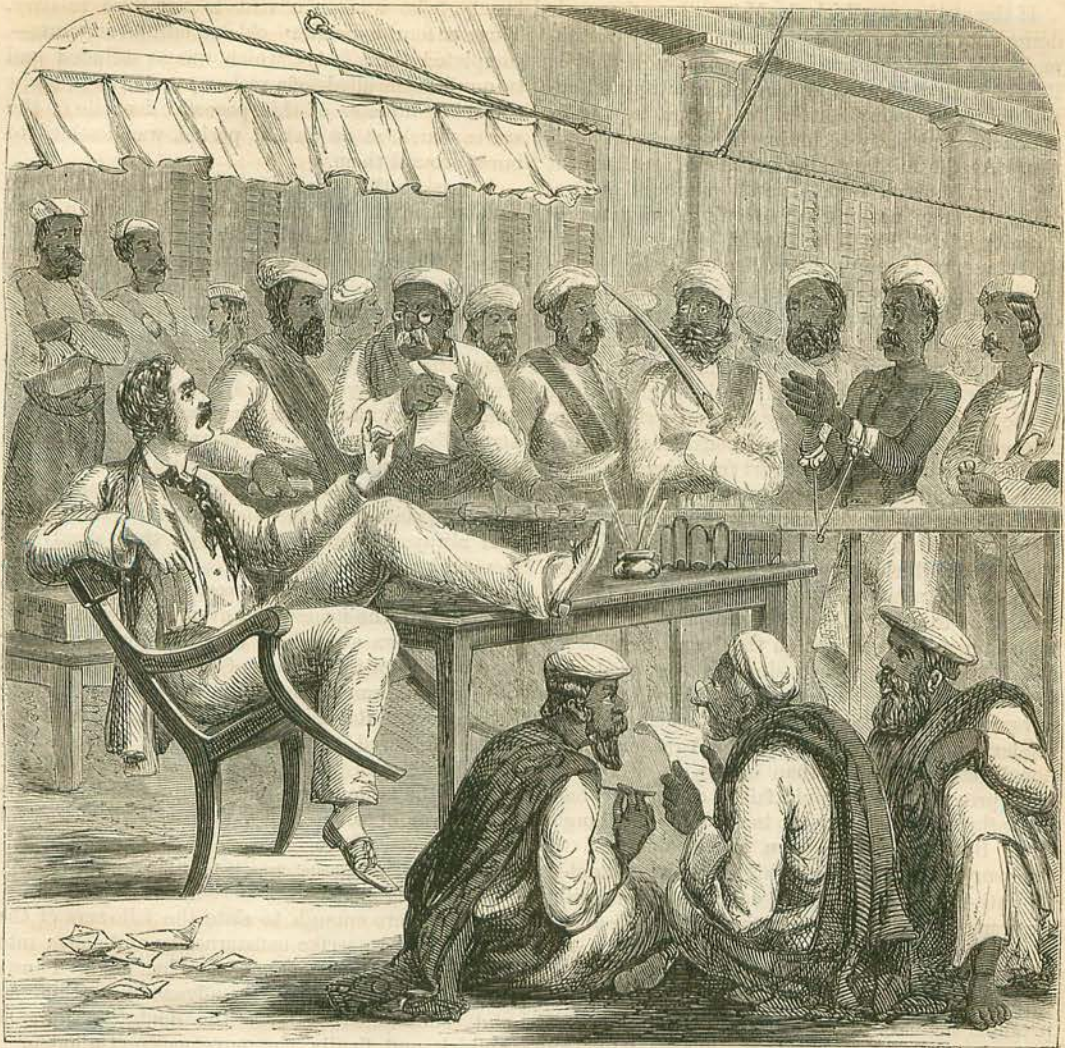
The Company's dominions consisted of regulation and non-regulation provinces; the former comprising all those territories which gradually and in the ordinary course of things merged under their paternal sway, and relative to whose government certain specific laws were established and incorporated into a general system of administration; the latter consisting of territories recently annexed by conquest or cession, being ruled by "commissions" appointed to ascertain the requirements of the people, and to administer the laws amongst them in such manner as might be considered most equitable in regard to their past and present position; the Northern Sirdars, the Twenty-four Pergunnahs, Patna, Benares, etc. were included in the former category. The Punjab, Scinde, Mysore, Pegu, and the Tenasserim were amongst the non-regulation provinces. The officers who administered in the regu-

