

ably have been an acquittal but for the evidence of a witness injudiciously recalled for the defence at the personal instance of the prisoner. It is clearly shown that the jury was not packed but chosen in a fair and regular way. Nuncomar was defended by the only good advocate at the Calcutta bar, who, as Sir James Stephen observes, had the conspiracy existed, would probably have been secured by the conspirators. Proof or sign of a desire to do Nuncomar to death there is none. His offence, involving subornation of perjury as well as forgery, was as grave as a commercial offence could be: it would infallibly have hanged him in England, and the grounds, or what were then supposed to be the grounds, for making a commercial offence capital were hardly less strong in Calcutta than in London. At all events, Impey did not make the law. Nor was Nuncomar hurried to his doom: an unusually long interval was allowed between the sentence and the execution. To reprieve him was not in the power of Impey alone, as Macaulay implies when he charges Impey with turning a deaf ear to all prayers for mercy: it could have been done only by the whole court. But Impey protested, and with apparent truth, that he would gladly have saved the prisoner if a remission of sentence had been possible, after the unhappy conduct of Nuncomar himself, without exposing the court to the suspicion of corrupt influence. That Hastings was the prime mover, Macaulay says, can be doubted only by a biographer or an idiot. Facts give the reply that saving a not very close coincidence of time between Nuncomar's production of charges against Hastings and the trial there is not a shadow of ground for supposing that Hastings had anything to do with the matter. It does not appear that, as matters then stood, he had any particular interest in Nuncomar's death. The charge against Nuncomar could not have been trumped up for a political object, inasmuch as it had arisen out of private litigation commenced long before the quarrel between him and Hastings. Impey proved, by opposing Hastings on an important occasion, that he was not under his influence, much less under his influence to such an extent as to serve him by the perpetration of a judicial murder. A reference in a letter of Hastings to a great service done him by Impey evidently relates not to the murder of Nuncomar, as Macaulay dogmatically affirms, but to the legal support given by the Supreme Court, of which Impey was the chief, to Hastings against his enemies in the Council who were trying to dispossess him of the office of Governor-General. The party hostile to Hastings in the Council, so far from interposing in favour of Nuncomar, as they unquestionably would have done if they had supposed that Hastings was the mover, positively declined to interpose, saying that it was a private affair, and had no relation to the public concerns of the country. All the other charges against Impey are disposed of by Sir James Stephen not less completely than the charge of judicially murdering Nuncomar. Impey was not a very exalted character or unerring, but he seems to have done his duty to the best of his ability, and even to have rendered important service. So his form descends from the gibbet, on which it has so long been exposed to universal hatred and contempt. Its place is taken by that of the unconscientious, unvarnished, and unjust historian. Sir James Stephen has a great tenderness for Macaulay, whose friend he was, whose literary admirer he is, and lets him down as easily as he can. He pleads that the *Essay on Hastings* was "a mere effort of journalism hastily put together from insufficient materials." Surely this is a poor excuse for fictions so baseless and so calumnious, when they are published, not by a boy in a newspaper, but by a man of mature intellect writing in the *Edinburgh Review*, and with every facility for ascertaining the truth. It is a poor excuse even for the original publication. But what shall we say of Macaulay's persistence in these calumnies, of his total disregard of the younger Impey's book which must have shown him that he was wrong in some most important particulars, notably in representing Nuncomar as having been tried by Impey alone, when in fact he had been tried by four judges? Why did he not correct his *Essay*, as truth and justice required? It seems that in one particular he did correct it. As originally published, it accused Impey of attesting affidavits which he had not read, and could not have read, since they were in Persian, a language which Impey did not know. Afterwards he learned that Impey did know Persian, and he then struck out "Persian" and substituted "dialect of Upper India," which is contrary to the fact, the affidavits having really been in Persian. There is surely something worse than carelessness here.

