

folio is an Inventions and Designs Act, regarding the working of which see the writer's hand-book on Patents, Trade Marks, etc., 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 laws as any country under the sun.

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. Such improvements are well worth attention by lawyers and lawgivers elsewhere. The substantive and adjective laws of India will, I understand, be found carefully collected in two volumes called the "Anglo-Indian Codes," edited by the late Mr. Whitley Stokes, D.C.L., and lately published at the Clarendon Press, Oxford.

Is it not strange that in the British Isles a breach of the seventh 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 (a "poem in marble" at Agra). Scarcely has the scaffolding been removed from our splendid edifice when they out 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 of 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 v. Pickwick*: The Pickwick Papers.

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 previous warning, and at any stage of an enquiry or trial, with a view to explaining any circumstances bearing on