lation provinces were the collector of revenue and his deputies, the district judge, the Sudder Ameen and the Moonsiffs in civil proceedings; the sessions judge, magistrates and their assistants, in criminal: the collectors, judges, and magistrates being selected from the covenanted branch of the civil services, and their subordinate officers frequently from the "uncovenanted." The "covenanted" were the "highly educated," who had passed preliminary examinations at the East India Company's college at Haileybury, who, on their arrival in the country, were supposed to be capable of everything, but who, before being appointed to any responsible situation, were allowed a twelvemonth's grace to pass finally in the vernaculars, when they were considered forthwith eligible for judgeships, magistracies, state secretaryships, collectorships, and to conduct political missions. Very fat appointments indeed were available for these favoured *protégés* of Leadenhall, who, to do them justice, generally contrived to perform their functions respectably, and amongst whose ranks have risen from time to time many of the world's greatest men. So far as the regulation provinces were concerned, generally, the defects in their administration may be attributed more to the inefficiency of the system under which they were governed, than to the incompetency of the officers appointed over them, who had to contend against all the evils of the most obstinate "red-tapeism," and who were, for the most part, provided with very inadequate means for the satisfactory execution of their charges. The native police were weak in numbers, and notoriously corrupt, and the Sheristadars and Tahsildars (native officers employed under collectors of districts) were, as a body, the most extortionate and unconscionable rogues in all creation. Still, in the administration of the regulation provinces, there was a recognised routine, cumbrous and imperfect, yet pretty well understood, and people were reconciled to it, for want of better.

In the non-regulation provinces, the case was different. Military officers were generally appointed commissioners over large districts, and their assistants were also, for the most part, chosen from the army. Some of the most important civil offices were held by young subalterns, (lieutenants and even ensigns of native infantry,) who possessed no qualifications for such appointments beyond family or proprietary interest, and whose proceedings were not infrequently characterised by the grossest tyranny and oppression. The power for benefit or mischief vested in the hands of these officials was always considerable, and it may be imagined how calamitous might be the effect of such authority, when conferred on one incapable of exercising it judiciously or indisposed to exert it conscientiously. It is unnecessary for us to remark that, as a rule, military officers are not adapted for the conduct of the duties appertaining to purely civil appointments. The most exemplary colonel of a regiment would be utterly out of place on a judicial bench investigating questions of inheritance, land tenure, and actions in assumpsit, and the smartest officer in the service would make at best but an indifferent magistrate.

We submit, this week, another engraving from a drawing by the late Captain Atkinson, representing

* Since removed, and the premises absorbed in the neighbouring pickle factory. See "Leisure Hour," No. 426.



A MOFUSSIL MAGISTRATE'S COURT.

a Mofussil magistrate engaged in the exercise of his vocation. It is a hot day in the north-west, and the functionary is seated in the verandah of his cutcherry beneath the punkah, whose motion creates about him an artificial breeze, relieving him individually, for the time being, from the effects of the weather's sultriness. Beside him, seated on the ground, deeply engaged in the details of their accounts, are two Mahomedan Shroffs, or cashiers; and before the bar, which separates his worship from the vulgar herd, are ranged a prisoner, who is before the Sahib for some offence against the laws, a crowd of burkendazes, jemadars, naiques, and peons, or native policemen.

The attire of the magistrate is seasonable, adapted far more for comfort than ostentation, consisting as it does of a white linen jacket and inexpressibles, and a loose tie about the shirt collar. He is not particular in those little matters, and would not hesitate to divest himself of his jacket altogether, if such a proceeding would be likely to conduce to his convenience; and by and by, when he feels so disposed, his call of "Qui hye! Ag lao!" will be

duly responded to by a peon, who will bring him a ball of fire on a little silver pan, from which he will light a cheroot, and puff away complacently during the preliminary investigation of a case of burglary which is about to be brought before his tribunal.

The duties of a Mofussil magistrate are almost always onerous, and in some instances excessively trying. Neither Hindoos nor Mussulmans are over-particular in the observance of their oaths when they have any urgent purpose to serve, and a magistrate will very frequently have to discriminate upon the merits of a case out of a quantity of very hard swearing on both sides. He has to go through the investigation of a vast number of complaints of all kinds, many of which are preferred without the least foundation, some being of so trivial a character that, unless he be a very good-tempered man, he loses his patience at being pestered with them. Petty larcenies and assaults are the offences which chiefly engage his attention, and these he disposes of summarily; the most serious crimes he commits, after a preliminary inquiry, for trial before the sessions judge.