MACAULAY is so universally read, and by his surpassing brilliancy so much affects not only our views of history but our ways of thinking, that anything which affects his trustworthiness is important. Only those who have proved some portion of his history with care know the license which he gives to his imagination. It is a common practice with him, especially in depicting a person or a period, to take a particular and perhaps exceptional circumstance, over-paint it, multiply it indefinitely, and give

it as a characteristic. A marked instance of this has been exposed by Sir James Stephen in the passage of the *Essay on Warren Hastings* depicting Impey's reign of terror. "There were instances," says Macaulay, "in which men of the most venerable dignity, persecuted without a cause by extortioners, died of rage and shame in the gripe of the vile alguazils of Impey." Sir James Stephen finds that the only matter to which this can refer is the case of the Cazi Sadhi, who having been legally taken in execution in a cause in which he was defendant, and in which he had been found guilty of corruptly oppressing a helpless widow, died on a boat on the Ganges on his way to Calcutta while under a guard of Sepoys, with which, though rhetorically transmuted into vile alguazils of Impey, the Supreme Court had nothing to do. Again Macaulay says, that "the harems of noble Mohammedans, sanctuaries respected in the East by governments which respected nothing else, were burst open by gangs of bailiffs, and there were instances in which they shed their blood in the doorway while defending, sword in hand, the sacred apartments of their women." Sir James Stephen has carefully gone through the whole of the evidence for these appalling generalities. He finds that there was one instance in which one Mohammedan of some rank thought that his friend's zenana was likely to be broken open and stood in the doorway, sword in hand, to defend it; but the zenana was not broken open, nor was any attempt to break it open made; the house was broken open and a fray ensued in which the father of the Mohammedan in question was endangered. One zenana was broken into by a bailiff and a slave girl was wounded; and the Advocate-General suggested that the matter should be laid before the Court which would, if applied to, punish the bailiff. One other zenana is said to have been entered, but no details are given. "Upon these three cases," says Sir James Stephen, "and no other materials that I can discover, is founded all the eloquence about Wat Tyler, a reign of terror and a cruel humiliation of all the nobility of Bengal." "No Mahratta invasion," says Macaulay, "had ever spread through the province such dismay as the inroad of English lawyers. All the injustice of former oppression, Asiatic and European, appeared as a blessing when compared with the justice of the Supreme Court." When it is considered that, as Sir James Stephen points out, the Mahrattas ravaged the country with fire and sword, committing countless barbarities in search of plunder, and cutting off ears and noses, so that the wretched Bengalis fled in shoals across the Ganges to take refuge or perish in the hills and jungles, it must be owned that a historian who tells us that Impey's legal reign of terror, which is itself a figment of his own brain, spread greater dismay than any Mahratta invasion is gifted with a fine fancy and allows it full play. We are persuaded that it would appear, upon a critical examination, that the pranks of Macaulay's imagination had not been confined to the proceedings of Impey and the Supreme Court, but had extended to the conduct of the British in India generally during that period. Between the conquest of Bengal and the introduction of a regular system of political administration there was undoubtedly an interval of disorder and corruption; but the Company's servants, though exposed to temptations against which they were not proof, were, at worst, covetous men, not fiends, and were to some extent, at all events, under the control of British opinion. The incomparable dryness of Mill, who is the chief accuser, is no guarantee, as Sir James Stephen justly says, for his accuracy; and no man could be less qualified by temperament and intellectual position to do justice to great adventures or great adventurers. It is to be hoped, for the sake of historical justice and British honour, that we shall have the benefit of Sir John Stephen's colossal industry and impartial judgment with regard to other parts of the subject as well as with regard to the story of Impey and Nuncomar.

THOSE who watch the course of opinion in England with the clearest eyes tell us that Mr. Drummond's book on "Natural Law in the Spiritual World" has an amazing success with religious people, who seem to think that it has at last cleared away all difficulties and set orthodoxy on a firm foundation of science. That the book is highly ingenious and very interesting all will admit, but for our part a re-perusal of it upon the arrival of this high testimony to its influence fails to assure us that it affords a new foundation for our faith. It must surely strike everybody as strange that the real basis of Christianity should be discovered in an entirely unexpected manner nineteen centuries after Christ, and should now appear, in effect, as a sequel to the theories of Darwin. We say discovered because no one can imagine that the figurative language of Christ or St. Paul respecting the new birth of the spirit can really have anything to do with the theory of Biogenesis, or that the question between that and spontaneous generation was in any way present to their minds. "The inquiry into the origin of Life," says the writer, "is the fundamental question alike of Biology and Christianity." In the chapter on Biogenesis lies the gist of the whole argument.