If the station at which the Mofussil magistrate is doing duty happens to be likewise a military cantonment, his social position is pleasant enough, that is, if he is a prudent man, and avoids identifying himself with the many Little Pedlington squabbles which are constantly occurring in limited communities. At the military stations there are frequent tiffins, and burrah kanahs, and horse-races, and reviews, to say nothing of evening pastimes of "vanity fair." But if he should, by any stroke of ill fortune, or through the malice of the higher authorities, get posted to an appointment in some far-off jungle, where himself and the deputy collector are the only European residents, except, perhaps, three or four old pensioned sergeants, the Sudder Ameen and Moonsiff being most likely natives, his position is about as uncheerful as any one can well imagine. However irksome a man might consider the obligation to remain in a police court from eleven A.M. till four in the afternoon, surrounded by natives redolent of ghee and garlic, inquiring into charges of violence and fraud, and eliciting the variety of repulsive details which commonly characterize the perpetration of native delinquencies, he may become reconciled to it if he has the prospect of meeting with congenial associates on the band-stand or on the parade-ground, after business is over, or at some agreeable party in the evening. There are many advantages of society and position which serve to render a magistracy at Meerut, or Agra, or Trichinopoly rather desirable than otherwise, whilst the most princely salary would fail to console any but a misanthrope for a residence in Hooghly or Chingleput. But there have been always amongst the Company's servants men of higher views and nobler aspirations, who have found or made opportunities for promoting the best interests of the people among whom they were stationed.

Well; the government of the East India Company—the rule of Honorable John—is defunct, and we presume the old system will gradually give way to an entirely new state of things. Those who have proved themselves the right men in the right places, we trust will meet with that appreciation which their merits deserve; in which case there are many Mofussil magistrates that we wot of who will yet reap distinction.

A TRUE INCIDENT OF THE REBELLION OF FORTY-FIVE.

NOT far from the then bleak and barren moor of Culloden, stood in 1745 a venerable-looking mansion of the Elizabethan style of architecture, with projecting gables, pointed roof, and tall whimsically-shaped chimneys. The lawn, smooth and verdant, sloped gently down from the front of the house, terminating in a low white paling, on the farther side of which lay the high-road which led from Culloden to Inverness. The sole occupants of this antique mansion were, at the period now referred to, the owner of the house, Mrs. Balfour, who, from long illness and the increasing infirmities of age, was completely bed-ridden, and her niece, Miss Catherine Sinclair, a young lady of birth and

beauty, who was on a visit to her aged relative. Three or four domestics—old and faithful servants—completed the *ménage*, which was as secluded and tranquil as the abode of a recluse; and little thought the sober inmates of this peaceful domicile of the storm which, at no distant period, was destined to burst around them.

It was at this time that the intelligence of the sudden landing of Prince Charles Edward in Scotland fell like a thunderbolt on the nation at large. There are many circumstances which will account for the extraordinary interest excited by this rash undertaking. The long train of misfortunes which had pursued the Stuart family through a succession of years; the personal character of the Pretender; his youth, and his attraction of person and manner; the romance attached to this bold stroke for a kingdom; the chivalrous nature of the expedition itself; all tended to raise a warm feeling throughout Scotland in favour of the cause, and more especially among the Highland clans, who had always prided themselves on their steady adherence to the Stuart dynasty. The Jacobites, both in England and Scotland, were not slow in joining the ranks of the prince, and even those who shrank from an open avowal of their loyalty gave their best wishes for the success of the cause, and followed with enthusiasm the romantic career of the young adventurer. Rapid and startling were the events which followed each other in quick succession. The landing in Scotland with a handful of followers, the triumphant march into Edinburgh, the brief sway of sovereignty, the decisive victory of Prestonpans, where

"The Highland clans, in headlong sway,
Had swept the scarlet ranks away;"

all these were enough to elate the followers of the Prince, and to strike consternation and alarm into the hearts of their opponents. Then followed news of another complexion—the advance into England and subsequent retreat, the doubtful fight of Falkirk, and, finally, the movement on Culloden.

Intelligence in those days was not so rapid as it is now, and the news of the approach of the Highland army to Culloden was almost simultaneous with the event itself. To Mrs. Balfour and her niece this intelligence was sufficient to occasion the most lively alarm, as the English army, under the Duke of Cumberland, was known to be in the immediate vicinity, and an engagement between the two forces was confidently anticipated. What added more to the anxiety of the two ladies was the fact of a relation of theirs having joined the Jacobite cause, and being at that moment with the army of the Prince. He was a nephew of Mrs. Balfour, one to whom she was much attached, and a young man of spirit and resolution. His name also was Balfour.

It is not intended, in this sketch, to give any account of the Battle of Culloden; so, leaving the hostile forces to their work of mutual destruction, our story brings us again to the mansion of Mrs. Balfour. The old lady had caused herself to be removed into the drawing-room, which was at the front of the house, where she lay extended on the sofa, her thin, pale, but still handsome features